

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF A HEARING CALLED ON  
A MOTION OF THE COMMISSION TO CONSIDER  
THE APPLICATION OF CONTINENTAL OIL CO.  
FOR AN ORDER POOLING ALL INTERESTS IN THE  
S 1/2 OF SECTION 28, TOWNSHIP 140 NORTH,  
RANGE 96WEST, STARK COUNTY, NORTH DAKOTA,  
FOR THE DEVELOPMENT AND OPERATION OF THE  
SPACING UNIT LOCATED IN THE DICKINSON-  
HEATH POOL.

CASE NO. 865  
ORDER NO. 936

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing at 9:30 a.m., on the 17th day of August, 1967, at Bismarck, North Dakota, before the Industrial Commission of North Dakota, hereinafter referred to as the "Commission."

NOW, on this *24th* day of *Aug.*, 1967, the Commission, a quorum being present, having considered the testimony adduced, and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

- (1) That due public notice having been given, as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.
- (2) Applicant owns oil and gas interests in the S/2 of Section 28, Township 140 North, Range 96 West, Stark County, North Dakota, and has drilled a well thereon to the Dickinson-Heath Pool.
- (3) The S/2 of Section 28 comprises a 320 acre spacing unit established for the Dickinson-Heath Pool by Commission Order.
- (4) Applicant has been unable to obtain the voluntary pooling of all interests in this spacing unit.
- (5) In order to protect correlative rights and prevent the drilling of unnecessary wells, the Commission should pool all unpooled interests in this spacing unit.

IT IS THEREFORE ORDERED:

- (1) That all of the interests in oil and gas in the Heath Pool in the S/2 of Section 28, Township 140 North, Range 96 West, Stark County, North Dakota, be and the same are hereby pooled and communitized for the purpose of forming a spacing unit in said Heath Pool, and that the proposed well be the well for such spacing unit, and that all interested parties participate in the proceeds from this well in proportion as

their interests may appear.

(2) That Continental Oil Company shall be the operator of said tracts and shall conduct operations in such manner as to protect correlative rights of all interested parties.

(3) That this order shall continue in full force and effect until further order of the Commission.

DONE, at Bismarck, North Dakota, this *24th* day of *Aug*, 1967.

THE NORTH DAKOTA INDUSTRIAL COMMISSION

*William L. Guy*  
William L. Guy, Governor

*Helgi Johanneson*  
Helgi Johanneson, Attorney General

*Arne Dahl*  
Arne Dahl, Commissioner of Agriculture

**FLECK, SMITH, MATHER, STRUTZ, MAYER & STEWART**  
LAWYERS  
SUITE 200, PROFESSIONAL BUILDING  
P. O. BOX 1436  
BISMARCK, NORTH DAKOTA 58501

865

ERNEST R. FLECK  
F. J. SMITH  
RUSSELL R. MATHER  
WM. A. STRUTZ  
THOMAS A. MAYER  
JOHN C. STEWART

July 24, 1967

TELEPHONE  
701-223-6585



IN REPLY  
REFER TO OG-5767

Dr. Wilson Laird  
State Geologist  
Grand Forks, North Dakota

Re: Our File OG-5767  
S<sup>1</sup>/<sub>2</sub>-28-140-96  
Stark County, North Dakota

Dear Dr. Laird:

We enclose herewith original and one copy of Application for pooling all interests in the above described lands located in the Dickinson Heath Pool. We are this day delivering a copy of such Application to Mr. VandeWalle.

Very truly yours,

FLECK, SMITH, MATHER, STRUTZ,  
MAYER & STEWART

ERNEST R. FLECK

ERF.jn  
Enclosures

THIS FORM MUST BE FILLED OUT AND HANDED TO THE REPORTER IN  
ATTENDANCE AT THE HEARING

# STATE INDUSTRIAL COMMISSION

STATE OF NORTH DAKOTA

## APPEARANCE

Place Bismarck Date Aug 17, 1947 Docket No. 865

\_\_\_\_\_ vs. \_\_\_\_\_

Name Ernest M. Fleck

Address Box 1436 - Bismarck, N.D.

