

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 5843  
ORDER NO. 6762

IN THE MATTER OF A HEARING CALLED ON A  
MOTION OF THE COMMISSION TO CONSIDER THE  
APPLICATION OF CONOCO INC. FOR AN ORDER  
OF THE COMMISSION POOLING ALL INTERESTS  
IN A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE N/2 OF  
SECTION 31, T.140N., R.96W., STARK COUNTY,  
NORTH DAKOTA, AUTHORIZING THE RECOVERY  
FROM EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY NORTH DAKOTA  
CENTURY CODE SECTION 38-08-08 AND SUCH  
OTHER AND FURTHER RELIEF AS THE  
COMMISSION DEEMS APPROPRIATE.

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing at 9:00 a.m.  
on the 17th day of November, 1993, in Bismarck, North Dakota, before an  
examiner appointed by the Industrial Commission of North Dakota, hereinafter  
referred to as the "Commission."

NOW, on this 3rd day of December, 1993, the Director, on behalf of  
the Commission as authorized by the Commission, 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) That counsel for the applicant requests that this case be continued  
to the regularly scheduled hearing on December 15, 1993.
- (3) That there were no objections to said request.
- (4) That this case should be continued to the regularly scheduled  
hearing on December 15, 1993.

IT IS THEREFORE ORDERED:

- (1) That this case is hereby continued to the regularly scheduled  
hearing on December 15, 1993.

Dated this 3rd day of December, 1993.

INDUSTRIAL COMMISSION

STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission.

/s/ Wesley D. Norton  
Wesley D. Norton  
Director

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 5843  
(CONTINUED)  
ORDER NO. 6788

IN THE MATTER OF A HEARING CALLED ON A  
MOTION OF THE COMMISSION TO CONSIDER THE  
APPLICATION OF CONOCO INC. FOR AN ORDER  
OF THE COMMISSION POOLING ALL INTERESTS  
IN A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE N/2 OF  
SECTION 31, T.140N., R.96W., STARK COUNTY,  
NORTH DAKOTA, AUTHORIZING THE RECOVERY  
FROM EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY NORTH DAKOTA  
CENTURY CODE SECTION 38-08-08 AND SUCH  
OTHER AND FURTHER RELIEF AS THE  
COMMISSION DEEMS APPROPRIATE.

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing at 9:00 a.m.  
on the 15th day of December, 1993, in Bismarck, North Dakota, before an  
examiner appointed by the Industrial Commission of North Dakota, hereinafter  
referred to as the "Commission."

Now on this 30th day of December, 1993, 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) That the applicant is the owner of an interest in an oil and gas  
leasehold estate in a spacing unit for the Dickinson-Lodgepole Pool  
described as the N/2 of Section 31, Township 140 North, Range 96 West,  
Stark County, North Dakota.

(3) That said spacing unit is created in accordance with an order of  
the Commission and there are separately owned tracts and/or separately  
owned interests in the spacing unit, and some of the owners thereof have  
not voluntarily pooled their interests for the development and operation of  
said spacing unit.

(4) That the Commission makes no findings with regard to the specific  
acreage or percentage attributed to separately owned tracts or interests.

(5) That Section 38-08-08 of the North Dakota Century Code ("NDCC")  
requires the Commission to enter a pooling order upon application when two  
or more separately owned tracts are embraced within a spacing unit, or

there are separately owned interests in all or a part of a spacing unit, in the absence of voluntary pooling. The section further provides that working interest owners in the spacing unit shall pay their share of the reasonable actual cost of drilling and operating the well plus a reasonable charge for supervision. In addition to such costs and charges, nonparticipating lessees may be required to pay a risk penalty of 100% of their share of the reasonable actual cost of drilling and completing the well.

(6) That applicant has also made application requesting recovery of a risk penalty from nonparticipating lessees.

(7) That applicant has drilled its Frenzel #79 well located in the NE/4 of said Section 31 and the well currently produces from the Dickinson-Lodgepole Pool.

(8) That all parties were given an opportunity to join the drilling of the Frenzel #79 well, although not all parties elected to join.

(9) That there were no objections to this application.

(10) That this application should be granted in order to prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) That all oil and gas interests in a spacing unit for the Dickinson-Lodgepole Pool described as the N/2 of Section 31, Township 140 North, Range 96 West, Stark County, North Dakota, are hereby pooled for the development and operation of the spacing unit, and that the well located thereon shall be the well for such spacing unit.

(2) That Conoco Inc., its successor and assigns, shall be the operator of the well for said spacing unit.

(3) That this pooling shall not determine or establish the specific acreage to be attributed to separately owned tracts, or specific interests attributed to separately owned interests.

(4) That the operator of the well for said spacing unit shall conduct operations in a manner so as to protect correlative rights of all interested parties.

(5) That all owners of interests shall recover or receive, without unnecessary expense, their just and equitable share of production from said spacing unit in the proportion as their interests may appear in the spacing unit.

