

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 10406
ORDER NO. 12298

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONTINENTAL RESOURCES, INC. FOR AN ORDER PURSUANT TO NDAC § 43-02-03-88.1 POOLING ALL INTERESTS IN A SPACING UNIT FOR THE ROSSOW #1-10H WELL DESCRIBED AS SECTIONS 3 AND 10, T.161N., R.95W., SADLER-BAKKEN POOL, DIVIDE COUNTY, ND; AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING OWNER A RISK PENALTY AS PROVIDED BY NDCC § 38-08-08 AND SUCH OTHER RELIEF AS IS APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 28th day of August, 2008.
- (2) Pursuant to North Dakota Administrative Code Section 43-02-03-88.1, the Director is authorized to sign, on behalf of the Commission, orders relating to, inter alia, pooling under North Dakota Century Code (NDCC) Section 38-08-08.
- (3) The applicant is the owner of an interest in an oil and gas leasehold estate in a spacing unit for the Sadler-Bakken Pool described as Sections 3 and 10, Township 161 North, Range 95 West, Divide County, North Dakota.
- (4) Said spacing unit is created in accordance with an order of the Commission and there are separately owned tracts and/or separately owned interests in the spacing unit, and some of the owners thereof have not voluntarily pooled their interests for the development and operation of said spacing unit.
- (5) The Commission makes no findings with regard to the specific acreage or percentage attributed to separately owned tracts or interests.

(6) NDCC Section 38-08-08 requires the Commission to enter a pooling order upon application when two or more separately owned tracts are embraced within a spacing unit, or there are separately owned interests in all or a part of a spacing unit, in the absence of voluntary pooling. The section further provides that working interest owners in the spacing unit shall pay their share of the reasonable actual cost of drilling and operating the well plus a reasonable charge for supervision. In addition to such costs and charges, nonparticipating lessees may be required to pay a risk penalty of 200 percent and unleased mineral interest owners may be required to pay a risk penalty of 50 percent of their share of the reasonable actual cost of drilling and completing the well.

(7) Applicant requests an order of the Commission pooling all interests in the spacing unit, and allowing the recovery of a risk penalty from nonparticipating owners.

(8) There were no objections to this application.

(9) This application should be granted in order to prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) All oil and gas interests in a spacing unit for the Sadler-Bakken Pool described as Sections 3 and 10, Township 161 North, Range 95 West, Divide County, North Dakota, are hereby pooled for the development and operation of the spacing unit.

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

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

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

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

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

(7) If a lessee owning an interest in the 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 200 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 NDCC Section 38-08-10, exclusive of any royalty or overriding royalty.

(8) If an unleased mineral interest owner in the spacing unit refuses a good-faith attempt to execute a lease and elects not to participate in the risk and cost of drilling a well thereon, the owner paying for the nonparticipating mineral interest owner's share of the drilling and operation of a well may recover from the nonparticipating mineral interest owner a risk penalty for the risk involved in drilling the well. The risk penalty is 50 percent of the nonparticipating mineral interest owner'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 NDCC Section 38-08-10, exclusive of any royalty.

(9) In the event the size of the spacing unit pooled herein is modified by the Commission, this order shall terminate as of the date of such order.

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

Dated this 22nd day of September, 2008.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

STATE OF NORTH DAKOTA

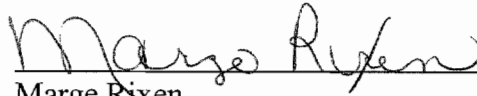
AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Marge Rixen, being duly sworn upon oath, depose and say: That on the 3rd day of October, 2008 enclosed in separate envelopes true and correct copies of the attached Order No. 12298 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. 10406 :

LAWRENCE BENDER
FREDRICKSON & BYRON
PO BOX 1855
BISMARCK ND 58502-1855

LISA ALWERT
CONTINENTAL RESOURCES INC
PO BOX 1032
ENID OK 73702-1032



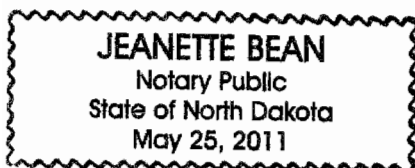
Marge Rixen
Oil & Gas Division

On this 3rd day of October, 2008 before me personally appeared Marge Rixen 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



August 25, 2008



Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

**RE: Continental Resources, Inc.
NDIC CASE NO. 10406**

Dear Mr. Hicks:

Please find enclosed herewith for filing an AFFIDAVIT OF LISA J. ALWERT for the captioned matter.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/me

Enclosure

cc: Ms. Lisa J. Alwert – (w/o enc.)

