

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 6447  
ORDER NO. 7477

IN THE MATTER OF A HEARING  
CALLED ON A MOTION OF THE  
COMMISSION TO CONSIDER THE  
APPLICATION OF CONOCO INC. FOR AN  
ORDER PURSUANT TO NORTH DAKOTA  
ADMINISTRATIVE CODE § 43-02-03-88.1  
POOLING ALL INTERESTS IN A  
SPACING UNIT FOR THE  
DICKINSON-LODGEPOLE POOL  
DESCRIBED AS THE S/2 OF SECTION 5,  
T.139N., R.96W., 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.

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing at 9:00 a.m. on the 6th day of June, 1996, in Bismarck, North Dakota, before an examiner appointed by the Industrial Commission of North Dakota, hereinafter referred to as the "Commission."

Now on this 24th day of June, 1996, the Director, on behalf of and as authorized by the Commission, having considered the testimony and the exhibits received at the hearing, and being fully advised in the premises,

FINDS:

(1) Due public notice having been given as required by law, the Commission has jurisdiction of this matter.

(2) Due to improper advertisement of this matter on June 6, 1996, this matter was properly noticed for hearing on June 24, 1996. The record from June 6, 1996 was left open. On June 24, 1996 the hearing on this matter was resumed.

(3) 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 S/2 of Section 5, Township 139 North, Range 96 West, Stark County, North Dakota.

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

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

(6) Section 38-08-08 of the North Dakota Century Code 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.

(7) The applicant requests an order of the Commission pooling all interests in the spacing unit.

(8) The applicant withdrew the request for consideration of a risk penalty. The well has already been drilled. All working interest participated in the well.

(9) There were no objections to this application.

(10) In order to prevent waste and protect correlative rights this spacing unit should be pooled.

IT IS THEREFORE ORDERED:

(1) All oil and gas interests in a spacing unit for the Dickinson-Lodgepole Pool described as the S/2 of Section 5, Township 139 North, Range 96 West, Stark County, North Dakota, are hereby pooled for the development and operation of the spacing unit, and the well located thereon shall be the well for the spacing unit.

(2) This pooling order shall not determine the specific acreage to be attributed to separately owned tracts, or specific interests attributed to separately owned interests.

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

(4) All owners of interests shall receive, without unnecessary expense, their just and equitable share of production from the spacing unit in the proportion as their interests may appear in the spacing unit.

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

(6) In the event of any dispute as to such costs the Commission shall determine the proper cost.

(7) In the event the size of the spacing unit is modified by the Commission, this order terminates on the date of such order.

(8) This order shall be effective from the date of first operations, and shall remain in force until further order of the Commission.

Dated this 24th day of June, 1996.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission.

/s/ Wesley D. Norton, Director

STATE OF NORTH DAKOTA )

COUNTY OF BURLEIGH )

## AFFIDAVIT OF MAILING

I, Donna Bauer, being duly sworn upon oath, depose and say: That on the 28th day of June 1996, I enclosed in separate envelopes true and correct copies of the attached Order No. 7477 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 by the Industrial Commission in Case No. 6447 :

Mr. John Morrison  
Fleck, Mather & Strutz Ltd.  
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 28th day of June, 1996 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.

Margaret R. Ryan  
Notary Public  
State of North Dakota County of Burleigh  
My Commission expires 9/31/99

PEARCE & DURICK  
PROFESSIONAL LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
THIRD FLOOR  
314 EAST THAYER AVENUE  
P. O. BOX 400  
BISMARCK, NORTH DAKOTA 58502

WILLIAM R. PEARCE 1910-1978  
WILLIAM P. PEARCE  
PATRICK W. DURICK  
B. TIMOTHY DURICK  
JOEL W. GILBERTSON  
GARY R. THUNE  
DAVID E. REICH  
JEROME C. KETTLESON  
LARRY L. BOSCHEE  
LAWRENCE BENDER  
STEPHEN D. EASTON



June 5, 1996

Mr. Jack Wilborn  
North Dakota Industrial Commission  
Oil and Gas Division  
600 E. Boulevard  
Bismarck, ND 58505

**HAND DELIVERED**

**AFFIDAVIT OF P. JAMES TURNER  
NDIC CASE NO. 6447**

Dear Jack:

Please find enclosed herewith to supplement the record, the original Affidavit of P. James Turner in regard to the above-captioned case.