(6) That the working interest owners shall reimburse the operator for their proportionate share of the reasonable actual cost of drilling and operating said well, plus a reasonable charge for supervision.

(7) That in the event of any dispute as to such costs the Commission shall determine the proper cost.

(8) That the owners paying for a nonparticipating lessee's share of the drilling and operating of a well on the spacing unit may recover from the nonparticipating lessee a risk penalty as provided in subsection 3 of Section 38-08-08 NDCC.

(9) That in the event the size of the spacing unit pooled herein is

modified by the Commission, this order shall terminate as of the date of such order.

(10) That this order shall be effective from the date of first operations, and shall remain in full force and effect until further order of the Commission.

Dated this 30th day of December, 1993.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

/s/ Edward T. Schafer, Governor

/s/ Heidi Heitkamp, Attorney General

/s/ Sarah Vogel, Commissioner of Agriculture

NORTH DAKOTA INDUSTRIAL COMMISSION

**OIL AND GAS DIVISION**

Wesley D. Norton  
DIRECTOR

F. E. Wilborn  
ASSISTANT DIRECTOR

Clarence G. Carlson  
GEOLOGIST

Charles Koch  
ENGINEERING DEPT

Doren Dannewitz  
FIELD SUPERVISOR

Glenn Wollan  
RECLAMATION SUP.

December 22, 1993

Mr. Lawrence Bender  
Pearce & Durick  
P.O. Box 400  
Bismarck, ND 58502

**RE: CONTINUANCE OF CASE NO. 5843**

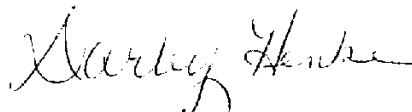
Dear Mr. Bender:

Pursuant to Section 43-02-03-90 North Dakota Administrative Code, any person moving for continuance of a hearing, and who is granted the continuance, shall submit twenty-five dollars (\$25.00) to the Industrial Commission to cover the cost of republication for the notice of hearing.

At its meeting on December 3, 1993, the Director, on behalf of the Industrial Commission entered Order No. 6762 granting the request of Conoco Inc. for a continuance of Case No. 5843 to the December 15, 1993 hearings.

Enclosed is Invoice No. 6562 in the amount of \$25.00. Please submit payment at your earliest convenience.

Sincerely,



Darby Henke  
Information Processor

dh  
enc.

*pd \$25.00  
ck # 10737  
Rec'd 1-4-94*

STATE OF NORTH DAKOTA )  
 )  
COUNTY OF BURLEIGH )  
 )

## AFFIDAVIT OF MAILING

I, Donna Bauer, being duly sworn upon oath, depose and say: That on the 5th day of January, 1994, I enclosed in separate envelopes true and correct copies of the attached Order No. 6788 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons, all of whom appeared at the hearing of the Industrial Commission in Case No. 5843 :

Fleck, Mather & Strutz Ltd.  
400 E. Broadway  
Suite 600  
P. O. Box 2798  
Bismarck, ND 58502

Mr. Lawrence Bender  
Pearce & Durick  
P. O. Box 400  
Bismarck, ND 58502

Mr. William Jack  
Conoco Inc.  
800 Werner Court  
Casper, WY 82604-1311

Donna Bauer  
Donna Bauer  
Oil & Gas Division

On this 10th day of January, 1994, before me personally appeared Donna Bauer to be known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Eric Peterson  
Notary Public  
State of North Dakota County of Burleigh  
My Commission expires 11-3-98

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA



CASE NO. 5843

IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
NORTH HALF (N½) OF SECTION 31,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA;  
AUTHORIZING THE RECOVERY FROM  
EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY N.D.C.C. § 38-08-  
08 AND SUCH OTHER AND FURTHER  
RELIEF AS THE COMMISSION DEEMS  
APPROPRIATE.

APPLICATION OF CONOCO INC.

COMES NOW the applicant, Conoco Inc., and respectfully shows the North Dakota  
Industrial Commission ("Commission") as follows:

1.

That Conoco Inc. is the owner of an interest in the oil and gas leasehold estate in  
portions of Section 31, Township 140 North, Range 96 West, Stark County, North Dakota  
("Section 31").

2.

That such lands are currently within an area defined by the North Dakota Industrial  
Commission ("Commission") as the field boundaries for the Dickinson-Lodgepole Pool.



3.

That the North Half (N½) of Section 31 constitutes a spacing unit for the Frenzel #79 well in the Dickinson-Lodgepole Pool.

4.

That there are separately owned tracts or interests in mineral estate and leasehold estate in Section 31.

5.

That a voluntary pooling of Section 31 has not been accomplished.

6.

That certain lessees owning leasehold interests in and under Section 31 have elected not to participate in the drilling of the Frenzel #79 well to the Dickinson-Lodgepole Pool in said Section 31.

7.

That N.D.C.C. §38-08-08(1) provides, in part, that "when two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, . . . and in the absence of a voluntary pooling, the commission upon the application of any interested person shall enter an order pooling all interests in the spacing unit for the development and operations thereof."