4420889_1.DOC

Attorneys & Advisors
main 701.221.4020
fax 701.221.4040
www.fredlaw.com

Fredrikson & Byron, P.A.
200 North Third Street, Suite 150
Bismarck, North Dakota
58501-3879

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

CASE NO. 10406

Application of Continental Resources, Inc. for an order pursuant to Section 43-02-03-88.1 of the N.D.A.C. pooling all interests in a spacing unit for the Rossow #1-10H well described as Sections 3 and 10, Township 161 North, Range 95 West, Sadler-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief.



AFFIDAVIT OF LISA J. ALWERT

STATE OF OKLAHOMA)
) ss
COUNTY OF GARFIELD)

Lisa J. Alwert, being first duly sworn, deposes and states as follows:

1.

That I am a Northern Region Landman for Continental Resources, Inc. ("Continental") and that my business address is 302 N. Independence Avenue, P.O. Box 1032, Enid, Oklahoma 73702-1032, the applicant in the above-entitled matter.

2.

That in the course of my work as Northern Region Landman for Continental, I have become familiar with the mineral ownership and leasehold ownership Sections 3 and 10, Township 161 North, Range 95 West, Divide County, North Dakota ("Subject Lands"). I am also familiar with all the oil and gas operations which have been conducted by Continental on the Subject Lands.

3.

That Continental is the owner of an interest in the oil and gas leasehold estate in portions of

July 28, 2008

Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310



**RE: APPLICATION OF
CONTINENTAL RESOURCES,
INC.
Sections 3 and 10, Township 161
North, Range 95 West, Sadler-
Bakken Pool, Divide County, North
Dakota**

Dear Mr. Hicks:

Please find enclosed herewith for filing an APPLICATION OF CONTINENTAL RESOURCES, INC. and NOTICE OF HEARING as described above.

As you will note, pursuant to N.D. Admin. Code § 43-02-03-88.2, Continental requests that its witnesses be allowed to participate at the hearing by telephonic means.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/leo

Enclosure

cc: Ms. Karlene Fine - (w/enc.)
Mr. Lynn Helms - (w/enc.)
Mr. Charles Carvell - (w/enc.)
Mr. Jim Canon - (w/enc.)

Attorneys & Advisors
main 701.221.4020
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200 North Third Street, Suite 150
Bismarck, North Dakota
58501-3879

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

CASE NO. 10406

Application of Continental Resources, Inc. for an order pursuant to Section 43-02-03-88.1 of the N.D.A.C. pooling all interests in a spacing unit for the Rossow #1-10H well described as Sections 3 and 10, Township 161 North, Range 95 West, Sadler-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief.



APPLICATION OF CONTINENTAL RESOURCES, INC.

Applicant, Continental Resources, Inc. ("Continental"), respectfully shows the North Dakota Industrial Commission ("Commission") as follows:

1.

That Continental is an owner of an interest in the oil and gas leasehold estate in Sections 3 and 10, Township 161 North, Range 95 West, Divide County, North Dakota ("Sections 3 and 10").

2.

That there are separately owned tracts or interests in mineral estate and/or leasehold estate in Sections 3 and 10.

3.

That a voluntary pooling of Sections 3 and 10 has not been accomplished.

4.

That Continental is the operator of the Rossow #1-10H well, drilled or to be drilled as a horizontal well in the Southwest Quarter of the Southwest Quarter (SW/4SW/4) of Section 10.

5.

That all of Sections 3 and 10 have been designated as the spacing unit for the Rossow #1-10H well in the Sadler-Bakken Pool.

6.

That Section 38-08-08(1) of the North Dakota Century Code provides 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 certain owners of interests in and under Sections 3 and 10 have elected not to participate in the drilling and completion operations of the Rossow #1-10H well.

