

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 7286  
ORDER NO. 8521

IN THE MATTER OF A HEARING  
CALLED ON A MOTION OF THE  
COMMISSION TO CONSIDER THE  
CONFISCATION, UNDER NORTH  
DAKOTA CENTURY CODE SECTION  
38-08-04.9, OF ALL  
PRODUCTION-RELATED EQUIPMENT AT  
THE ABANDONED #6-1 WALTON WELL  
OWNED BY THE OPERATOR OF  
RECORD, FIRST BROADWAY CORP. OR  
ANY WORKING INTEREST OWNER, FOR  
THE PURPOSE OF PARTIALLY  
COMPENSATING THE STATE FOR  
PLUGGING AND RECLAMATION COSTS,  
SUCH WELL BEING LOCATED IN THE  
NE/4 NE/4 OF SECTION 6, T.139N.,  
R.96W., DICKINSON FIELD, STARK  
COUNTY, NORTH DAKOTA.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 27th day of October, 1999.

(2) The respondent, First Broadway Corporation, was personally notified of this hearing on September 22, 1999.

(3) First Broadway Corporation is the operator of record of the following well:

Name	File No.	Location	County
Walton #6-1	9075	NE/4 NE/4 6-139-96	Stark

(4) The Walton #6-1 well last produced in April 1998. North Dakota Administrative Code (NDAC) Section 43-02-03-55 states in part: "the failure to produce oil or gas for one year constitutes abandonment of the well. An abandoned well must be plugged and its site must be reclaimed pursuant to sections 43-02-03-34 and 43-02-03-19. The director may waive for one year the requirement to plug and reclaim an abandoned well by giving the well temporarily abandoned status. This status may only be given to wells that are to be used for purposes related to the production of oil and gas. The director may also waive the duty to plug and reclaim an abandoned well for any other good cause found by the director. If the director exercises this discretion the director shall set a date or circumstance upon which the waiver expires."

(5) First Broadway Corporation was notified on several occasions to plug the well, apply for a temporarily abandoned status, or request relief from plugging the well. These requests were ignored.

(6) Estimated plugging and reclamation costs are at least \$26,500. Revenues from confiscation of the equipment on location on are at best \$10,400.

(7) First Broadway had a \$15,000 bond filed with the Bank of North Dakota. First Broadway's failure to plug the well subjected the bond to forfeiture. A certification of an Event of Forfeiture was signed on September 15, 1999. A check was issued by the Bank of North Dakota to the Oil and Gas Division on September 16, 1999 in the amount of \$15,230.61. Since the Commission is committed to plugging the Walton #6-1 well, confiscation of the production-related equipment on location is necessary to compensate the Commission for the plugging and reclamation of the well site.

(8) First Broadway Corporation was involuntarily dissolved and ceased to exist on August 3, 1998.

(9) Erik Lips, registered agent for First Broadway Corporation, testified that he is an investor in the well, and also requested a 30-day extension so he could try to resolve this matter by possibly selling the well. He did not offer whom an apparent buyer might be, nor did he describe what efforts he has taken, if any, or what efforts he intended to take to find a buyer.

(10) The Walton #6-1 well lies outside the Dickinson Heath Sand Unit and is located outside the "zero line" of the Heath Sand "A" zone and near the "zero line" of the Heath Sand "B" zone. The well is no longer economic in the Heath Zone.

(11) The Walton #6-1 well is located approximately 60 feet from the boundary of the Dickinson Lodgepole Unit and would not be a candidate for deepening to the Lodgepole Formation.

(12) It is unlikely that the well is able to produce economic reserves and thus it is unlikely that a buyer for it can be found.

(13) The Commission would endure a high degree of risk of not having any equipment to confiscate to compensate it for plugging the well if the well and its equipment were transferred to another operator who might strip the well of all its equipment.

(14) First Broadway Corporation has violated NDAC Section 43-02-03-55 and the Commission should confiscate all production-related equipment at the abandoned Walton #6-1 well site to compensate it for plugging of the well.

IT IS THEREFORE ORDERED:

(1) The Commission may confiscate all production-related equipment at the Walton #6-1 well site.

(2) This order shall remain in full force and effect until further order of the Commission.

Dated this 24th day of November, 1999.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

/s/ Edward T. Schafer, Governor

/s/ Heidi Heitkamp, Attorney General

/s/ Roger Johnson, Commissioner of Agriculture

STATE OF NORTH DAKOTA )  
 )  
COUNTY OF BURLEIGH )  
 )

AFFIDAVIT OF MAILING

I, Donna Bauer, being duly sworn upon oath, depose and say: That on the 30th day of November 1999, enclosed in separate envelopes true and correct copies of the attached Order No. 8521 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. 7286 :

John Morrison  
Fleck, Mather & Strutz Ltd.  
P. O. Box 2798  
Bismarck, ND 58502

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

Sue Rask  
Secretary of State's Office  
State Capitol  
Bismarck, ND 58505  
(Inside Mail)

Paul Germolus  
Assistant Attorney General  
900 E. Blvd.  
Bismarck, ND 58505  
(Inside Mail)

Erik Lips  
First Broadway Corp.  
P. O. Box 775  
Bismarck, ND 58502



Donna Bauer  
Oil & Gas Division

On this 30th day of November 1999, 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.



Notary Public

State of North Dakota County of Burleigh  
My Commission expires 11-3-2004





OFFICE OF ATTORNEY GENERAL  
STATE OF NORTH DAKOTA

COPY

Heidi Heitkamp  
ATTORNEY GENERAL

August 29, 2000

**CAPITOL TOWER**

State Capitol  
600 E. Boulevard Ave.  
Dept. 125  
Bismarck, ND 58505-0040  
701-328-2210  
701-328-3409 (TDD)  
FAX 701-328-2226

**Consumer Protection  
and Antitrust Division**

701-328-3404  
800-472-2600  
Toll Free in North Dakota  
FAX 701-328-3535

**Gaming Division**

701-328-4848  
FAX 701-328-3535

**Licensing Section**

701-328-2329  
FAX 701-328-3535

**CAPITOL COMPLEX**

State Office Building  
900 E. Boulevard Ave.  
Bismarck, ND 58505-0041  
FAX 701-328-4300

**Civil Litigation**

701-328-3640

**Natural Resources**

701-328-3640

**Racing Commission**

701-328-4290

**Bureau of Criminal  
Investigation**

P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5500  
800-472-2185  
Toll Free in North Dakota  
FAX 701-328-5510

**Fire Marshal**

P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5555  
FAX 701-328-5510

**Fargo Office**

P.O. Box 2665  
Fargo, ND 58108-2665  
701-239-7126  
FAX 701-239-7129

Mr. Erik G. Lips  
First Broadway Corp.  
P.O. Box 775  
Bismarck, ND 58502-0775

Re: North Dakota Industrial Commission v. First Broadway Corp.  
Civil No. 45-99-C-00287/001

Dear Mr. Lips:

Please find enclosed and served upon you a copy of the Notice of Dismissal of Defendant and Affidavit of Service by Mail in the above-referenced action.

Sincerely,

Paul C. Germolus  
Assistant Attorney General  
Office of Attorney General  
900 East Boulevard Avenue  
Bismarck, ND 58502-0041  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

It

Enclosures

cc: Glenn Wollan, Oil & Gas Division (w/encs.)

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OFFICE OF ATTORNEY GENERAL  
STATE OF NORTH DAKOTA

COPY

Heidi Heitkamp  
ATTORNEY GENERAL

August 29, 2000

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Fargo, ND 58108-2665  
701-239-7126  
FAX 701-239-7129

Ms. Paulette Reule  
Clerk of District Court  
Stark County  
PO Box 130  
Dickinson, ND 58601-0130


Re: North Dakota Industrial Commission v. First Broadway Corp.  
Civil No. 45-99-C-00287/001

Dear Ms. Reule:

Enclosed for filing are the original Notice of Dismissal of Defendant First Broadway Corp. and Affidavit of Service by Mail in the above-entitled case.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (701) 328-3640.

Sincerely,

  
Paul C. Germolus  
Assistant Attorney General  
Office of Attorney General  
900 East Boulevard Avenue  
Bismarck, ND 58502-0041  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

lt

Enclosures

cc: Glenn Wollan, Oil & Gas Division (w/encs.)  
Erik G. Lips, First Broadway Corporation (w/encs.)

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STATE OF NORTH DAKOTA  
COUNTY OF STARK

IN DISTRICT COURT  
SOUTHWEST JUDICIAL DISTRICT

North Dakota Industrial  
Commission

Plaintiff,

v.

First Broadway Corp.,

Defendant.

**NOTICE OF DISMISSAL  
OF DEFENDANT**

**Civil No. 45-99-C-00287/001**

Plaintiff, North Dakota Industrial Commission, hereby provides notice pursuant to N.D.R. Civ. P. 41(a)(1)(i) that the above-entitled case against Defendant First Broadway Corp., is dismissed without prejudice and without costs to either party.

Dated this 29<sup>th</sup> day of August, 2000.

State of North Dakota  
Heidi Heitkamp  
Attorney General

By:



Paul C. Germolus  
Assistant Attorney General  
State Bar ID No. 05408  
900 East Boulevard Avenue  
Bismarck, ND 58505-0041  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

Attorneys for the North Dakota Industrial  
Commission.

STATE OF NORTH DAKOTA  
COUNTY OF STARK

IN DISTRICT COURT  
SOUTHWEST JUDICIAL DISTRICT

North Dakota Industrial  
Commission,

Plaintiff,

v.

First Broadway Corp.,

Defendant.

**AFFIDAVIT OF SERVICE  
BY MAIL**

Civil No. 45-99-C-00287/001

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH ) ss.

Donna J. Connor states under oath as follows:

1. I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

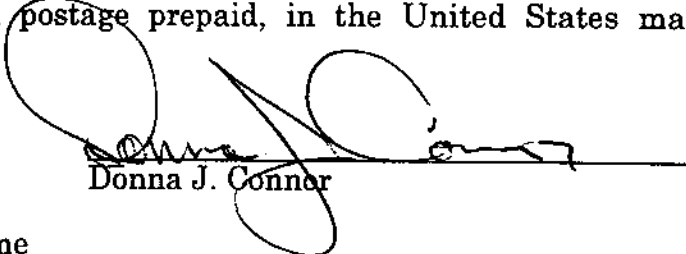
2. I am of legal age and on the 27th day of August, 2000, I served the attached NOTICE OF DISMISSAL OF DEFENDANT upon First Broadway Corp. by placing true and correct copies thereof in envelopes addressed as follows:

Erik G. Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

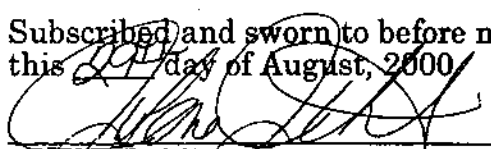
Erik G. Lips  
First Broadway Corp.  
510 North Mandan Street  
Bismarck, ND 58501-3748

First Broadway Corp.  
PO Box 775  
Bismarck, ND 58502-0775

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

  
Donna J. Connor

Subscribed and sworn to before me  
this 27th day of August, 2000.

  
Notary Public  
**JOLENE J. THIEL**  
Notary Public, State of North Dakota  
My Commission Expires APRIL 5, 2005  
STATE OF NORTH DAKOTA  
NOTARY PUBLIC SEAL

STATEMENT OF CONSENT TO SERVE AS REGISTERED AGENT

To the Secretary of State  
State of North Dakota

File No. 2562700

To be filed by Domestic and Foreign Business Corporations.  
File duplicate originals - (Two copies, both bearing original signatures.)  
Filing fee - \$10.00

\*\*\*\*\*

Complete this section if the registered agent is an individual.

I, ERIK G. LIPS, hereby accept the appointment to serve  
(Print legibly or type)  
in the capacity of registered agent for the corporation known as First Broadway Corporation

(Exact corporate name)

November 25, 19 91  
(Month, Day, & Year)

*Erik G. Lips*  
(Signature of registered agent)

\*\*\*\*\*

Complete this section if the registered agent is a corporation.

I, \_\_\_\_\_, being the \_\_\_\_\_ of  
(Print legibly or type) (Title)  
\_\_\_\_\_, hereby accept on behalf of  
(Exact corporate name)

\_\_\_\_\_, the appointment to serve in the  
(Exact corporate name)  
capacity of registered agent for the corporation known as \_\_\_\_\_

(Exact corporate name)

\_\_\_\_\_, 19\_\_\_\_\_  
(Month, Day, & Year)

(Exact corporate name of corporation acting as agent)

By \_\_\_\_\_

(Title)

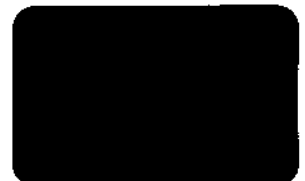
\*\*\*\*\*

This filing is pursuant to Sec. 10-19-1-18, Sec. 10-22-06, and Sec. 10-22-08, N.D.C.C.