8.

That N.D.C.C. § 38-08-08(3) provides, in part, as follows:

In additional to any costs and charges recoverable under subsections 1 and 2, if a lessee owning an interest in a spacing unit elects not to participate in the risk and cost of drilling a well thereon, the owner paying for the nonparticipating lessee's

share of the drilling and operation of a well may recover from the nonparticipating lessee a risk penalty for the risk involved in drilling the well. The risk penalty is one hundred percent of the nonparticipating lessee's share of the reasonable actual costs of drilling and completing the well and may be recovered out of, and only out of, production from the pooled spacing unit, as provided by section 38-08-10, exclusive of any royalty or overriding royalty.

9.

That Conoco Inc. therefore requests that the Commission enter its order pooling all interests in a spacing unit for the Dickinson-Lodgepole Pool described as the North Half (N½) of Section 31, Township 140 North, Range 96 West, Stark County, North Dakota and authorize the recovery from each nonparticipating lessee a risk penalty as provided by N.D.C.C. § 38-08-08.

**WHEREFORE**, applicant requests that this matter be set for hearing at the regular November 17, 1993 meeting of the Commission and that thereafter the Commission issue its order granting the relief requested and such other and further relief as the Commission may deem appropriate.

**DATED** this *11th* day of October, 1993.

By **LAWRENCE BENDER**  
Attorneys for Applicant  
Conoco Inc.  
314 East Thayer Ave.  
P. O. Box 400  
Bismarck, ND 58502

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF BURLEIGH )

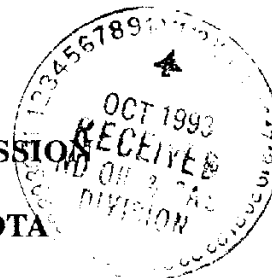
LAWRENCE BENDER being first duly sworn on oath, deposes and says that he is the attorney for the applicant herein named, that he has read the above and foregoing application, knows the contents thereof, and that the same is true to the best of this affiant's knowledge, and belief.

Lawrence Bender

Subscribed and sworn to before me this *11th* day of October, 1993.

Lynette Entzi, Notary Public  
Burleigh County, North Dakota  
My Commission Expires: 6-26-99

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA



CASE NO. \_\_\_\_\_

IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
NORTH HALF (N½) OF SECTION 31,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA;  
AUTHORIZING THE RECOVERY FROM  
EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY N.D.C.C. § 38-08-  
08 AND SUCH OTHER AND FURTHER  
RELIEF AS THE COMMISSION DEEMS  
APPROPRIATE.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF BURLEIGH        )


Lyn Entzi, being first duly sworn, deposes and says that on the *11th* day of October, 1993, she served the attached:

**APPLICATION OF CONOCO INC.**

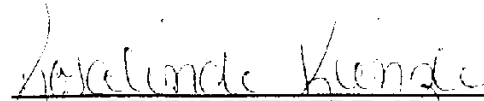
by placing a true and correct copy thereof in an envelope addressed as follows:

Mid Continent Energy Investors  
1990 Limited Partnership  
3400 Mid Continent Tower  
401 S. Boston  
Tulsa, OK 74146

and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota.

  
LYN ENTZI

Subscribed and sworn to before me this *11th* day of October, 1993.

  
ROSALINDE KIENZLE, Notary Public  
Burleigh County, North Dakota  
My Commission expires: 05-23-95

ROSALINDE K. KIENZLE  
Notary Public STATE OF NORTH DAKOTA  
My Commission Expires MAY 23, 1995

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 5843

IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
NORTH HALF (N½) OF SECTION 31,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA;  
AUTHORIZING THE RECOVERY FROM  
EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY N.D.C.C. § 38-  
08-08 AND SUCH OTHER AND FURTHER  
RELIEF AS THE COMMISSION DEEMS  
APPROPRIATE.

**NOTICE OF CONTINUANCE FOR CONOCO INC.**

**PLEASE TAKE NOTICE** that on Wednesday, November 17, 1993, Conoco Inc. will respectfully request that the above captioned hearing be continued to, or in the alternative that the record remains open, until the regularly scheduled December 15, 1993 hearing of the Commission.

**DATED** this *11th* day of November, 1993.

PEARCE & DURICK

By 

LAWRENCE BENDER

Attorneys for Applicant  
Conoco Inc.

314 East Thayer Avenue  
Post Office Box 400  
Bismarck, North Dakota 58502

**BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA**

**CASE NO. 5843**

**IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
NORTH HALF (N½) OF SECTION 31,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA;  
AUTHORIZING THE RECOVERY FROM  
EACH NONPARTICIPATING LESSEE A RISK  
PENALTY AS PROVIDED BY N.D.C.C. § 38-08-  
08 AND SUCH OTHER AND FURTHER  
RELIEF AS THE COMMISSION DEEMS  
APPROPRIATE.**

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF BURLEIGH     )


Lyn Entzi, being first duly sworn, deposes and says that on the *11th* day of November, 1993, she served the attached:

**NOTICE OF CONTINUANCE FOR CONOCO INC.**

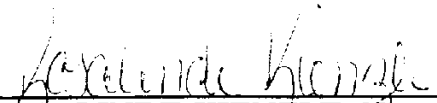
by placing a true and correct copy thereof in an envelope addressed as follows:

**Mid Continent Energy Investors  
1990 Limited Partnership  
3400 Mid Continent Tower  
401 S. Boston  
Tulsa, OK 74146**

and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota.