8.

That Section 38-08-08(3) of the North Dakota Century Code provides that if an owner of an interest in a spacing unit elects not to participate in the risk and cost of drilling a well, the owner paying for the nonparticipating owner's share of the drilling and operation of a well may recover from the nonparticipating owner a risk penalty involved in drilling the well.

9.

That Continental therefore requests that the Commission enter its order pooling all interests in the proposed spacing unit for the Rossow #1-10H well described as Sections 3 and 10, Township 161 North, Range 95 West, Divide County, North Dakota and authorize the recovery from each

nonparticipating owner a risk penalty as provided by Section 38-08-08 of the North Dakota Century Code.

WHEREFORE, Continental requests the following:

- (a) That this matter be set for the regular August 2008 hearing date;
- (b) That pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code, Continental's witnesses in this matter be allowed to participate by telephonic means; and
- (c) 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 28th day of July, 2008.


FREDRIKSON & LYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
Attorneys for Applicant
Continental Resources, Inc.
200 North 3rd Street, Suite 150
Post Office Box 1855
Bismarck, North Dakota 58502-1855

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 named herein, that he has read the foregoing application, knows the contents thereof, and that the same is true to the best of his affiant's knowledge and belief.



LAWRENCE BENDER

Subscribed and sworn to before me this 28th day of July, 2008.



Notary Public
Burleigh County, North Dakota
My Commission Expires: _____



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BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. _____

Application of Continental Resources, Inc. for an order pursuant to Section 43-02-03-88.1 of the N.D.A.C. pooling all interests in a spacing unit for the Rossov #1-10H well described as Sections 3 and 10, Township 161 North, Range 95 West, Sadler-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief.



NOTICE OF HEARING

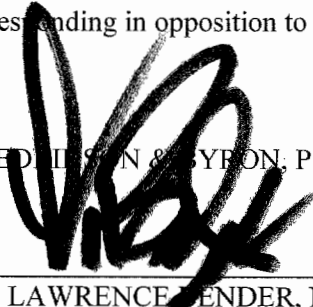
PLEASE TAKE NOTICE that Continental Resources, Inc. filed the above-referenced application with the North Dakota Industrial Commission.

A hearing will be held at the August 2008 hearings at the Department of Mineral Resources Conference Room, Oil and Gas Division, 1016 East Calgary Avenue, Bismarck, North Dakota, to consider the request of Continental Resources, Inc.

As noted in the attached application, the applicant is requesting the authority to impose a risk penalty against any nonparticipating owner electing not to participate in the drilling of the contemplated well. Any nonparticipating owner may object to the risk penalty by responding in opposition to the application.

DATED this 28th day of July, 2008.

FREDERICKSON & SYRON, P.A.

By 

LAWRENCE TRENDRER, ND Bar #03908
Attorneys for Applicant
Continental Resources, Inc.
200 North 3rd Street, Suite 150
Post Office Box 1855
Bismarck, North Dakota 58502-1855
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OIL & GAS DIVISION

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NOTICE OF HEARING N.D. INDUSTRIAL COMMISSION OIL AND GAS DIVISION

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Thursday, August 28, 2008, at the N.D. Oil & Gas Division, 1016 East Calgary Ave., Bismarck, N.D. At the hearing the Commission will receive testimony and exhibits. Persons with any interest in the cases listed below, take notice. PERSONS WITH DISABILITIES: If at the hearing you need special facilities or assistance, contact the Oil and Gas Division at 701-328-8038 by Friday, August 15, 2008.

