

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 17886  
(CONTINUED)  
ORDER NO. 20155

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BAYTEX ENERGY USA LTD. FOR AN ORDER PURSUANT TO NDAC § 43-02-03-88.1 AUTHORIZING THE FLARING OF GAS FROM THE COLBY 23-14-160-99H #1PB WELL LOCATED IN THE SWSE OF SECTION 23, T.160N., R.99W., DIVIDE COUNTY, ND, BURG-BAKKEN POOL, PURSUANT TO THE PROVISIONS OF NDCC § 38-08-06.4 AND SUCH OTHER RELIEF AS IS APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause originally came on for hearing at 9:00 a.m. on the 31st day of May, 2012. At that time, counsel for Baytex Energy USA Ltd. (Baytex) requested this case be continued to the regularly scheduled hearing in July, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on July 26, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in August, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on August 23, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in September, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on September 27, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in October, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on October 25, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in November, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on November 29, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in December, 2012. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on December 20, 2012. At that time, counsel for Baytex requested this case be continued to the regularly scheduled hearing in January, 2013. There were no objections, the hearing officer granted the request, and this case was scheduled for hearing on January 17, 2013.

(2) In Case No. 17886, the Commission received an application from Baytex on April 25, 2012 for an order pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1 authorizing the flaring of gas from the Colby 23-14-160-99H #1PB well located in the SW/4 SE/4 of Section 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to the provisions of North Dakota Century Code (NDCC) Section 38-08-06.4 and such other relief as is appropriate.

(3) In Case No. 19501, the Commission received an application from Baytex on December 14, 2012 for an order pursuant to NDAC Section 43-02-03-88.1 authorizing the flaring of gas from the Colby 23-14-160-99H #1PB well located in the SW/4 SE/4 of Section 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to the provisions of NDCC Section 38-08-06.4 and such other relief as is appropriate.

(4) Baytex presented testimony and evidence in this matter in Case No. 19501, therefore Case No. 17886 should be dismissed without prejudice.

**IT IS THEREFORE ORDERED:**

(1) This case is hereby dismissed without prejudice.

Dated this 18th day of July, 2016.

**INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA**

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director