  
LYN ENTZI

Subscribed and sworn to before me this *11th* day of November, 1993.

  
ROSALINDE KIENZLE, Notary Public  
Burleigh County, North Dakota  
My Commission expires: 05-23-95

ROSALINDE K. KIENZLE  
Notary Public STATE OF NORTH DAKOTA  
My Commission Expires MAY 23, 1995



STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

## AFFIDAVIT OF MAILING

I, Donna Bauer, being duly sworn upon oath, depose and say: That on the 11th day of December, 1993, I enclosed in separate envelopes true and correct copies of the attached Order No. 6762 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons, all of whom appeared at the hearing of the Industrial Commission in Case No. 5843:

Fleck, Mather & Strutz Ltd.  
400 E. Broadway  
Suite 600  
P. O. Box 2798  
Bismarck, ND 58502

Mr. Lawrence Bender  
Pearce & Durick  
P. O. Box 400  
Bismarck, ND 58502

Donna Bauer  
Donna Bauer  
Oil & Gas Division

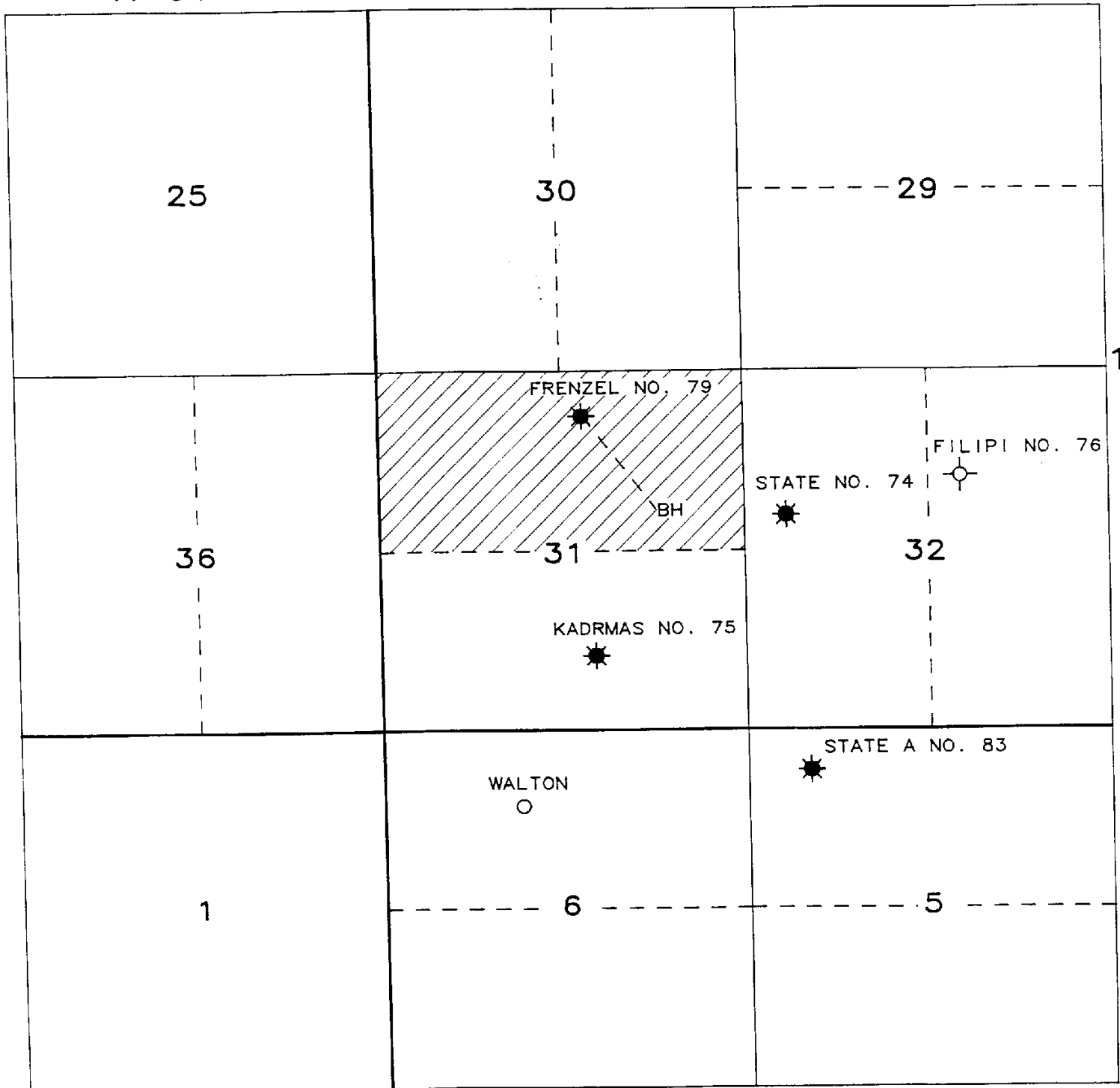
On this 20th day of December, 1993, before me personally appeared Donna Bauer to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Eva Roberson  
Notary Public  
State of North Dakota County of Burleigh  
My Commission expires 11-3-98