STATE OF NORTH DAKOTA

Case No. 10394: Proper spacing for the development of the Chimney Butte-Bakken Pool, Dunn County, ND, redefine the field limits, and enact such special field rules as may be necessary. Continental Resources, Inc.; Marathon Oil Co. Case No. 10395: Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-29H Bice, NWNE Section 29, T.146N., R.95W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10396: Application of Continental Resources, Inc. for an order amending the field rules for the Hamlet-Bakken Pool, Divide County, ND, to allow the flaring of gas and unrestricted production of oil from all wells drilled, completed, and producing from the Hamlet-Bakken Pool until the same can be connected to a gas gathering facility and providing such further and additional relief. Case No. 10397: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Border-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 6 and 7, T.161N., R.94W., Burke County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate. Case No. 10398: Application of Continental Resources, Inc. for an order amending applicable orders for the St. Demetrius-Bakken Pool to create a 640-acre spacing unit comprised of Section 13, T.141N., R.99W., Billings County, ND, authorizing the drilling of one horizontal well within said spacing unit not less than 500 feet to the boundary of the spacing unit and such other relief as is appropriate. Case No. 10399: Application of Continental Resources, Inc. for an order amending Order No. 10818 to create a 640-acre drilling unit comprised of Section 25, T.146N., R.98W., McKenzie County, ND, authorizing the drilling of one horizontal well within said drilling unit not less than 500 feet to the boundary of the drilling unit and such other relief as is appropriate. Case No. 10400: Application of Continental Resources, Inc. for an order amending applicable orders for the Beaver Lodge-Bakken Pool to create a 640-acre spacing unit comprised of Section 33, T.156N., R.95W., Williams County, ND, authorizing the drilling of one horizontal well within said spacing unit not less than 500 feet to the boundary of the spacing unit and such other relief as is appropriate. Case No. 10401: Application of Continental Resources, Inc. for an order authorizing the drilling of the Davis 44-32 SWD located in the SESE of Section 32, T.131N., R.106W., Cedar Hills Field, Bowman County, ND, as a salt water disposal well in the Lodgepole Formation pursuant to NDAC § 43-02-05 and for such other and further relief as is appropriate. Case No. 10402: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Yatie #1-36H, Sections 25 and 36, T.160N., R.96W., Hamlet-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10403: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Star #1-21H, Sections 21 and 28, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10404: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Landblom #1-35H, Sections 26 and 35, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10405: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Spooner #1-11H, Sections 2 and 11, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10406: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Rossow #1-10H well described as Sections 3 and 10, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10407: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ellis #1-6H well described as Sections 6 and 7, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10408: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Arvid #1-34H, Sections 27 and 34, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief

PLEASE DETACH AND RETURN TO:

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Date	Date	Times Run	Description	Net Amt Due
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Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota personally appeared [Signature] who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the Bismarck Tribune on the following dates:
Aug 20 2008
Signed [Signature]
sworn and subscribed to before me this 20 day of Aug 20 08
[Signature]
Notary Public in and for the State of North Dakota

MORGAN DOLL
Notary Public
State of North Dakota
My Commission Expires Jan. 12, 2011