Filing Date: 11-25, 19 91  
*Chris Kuster* By *EL*

Receipt No. \_\_\_\_\_

SFN 7974



Filing Fee - \$10.00

RECEIVED  
AUG 01 1996  
SEC. OF STATE

W/10 489029

ID No. 7,562,700

File No. 0 6L

Filed: 10/26/96 By BZ

STATEMENT OF CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT, OR BOTH

To the Secretary of State  
State of North Dakota

Pursuant to the provisions of Sections 10-19.1-16 or 10-22-09 of the North Dakota Business Corporation Act, or 10-24-09 or 10-27-09 of the North Dakota Nonprofit Corporation Act, or Sections 10-32-13 or 10-32-141 of the North Dakota Limited Liability Company Act, the undersigned corporation or limited liability company, organized under the laws of the State of North Dakota or authorized to do business in the State of North Dakota, submits the following statement for the purpose of changing its registered office or its registered agent, or both, in the State of North Dakota:

1. The name of the corporation or limited liability company is:

FIRST BROADWAY CORPORATION

2. The present address of record of the registered office is:

105 E BDWY #5 BISMARCK ND, 58501

3. The address of the new registered office is:

510 MANDAN ST., BISMARCK, ND 58501

(Complete street or rural address, city, state and zip code is required. A po box number may be added.)

Does this address also serve as the principal place of business? Yes ☒ No ☐

4. The present name of record as registered agent:

ERIK G LIPS

5. The name of successor registered agent is:

6. The address of its registered office and the address of the business office of its registered agent as changed will be identical.

7. Such change was authorized by resolution duly adopted by its board of directors.

The undersigned has read the foregoing and knows the contents thereof and verily believes the statements made therein to be true.

Dated: 7/30, 1996

Erik Lips PRES.-SEC.-TREAS.  
(Signature and Title)

ALVIN A JAEGER  
SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE  
BISMARCK ND 58505-0500  
(701) 328-2900



SECRETARY OF STATE

November 04, 1997

UCC/CNS (701) 328-3662  
ELECTIONS (701) 328-4148  
CORPORATIONS (701) 328-4284  
LICENSING (701) 328-3665  
FAX NO. (701) 328-2992

FIRST BROADWAY CORPORATION  
ERIK G LIPS  
510 N MANDAN ST  
BISMARCK, ND 58501-3748

RE: FIRST BROADWAY CORPORATION  
ID NO: 7562700

FILE NO: 0

Dear Registered Agent:

According to the records in this office, the subject corporation does not have its 1997 annual report filed with this office as required under state law. This could be for several reasons.

1. The filing of the annual report has inadvertently been overlooked by the corporation. The report was due in this office on or before August 1, 1997. (report forms were mailed to all corporations on June 4, 1997).
2. An annual report submitted earlier by the corporation was returned to the corporation for corrections and has not been returned to this office within the required time period.
3. A payment of the appropriate fees has not been made.
4. The annual report was recently mailed and postmarked on or before November 3, 1997, and we have not yet received it at the time of this mailing.
5. The records in this office are incorrect.

If it's number four, the \$60 penalty may not apply if the report is correctly submitted with the appropriate fee.

If it's number five, please accept our apologies and notify this office immediately so our records can be corrected accordingly.

However, if the report has not been filed, returned, or payment made, the law gives this office no choice but to place the corporation in a "Not Good Standing" status. The law allows this office to return the corporation to a "Good Standing" status, if the corporation does one of the following.

1. Submit its Annual Report with a filing fee of \$25.00 along with a late filing penalty fee of \$60.00 for a total of \$85.00.
2. Return the Corrected Annual Report with a \$60.00 late filing penalty.
3. Pay the filing fee of which you were previously notified along with a \$60.00 late filing penalty.

FIRST BROADWAY CORPORATION

Page 2

November 04, 1997

Unless one of the above is completed by August 1, 1998, N.D.C.C. Section 10-23-02.2 mandates this office to involuntarily dissolve the corporation. If the corporation is dissolved, it may also invalidate other North Dakota licenses or permits held by the Corporation.

This office is willing to answer any questions and provide whatever assistance possible. Therefore, please don't hesitate to contact the Business Division in writing or by calling 701-328-4284. If a new annual report form is needed, call the same number.

Sincerely,

A handwritten signature in cursive script that reads "Clara M. Jenkins".

Clara M. Jenkins, Director  
Business Information/Registration Division



ALVIN A. JAEGER  
SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE  
BISMARCK ND 58505-0500

E-MAIL [soe@pioneer.state.nd.us](mailto:soe@pioneer.state.nd.us)  
HOME PAGE <http://www.state.nd.us/sec>



SECRETARY OF STATE

August 11, 1998

BUSINESS DIVISION (701) 328-4284  
CENTRAL INDEXING DIVISION (701) 328-3882  
ELECTIONS DIVISION (701) 328-4148  
LICENSING DIVISION (701) 328-3665

GENERAL INFORMATION (701) 328-2900  
ND TOLL FREE 1-800-352-0667  
FAX (701) 328-2992

FIRST BROADWAY CORPORATION  
ERIK G LIPS  
510 N MANDAN ST  
BISMARCK, ND 58501-3748

RE: FIRST BROADWAY CORPORATION  
ID#: 7,562,700

File #0

Dear Registered Agent,

Per the requirements placed on this office by North Dakota Century Code, Section 10-19.1-146, the above referenced corporation was involuntarily dissolved and ceased to exist as of August 3, 1998. The dissolution occurred because the corporation failed to file the annual report which was due August 01, 1997.

By law, a corporation is to be involuntarily dissolved and ceases to exist if it fails to file its annual report, along with the appropriate filing and penalty fees, within one year after the due date for its annual report. The law instructs the Secretary of State to note the dissolution of the corporation on the records on file in this office, and give notice of such action to the dissolved corporation.

In order to reinstate the corporation, the past-due annual report together with a \$25 report filing fee, a \$60 late filing penalty, and \$135 reinstatement fee must be filed within one year following this involuntary dissolution. Thereafter, new articles of incorporation must be filed to reinstate the corporation.

If there are any questions regarding this notice of involuntary dissolution, please contact the Business Information/Registration Division at 701-328-4284. If annual report forms are needed to reinstate the corporation, or blank forms to reestablish the corporate structure, you may direct your request to the above address or call 701-328-4284.

Sincerely,

Clara M. Jenkins, Director  
Business Information/Registration Division

NORTH DAKOTA INDUSTRIAL COMMISSION

**OIL AND GAS DIVISION**

9075

Lynn D. Helms  
DIRECTOR

F.E. Wilborn  
ASSISTANT DIRECTOR

September 25, 1998


Mr. Eric Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

RE: Walton #6-1  
NE NE Sec. 6-139N-96W  
Well File No. 9075

Dear Mr. Lips:

During recent inspections of the above referenced well I have noted an oily mess in the flare pit. Please clean the flare pit as soon as possible. If you have any questions, feel free to contact our office.

Sincerely,

  
Kent Fetzer  
Field Inspector

KAF/kl

cc: Mark Bohrer



DATE: 10/25/99

NORTH DAKOTA STATE INDUSTRIAL COMMISSION  
OIL & GAS DIVISION

PAGE: 1

FILE-NO: 9075 WELL-NAME: WALTON #6-1 NE NE 06-139-096 0600' FNL 0600' FEL  
 API-NO: 33-089-00258 OPERATOR: FIRST BROADWAY CORPORATION  
 TOTAL DEPTH: 7860 PERFORATION INTERVAL: 7816-7832 COMPLETED: 02-24-1982 STATUS: SI  
 SPACING UNIT: NE IP-OIL: 13 IP-GRAVITY: 34.0 IP-CHOKE: IP-WATER: 74 SPUD-DATE: 10-03-1981 ELEV: 2503 K.B.  
 FIELD: DICKINSON POOL: TYLER CUM-OIL: 61784 CUM-WATER: 152180 CUM-GAS-SOLD: 0

DATE	OIL	WATER	DAYS	RUNS-LU	MCF-PROD	MCF-SOLD	LU-MCF	FLARE-MCF	GOR	BHP
01-1979	0	0	0	0	0	0	0	0		
1979	0	0	0	0	0	0	0	0		
02-1982	55	1355	13	0	0	0	0	0		
03-1982	73	1651	31	0	0	0	0	0		
04-1982	68	1078	22	0	0	0	0	0		
05-1982	17	1435	31	0	0	0	0	0		
06-1982	42	1243	30	0	0	0	0	0		
07-1982	47	1230	31	239	0	0	0	0		
08-1982	38	1169	30	0	0	0	0	0		
09-1982	32	1014	29	0	0	0	0	0		
10-1982	31	1008	28	0	0	0	0	0		
11-1982	81	1139	25	0	0	0	0	0		
12-1982	0	1064	16	229	0	0	0	0		
1982	484	13386	286	468	0	0	0	0		
01-1983	20	1239	31	0	0	0	0	0		
02-1983	32	1069	28	0	0	0	0	0		
03-1983	23	949	31	0	0	0	0	0		
04-1983	25	891	30	0	0	0	0	0		
05-1983	39	1157	31	0	0	0	0	0		
06-1983	58	1374	30	0	0	0	0	0		
07-1983	48	997	26	0	0	0	0	0		
08-1983	110	1274	31	243	0	0	0	0		
09-1983	208	976	30	248	0	0	0	0		
10-1983	263	947	31	232	0	0	0	0		
11-1983	272	784	30	236	0	0	0	0		
12-1983	292	683	31	211	0	0	0	0		
1983	1390	12340	360	1170	0	0	0	0		
01-1984	345	674	31	478	0	0	0	0		
02-1984	350	542	29	243	0	0	0	0		
03-1984	351	582	31	241	0	0	0	0		
04-1984	318	479	30	492	0	0	0	0		
05-1984	381	580	31	244	0	0	0	0		
06-1984	369	546	28	472	0	0	0	0		
07-1984	212	444	15	232	0	0	0	0		
08-1984	384	550	31	246	0	0	0	0		
09-1984	341	484	30	605	0	0	0	0		
10-1984	396	507	31	219	0	0	0	0		
11-1984	375	497	30	413	0	0	0	0		
12-1984	366	431	31	393	0	0	0	0		
1984	4188	6316	348	4278	0	0	0	0		
01-1985	339	440	31	389	0	0	0	0		
02-1985	308	385	28	203	0	0	0	0		
03-1985	389	453	31	392	0	0	0	0		
04-1985	322	459	30	377	0	0	0	0		
05-1985	382	489	31	390	0	0	0	0		
06-1985	338	484	30	207	0	0	0	0		
07-1985	379	481	31	422	0	0	0	0		
08-1985	365	481	31	400	0	0	0	0		
09-1985	288	440	30	387	0	0	0	0		
10-1985	231	499	31	233	0	0	0	0		
11-1985	295	467	30	208	0	0	0	0		
12-1985	400	525	31	391	0	0	0	0		
1985	4036	5603	365	3999	0	0	0	0		
01-1986	485	494	31	451	0	0	0	0		
02-1986	502	467	28	607	0	0	0	0		
03-1986	558	486	31	570	0	0	0	0		
04-1986	573	491	30	516	0	0	0	0		
05-1986	577	490	31	579	0	0	0	0		
06-1986	537	472	30	370	0	0	0	0		
07-1986	536	522	31	795	0	0	0	0		