**DICKINSON LODGEPOLE FIELD**  
Stark County, North Dakota

R 97 W

R 96 W



CONOCO INC.  
Case No. 5843  
Exhibit No. 1

eh

**CERTIFICATE OF PUBLICATION**  
**THE DICKINSON PRESS**  
Dickinson, North Dakota

**NOTICE OF PUBLICATION**  
**NORTH DAKOTA INDUSTRIAL**  
**COMMISSION**

**BISMARCK, NORTH DAKOTA**

The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on December 15, 1993, Pioneer Room, State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission, any member thereof acting as Examiner, or an Examiner appointed by the Commission will receive testimony and exhibits.

**ATTENTION PERSONS WITH DISABILITIES:**  
If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by December 1, 1993.

**STATE OF NORTH DAKOTA TO:**

All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public. **CASE NO. 5843: (CONTINUED)** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER OF THE COMMISSION POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON LODGEPOLE POOL DESCRIBED AS THE N/2 OF SECTION 31, T.140N., R.96W, STARK COUNTY, NORTH DAKOTA, AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY NORTH DAKOTA CENTURY CODE SECTION 38-08-08 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE.

Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial  
Commission

(Published November 18, 1993)

STATE OF NORTH DAKOTA, }

County of Stark. }

Belle L. Krank, of said state and county, being first duly sworn, on oath says: That s he is the bookkeeper of the Dickinson Press, Inc., publisher of **THE DICKINSON PRESS**, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and has been such during the time hereinafter mentioned; and that advertisement headed \_\_\_\_\_

Legal--Notice of Publication Case No. 5843

\$23.85

a printed copy of which is hereunto annexed, was printed and published in **The Dickinson Press**, and in the regular and entire issue of each and every number 1 consecutive weeks, commencing on the 18 day of November A.D. 19 93, and ending on the 18 day of November A.D., 19 93, both inclusive.

Belle L. Krank  
Sworn to and subscribed to before me this 22nd day of November A.D. 19 93

Marilyn Wanner

MARILYN WANNER  
Notary Public, STARK COUNTY, N.DAK.  
My Commission Expires APRIL 28, 1994

# THE BISMARCK TRIBUNE

P.O. BOX 1498 BISMARCK, NORTH DAKOTA 58502-1498  
(701) 223-2500 IN STATE (800) 472-2273

IND COMM-FIL & 3 NO DIV  
BISMARCK 5 BOULEVARD  
NO 58505

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AV

## NOTICE OF PUBLICATION NORTH DAKOTA INDUSTRIAL COMMISSION BISMARCK, NORTH DAKOTA

The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on December 15, 1993, Pioneer Room, State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission any member thereof acting as Examiner, or an Examiner appointed by the Commission, will receive testimony and exhibits.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by December 7, 1993.

**STATE OF NORTH DAKOTA TO:**  
All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public: **CASE NO. 5854: ON A MOTION OF THE COMMISSION TO CONSIDER THE PROPER SPACING FOR THE DEVELOPMENT OF THE**

**OSLOE MADISON POOL, MOUNTAIN TRAIL COUNTY, NORTH DAKOTA, REDEFINE THE LIMITS OF THE FIELD, AND ENACT SUCH SPECIAL FIELD RULES AS MAY BE NECESSARY. LUFF EXPLORATION COMPANY. CASE NO. 5855: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER ALLOWING IT TO PRODUCE OIL AND GAS FROM A WELL WITH A BOTTOM LOCATION 715 FEET FROM THE EAST LINE AND 2319 FEET FROM THE NORTH LINE OF SECTION 24, T.147N., R.98W., MCKENZIE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE FIELD RULES FOR THE LONE BUTTE MADISON POOL. CASE NO. 5853: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER PERMITTING THE FEDERAL "C" #1 WELL, LOCATED IN THE NE/4 OF SECTION 4, T.146N., R.100W., MCKENZIE COUNTY, NORTH DAKOTA, TO PRODUCE OIL AT AN UNRESTRICTED RATE AND FLARE GAS PRODUCED IN ASSOCIATION WITH SUCH OIL, AS AN EXCEPTION TO THE APPLICABLE FIELD RULES. CASE NO. 5856: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER PERMITTING THE FLARING OF GAS PRODUCED IN ASSOCIATION WITH OIL FROM THE FEDERAL "C" #1 WELL, LOCATED IN THE NE/4 OF SECTION 4, T.146N., R.100W., MCKENZIE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE REQUIREMENTS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE. CASE NO. 5835, (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER AMENDING THE SIZE OF THE SPACING UNITS FOR THE LITTLE KNIFE DUPEROW POOL IN SECTIONS 13 AND 24, T.145N., R.98W., AND SECTIONS 18 AND 19, T.145N., R.97W., MCKENZIE & DUNN COUNTIES, NORTH DAKOTA, OR ANY PORTION THEREOF. CASE NO. 5857: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON LODGEPOLE POOL, DESCRIBED AS THE W/2 OF SECTION 32, T.140N., R.96W., STARK COUNTY, NORTH DAKOTA, AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5858: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING EMERGENCY AND/OR INTERMITTENT GAS FLARING FROM THE FOLLOWING WELLS AND/OR AT A CENTRAL FACILITY FOR SAID WELLS IN THE DICKINSON LODGEPOLE POOL, STARK COUNTY, NORTH DAKOTA.**