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appropriate. Case No. 1022: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Glasco #1-18, Sections 18 and 19, T.161N, R.95W, Dolphin-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 1023: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Omar #1-1H, Sections 1 and 12, T.159N, R.95W, North Bakken Pool, Williams County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 1024: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ida #1-33H, Sections 28 and 33, T.161N, R.95W, Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 1025: (Continued) Application of Continental Resources, Inc. for an order creating one 1280-acre drilling unit comprised of Sections 1 and 12, T.151N, R.95W, McKenzie County, ND, authorizing the drilling of a horizontal well within said drilling unit at a location not less than 500 feet from boundary of said drilling unit and such other relief as is appropriate. Case No. 10129: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Central Resources, Inc., #1-15H Hugen, NWSW Section 15, T.146N, R.98W, McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10410: Temporary spacing to develop an oil and/or gas pool discovered by Fidelity Expl. & Prod. Co., #1-11H Farhart, NWNW Section 11, T.157N, R.92W, Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10411: Temporary spacing to develop an oil and/or gas pool discovered by Fidelity Expl. & Prod. Co., #44-21H Rosencrans, SESE Section 21, T.158N, R.92W, Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10412: Temporary spacing to develop an oil and/or gas pool discovered by Fidelity Expl. & Prod. Co., #44-9H Edwards, SESE Section 9, T.159N, R.92W, Burke County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10413: Application of Fidelity Expl. & Prod. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Fladland #1-15H, Section 15, T.148N, R.92W, Sanish-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10414: Application of Fidelity Expl. & Prod. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Fladland #2-11H, Section 11, T.148N, R.92W, Sanish-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10415: Application of Fidelity Expl. & Prod. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Fladland #4-31H, Section 31, T.154N, R.92W, Sanish-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10416: Application of Fidelity Expl. & Prod. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Deadwood Canyon Ranch #4-4H, Section 4, T.153N, R.92W, Sanish-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10417: Application of Fidelity Expl. & Prod. Co. for an order authorizing the drilling, completing and producing of an increase density well on a 640-acre spacing unit described as Section 29, T.154N, R.92W, Mountrail County, ND, and such other relief as the Commission deems appropriate. Case No. 10418: Temporary spacing to develop an oil and/or gas pool discovered by the Peak ND, LLC #27-21H Voigt, NENW Section 21, T.148N, R.94W, Dunn County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10166: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Peak ND, LLC #9-24H Telakwita, SESE Section 9, T.149N, R.93W, Dunn County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10419: Proper spacing for the development of the brose-Bakken Pool, Divide County, ND, redefine the field limits, and enact such special field rules as may be necessary. Samson Resources Co. Case No. 10420: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Hanisch #28-98H s/t well located in the SWSW of Section 28, T.163N, R.98W, Divide County, ND, defining Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or h further and additional relief as is appropriate. Case No. 10421: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Holm #33-163-98H well located in the SESE of Section 33, T.163N, R.98W, Divide County, ND, Blooming Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or such further and additional relief as is appropriate. Case No. 10422: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Sandberg #36-163-98H well located in the NWNW of Section 36, T.163N, R.98W, Divide County, ND, Blooming Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or such further and additional relief as is appropriate. Case No. 3762: (Continued) Proper spacing for the development of the Stomie-Madison Pool, Williams County, ND, redefine the field limits, and enact such special field rules as may be necessary. Samson Resources Co. Case No. 10124: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Samson Resources Co. #31-161-92H OAS, Lot 1 Section 31, T.161N, R.92W, Burke County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10423: Proper spacing for the development of the Dore-Madison Pool, McKenzie County, ND, redefine the field limits, and enact such special field rules as may be necessary. Zenergy, Inc. Case No. 10082: (Continued) Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the E2 of Section 8 and the W2 of Section 9, T.152N, R.104W, Briar Creek-Madison Pool, Williams County, ND, authorizing recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10424: Application of Ballantyne Oil for an order amending the field rules for the Tolley-Madison Pool to create and establish 320-acre spacing units comprised of the E2 of Section 9 and the W2 of Section 9, 51N, R.86W, Renville County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate. Case No. 10425: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #5-14H, Section 14, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10426: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #6-15H, Section 15, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10427: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #7-16H, Section 16, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10428: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #8-17H, Section 17, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10429: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #9-18H, Section 18, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10430: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Austin #10-19H, Section 19, T.154N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10431: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the John #1-20H, Section