Should you have any questions, please advise.

Sincerely,



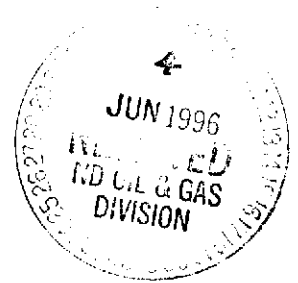
LAWRENCE BENDER

LB/leo

Enclosure

cc: Mr. Jim Turner - (w/o enc.)

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



**CASE NO. 6447**

**IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION, PURSUANT TO N.D. ADMIN.  
CODE § 43-02-03-88.1, POOLING ALL  
INTERESTS IN A SPACING UNIT FOR THE  
DICKINSON-LOGGEPOL POOL DESCRIBED  
AS THE S½ OF SECTION 5, TOWNSHIP 139  
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 P. JAMES TURNER**

STATE OF TEXAS            )  
                                  ) ss.  
COUNTY OF MIDLAND )

P. James Turner, being first duly sworn, deposes and states:

1.

That he is employed as a Land Explorationist for Conoco Inc. and that his business address is 10 Desta Drive, Midland, Texas 79705;

2.

That in the course of his work he has ascertained and become familiar with the mineral ownership and leasehold ownership in the South Half (S½) of Section 5, Township 139 North, Range 96 West, Stark County, North Dakota ("Section 5");

3.

That there are separately owned tracts or interests in mineral estate and/or leasehold estate in Section 5;

4.

That in the course of his work he has also become familiar with the orders of the North Dakota Industrial Commission ("Commission") that govern spacing of wells for Section 5.

5.

That by virtue of Commission Order No. 6932 entered in Case No. 5964 dated October 17, 1995, the South Half (S½) of Section 5 constitutes a spacing unit for the Dickinson-Lodgepole Pool.

6.

That Conoco is the owner of a portion of the leasehold interests in the South Half (S½) of Section 5.

7.

That Conoco has drilled the State Addition 5 #1 well in the South Half (S½) of Section 5 to be completed in the Dickinson-Lodgepole Pool.

8.

That voluntary pooling of the interests within said spacing unit has not been accomplished.

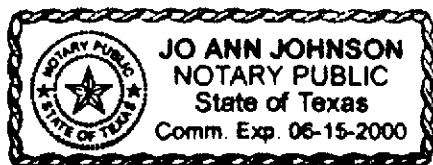
9.

That Conoco requests that the Commission, pursuant to N.D.C.C. § 38-08-08, enter its order pooling all interests in the spacing unit for the Dickinson-Lodgepole Pool described as the South Half (S½) of Section 5, Township 139 North, Range 96 West, Stark County, North Dakota.

DATED this 4<sup>th</sup> day of June, 1996.

P. James Turner  
P. JAMES TURNER

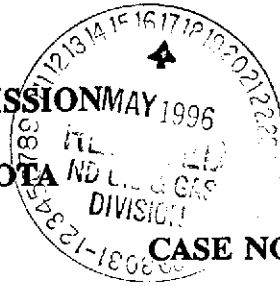
Subscribed and sworn to before me this 4 day of June, 1996.



Jo Ann Johnson  
Notary Public  
County of Midland, State of Texas  
My Commission Expires: \_\_\_\_\_



BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA



IN THE MATTER OF THE APPLICATION OF CONOCO INC. FOR AN ORDER OF THE COMMISSION, PURSUANT TO N.D. ADMIN. CODE § 43-02-03-88.1, POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE S½ OF SECTION 5, TOWNSHIP 139 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 the South Half (S½) of Section 5, Township 139 North, Range 96 West, Stark County, North Dakota ("Section 5").