08-1986	585	559	31	410	0	0	0	0		
09-1986	482	555	30	620	0	0	0	0		
10-1986	515	518	30	415	0	0	0	0		
11-1986	479	555	30	404	0	0	0	0		
12-1986	428	519	31	585	0	0	0	0		
1986	6257	6128	364	6322	0	0	0	0		
01-1987	398	525	30	407	0	0	0	0		
02-1987	351	510	28	377	0	0	0	0		
03-1987	395	557	31	408	0	0	0	0		
04-1987	391	519	30	331	0	0	0	0		
05-1987	372	545	31	407	0	0	0	0		
06-1987	371	526	30	408	0	0	0	0		
07-1987	418	587	31	356	0	0	0	0		
08-1987	455	567	31	410	0	0	0	0		
09-1987	425	560	30	392	0	0	0	0		
10-1987	396	548	31	389	0	0	0	0		
11-1987	335	497	28	377	0	0	0	0		
12-1987	310	516	31	385	0	0	0	0		
1987	4617	6457	362	4647	0	0	0	0		
01-1988	291	527	31	193	0	0	0	0		
02-1988	234	489	29	375	0	0	0	0		
03-1988	240	474	31	184	0	0	0	0		
04-1988	208	426	30	183	0	0	0	0		
05-1988	269	471	31	175	0	0	0	0		
06-1988	303	471	30	365	0	0	0	0		
07-1988	359	472	31	396	0	0	0	0		
08-1988	325	519	31	380	0	0	0	0		
09-1988	276	428	23	181	0	0	0	0		
10-1988	388	564	31	363	0	0	0	0		
11-1988	364	491	30	389	0	0	0	0		
12-1988	335	532	31	384	0	0	0	0		
1988	3592	5864	359	3568	0	0	0	0		
01-1989	352	523	31	407	0	0	0	0		
02-1989	171	258	14	0	0	0	0	0		
03-1989	226	583	27	394	0	0	0	0		
04-1989	332	614	30	204	0	0	0	0		
05-1989	310	566	28	353	0	0	0	0		
06-1989	338	586	30	201	0	0	0	0		
07-1989	284	595	31	398	0	0	0	0		
08-1989	281	568	31	203	0	0	0	0		
09-1989	278	549	30	401	0	0	0	0		
10-1989	291	570	31	201	0	0	0	0		
11-1989	238	507	30	383	0	0	0	0		
12-1989	218	487	27	183	0	0	0	0		
1989	3319	6406	340	3328	0	0	0	0		
01-1990	266	534	29	193	0	0	0	0		
02-1990	100	300	10	0	0	0	0	0		
03-1990	255	690	31	208	0	0	0	0		
04-1990	304	597	30	394	0	0	0	0		
05-1990	351	617	31	465	0	0	0	0		
06-1990	328	596	30	228	0	0	0	0		
07-1990	225	356	20	350	0	0	0	0		
08-1990	251	570	29	242	0	0	0	0		
09-1990	538	670	30	373	0	0	0	0		
10-1990	576	735	31	660	0	0	0	0		
11-1990	506	674	30	436	0	0	0	0		
12-1990	327	487	20	441	0	0	0	0		
1990	4027	6826	321	3990	0	0	0	0		
01-1991	314	686	18	413	0	0	0	0		
02-1991	472	672	28	457	0	0	0	0		
03-1991	474	706	31	244	0	0	0	0		
04-1991	426	700	30	661	0	0	0	0		
05-1991	432	595	31	222	0	0	0	0		
06-1991	404	643	30	415	0	0	0	0		
07-1991	374	657	29	456	0	0	0	0		
08-1991	371	685	31	435	0	0	0	0		
09-1991	381	662	30	221	0	0	0	0		
10-1991	357	628	29	448	0	0	0	0		

**PAGE: 3**

11-1991	347	639	30	429	0	0	0	0		
12-1991	379	748	31	221	0	0	0	0		
1991	4731	8021	348	4622	0	0	0	0		
01-1992	307	638	31	427	0	0	0	0		
02-1992	235	563	29	230	0	0	0	0		
03-1992	220	559	29	226	0	0	0	0		
04-1992	207	530	30	235	0	0	0	0		139
05-1992	211	536	31	235	0	0	0	0		
06-1992	212	523	29	244	0	0	0	0		
07-1992	249	595	31	0	0	0	0	0		
08-1992	255	577	31	240	0	0	0	0		
09-1992	241	586	30	465	0	0	0	0		
10-1992	280	606	31	241	0	0	0	0		
11-1992	281	624	29	238	0	0	0	0		
12-1992	238	571	28	231	0	0	0	0		
1992	2936	6908	359	3012	0	0	0	0		
01-1993	266	628	29	218	0	0	0	0		
02-1993	249	576	28	219	0	0	0	0		
03-1993	306	707	31	463	0	0	0	0		
04-1993	303	663	30	364	0	0	0	0		
05-1993	274	686	30	234	0	0	0	0		
06-1993	343	671	30	232	0	0	0	0		
07-1993	312	696	31	448	0	0	0	0		
08-1993	307	657	30	242	0	0	0	0		
09-1993	291	587	30	236	0	0	0	0		
10-1993	296	718	30	245	0	0	0	0		
11-1993	318	610	26	236	0	0	0	0		
12-1993	513	917	31	711	0	0	0	0		
1993	3778	8116	356	3848	0	0	0	0		
01-1994	556	904	30	456	0	0	0	0		
02-1994	463	825	27	483	0	0	0	0		
03-1994	452	865	31	462	0	0	0	0		
04-1994	441	814	30	481	0	0	0	0		
05-1994	521	976	31	455	0	0	0	0		
06-1994	441	885	30	447	0	0	0	0		
07-1994	291	671	25	448	0	0	0	0		
08-1994	118	504	15	0	0	0	0	0		
09-1994	301	686	30	411	0	0	0	0		
10-1994	407	876	31	415	0	0	0	0		
11-1994	515	1003	30	423	0	0	0	0		
12-1994	575	1106	31	642	0	0	0	0		
1994	5081	10115	341	5123	0	0	0	0		
01-1995	601	1111	31	426	0	0	0	0		
02-1995	494	1001	26	636	0	0	0	0		
03-1995	612	1235	31	433	0	0	0	0		
04-1995	579	1228	30	644	0	0	0	0		
05-1995	585	1911	31	646	0	0	0	0		
06-1995	569	1289	30	656	0	0	0	0		
07-1995	594	1272	31	432	0	0	0	0		
08-1995	593	1336	28	653	0	0	0	0		
09-1995	595	1417	30	645	0	0	0	0		
10-1995	590	2196	31	630	0	0	0	0		
11-1995	559	1555	30	441	0	0	0	0		
12-1995	555	2100	31	660	0	0	0	0		
1995	6926	17651	360	6902	0	0	0	0		
01-1996	550	1607	31	433	0	0	0	0		
02-1996	487	1656	29	607	0	0	0	0		
03-1996	471	1485	31	425	0	0	0	0		
04-1996	350	1326	30	218	0	0	0	0		
05-1996	123	856	26	226	0	0	0	0		
06-1996	122	860	30	209	0	0	0	0		
07-1996	173	1100	31	188	0	0	0	0		
08-1996	173	1068	31	0	0	0	0	0		
09-1996	102	547	20	223	0	0	0	0		
10-1996	0	0	0	0	0	0	0	0		
11-1996	22	779	20	0	0	0	0	0		
12-1996	0	0	0	0	0	0	0	0		

DATE: 10/25/99

PAGE: 4

1996	2573	11284	279	2529	0	0	0	0		
01-1997	0	1078	18	0	0	0	0	0		
02-1997	101	1242	28	0	0	0	0	0		
03-1997	232	934	26	217	0	0	0	0		
04-1997	261	1374	28	431	0	0	0	0		
05-1997	323	1469	31	231	0	0	0	0		
06-1997	312	1480	30	227	0	0	0	0		
07-1997	328	1463	31	491	0	0	0	0		
08-1997	332	1518	31	251	0	0	0	0		
09-1997	319	1476	30	250	0	0	0	0		
10-1997	325	1560	31	439	0	0	0	0		
11-1997	326	1522	30	232	0	0	0	0		
12-1997	317	1539	31	477	0	0	0	0		
1997	3176	16655	345	3246	0	0	0	0		
01-1998	326	1646	29	235	0	0	0	0		
02-1998	290	1453	27	245	0	0	0	0		
03-1998	0	0	0	0	0	0	0	0		
04-1998	57	1005	13	233	0	0	0	0		
1998	673	4104	69	713	0	0	0	0		

NORTH DAKOTA INDUSTRIAL COMMISSION

**OIL AND GAS DIVISION**

9075

Lynn D. Helms  
DIRECTOR

<http://explorer.ndic.state.nd.us>

F.E. Wilborn  
ASSISTANT DIRECTOR

March 18, 1999

Mr. Eric Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

RE: Walton #6-1  
NE NE Sec. 6-139N-96W .  
Stark County, Dickinson Field  
Well File No. 9075

Dear Mr. Lips:

According to our records, the above referenced well has been shut in since April 1998, and is in violation of Section 43-02-03-55 of the North Dakota Administrative Code (Abandonment of Wells - Suspension of Drilling). Under this rule, removal of production equipment or failure to produce oil or gas for one year constitutes abandonment of a well, and the well must be plugged and the site reclaimed.

The requirement to plug the well may be waived by the Oil and Gas Division under certain circumstances. You may apply for a temporary abandoned status if the well is to be retained for purposes related to the production of oil and gas. In this case, the well perforations must be isolated and casing integrity proven in the presence of an Oil and Gas Division representative. After isolating the perforations and proving the casing integrity, a sundry notice (form 4) must be filed stating the future intended use for the well and requesting approval of temporary abandoned status.

Alternatively, if the well was shut in after December, 1997, the well may qualify for an extended shut-in status beyond the normal one year period. Extending the shut-in period is intended to allow operators relief from plugging wells that are currently uneconomic, but which will become economic again with a recovery in crude prices. To apply for extended shut-in status, a sundry notice must be filed for approval. The notice must include the following:

- 1). The date the well was shut in and the reason for the shut in.
- 2). A well bore schematic reflecting current well bore equipment and conditions.
- 3). An inventory of fluid volumes which will remain in storage on the lease and an estimation of the tank dike capacity.
- 4). Information on how frequently the site will be checked by a company representative. A minimum of once per month is suggested.

Mr. Eric Lips  
March 18, 1999  
Page 2

At this time we would ask that you file for approval a sundry notice (form 4) stating one of the three above mentioned alternatives. Upon receipt of approval, proceed with diligence to perform the work.

Questions regarding qualifying for an extended shut-in status should be directed to Glenn Wollan or Mark Bohrer in our Bismarck office.

Sincerely,

*Richard W. Hutchens*  
Richard W. Hutchens  
Field Inspector

EVH/kl .

cc: Glenn Wollan



NORTH DAKOTA INDUSTRIAL COMMISSION

# OIL AND GAS DIVISION

Lynn D. Helms  
DIRECTOR

<http://explorer.ndic.state.nd.us>

F.E. Wilborn  
ASSISTANT DIRECTOR

April 22, 1999

Mr. Eric Lips  
First Broadway Corp.  
1106 Westwood St.  
Bismarck, ND 58504

RE: Walton #6-1  
NE NE Sec. 6-139N-96W  
Stark County, ND  
Well File No. 9075

Dear Mr. Lips:

Upon recent inspection of the above mentioned site, I noted that the mess in the flare pit was still there. Enclosed is a copy of a letter sent to you by our office, dated September 25, 1998. To date we have not had any response to the letter, and the oil remains.

Please clean up the oil and dispose of it properly. Your attention to this matter will be appreciated. If the mess is not cleaned up by May 15, 1999, we will file a complaint with the Industrial Commission. If you have any questions, feel free to call.

Sincerely,

*Richard W. Hutchens/k1*  
Richard W. Hutchens  
Field Inspector

RWH/k1

CERTIFIED MAIL - Z 046 314 909

cc: Glenn Wollan

Enclosure



OFFICE OF ATTORNEY GENERAL  
STATE OF NORTH DAKOTA

FILE

May 28, 1999

Heidi Heitkamp  
ATTORNEY GENERAL

Eric Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

CAPITOL TOWER  
State Capitol  
600 E. Boulevard Ave.  
Dept. 125  
Bismarck, ND 58505-0040  
701-328-2210  
701-328-3409 (TDD)  
FAX 701-328-2226

Re: Walton #6-1 Well  
NE NE Sec. 6-139N-96W  
Stark County, ND  
Well File No. 9075

Consumer Protection  
and Antitrust Division  
701-328-3404  
800-472-2600  
Toll Free in North Dakota  
FAX 701-328-3535

Gaming Division  
701-328-4848  
FAX 701-328-3535

Licensing Section  
701-328-2329  
FAX 701-328-3535

CAPITOL COMPLEX  
State Office Building  
900 E. Boulevard Ave.  
Bismarck, ND 58505-0041  
FAX 701-328-4300

Civil Litigation  
701-328-3640

Natural Resources  
701-328-3640

Racing Commission  
701-328-4290

Bureau of Criminal  
Investigation  
P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5500  
800-472-2185  
Toll Free in North Dakota  
FAX 701-328-5510

Fire Marshal  
P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5555  
FAX 701-328-5510


Fargo Office  
P.O. Box 2665  
Fargo, ND 58108-2665  
701-239-7126  
FAX 701-239-7129

Dear Mr. Lips:

The Walton #6-1 Well, located in Section 6 of Township 139 North, Range 96 West, has had an oil spill contained in the flaring pit since September 1998. Consequently, as operator of the well, you appear to be in violation of N.D. Admin. Code § 43-02-03-49. This law requires that oil must not be stored or retained in earthen reservoirs or in open receptacles. Accidentally discharged oil must be properly removed and may not be allowed to remain standing within the diked area. The Oil & Gas Division has repeatedly asked you to remove this oil spill. Nothing has been done.

You must immediately contact Glenn Wollan of the Oil & Gas Division and make acceptable arrangements to rectify this spill. You were also notified by letter dated March 18, 1999, that the well must be plugged and site reclaimed. You were further advised that the requirement to plug the well may be waived by the Oil & Gas Division under certain circumstances. Be advised that if you fail to properly plug and reclaim the well, the Industrial Commission will consider your failure an "event of forfeiture" under your bond agreement. The Commission will then itself plug and reclaim the well and will use the bond to pay all its direct and indirect plugging and reclamation costs.