each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10432: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Wenz #1-21H, Section 21, T.153N, R.89W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10433: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Detienne #1-07H, Section 7, T.152N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10434: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Evenson #1-18H, Section 18, T.152N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10435: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Parshall #7-23H, Section 23, T.152N, R.90W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10436: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Gulbranson #1-06H, Section 6, T.152N, R.89W, Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate. Case No. 10437: Application of Sinclair Oil & Gas Co. for an order authorizing the drilling, completing and producing of an increase density well on a 1280-acre spacing unit for the Uran #1-22H well described as Sections 15 and 22, T.153N, R.92W, Mountrail County, ND; and such other relief as is appropriate. Case No. 10438: Temporary spacing to develop an oil and/or gas pool discovered by the Brigham Oil & Gas LP #1-H Johnson 33, NWNW Section 33, T.158N, R.91W, Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary. Case No. 10439: Application of Brigham Oil & Gas LP for an order pooling all interests in the Manitowish #26 #1-H, Section 36, T.156N, R.93W, Aigen-Bakken Pool, Mountrail County, ND; and such other relief as is appropriate. Case No. 10440: Application of Condon Petroleum, Inc. for an order authorizing the drilling of the North Tope-Madison Unit #1-18 well, Well File No. 2242, in the NESE of Section 6, T.159N, R.94W, and allowing the same to be drilled, completed and produced as an increase density well on a 160-acre spacing unit in the North Tope-Madison Pool for the Nels-Wold #1 well, Well File No. 13023, described as the SW/4 of Section 6, T.159N, R.94W, Burke County, ND; and such other relief as is appropriate. Case No. 10441: Application of Anschutz Exploration Corp. for an order extending the field boundaries and amending the field rules for the Russian Creek-Bakken Pool and/or the St. Anthony-Bakken Pool to create 42 1280-acre stand-up spacing units comprised of the following lands in Dunn County, ND: T.141N, R.95W; Secs. 1 & 12; Secs. 23 & 24; Secs. 25 & 26; Secs. 27 & 28; Secs. 29 & 30; Secs. 31 & 32; Secs. 33 & 34; Secs. 35 & 36; Secs. 37 & 38; Secs. 39 & 40; Secs. 41 & 42; Secs. 43 & 44; Secs. 45 & 46; Secs. 47 & 48; Secs. 49 & 50; Secs. 51 & 52; Secs. 53 & 54; Secs. 55 & 56; Secs. 57 & 58; Secs. 59 & 60; Secs. 61 & 62; Secs. 63 & 64; Secs. 65 & 66; Secs. 67 & 68; Secs. 69 & 70; Secs. 71 & 72; Secs. 73 & 74; Secs. 75 & 76; Secs. 77 & 78; Secs. 79 & 80; Secs. 81 & 82; Secs. 83 & 84; Secs. 85 & 86; Secs. 87 & 88; Secs. 89 & 90; Secs. 91 & 92; Secs. 93 & 94; Secs. 95 & 96; Secs. 97 & 98; Secs. 99 & 100; Secs. 101 & 102; Secs. 103 & 104; Secs. 105 & 106; Secs. 107 & 108; Secs. 109 & 110; Secs. 111 & 112; 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Secs. 703 & 704; Secs. 705 & 706; Secs. 707 & 708; Secs. 709 & 710; Secs. 711 & 712; Secs. 713 & 714; Secs. 715 & 716; Secs. 717 & 718; Secs. 719 & 720; Secs. 721 & 722; Secs. 723 & 724; Secs. 725 & 726; Secs. 727 & 728; Secs. 729 & 730; Secs. 731 & 732; Secs. 733 & 734; Secs. 735 & 736; Secs. 737 & 738; Secs. 739 & 740; Secs. 741 & 742; Secs. 743 & 744; Secs. 745 & 746; Secs. 747 & 748; Secs. 749 & 750; Secs. 751 & 752; Secs. 753 & 754; Secs. 755 & 756; Secs. 757 & 758; Secs. 759 & 760; Secs. 761 & 762; Secs. 763 & 764; Secs. 765 & 766; Secs. 767 & 768; Secs. 769 & 770; Secs. 771 & 772; Secs. 773 & 774; Secs. 775 & 776; Secs. 777 & 778; Secs. 779 & 780; Secs. 781 & 782; Secs. 783 & 784; Secs. 785 & 786; Secs. 787 & 788; Secs. 789 & 790; Secs. 791 & 792; Secs. 793 & 794; Secs. 795 & 796; Secs. 797 & 798; Secs. 799 & 800; Secs. 801 & 802; Secs. 803 & 804; Secs. 805 & 806; Secs. 807 & 808; Secs. 809 & 810; Secs. 811 & 812; Secs. 813 & 814; Secs. 815 & 816; Secs. 817 & 818; Secs. 819 & 820; Secs. 821 & 822; Secs. 823 & 824; Secs. 825 & 826; Secs. 827 & 828; Secs. 829 & 830; Secs. 831 & 832; Secs. 833 & 834; Secs. 835 & 836; Secs. 837 & 838; Secs. 839 & 840; Secs. 841 & 842; Secs. 843 & 844; Secs. 845 & 846; Secs. 847 & 848; Secs. 849 & 850; Secs. 851 & 852; Secs. 853 & 854; Secs. 855 & 856; Secs. 857 & 858; Secs. 859 & 860; Secs. 861 & 862; Secs. 863 & 864; Secs. 865 & 866; Secs. 867 & 868; Secs. 869 & 870; Secs. 871 & 872; Secs. 873 & 874; Secs. 875 & 876; Secs. 877 & 878; Secs. 879 & 880; Secs. 881 & 882; Secs. 883 & 884; Secs. 885 & 886; Secs. 887 & 888; Secs. 889 & 890; Secs. 891 & 892; Secs. 893 & 894; Secs. 895 & 896; Secs. 897 & 898; Secs. 899 & 900; Secs. 901 & 902; Secs. 903 & 904; Secs. 905 & 906; Secs. 907 & 908; Secs. 909 & 910; Secs. 911 & 912; Secs. 913 & 914; Secs. 915 & 916; Secs. 917 & 918; Secs. 919 & 920; Secs. 921 & 922; Secs. 923 & 924; Secs. 925 & 926; Secs. 927 & 928; Secs. 929 & 930; Secs. 931 & 932; Secs. 933 & 934; Secs. 935 & 936; Secs. 937 & 938; 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Secs. 1051 & 1052; Secs. 1053 & 1054; Secs. 1055 & 1056; Secs. 1057 & 1058; Secs. 1059 & 1060; Secs. 1061 & 1062; Secs. 1063 & 1064; Secs. 1065 & 1066; Secs. 1067 & 1068; Secs. 1069 & 1070; Secs. 1071 & 1072; Secs. 1073 & 1074; Secs. 1075 & 1076; Secs. 1077 & 1078; Secs.