2.

That pursuant to Commission Order No. 6932 entered in Case No. 5964, dated October 17, 1994, the South Half (S½) of Section 5 constitutes a spacing unit for the Dickinson-Lodgepole Pool.

3.

That there are separately owned tracts or interests in mineral estate and/or leasehold estate in the South Half (S½) of Section 5.

4.

That a voluntary pooling of the South Half (S½) of Section 5 has not been accomplished.

5.

That certain lessees owning leasehold interests in and under the South Half (S½) of Section 5 have elected not to participate in the drilling of a well to the Dickinson-Lodgepole Pool in the South Half (S½) of Section 5.

6.

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."

7.

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

In addition 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.

8.

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 South Half (S½) of Section 5, Township 139 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 the matter be set for hearing pursuant to N.D. Admin. Code § 43-02-03-88.1 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 17<sup>th</sup> day of May, 1996.

PEARCE & DURICK  
Professional Limited Liability Partnership

By 

LAWRENCE BENDER

Attorneys for Applicant

Conoco Inc.

314 East Thayer Ave.

P. O. Box 400

Bismarck, ND 58502

STATE OF NORTH DAKOTA

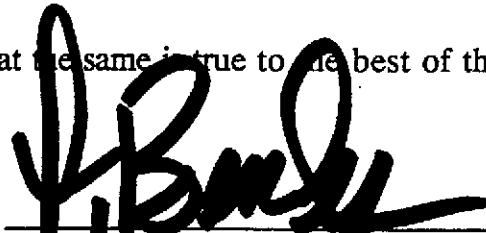
)

) ss.


COUNTY OF BURLEIGH

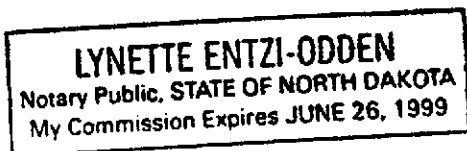
)

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 17<sup>th</sup> day of May, 1996.

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



SECTION 8, ALL OF SECTION 9, THE W/2 OF SECTION 16, AND THE E/2 OF SECTION 17, ALL IN T.158N., R.85W., RENVILLE COUNTY, NORTH DAKOTA, OR GRANTING SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 6459: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MERIDIAN OIL INC. FOR AN ORDER PROVIDING FOR THE UNITIZED MANAGEMENT, OPERATION, AND FURTHER DEVELOPMENT OF THE NORTHEAST FOOTHILLS-MADISON UNIT, BURKE COUNTY, NORTH DAKOTA; FOR APPROVAL OF THE UNIT AGREEMENT AND THE UNIT OPERATING AGREEMENT CONSTITUTING THE PLAN OF UNITIZATION FOR THE NORTHEAST FOOTHILLS-MADISON UNIT; FOR APPROVAL OF THE PLAN OF OPERATION; FOR VACATION OF THE APPLICABLE SPACING ORDERS; AND FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 6460: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MERIDIAN OIL INC. FOR AN ORDER DETERMINING THAT THE UNIT AGREEMENT AND UNIT OPERATING AGREEMENT CONSTITUTING THE PLAN OF UNITIZATION FOR THE NORTHEAST FOOTHILLS-MADISON UNIT AREA, BURKE COUNTY, NORTH DAKOTA, HAVE BEEN SIGNED, RATIFIED OR APPROVED BY LESSEES AND ROYALTY OWNERS OWNING THE REQUIRED PERCENTAGE OF WORKING INTEREST AND ROYALTY INTEREST WITHIN SAID UNIT. CASE NO. 6461: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MERIDIAN OIL INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE CEDAR HILLS-RED RIVER "B" POOL DESCRIBED AS ALL OF SECTIONS 6 AND 7, T.132N., R.106W., BOWMAN COUNTY, NORTH DAKOTA, IN ACCORDANCE WITH SECTION 38-08-08 OF THE NORTH DAKOTA CENTURY CODE, AND