Sincerely,

  
Paul C. Germolus  
Assistant Attorney General  
Office of Attorney General  
900 East Boulevard Avenue  
Bismarck, ND 58505-0041  
Telephone (701) 328-3640  
Facsimile (701) 328-4300

It  
cc: Glenn Wollan, Oil & Gas Division  
Jack Wilborn, Oil & Gas Division

**First Broadway Corp. - Walton #6-1**  
**NE NE 6-139-96**  
**Stark County N.D.**  
**File #9075**

**Evaluation of plug and abandonment costs and associated reclamation costs.**

The site is 3/4 mile west of the city of Dickinson, in the Dickinson Field. Site has pumping unit (CMI 320-305-120, serial #507-S3019) with 50 HP electric motor (serial # 10749636) and cement pad. There are rods in the hole and 2 7/8 tubing(7816 ft), an upright treater, two 400 bbl steel tanks (one is insulated), and above ground lines and recycle pump fully insulated. The location is on a cut and fill site with approximately 12 feet of fill to move. The lease road is .9 mile long, of which .8 mile is unimproved road on the section line and no cost to reclaim. The topsoil is stockpiled and appears adequate to reclaim the site. One third of the site would be seeded to pasture and the rest seeded to alfalfa. There will need to be water bars installed. There is an oil spill (less than 2 barrels) in the 8 ft X 10 ft flare pit.

**Well Data:**

TD: 7860'

Perfs: 7816'-7832'

8 5/8 in. casing set at 2019' KB

5 1/2 in. casing set to 7853' and cemented with 690 sacks

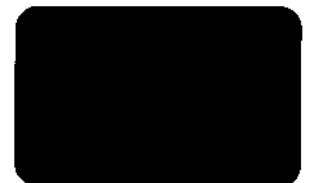
No cement bond log was run.

**Estimated Costs:**

Plugging costs	\$16,000
Reclamation costs	\$ 7,500
General clean up	\$ 1,000
Tank clean up	\$ 2,000
Two 55 gal. drums of chemical	\$ ???
<b>Total Cost</b>	<b>\$26,500 + cost of cleanup on chemical</b>

**Site Revenues:**

CMI Torquemaster 320-305-120	\$ 5,000 (with pad & motor)
7600' rods	\$ 1,500 (junk price)
7800' of 2 7/8 tubing	\$ 3,900 (junk price)
<b>Total Site Revenues</b>	<b>\$10,400 (If a farmer will take tanks and pumping unit is in working condition)</b>



NORTH DAKOTA INDUSTRIAL COMMISSION

# OIL AND GAS DIVISION

Lynn D. Helms  
Director

<http://explorer.ndic.state.nd.us>

Bruce E. Hicks  
Assistant Director

September 15, 1999

Ms. Nancy Glass  
Trust Department Manager  
Bank of North Dakota  
700 East Main Avenue  
P. O. Box 5509  
Bismarck, ND 58506-5509

RE: Certification of an Event of Forfeiture  
Cash Bond #F602

Dear Ms. Glass:

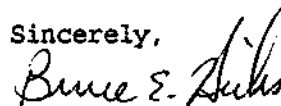
As provided by law, First Broadway Corp. deposited a cash bond in the Bank of North Dakota (Bank) for the purpose of operating the Walton #6-1 well, located in the NE NE Section 6, T139N, R96W, Stark County, North Dakota. The bond is conditioned on the principal, First Broadway Corp., fully complying with Chapter 38-08 NDCC and rules of the Industrial Commission (Commission). Obligee of the bond is the Commission.

The well has not produced since April, 1998. Pursuant to NDAC 43-02-03-55 of the NDAC, the failure to produce oil or gas for one year constitutes abandonment of the well. An abandoned well must be plugged and its site must be reclaimed pursuant to NDAC 43-02-03-34 and 43-02-03-19. The Commission has directed First Broadway Corp. to properly plug the well as required by Commission rules, but First Broadway Corp. has failed to comply.

The Commission has estimated the minimum plugging and reclamation costs at \$25,500. Cash Bond #F602, in the amount of \$15,000 will not cover these costs, therefor, it is requested that the Bank transfer the entire amount to the cash bond fund.

If you have any questions or comments, do not hesitate to contact this office.

Sincerely,



Bruce E. Hicks  
Assistant Director

cc: Erik Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

NORTH DAKOTA INDUSTRIAL COMMISSION

# OIL AND GAS DIVISION

Lynn D. Helms  
Director

<http://explorer.ndic.state.nd.us>

Bruce E. Hicks  
Assistant Director

## CERTIFICATION OF AN EVENT OF FORFEITURE

The undersigned, as an Authorized Officer (this capitalized term and all other capitalized terms used herein shall be given the same meaning as they are given in the Escrow Agreement dated as of July 15, 1999, between The Bank of North Dakota and the Industrial Commission of North Dakota and the Deposit Agreement between The Bank of North Dakota as agent for the Commission and the Depositor named below as of the date specified below) of the Commission, does hereby certify the following:

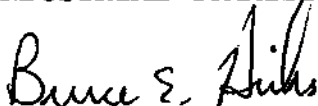
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The well has not produced since April, 1998. Pursuant to NDAC 43-02-03-55 of the NDAC, the failure to produce oil or gas for one year constitutes abandonment of the well. An abandoned well must be plugged and its site must be reclaimed pursuant to NDAC 43-02-03-34 and 43-02-03-19. The Commission has directed First Broadway Corp. to properly plug the well as required by Commission rules, but First Broadway Corp. has failed to comply.

The Commission has estimated the minimum plugging and reclamation costs at \$25,500. Cash Bond #F602, in the amount of \$15,000 will not cover these costs, therefore, it is requested that the Bank transfer the entire amount to the cash bond fund.

Dated this 15<sup>th</sup> day of September, 1999.

INDUSTRIAL COMMISSION OF NORTH DAKOTA



By Bruce E. Hicks  
Authorized Officer of the  
Industrial Commission

**BND**BANK OF NORTH DAKOTA  
700 EAST MAIN AVENUE, P.O. BOX 1808  
BISMARCK, NORTH DAKOTA 58502-0808

128240

REMITTER

77-28/913

~~FIRST BROADWAY CORP TRUST DEPT L~~

SEP/DANE 1999

PAY TO THE  
ORDER OF

FIFTEEN THOUSAND TWO HUNDRED THIRTY DOLLARS AND 61 CENTS

OIL AND GAS DIVISION  
STATE CAPITOL  
BISMARCK ND

BANK OF

NORTH DAKOTA

**1523061** CTS/CTS**CASHIER'S CHECK***Donna Frey*  
*Dele Leingang*  
RETAL DEPARTMENT  
SVP AND CASHIER

⑈ 128240 ⑈ ⑆091300285⑆ 05⑈ 18⑈ 619⑈

BANK OF NORTH DAKOTA  
BISMARCK, ND 58502  
SPN 18539DDA  
SAVINGS

44-03-536

(NO CENTER)

GENERAL  
LEDGER

Account Number

Center

**CREDIT**

Account Name

Industrial Commission,  
Oil and Gas Division, CBFAFA

Date

September 16, 1999

Transaction Description (maximum of 10 characters)

The Remaining Space is Available For A More Detailed Description

Amount

Deposit from First Broadway  
Mat of CD - 15,000.00  
Int on CD - 230.61

Approved By (Signature)

L Leingang

Tran Code  
50

Total

\$ 15,230.61

⑆091300285⑆

N 80914E

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

10	DATE	11	NEWSPAPER REFERENCE	12	13	14	DESCRIPTION - OTHER COMMENTS/CHARGES	15	16	SAU SIZE BILLED UNITS	17	18	TIMES RUN RATE	19	GROSS AMOUNT	20	NET AMOUNT
10-07		01152472	BT				NOTICE OF PUBLICATIO CLASS CODE - 0132 CH29			249L			.50 <sup>1</sup>		124.50		124.50

1686  
CC 2/100  
669.2440  
10-18-99  
\$124.50  
#13632

OK



PAID

**AFFIDAVIT OF PUBLICATION**

STATE OF NORTH DAKOTA } ss  
County of Burleigh

BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED D. Bot WHO  
BEING DULY SWORN, DEPOSES AND SAYS THAT HE(SHE) IS THE CLERK OF THE BISMARCK TRIBUNE COMPANY,  
THAT THE ABOVE PUBLICATIONS Notice of Publication WERE MADE THROUGH THE AFORESAID NEWSPAPER  
AT THE DATES SHOWN 10/17/99 SIGNED D. Bot  
SWORN AND SUBSCRIBED TO BEFORE ME THIS 15th DAY OF October 1999

Notary Public in and for the State of North Dakota, Residing at Bismarck

**STATEMENT OF ACCOUNT** AGING OF PAST DUE AMOUNTS

21	CURRENT NET AMOUNT DUE	22	30 DAYS	60 DAYS	OVER 90 DAYS	*UNAPPLIED AMOUNT	23	TOTAL AMOUNT DUE
								124.50

**THE BISMARCK TRIBUNE**

P.O. BOX 5516 BISMARCK, NORTH DAKOTA 58506-5516  
701-223-2500 IN STATE 800-472-2273 FAX 701-223-4240

LEGAL PUBLICATIONS

ADVERTISER INFORMATION			
24	25	6	7
BILLING PERIOD	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
1152472 10/12/99	115247-2	115247-2	OIL AND GAS DIVISION



OK

**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 October 27, 1999, 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 701-328-3722 by October 13, 1999.

**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. 7289: ON A MOTION OF THE COMMISSION TO CONSIDER

THE APPLICATION OF BURLINGTON RESOURCES OIL & GAS CO. FOR AN ORDER PURSUANT TO SECTION 43-02-03-88.1 OF THE NORTH DAKOTA ADMINISTRATIVE CODE FOR THE CONVERSION TO INJECTION INTO THE WEST ROUGH RIDER-MADISON UNIT IN THE WRRMU #4-32 WELL, LOCATED IN THE NW/4 SE/4 OF SECTION 32, T.145N., R.101W., MCKENZIE COUNTY, NORTH DAKOTA. CASE NO. 7290: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF PANTHER CREEK RESOURCES, LLC FOR AN ORDER PURSUANT TO SECTION 43-02-03-88.1 OF THE NORTH DAKOTA ADMINISTRATIVE CODE FOR THE CONVERSION TO SALTYWATER DISPOSAL INTO THE DAKOTA FORMATION IN THE GEORGE WOLLAN #44-14 WELL, LOCATED IN THE SE/4 SE/4 OF SECTION 14, T.152N., R.96W., UNION CENTER FIELD, MCKENZIE COUNTY, NORTH DAKOTA. CASE NO. 7291: ON A MOTION OF THE COMMISSION

TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE MCGREGOR-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 AND S/2 OF SECTION 16, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS FOR THE N/2 AND S/2 OF SAID SECTION 16 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7292: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE MCGREGOR-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 OF SECTION 21, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE N/2 OF SAID SECTION 21 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7293: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 AND S/2 OF SECTION 7, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS CONSISTING OF THE N/2 AND S/2 OF SAID SECTION 7 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE.

**CASE NO. 7294:** ON A

MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE S/2 OF SECTION 6, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE S/2 OF SAID SECTION 6 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7295: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 AND E/2 OF SECTION 25, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS FOR THE W/2 AND E/2 OF SAID SECTION 25 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7296: ON A

MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 OF SECTION 18, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE N/2 OF SAID SECTION 18 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7297: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 OF SECTION 24, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE W/2 OF SAID SECTION 24 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7298: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 OF SECTION 36, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE W/2 OF SAID SECTION 36 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE

COMMISSION DEEMS APPROPRIATE. CASE NO. 7299: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER CERTIFYING THE BEAR CREEK-DUPEROW UNIT LOCATED IN DUNN COUNTY, NORTH DAKOTA AS A "QUALIFYING SECONDARY RECOVERY PROJECT" FOR THE PURPOSE OF ACQUIRING THE TAX EXEMPTIONS AND/OR REDUCTIONS PROVIDED BY NORTH DAKOTA CENTURY CODE CHAPTER 57-51.1 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.

CASE NO. 7300: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF AMERADA HESS CORPORATION FOR AN ORDER AMENDING THE FIELD RULES FOR THE BLUE BUTTES-RED RIVER POOL SO AS TO INCLUDE ALL OF SECTION 17, T.150N., R.95W., MCKENZIE COUNTY, NORTH DAKOTA, WITHIN ZONE II, FOR WHICH SPACING HAS BEEN ESTABLISHED ON THE BASIS OF ONE HORIZONTAL WELL PER 640 ACRES WITH A SETBACK OF 660 FEET FROM A SPACING UNIT LINE, OR FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7301: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF AVIARA ENERGY CORPORATION FOR AN ORDER EITHER ALLOWING A SECOND WELL TO BE COMPLETED IN A SPACING UNIT FOR THE INDIAN HILL-STONEWALL POOL DESCRIBED AS THE W/2 OF SECTION 28, T.153N., R.101W., MCKENZIE COUNTY, NORTH DAKOTA OR ALTERNATIVELY ESTABLISHING A ZONE OF 160-ACRE SPACING CONSISTING OF THE W/2 OF SAID SECTION 28, WITH THE SW/4 AND THE NW/4 OF SAID SECTION 28 EACH DESIGNATED AS A SPACING UNIT FOR THE INDIAN HILL-STONEWALL POOL; ALLOWING OIL AND GAS PRODUCED FROM THE INDIAN HILL-RED RIVER POOL AND THE INDIAN HILL-STONEWALL POOL TO BE COMMINGLED IN THE WELL BORE OF THE REHAB #28-1 WELL, LOCATED IN THE NW/4 OF SAID SECTION 28 AND THE ELK #28-1 WELL, LOCATED IN THE SW/4 OF SAID SECTION 28; AND FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7302: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BURLINGTON RESOURCES OIL & GAS COMPANY FOR AN ORDER ESTABLISHING A ZONE OF 160-ACRE SPACING FOR THE BEAVER CREEK-RED RIVER AND THE BEAVER CREEK-BIRDBEAR POOLS CONSISTING OF THE SE/4 OF SECTION 22, T.143N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, OR FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7286: ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NORTH DAKOTA CENTURY CODE SECTION 38-08-04.9, OF ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED #6-1 WALTON WELL OWNED BY THE OPERATOR OF RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL BEING LOCATED IN THE NE/4 NE/4 OF SECTION 6, T.139N., R.96W., DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.