RIPTI  
L

Exemption

ent

CONOCO DICKINSON STATE NO. 74 WELL, SW/4 NW/4 OF SECTION 32, T.140N., R.96W.,  
CONOCO KADRMAS NO. 75 WELL, NW/4 SE/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO FRENZEL NO. 79 WELL, NW/4 NE/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO DICKINSON STATE "A" NO. 83 WELL, NW/4 NW/4 OF SECTION 5, T.139N., R.96W.,

AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. **CASE NO. 5859: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER ALLOWING THE COMINGLING OF PRODUCTION FROM THE FOLLOWING WELLS IN THE DICKINSON-LODGEPOLE POOL, STARK COUNTY, NORTH DAKOTA:**

CONOCO DICKINSON STATE NO. 74 WELL, SW/4 NW/4 OF SECTION 32, T.140N., R.96W.,  
CONOCO KADRMAS NO. 75 WELL, NW/4 SE/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO FRENZEL NO. 79 WELL, NW/4 NE/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO DICKINSON STATE "A" NO. 83 WELL, NW/4 NW/4 OF SECTION 5, T.139N., R.96W.,

AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. **CASE NO. 5860: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE FOLLOWING WELLS IN THE BUFFALO WALLOW RED RIVER POOL, MCKENZIE COUNTY, NORTH DAKOTA:**

CONOCO JOHNSON NO. 1 WELL, NE/4 SE/4 OF SECTION 7, T.148N., R.100W.,  
CONOCO NELSON STATE 7 NO. 2 WELL, NE/4 NE/4 OF SECTION 7, T.148N., R.100W.,  
CONOCO SCHULZ 8 NO. 3 WELL, SW/4 NW/4 OF SECTION 8, T.148N., R.100W.,  
CONOCO STATE NELSON 6 NO. 1 WELL, SW/4 SE/4 OF SECTION 6, T.148N., R.100W.,

AS AN EXCEPTION TO THE APPLICABLE FIELD RULES AND THE PROVISIONS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. **CASE NO. 5861: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER PROVIDING FOR THE UNIFIED MANAGEMENT, OPERATION, AND FURTHER DEVELOPMENT OF THE SOUTH LANDA MADISON UNIT AREA, CONSISTING OF LANDS WITHIN, AND CONTIGUOUS TO, THE SOUTH LANDA FIELD IN BOTTINEAU COUNTY, NORTH DAKOTA; FOR APPROVAL OF THE UNIT AGREEMENT AND UNIT OPERATING AGREEMENT CONSTITUTING THE PLAN OF UNITIZATION FOR THE SOUTH LANDA MADISON UNIT AREA; FOR APPROVAL OF THE PLAN OF OPERATION; VACATING THE APPLICABLE SPACING ORDERS; AND FOR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5862: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER AUTHORIZING THE CONVERSION OF THE NEWHOUSE NO. 2R WELL, LOCATED IN THE NE/4 OF THE SE/4 OF SECTION 3, T.162N., R.97W., SOUTH LANDA FIELD, BOTTINEAU COUNTY, NORTH DAKOTA, FOR THE INJECTION OF FLUIDS IN THE PROPOSED SOUTH LANDA MADISON UNITIZED FORMATION PURSUANT TO CHAPTER 43-02.05 OF THE NORTH DAKOTA ADMINISTRATIVE CODE, AND PROVIDING SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS NECESSARY.**