APPROPRIATE. CASE NO. 6466: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MERIDIAN OIL INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE CEDAR HILLS-RED RIVER "B" POOL DESCRIBED AS ALL OF SECTION 12, T.131N., R.105W., BOWMAN COUNTY, NORTH DAKOTA, AND AUTHORIZING THE APPLICANT TO RECOVER FROM EACH LESSEE WHO ELECTS NOT TO PARTICIPATE IN THE DRILLING OF A WELL THEREON A RISK PENALTY IN ACCORDANCE WITH SECTION 38-08-08 OF THE NORTH DAKOTA CENTURY CODE, AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 6467: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MERIDIAN OIL INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE CEDAR HILLS-RED RIVER "B" POOL DESCRIBED AS ALL OF SECTION 21, T.131N., R.105W., BOWMAN COUNTY, NORTH DAKOTA, AND AUTHORIZING THE APPLICANT TO RECOVER FROM EACH LESSEE WHO ELECTS NOT TO PARTICIPATE IN THE DRILLING OF A WELL THEREON A RISK PENALTY IN ACCORDANCE WITH SECTION 38-08-08 OF THE NORTH DAKOTA CENTURY CODE, AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 6468: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER PURSUANT TO NORTH DAKOTA ADMINISTRATIVE CODE [43-02-03-88.] POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE S/2 OF SECTION 3, T.139N., R.96W., 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.

4447 IN JUVENILE  
SOUTH CENTRAL JUDICIAL DISTRICT  
IN THE INTEREST OF R.I.J., T.R.,  
AND D.R., CHILDREN

Mark Heinert,

Petitioner,

vs.

R.I.J., T.R., R.R. and D.R.,  
Children;  
Glenda Rush, Mother;  
Robert Rasmussen, Sr., Father  
of R. and D.;  
John P. Jones, Father of R.;  
Zane Gipp, Father of T.;  
and their guardian ad litem,  
Wayne D. Gofer,  
Attorney at Law;

Respondents.

THE STATE OF NORTH DAKOTA  
ABOVE-NAMED RESPONDENTS:  
You, and each of you, are hereby summoned  
and required to appear personally at the  
above-named children before the Juvenile  
Court at its Chambers in the

County Courthouse, Bismarck,  
County, North Dakota, on the 2nd day of  
July, 1996, at 10:30 a.m., or as soon  
after as counsel can be heard, for the  
purpose of hearing the Petition made and filed  
in this Court alleging said child to be subject  
to the provisions of the Uniform Juvenile

Act, Chapter 27-20 of the North Dakota  
Century Code, by reason of the following:

1. That R.I.J., T.R., R.R., and  
male children, fifteen (15) years  
born July 3, 1980; twelve (12) years  
born February 11, 1984; ten (10)  
age, born February 13, 1986; and  
years of age, born February 6, 1988  
tively.

2. That said children are alleged  
deprived children.

That your Petitioner believes that  
said children are in need of protection and  
for the best interests of the children.

Bismarck  
Tribune

**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 June 6, 1996, North Dakota Oil and Gas Division Office, 1022 East Divide Avenue, 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 701-328-3722 by May 28, 1996.

**STATE OF NORTH DAKOTA TO ALL:**

All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public: **CASE NO. 6446: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER PURSUANT TO NORTH DAKOTA ADMINISTRATIVE CODE § 43-02-03-88.1 POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE W/2 OF SECTION 36, T.140N., R.97W., 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.** **CASE NO. 5447: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER PURSUANT TO NORTH DAKOTA ADMINISTRATIVE CODE § 43-02-03-88.1 POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE S/2 OF SECTION 5, T.139N., R.96W., 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.**

Signed by  
Edward T. Schaefer, Chairman  
Chairman, ND Industrial Commission  
(Published May 22, 1996)

**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 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. 6446, Case No. 5447

\$29.15

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 22

day of May A.D. 19 96, and ending on the 22

day of May A.D., 19 96, both inclusive.