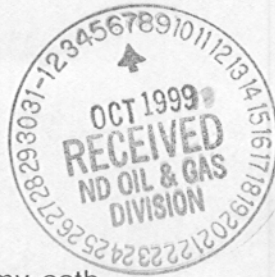
Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
10/7-115247

PAID



# Affidavit of Publication

THE DICKINSON PRESS  
Dickinson, North Dakota



OK 4383  
cc 2100  
86 2440  
10.13.99  
25.01  
13615

STATE OF NORTH DAKOTA )  
County of Stark ) ss

I, Belle L. Krank being first duly sworn, on my oath, say that I am the bookkeeper of The Dickinson Press, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and that the advertisement headed:

Case NO. 7286

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 for 1 consecutive weeks, commencing on the 6th day of October A.D. 19 99, and ending on the 6th day of October A.D. 19 99, both inclusive.

Straight Matter Lines	<u>41</u>	<u>                    </u> , 19 <u>          </u>
First Time Line Rate	<u>.61</u>	<u>October 6</u> , 19 <u>99</u>
Subsequent Line Rates	<u>.61</u>	<u>                    </u> , 19 <u>          </u>
Column Inches	<u>          </u>	<u>                    </u> , 19 <u>          </u>
First Time Inch Rate	<u>5.00</u>	<u>                    </u> , 19 <u>          </u>
Subsequent Inch Rate	<u>5.00</u>	<u>                    </u> , 19 <u>          </u>

Total Cost Of Legal \$ 25.01

Belle L. Krank

Subscribed and sworn to before me this 6th day of October A.D. 19 99.

(Seal) Marilyn Wanner  
Notary Public, State of North Dakota

My Commission Expires            **MARILYN WANNER**  
Notary Public, STARK COUNTY, N. DAK.  
My Commission Expires APRIL 26, 2000

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

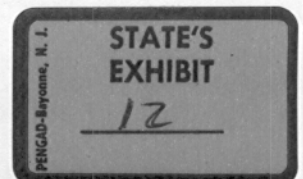
The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on October 27, 1999, Pioneer Room, State Capitol, Bismarck, North Dakota. For the 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 701-328-3722 by October 13, 1999.

### 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. 7286; ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NORTH DAKOTA CENTURY CODE SECTION 38-08-04.9, OF ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED #6-1 WALTON WELL OWNED BY THE OPERATOR OF RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL BEING LOCATED IN THE NE/4 NE/4 OF SECTION 6, T.139N., R.96W., DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.**

Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
(Published October 6, 1999)

PAID



NORTH DAKOTA INDUSTRIAL COMMISSION

# OIL AND GAS DIVISION

Lynn D. Helms  
Director

<http://explorer.ndic.state.nd.us>

Bruce E. Hicks  
Assistant Director

September 15, 1999

Mr. Erik Lips  
First Broadway Corp.  
1106 Westwood Street  
Bismarck, ND 58504

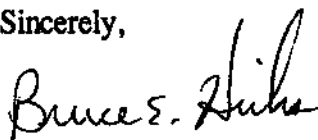
RE: Walton #6-1  
NE NE Sec. 6-139N-96W  
Stark County, North Dakota  
Well File No. 9075

Dear Mr. Lips:

Please be advised of the enclosed notice of hearing called on a motion of the Industrial Commission to consider the confiscation of all production related equipment at the Walton #6-1 well.

If you have any questions or comments, do not hesitate to contact this office.

Sincerely,



Bruce E. Hicks  
Assistant Director

Certified Mail  
Return Receipt Requested-Restricted Delivery  
No. Z 129 418 564



NORTH DAKOTA INDUSTRIAL COMMISSION  
DOCKET FOR HEARING  
OCTOBER 27, 1999 @ 9:00 A.M.  
PIONEER ROOM  
STATE CAPITOL  
BISMARCK, NORTH DAKOTA

CASE NO. 7286: ON A MOTION OF THE COMMISSION TO CONSIDER THE  
CONFISCATION, UNDER NDCC SEC. 38-08-04.9, OF  
ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED  
WALTON #6-1 WALTON WELL OWNED BY THE OPERATOR OF  
RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST  
OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE  
STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL  
BEING LOCATED IN THE NE NE SECTION 6, T.139N., R.96W.,  
DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.

NORTH DAKOTA INDUSTRIAL COMMISSION

# OIL AND GAS DIVISION

Lynn D. Helms  
Director

<http://explorer.ndic.state.nd.us>

Bruce E. Hicks  
Assistant Director

September 15, 1999

Mr. Kim T. Parson  
First Broadway Corp.  
602 Buckskin Ave.  
Bismarck, ND 58501

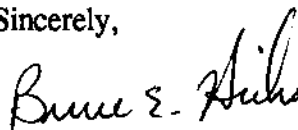
RE: Walton #6-1  
NE NE Sec. 6-139N-96W  
Stark County, North Dakota  
Well File No. 9075

Dear Mr. Parson:

Please be advised of the enclosed notice of hearing called on a motion of the Industrial Commission to consider the confiscation of all production related equipment at the Walton #6-1 well.

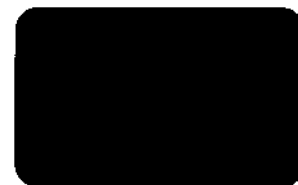
If you have any questions or comments, do not hesitate to contact this office.

Sincerely,



Bruce E. Hicks  
Assistant Director

Certified Mail  
Return Receipt Requested-Restricted Delivery  
No. Z 129 418 565



NORTH DAKOTA INDUSTRIAL COMMISSION  
DOCKET FOR HEARING  
OCTOBER 27, 1999 @ 9:00 A.M.  
PIONEER ROOM  
STATE CAPITOL  
BISMARCK, NORTH DAKOTA

CASE NO. 7286: ON A MOTION OF THE COMMISSION TO CONSIDER THE  
CONFISCATION, UNDER NDCC SEC. 38-08-04.9, OF  
ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED  
WALTON #6-1 WALTON WELL OWNED BY THE OPERATOR OF  
RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST  
OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE  
STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL  
BEING LOCATED IN THE NE NE SECTION 6, T.139N., R.96W.,  
DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.