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**CASE NO. 5863: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER DETERMINING THAT THE PLAN OF UNITIZATION FOR THE SOUTH LANDA MADISON UNIT AREA, BOTTINEAU COUNTY, NORTH DAKOTA, HAS BEEN SIGNED, RATIFIED OR APPROVED BY OWNERS OF INTEREST OWNING THAT PERCENTAGE OF THE WORKING INTEREST AND ROYALTY INTEREST WITHIN SAID UNIT AS IS REQUIRED BY APPLICABLE STATUTES AND RULES OF THE COMMISSION. CASE NO. 5864: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF TEXAS CRUDE ENERGY, INC. FOR AN ORDER AUTHORIZING THE DRILLING OF A WELL AT A LOCATION APPROXIMATELY 1980 FEET FROM THE NORTH LINE AND 1050 FEET FROM THE EAST LINE OF SECTION 29, T.163N., R.89W., BURKE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE APPLICABLE SPACING REQUIREMENTS FOR THE PERELLA-MADISON POOL AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5865: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF TEXAS CRUDE ENERGY, INC. FOR AN ORDER AUTHORIZING THE DRILLING OF A WELL AT A LOCATION APPROXIMATELY 500 FEET FROM THE NORTH LINE AND 1200 FEET FROM THE WEST LINE OF SECTION 26, T.161N., R.91W., BURKE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE APPLICABLE SPACING REQUIREMENTS FOR THE LITTLE BUTTE-MADISON POOL AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5842: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE BICENTENNIAL FED. CO. NO. 1 WELL LOCATED IN THE NW NW OF SECTION 18, T.144N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, BICENTENNIAL BAKKEN POOL, AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE OF SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. CASE NO. 5843: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE STENSROD #1 WELL LOCATED IN THE NW/4 NE/4 OF SECTION 15, T.146N., R.102W., MCKENZIE COUNTY, NORTH DAKOTA, COVERED BRIDGE BAKKEN POOL, AS AN EXCEPTION TO APPLICABLE FIELD RULES AND TO THE PROVISIONS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE, AUTHORIZING SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.**

T.140N., R.96W., STARK COUNTY, NORTH DAKOTA, AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY NORTH DAKOTA CENTURY CODE SECTION 38-08.08 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. **CASE NO. 5861: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE STENSROD #1 WELL LOCATED IN THE NW/4 NE/4 OF SECTION 15, T.146N., R.102W., MCKENZIE COUNTY, NORTH DAKOTA, COVERED BRIDGE BAKKEN POOL, AS AN EXCEPTION TO APPLICABLE FIELD RULES AND TO THE PROVISIONS OF SECTION 38-08.06.4 OF THE NORTH DAKOTA CENTURY CODE, AUTHORIZING SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.**

Signed by:  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
11/15 3641

Distribution  
Inches  
Lines

TOTAL UNITS	RATE
2342	.53

Notice of Pub  
11/15  
17  
of North Dakota, Residing at Bismarck

TO NUMBER  
271-6

DICE NO. 11/15 3641

**NOTICE OF PUBLICATION  
NORTH DAKOTA INDUSTRIAL  
COMMISSION**

**BISMARCK, NORTH DAKOTA**

The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on November 17, 1993, Pioneer Room, State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission, any member thereof acting as Examiner, or an Examiner appointed by the Commission will receive testimony and exhibits.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by November 3, 1993.

**STATE OF NORTH DAKOTA TO:**

All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public.  
**CASE NO. 5843: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER OF THE COMMISSION POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE N/2 OF SECTION 31, T.140N., R.96W., STARK COUNTY, NORTH DAKOTA, AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY NORTH DAKOTA CENTURY CODE SECTION 38-08-08 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE.**

Signed by,  
Edward T. Schafer, Governor  
Chairman, ND  
Industrial Commission  
(Published October 20, 1993)

**CERTIFICATE OF PUBLICATION  
THE DICKINSON PRESS  
Dickinson, North Dakota**

STATE OF NORTH DAKOTA, }

County of Stark.

Belle L. Krank

, of said state and county, being first duly sworn, on oath says: That she is the bookkeeper of the Dickinson Press, Inc., publisher of **THE DICKINSON PRESS**, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and has been such during the time hereinafter mentioned; and that advertisement headed \_\_\_\_\_

Legal--Case No. 5843

\$24.91

a printed copy of which is hereunto annexed, was printed and published in **The Dickinson Press**, and in the regular and entire issue of each and every number 1 consecutive weeks, commencing on the 20 day of October A.D. 1993, and ending on the 20 day of October A.D., 1993, both inclusive.

Sworn to and subscribed to before me this 20th day of

October A.D. 1993

Marilyn Wanner

**MARILYN WANNER  
Notary Public, STARK COUNTY, N.DAK.  
My Commission Expires APRIL 28 1994**

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## NOTICE OF PUBLICATION

NORTH DAKOTA  
INDUSTRIAL COMMISSION  
BISMARCK, NORTH DAKOTA

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STATE OF NORTH DAKOTA TO:

ALL named parties and persons having any right, title, interest, or claim in the following cases and notices to the public. CASE NO. 5841. ON A MOTION OF THE COMMISSION TO CONSIDER THE TEMPORARY SPACING FOR THE DEVELOPMENT OF AN OIL AND/OR GAS POOL DISCOVERED BY THE HALLWOOD PETROLEUM INC. #18 BIMINI WELL, LOCATED IN THE SW SE OF SECTION 8, T.160N., R.85W., REN. VILLE COUNTY, NORTH DAKOTA, DEFINE THE LIMITS OF THE FIELD, AND ENACT SUCH SPECIAL FIELD RULES AS MAY BE NECESSARY. CASE

NO. 5842: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE BICENTENNIAL FED. COM. NO. 1 WELL LOCATED IN THE NW NW OF SECTION 18, T.144N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, BICENTENNIAL-BAKKEN POOL, AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38 08 06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.