Appearing for Continental Oil Company

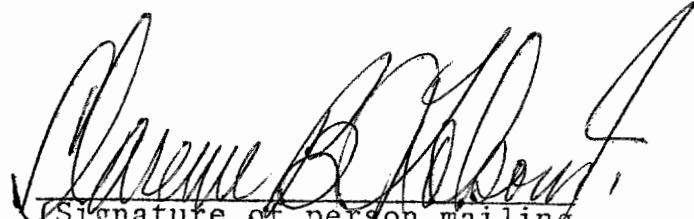
STATE OF NORTH DAKOTA

SS

AFFIDAVIT OF  
MAILING

COUNTY OF GRAND FORKS

I, Clarence B. Folsom, Jr., being first duly sworn upon oath, depose and say: That I am over twenty-one years of age; that on the 5th day of September, 1967, I enclosed in separate envelopes true and correct copies of the attached Order No. 936 of the North Dakota State Industrial Commission, and deposited the same in the United States Post Office at the University Station, University of North Dakota, Grand Forks, North Dakota, with postage thereon fully paid, directed to: Ernas M. Fleck, Box 1436, Bismarck, North Dakota 58501 all of whom filed written appearances at the hearing of the Industrial Commission on Case No. 865.

  
(Signature of person mailing  
Order and preparing Affidavit)

Subscribed and sworn to before  
me this 5th day of Sept., 1967.

Clara B. Laughlin  
Notary Public, Grand Forks County, North Dakota  
My Commission expires July 1, 1971.

1  
2 BEFORE THE INDUSTRIAL COMMISSION  
3 STATE OF NORTH DAKOTA

4 IN THE MATTER OF THE APPLICATION )  
5 OF CONTINENTAL OIL COMPANY FOR )  
6 AN ORDER POOLING ALL INTERESTS )  
7 IN THE S $\frac{1}{2}$  OF SECTION 28, TOWN- )  
8 SHIP 140 NORTH, RANGE 96 WEST, )  
9 STARK COUNTY, NORTH DAKOTA, FOR )  
10 THE DEVELOPMENT AND OPERATION )  
11 OF THE SPACING UNIT LOCATED IN )  
12 THE DICKINSON HEATH POOL. )

A P P L I C A T I O N

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16 COMES NOW the Applicant, Continental Oil Company, and res-  
17 pectfully alleges:

18 I.

19 That it is one of the owners of the oil and gas leasehold  
20 estate covering the S $\frac{1}{2}$  of Section 28, Township 140 North, Range 96  
21 West, Stark County, North Dakota.

22 II.

23 That such described lands are within the outlines of the  
24 Dickinson Heath Pool and that pursuant to order of the Industrial Com-  
25 mission, said lands are on a 320-acre spacing pattern.

26 III.

27 That an attempt has been made to voluntarily pool all inter-  
28 ests in such spacing unit, but that all owners of an interest in said  
29 spacing unit have not consented to such voluntary pooling.

30 WHEREFORE this Applicant prays that the matter be set for  
31 hearing at the August meeting of the Industrial Commission of the  
32 State of North Dakota, or before an examiner at an earlier date, and  
33 that after hearing the Commission issue its order pooling all interests  
34 in the S $\frac{1}{2}$  of Section 28, Township 140 North, Range 96 West, Stark  
35 County, North Dakota, for the development and operation of said spac-  
36 ing unit effective with first runs, and for such other and further  
relief as the Commission may deem proper.

Dated this 24th day of July, 1967.

CONTINENTAL OIL COMPANY


FLECK, SMITH, MATHER, STRUTZ,  
MAYER & STEWART  
Attorneys for the Applicant  
Suite 200, Professional Bldg.  
Bismarck, North Dakota

By: 

ERNEST R. FLECK

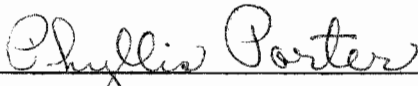
1  
2 STATE OF NORTH DAKOTA )  
3 ) SS.  
4 COUNTY OF BURLEIGH )

5 ERNEST R. FLECK, being first duly sworn on oath, deposes  
6 and says that he is one of the attorneys for the Applicant herein  
7 named; that he has read the above and foregoing application, knows  
8 the contents thereof, and that the same is true to the best of his  
9 knowledge, information and belief.

10   
ERNEST R. FLECK

11 Subscribed and sworn to before me this 24th day of July, 1967.

12  
13 ( S E A L )

14   
15 Phyllis Porter, Notary Public  
16 Burleigh County, North Dakota  
17 My Commission Expires: 4-9-71  
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