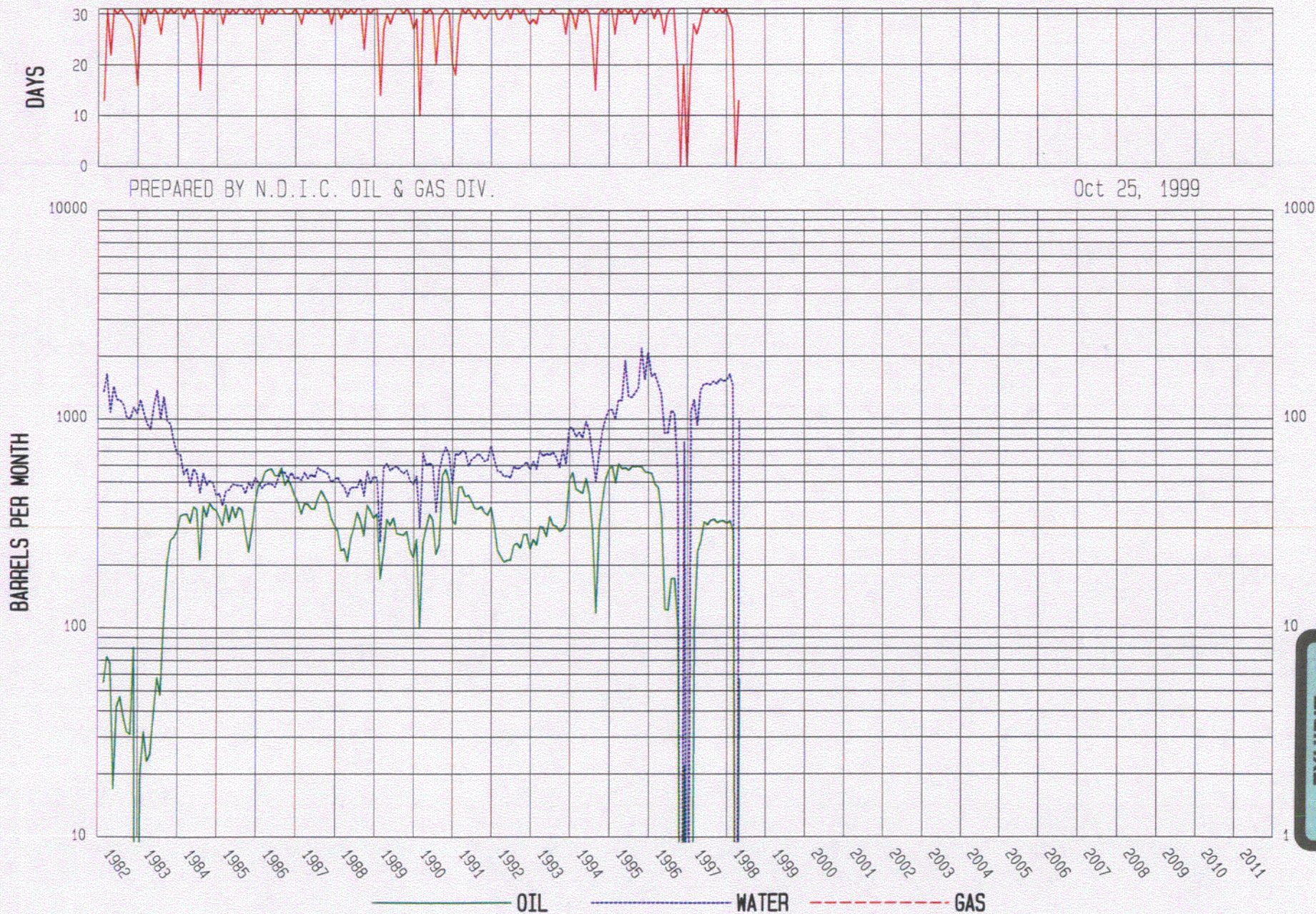


WALTON #6-1  
DICKINSON-TYLER

#9075 NE NE 6-139N-96W

SPACING: NE

CUMULATIVES: 61784 OIL  
152180 WATER  
0 MCF-GAS



EXHIBIT

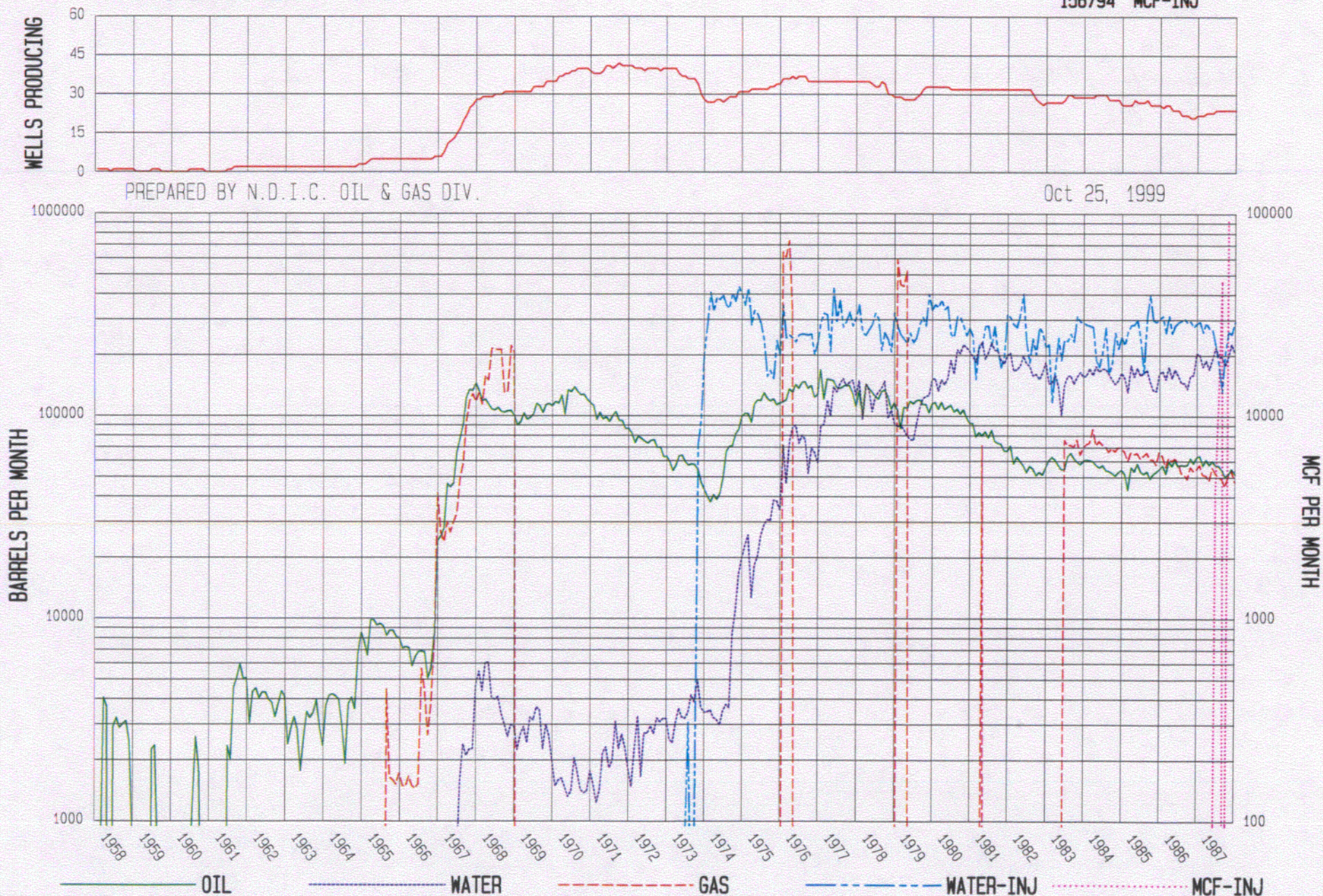
51



# DICKINSON-HEATH UNIT

CUMULATIVES:

25763940	OIL
48523348	WATER
1570234	MCF-GAS
77543906	WATER-INJ
156794	MCF-INJ





CUMULATIVES:

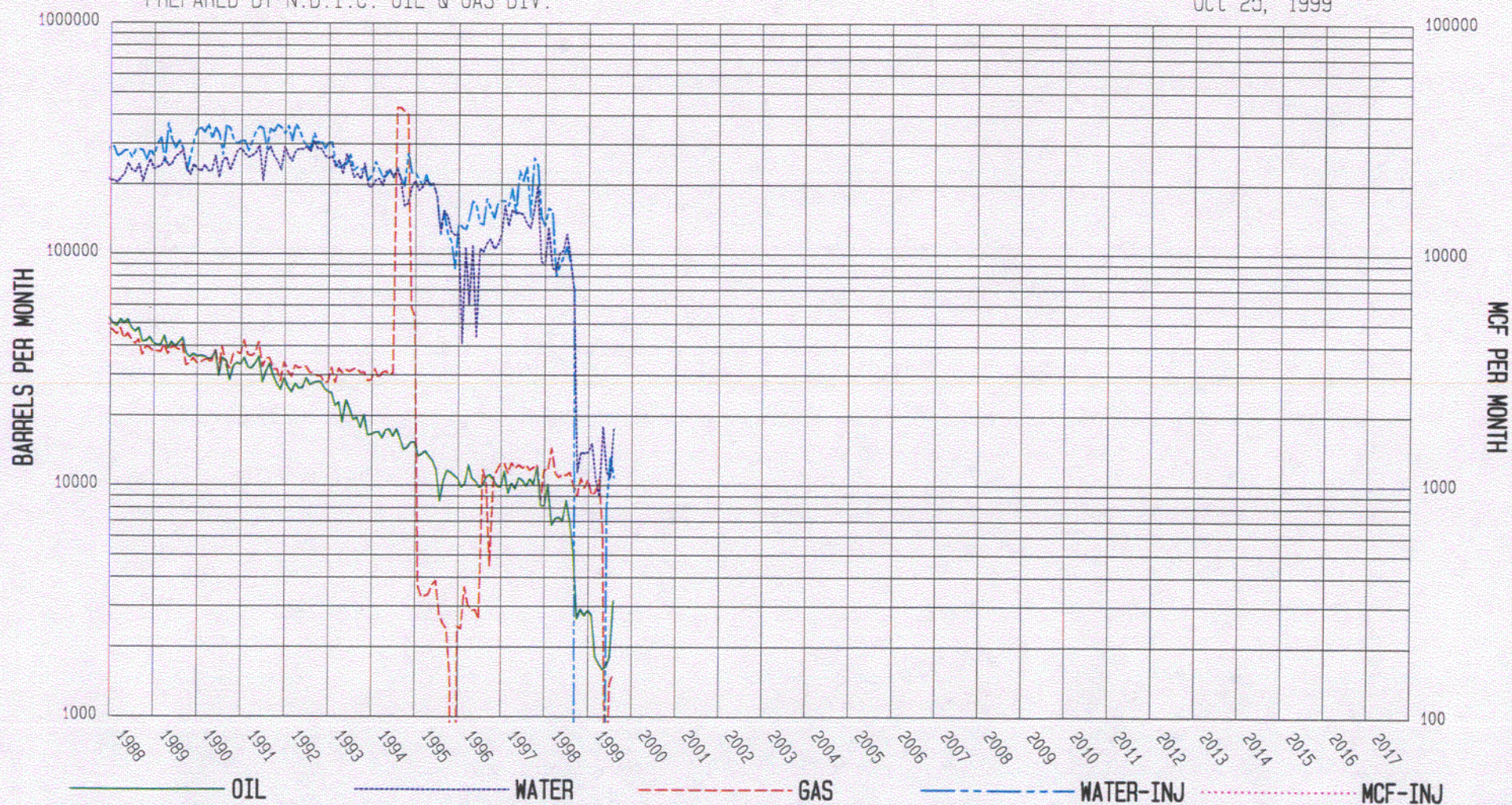
25763940	OIL
48523348	WATER
1570234	MCF-GAS
77543906	WATER-INJ
156794	MCF-INJ

## DICKINSON-HEATH UNIT



PREPARED BY N.D.I.C. OIL &amp; GAS DIV.

Oct 25, 1999





**Dresser Atlas****Gamma Ray  
Neutron**

FILE NO. 9075

COMPANY UNITEX LTD.

WELL #6-1 WALTON

FIELD DICKINSON

COUNTY STARK STATE NORTH DAKOTA

LOCATION: NE, NE

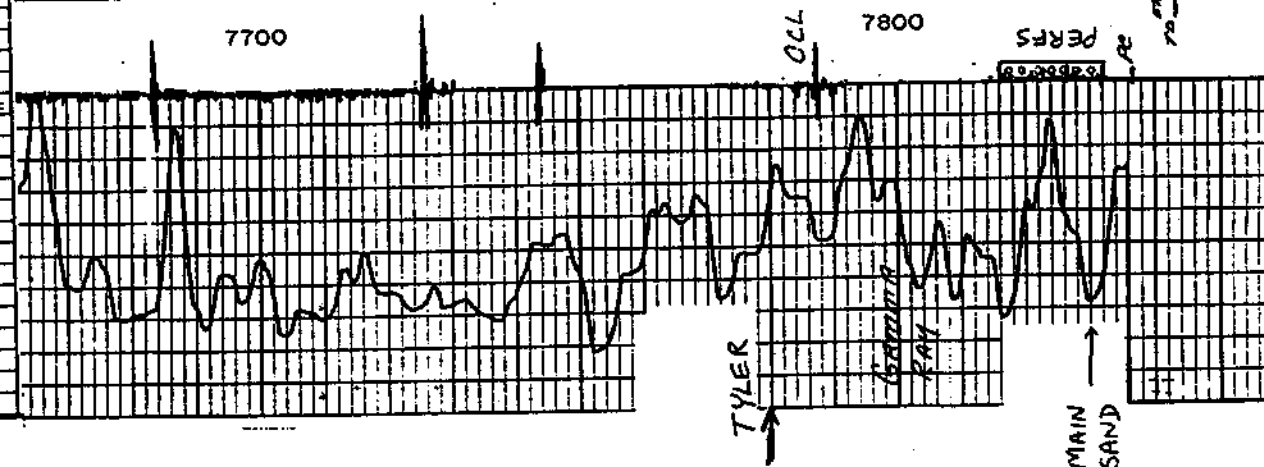
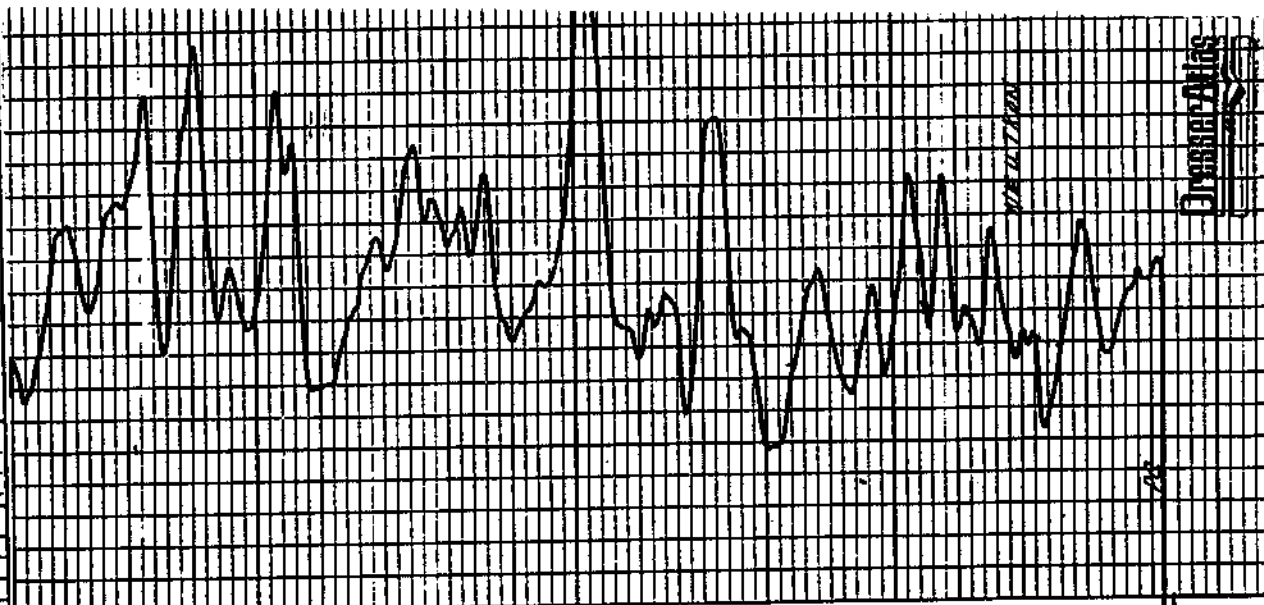
Other Services  
PERF

SEC 6 TWP 139N RGE 96W

Permanent Datum GROUND LEVEL Elev. 2488  
Log Measured from KELLY BUSHING 15 Ft. Above Permanent Datum  
Drilling Measured from KELLY BUSHING

Date 11-12-81  
Run No. ONE  
Type Log 2402 GR-N-CCL  
Depth-Driller 7843  
Depth-Logger 7843  
Bottom Logged Interval 7842  
Top Logged Interval 7000  
Type Fluid in Hole S. WATER  
Salinity Ppm Cl. -  
pH and Fluid Loss -  
Density Lb./Gal. -  
Level 3800  
Max. Rec. Temp. Deg. F -  
Opr. Rig Time 1.5 HOURS  
Recorded By COYLE  
Witnessed By MR. WILSON

Bore Hole Record				Casing Record			
Run No.	Bit	From	To	Size	Wgt.	From	To
ONE				8 5/8"		2019	SURF.
				5 1/2"	17#	T.D.	SURF.