*Belle L. Krank*

Sworn to and subscribed to before me this 22nd day of

May A.D. 19 96.

*Marilyn Wanner*

**MARILYN WANNER**  
Notary Public, STARK COUNTY, N. DAK.  
My Commission Expires APRIL 28, 2000

# THE BISMARCK TRIBUNE

P.O. BOX 1498  
BISMARCK, NORTH DAKOTA 58502-1498  
(701) 223-2500  
IN STATE (800) 472-2273  
FAX (701) 223-4240

## ADVERTISING INVOICE AND STATEMENT

1	BILLING PERIOD	2	ADVERTISER/CLIENT NAME
05/29/96		OIL & GAS DIVISI ON	
23	TOTAL AMOUNT DUE	UNAPPLIED AMOUNT	3
37.63			TERMS OF PAYMENT
21	CURRENT NET AMOUNT DUE	22	30 DAYS
		60 DAYS	OVER 60 DAYS
			PLEASE PAY BY JUNE 6.

1	05/29/96	BILLED ACCOUNT NAME AND ADDRESS	REMITTANCE ADDRESS
200254-7		OIL & GAS DIVISI ON 600 E BOULEVARD AV BISMARCK ND 58505	BISMARCK TRIBUNE PO BOX 1498 BISMARCK ND 58502
200254-7			

INVOICE #02002547 TL

AMT PAID \$

CHECK #

LEGAL PUBLICATIONS

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

**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 June 6, 1996, North Dakota Oil and Gas Division Office, 1022 East Divide Avenue, 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 701-328-3722 by May 29, 1996.

**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. 440:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF TOP OPERATING COMPANY FOR AN ORDER ALLOWING THE DRILLING OF A WELL APPROXIMATELY 1190 FEET FROM THE SOUTH LINE AND 1521 FEET FROM THE WEST LINE OF SECTION 3, T.13N., R.45W., BENVILLE COUNTY, NORTH DAKOTA, AN EXCEPTION TO THE SPACING REQUIREMENTS OF THE SHERWOOD-MADISON POOL. **CASE NO. 446:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER PURSUANT TO NORTH DAKOTA ADMINISTRATIVE CODE 1 43-02-03-88.1 POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE W/2 OF SECTION 36, T.140N., R.97W., STARK COUNTY, NORTH DAKOTA; AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY N.D.C.C. 1 38-08-06; AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. **CASE NO. 447:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER PURSUANT TO NORTH DAKOTA ADMINISTRATIVE CODE 1 43-02-03-88.1 POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE S/2 OF SECTION 27, T.139N., R.94W., STARK COUNTY, NORTH DAKOTA; AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY N.D.C.C. 1 38-08-06; AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE.

NOTICE OF PUBLICATION  
CLASS CODE - 0001

15	16	17	18	19	20
DESCRIPTION - OTHER COMMENTS/CHARGES	SAU SIZE BILLED UNITS	TIMES RUN RATE	GROSS AMOUNT	NET AMOUNT	
71L	53	1	37.63	37.63	

**AFFIDAVIT OF PUBLICATION**  
STATE OF NORTH DAKOTA

I, Clara Martin, who is the Clerk of the Bismarck Tribune Company, and have the honor to certify that the above notice of publication was published in the Bismarck Tribune newspaper on the 31 day of May, 1996.  
Notary Public in and for the State of North Dakota, Residing at Bismarck

STATE DUE AMOUNTS

30 DAYS	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS
			37.63

**THI**  
P.O. BOX 1498  
BISMARCK, NORTH DAKOTA 58502-1498  
(701) 223-2500  
IN STATE (800) 472-2273  
FAX (701) 223-4240

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