**CASE NO. 5843:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER OF THE COMMISSION POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON LODGEPOLE POOL DESCRIBED AS THE N/2 OF SECTION 31, T.140N., R.96W., STARK COUNTY, NORTH DAKOTA, AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY NORTH DAKOTA CENTURY CODE SECTION 38-08-08 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION

DEEMS APPROPRIATE. CASE NO. 5844.  
ON A MOTION OF THE COMMISSION TO  
CONSIDER THE APPLICATION OF WIL-  
LIAM HERBERT HUNT TRUST ESTATE  
FOR AN ORDER PERMITTING THE  
OCCASIONAL FLARING OF GAS FROM  
ITS WELLS IN THE LITTLE KNIFE  
FIELD, BILLINGS, DUNN AND MCKEN-  
ZIE COUNTIES, NORTH DAKOTA, AS AN  
EXCEPTION TO THE REQUIREMENTS  
OF SECTION 38-06-06.4 OF THE NORTH  
DAKOTA CENTURY CODE. CASE NO.

~~5845~~ ON A MOTION OF THE COMMISSION  
TO CONSIDER THE APPLICATION OF  
WILLIAM HERBERT HUNT TRUST  
ESTATE FOR AN ORDER PERMITTING  
THE FLARING OF MINIMAL AMOUNTS  
OF GAS FROM ITS CENTRAL TANK BAT-  
TERIES LOCATED IN THE LITTLE  
KNIFE FIELD, BILLINGS, DUNN AND  
MCKENZIE COUNTIES, NORTH DAKOTA,  
AS AN EXCEPTION TO THE PROVISIONS  
OF SECTION 38-08.06.4 OF THE NORTH  
DAKOTA CENTURY CODE. CASE NO.  
~~5846~~ ON A MOTION OF THE COMMISSION  
TO CONSIDER ENTERING AN ORDER  
REDEFINING THE OUTLINE OF THE  
BEAVER LODGE AND CAPA FIELDS,  
WILLIAMS COUNTY, NORTH DAKOTA.

Signed by:

Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
10/20 - 4599

**BILLING PERIOD****VENDOR NUMBER**

D=Distribution  
I=Inches  
L=Lines

DATE	REFERENCE NUMBER	PROD. CODE	CLASS CODE	AD SIZE	TIMES	TOTAL UNITS	RATE
10-20	01155591	BT	0001		1	97L	.50
<p>law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on November 17, 1993, Pioneer Room, State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission, any member thereof acting as Examiner, or an Examiner appointed by the Commission will receive testimony and exhibits.</p> <p><b>ATTENTION PERSONS WITH DISABILITIES:</b> If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by November 3, 1993.</p> <p><b>STATE OF NORTH DAKOTA TO:</b> All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public. <u>CASE NO. 5841</u>: ON A MOTION OF THE COMMISSION TO CONSIDER THE TEMPORARY SPACING FOR THE DEVELOPMENT OF AN OIL AND/OR GAS POOL DISCOVERED BY THE HALLWOOD PETROLEUM, INC. #1-8 BIMINI WELL, LOCATED IN THE SW SE OF SECTION 8, T.160N., R.85W., RENVILLE COUNTY, NORTH DAKOTA, DEFINE THE LIMITS OF THE FIELD, AND ENACT SUCH SPECIAL FIELD RULES AS MAY BE NECESSARY. <u>CASE NO. 5842</u>: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE BICENTENNIAL FED. COM. NO. 1 WELL LOCATED IN THE NW NW OF SECTION 18, T.14N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, BICENTENNIAL-BAKKEN POOL, AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. <u>CASE NO. 5843</u>: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER OF THE COMMISSION POOLING INTERESTS IN A SPACING UNIT</p>							
<p><b>AFFIDAVIT OF PUBLICATION</b> STATE OF NORTH DAKOTA } ss County of Burleigh BEFORE ME, a duly qualified public for the State of North Dakota, BEING duly sworn, deposes and says that the foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk of Burleigh County, North Dakota, and that the same were published in the Burleigh County Record, a newspaper published in the County of Burleigh, North Dakota, on the 19th day of October, 1993, at the places shown, and subscribed to before me this 19th day of October, 1993, by Patricia J. Peterson, Notary Public for the State of North Dakota, residing at Bismarck, North Dakota.</p>							

## PAYMENT TERMS

Due 10th of month following charges

DETACH  
HERE**BILL-TO NUMBER**

115559-1

**BILLING DATE**

10/22/93

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