## PRELIMINARY REPORT

CORE LABORATORIES, INC.  
Petroleum Reservoir Engineering  
DALLAS, TEXAS

PAGE NO. 1

DEC 8 1981 M

UNITEX LTD

NO. 1-G WALTON  
WILDCAT  
STARK COUNTY

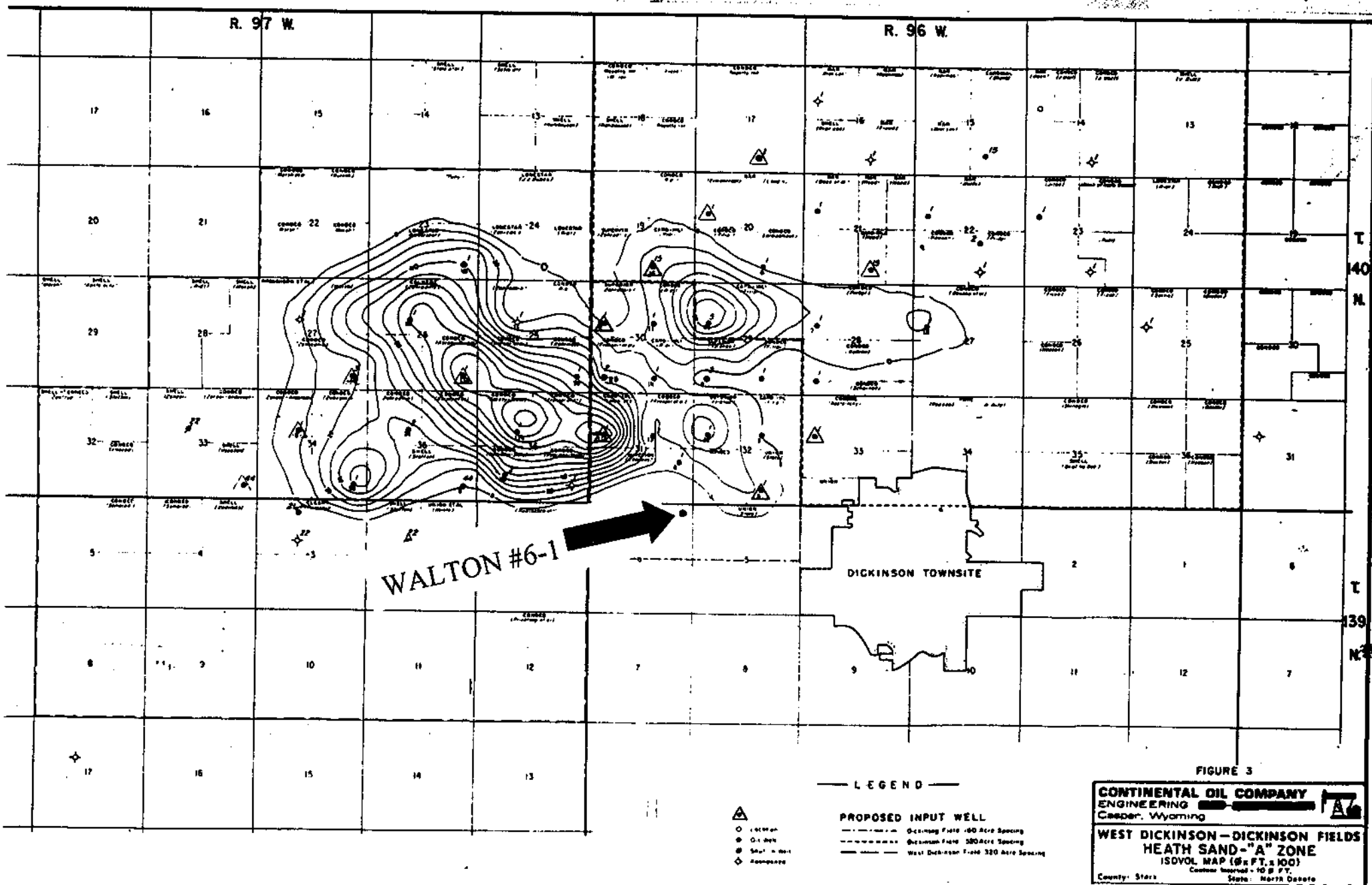
FORMATION : TYLER  
DRLG. FLUID: SALT STARCH-NO OIL  
LOCATION : NE NE SEC. 6 T139N R96W  
STATE : ND. DAK.

DATE : 10-19-81  
FILE NO. : 3805-3027  
ANALYSTS : R. MOHL  
ELEVATION: 2503 KB

## CONVENTIONAL CORE ANALYSIS

SAMP. NO.	DEPTH	PERM. TO AIR (MD) HORZ. VERTICAL	POR. FLD.	FLUID SATS. OIL WATER	GR. DNS.	DESCRIPTION
	7800-7812					LM SHLY-NO ANALYSIS
1	7812-13	0.01	6.6	65.6 28.1	CVF	SHL LIMY PYR
2	7813-14	0.57	7.4	33.2 16.0	CVF	SD VFG CALC CMT
3	7814-15	0.30	7.5	33.1 13.2		SD VFG CALC CMT
4	7815-16	22	6.5	32.7 21.8		SD VFG CALC CMT
5	7816-17	188	13.0	30.2 11.5		SD FVG
6	7817-18	277	10.2	34.8 17.4		SD FVG CALC CMT
	7818-7823					SHALE-NO ANALYSIS
7	7823-24	0.33	10.5	8.7 73.1	CVF	SD VFG V/PYR
8	7824-25	13	8.7	2.3 90.9	CVF	SD VFG V/CLY
9	7825-26	0.34	11.1	6.2 76.5		SD FN CLY SHLY
10	7826-27	36	17.0	18.9 41.2		SD FN CLY
11	7827-28	62	12.2	28.6 19.1		SD FN QTZ
12	7828-29	38	16.0	22.5 35.5		SD FN QTZ
13	7828.2	20	12.9	22.1 14.7		SD FN-MED SLI SLTY
14	7828.9	22	16.8	17.8 20.0		SD MED CLY SLTY
15	7829.2	41	14.7	25.5 14.0		SD FN CLY SLTY SHLY
16	7829.8	1.5	9.6	9.4 69.2		SD VFN-FN CLY V/SHLY PYR
17	7830.2	3.5	14.4	21.6 25.4		SD FN CLY SHLY
	7831-7835					SHALE-NO ANALYSIS

CVF = CLOSED VERTICAL FRACTURE    OV = OPEN VERTICAL FRACTURE



R. 97 W.

R. 96 W.

WALTON #6-1

DICKINSON TOWNSHIP

- LEGEND**
- ▲ PROPOSED INPUT WELL
  - PROPOSED FUTURE CONVERSION
  - DICKINSON FIELD - 40 Acre Spacing
  - DICKINSON FIELD - 120 Acre Spacing
  - DICKINSON FIELD - 320 Acre Spacing

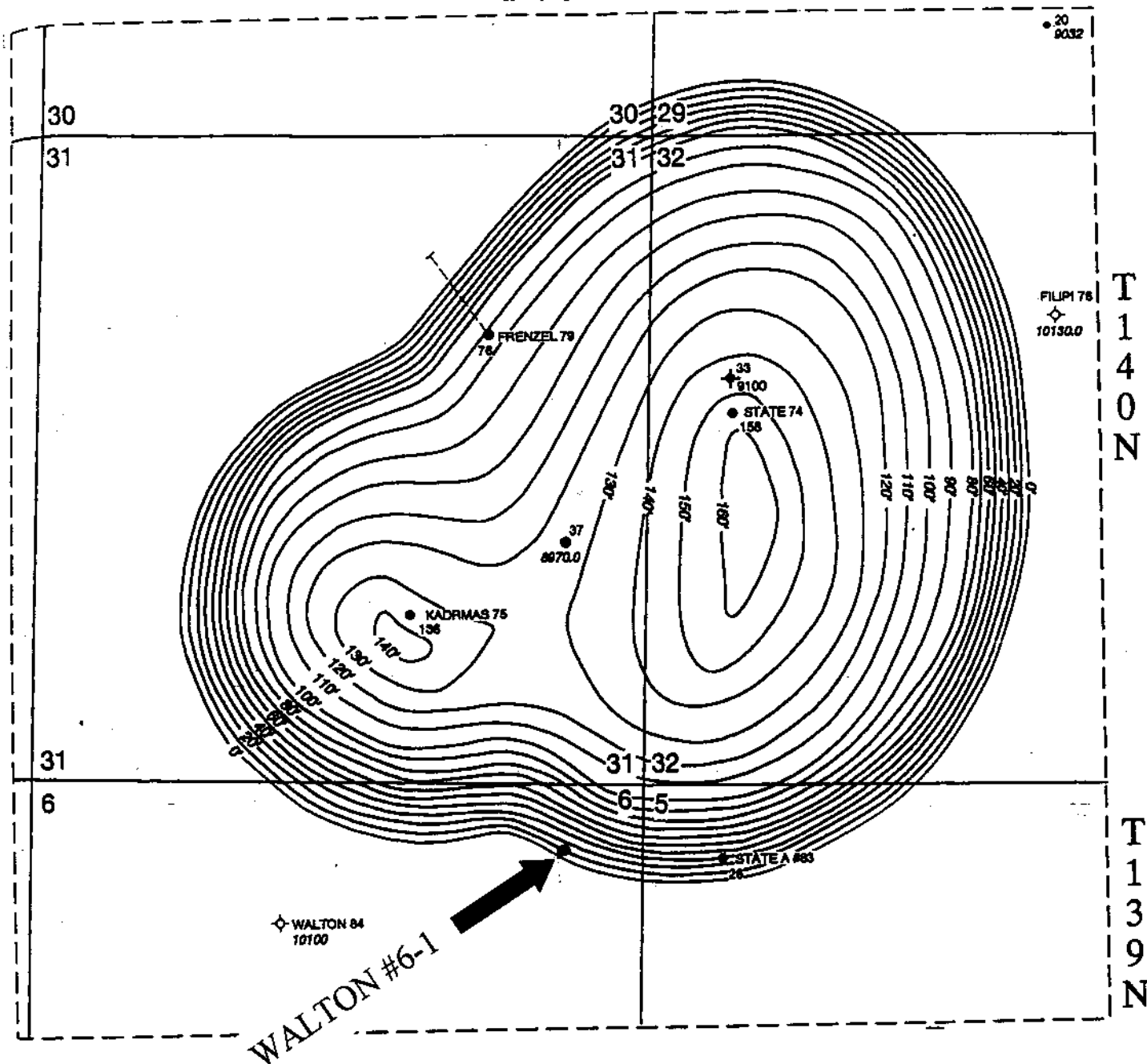
FIGURE

**CONTINENTAL OIL COMPANY**  
 PRODUCTION DEPARTMENT  
 Casper, Wyoming

**WEST DICKINSON - DICKINSON FIELDS**  
 HEATH SAND - "B" ZONE  
 SOIL MAP (247) 22

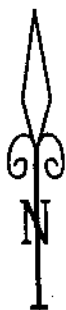
County: Stillman State: North Dakota  
 Drafted: H. W. J. Date: 11-1-61  
 Scale: 1" = 2400' Well: Spacing: 120'

R 96 W



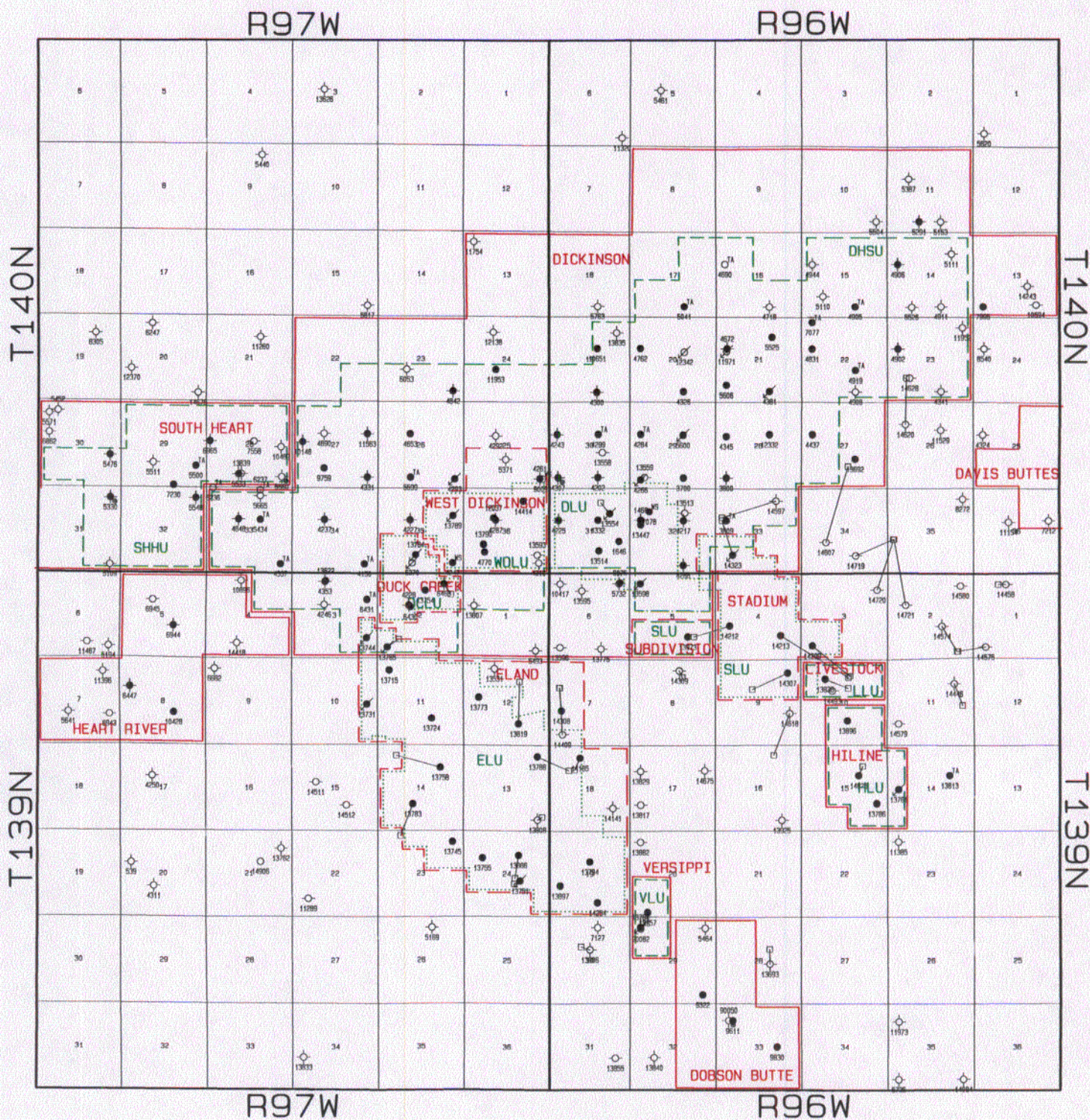
Contour Interval: 10 Feet  
Min: 0      Max: 160

**ISOPACH OF LODGEPOLE PAY**  
Dickinson Field  
Stark Co., North Dakota



CONOCO INC.  
Case No. 5933  
Exhibit No. 13





PREPARED BY N.D.I.C. OIL & GAS DIVISION

SCALE = .60 INCHES PER MILE

Nov 23, 1999



SECRETARY OF STATE  
ALVIN A JAEGER  
STATE OF NORTH DAKOTA  
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BISMARCK ND 58505-0500  
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STATE OF NORTH DAKOTA

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DE. FIRST BROADWAY CORPORATION

AUTO \*\*58501



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Forward to:

First Broadway Corporation

1106 Westwood St.

Bismarck ND 58504-6275

Exhibit 16

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	NEWSPAPER REFERENCE	DESCRIPTION - OTHER COMMENTS/CHARGES	SALE SIZE BILLED UNITS	TIMES RUN RATE	GROSS AMOUNT	NET AMOUNT
10-07	01152472 BT	NOTICE OF PUBLICATION CLASS CODE - 0132 CH29	249L	.50	124.50	124.50

1686  
CC 2100  
669.2440  
10-18-99  
# 124.50  
# 13632

OK



PAID

**AFFIDAVIT OF PUBLICATION  
STATE OF NORTH DAKOTA**

County of Burleigh

BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED D. Bot  
BEING DULY SWORN, DEPOSES AND SAYS THAT HE(SHE) IS THE CLERK OF THE BISMARCK TRIBUNE COMPANY,  
THAT THE ABOVE PUBLICATIONS Notice of Publication WERE MADE THROUGH THE AFORESAID NEWSPAPER  
AT THE DATES SHOWN 10/17/99 SIGNED D. Bot  
SWORN AND SUBSCRIBED TO BEFORE ME THIS 15th DAY OF October 1999

Notary Public in and for the State of North Dakota, Residing at Bismarck

**STATEMENT OF ACCOUNT**

CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS	UNAPPLIED AMOUNT	TOTAL AMOUNT DUE
					124.50

**THE BISMARCK TRIBUNE**

P.O. BOX 5516 BISMARCK, NORTH DAKOTA 58506-5516  
701-223-2500 IN STATE 800-472-2273 FAX 701-223-4240

**LEGAL PUBLICATIONS**

BILLING PERIOD	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
1152472 10/12/99	115247-2	115247-2	OIL AND GAS DIVISION

10.26.99  
Original Taken for  
Exhibits By Bruce Hanks



OK

## 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 October 27, 1999, 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 701-328-3722 by October 13, 1999.

## 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. 7289: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BURLINGTON RESOURCES OIL & GAS CO. FOR AN ORDER PURSUANT TO SECTION 43-02-03-88.1 OF THE NORTH DAKOTA ADMINISTRATIVE CODE FOR THE CONVERSION TO INJECTION INTO THE WEST ROUGH RIDER-MADISON UNIT IN THE WRRMU #4-32 WELL, LOCATED IN THE NW/4 SE/4 OF SECTION 32, T.145N., R.101W., MCKENZIE COUNTY, NORTH DAKOTA. CASE NO. 7290: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF PANTHER CREEK RESOURCES, LLC FOR AN ORDER PURSUANT TO SECTION 43-02-03-88.1 OF THE NORTH DAKOTA ADMINISTRATIVE CODE FOR THE CONVERSION TO SALTWATER DISPOSAL INTO THE DAKOTA FORMATION IN THE GEORGE WOLLAN #44-14 WELL, LOCATED IN THE SE/4 SE/4 OF SECTION 14, T.152N., R.96W., UNION CENTER FIELD, MCKENZIE COUNTY, NORTH DAKOTA. CASE NO. 7291: ON A MOTION OF THE COMMISSION

TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE MCGREGOR-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 AND S/2 OF SECTION 16, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS FOR THE N/2 AND S/2 OF SAID SECTION 16 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7292: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE MCGREGOR-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 OF SECTION 21, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE N/2 OF SAID SECTION 21 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7293: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 AND S/2 OF SECTION 7, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS CONSISTING OF THE N/2 AND S/2 OF SAID SECTION 7 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE.

## CASE NO. 7294: ON A

MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE S/2 OF SECTION 6, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE S/2 OF SAID SECTION 6 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7295: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 AND E/2 OF SECTION 25, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING 320-ACRE DRILLING UNITS FOR THE W/2 AND E/2 OF SAID SECTION 25 FOR THE PURPOSE OF DRILLING HORIZONTAL WELLS IN EACH SUCH SPACING OR DRILLING UNIT FOR THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7296: ON A

MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE N/2 OF SECTION 18, T.158N., R.95W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE N/2 OF SAID SECTION 18 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7297: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 OF SECTION 24, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE W/2 OF SAID SECTION 24 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7298: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER AMENDING THE FIELD RULES FOR THE TEMPLE-MADISON POOL AND ANY ADJACENT FIELDS SO AS TO CREATE AND ESTABLISH A ZONE OF 320-ACRE SPACING FOR THE W/2 OF SECTION 36, T.159N., R.96W., WILLIAMS COUNTY, NORTH DAKOTA, OR CREATING AND ESTABLISHING A 320-ACRE DRILLING UNIT CONSISTING OF THE W/2 OF SAID SECTION 36 FOR THE PURPOSE OF DRILLING A HORIZONTAL WELL IN THE RATCLIFFE FORMATION AND/OR SUCH OTHER AND FURTHER RELIEF AS THE

COMMISSION DEEMS APPROPRIATE. CASE NO. 7299: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BERCO RESOURCES, LLC FOR AN ORDER CERTIFYING THE BEAR CREEK-DUPEROW UNIT LOCATED IN DUNN COUNTY, NORTH DAKOTA AS A "QUALIFYING SECONDARY RECOVERY PROJECT" FOR THE PURPOSE OF ACQUIRING THE TAX EXEMPTIONS AND/OR REDUCTIONS PROVIDED BY NORTH DAKOTA CENTURY CODE CHAPTER 57-51.1 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.

CASE NO. 7300: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF AMERADA HESS CORPORATION FOR AN ORDER AMENDING THE FIELD RULES FOR THE BLUE BUTTES-RED RIVER POOL SO AS TO INCLUDE ALL OF SECTION 17, T.150N., R.95W., MCKENZIE COUNTY, NORTH DAKOTA, WITHIN ZONE II, FOR WHICH SPACING HAS BEEN ESTABLISHED ON THE BASIS OF ONE HORIZONTAL WELL PER 640 ACRES WITH A SETBACK OF 660 FEET FROM A SPACING UNIT LINE, OR FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7301: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF AVIARA ENERGY CORPORATION FOR AN ORDER EITHER ALLOWING A SECOND WELL TO BE COMPLETED IN A SPACING UNIT FOR THE INDIAN HILL-STONEWALL POOL DESCRIBED AS THE W/2 OF SECTION 28, T.153N., R.101W., MCKENZIE COUNTY, NORTH DAKOTA OR ALTERNATIVELY ESTABLISHING A ZONE OF 160-ACRE SPACING CONSISTING OF THE W/2 OF SAID SECTION 28, WITH THE SW/4 AND THE NW/4 OF SAID SECTION 28 EACH DESIGNATED AS A SPACING UNIT FOR THE INDIAN HILL-STONEWALL POOL; ALLOWING OIL AND GAS PRODUCED FROM THE INDIAN HILL-RED RIVER POOL AND THE INDIAN HILL-STONEWALL POOL TO BE COMINGLED IN THE WELL BORE OF THE REHAB #28-1 WELL, LOCATED IN THE NW/4 OF SAID SECTION 28 AND THE ELK #28-1 WELL, LOCATED IN THE SW/4 OF SAID SECTION 28; AND FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7302: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BURLINGTON RESOURCES OIL & GAS COMPANY FOR AN ORDER ESTABLISHING A ZONE OF 160-ACRE SPACING FOR THE BEAVER CREEK-RED RIVER AND THE BEAVER CREEK-BIRDBEAR POOLS CONSISTING OF THE SE/4 OF SECTION 22, T.143N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, OR FOR SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 7286: ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NORTH DAKOTA CENTURY CODE SECTION 38-08-04.9, OF ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED #6-1 WALTON WELL OWNED BY THE OPERATOR OF RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL BEING LOCATED IN THE NE/4 NE/4 OF SECTION 6, T.139N., R.96W., DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.

Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
10/7-115247

# Affidavit of Publication

THE DICKINSON PRESS  
Dickinson, North Dakota



STATE OF NORTH DAKOTA )  
County of Stark ) ss

I, Belle L. Krank being first duly sworn, on my oath, say that I am the bookkeeper of The Dickinson Press, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and that the advertisement headed:

Case NO. 7286

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 for 1 consecutive weeks, commencing on the 6th day of October A.D. 19 99, and ending on the 6th day of October A.D. 19 99, both inclusive.

Straight Matter Lines 41, 19 99

First Time Line Rate .61 October 6, 19 99

Subsequent Line Rates .61, 19 99

Column Inches \_\_\_\_\_, 19 99

First Time Inch Rate 5.00, 19 99

Subsequent Inch Rate 5.00, 19 99

Total Cost Of Legal \$ 25.01

Belle L. Krank

Subscribed and sworn to before me this 6th day of October A.D. 19 99.

(Seal) Marilyn Wanner

Notary Public, State of 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 October 27, 1999, 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 701-328-3722 by October 13, 1999.

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Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
(Published October 6, 1999)

*10.26.99  
Original Taken  
By Bruce Hicks  
for Exhibit*

My Commission Expires MARILYN WANNER  
Notary Public, STARK COUNTY, N. DAK.  
My Commission Expires APRIL 26, 2000



OK

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

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Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
10/7-115247

PAID

# Affidavit of Publication

THE DICKINSON PRESS  
Dickinson, North Dakota



STATE OF NORTH DAKOTA )  
County of Stark ) ss

I, Belle L. Krank being first duly sworn, on my oath, say that I am the bookkeeper of The Dickinson Press, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and that the advertisement headed:

Case NO. 7286

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 for 1 consecutive weeks, commencing on the 6th day of October A.D. 19 99, and ending on the 6th day of October A.D. 19 99, both inclusive.

Straight Matter Lines	<u>41</u>	<u>                    </u> , 19 <u>          </u>
First Time Line Rate	<u>.61</u>	<u>October 6</u> , 19 <u>99</u>
Subsequent Line Rates	<u>.61</u>	<u>                    </u> , 19 <u>          </u>
Column Inches	<u>          </u>	<u>                    </u> , 19 <u>          </u>
First Time Inch Rate	<u>5.00</u>	<u>                    </u> , 19 <u>          </u>
Subsequent Inch Rate	<u>5.00</u>	<u>                    </u> , 19 <u>          </u>

Total Cost Of Legal \$ 25.01

Belle L. Krank

Subscribed and sworn to before me this 6th day of October A.D. 19 99.

(Seal) Marilyn Wanner

Notary Public, State of North Dakota

My Commission Expires                       
Marilyn Wanner  
Notary Public, STARK COUNTY, N. DAK.  
My Commission Expires APRIL 28, 2000

## 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 October 27, 1999, 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 701-328-3722 by October 13, 1999.

### 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. 7286**; ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NORTH DAKOTA CENTURY CODE SECTION 38-08-04.9, OF ALL PRODUCTION-RELATED EQUIPMENT AT THE ABANDONED #6-1 WALTON WELL OWNED BY THE OPERATOR OF RECORD, FIRST BROADWAY CORP. OR ANY WORKING INTEREST OWNER, FOR THE PURPOSE OF PARTIALLY COMPENSATING THE STATE FOR PLUGGING AND RECLAMATION COSTS, SUCH WELL BEING LOCATED IN THE NE/4 NE/4 OF SECTION 6, T.139N., R.96W., DICKINSON FIELD, STARK COUNTY, NORTH DAKOTA.

Signed by,  
Edward T. Schafer, Governor  
Chairman, ND Industrial Commission  
(Published October 6, 1999)

PAID