Affidavit of Publication

State of North Dakota, County of Divide, ss:

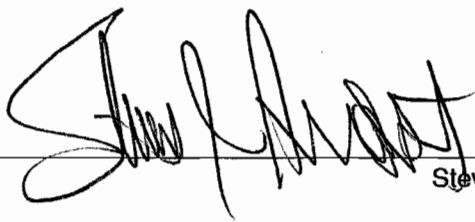
I, Steven J. Andrist, being first duly sworn, on my oath, say that I am the publisher of The Journal, a weekly newspaper of general circulation and official newspaper of Divide County, State of North Dakota, published in the city of Crosby, ND, and that the advertisement headed

NOTICE OF HEARING

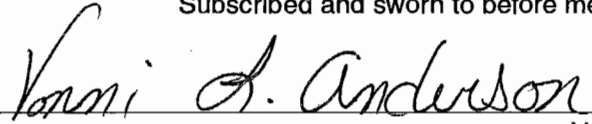
a printed copy of which is here attached, was published in The Journal on the following dates:

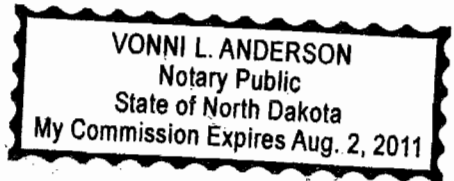
August 6, 2008..... 177 lines @ .57 = 100.89

TOTAL CHARGE..... \$100.89

Signed 
Steven J. Andrist, Publisher

Subscribed and sworn to before me August 6, 2008


Vonni L. Anderson
Notary Public, State of North Dakota
My Commission Expires August 2, 2011



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Divide Co. OK

**NOTICE OF HEARING
N.D. INDUSTRIAL COMMISSION
OIL AND GAS DIVISION**

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Thursday, August 28, 2008, at the N.D. Oil & Gas Division, 1016 East Calgary Ave., Bismarck, N. D. At the hearing the Commission will receive testimony and exhibits. Persons with any interest in the cases listed below, take notice.

PERSONS WITH DISABILITIES: If at the hearing you need special facilities or assistance, contact the Oil and Gas Division at 701-328-8038 by Friday, August 15, 2008.

STATE OF NORTH DAKOTA
TO:

Case No. 10396: Application of Continental Resources, Inc. for an order amending the field rules for the Hamlet-Bakken Pool, Divide County, ND, to allow the flaring of gas and unrestricted production of oil from all wells, drilled, completed, and producing from the Hamlet-Bakken Pool until the same can be connected to a gas gathering facility and providing such further and additional relief.

Case No. 10402: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Vatne #1-36H, Sections 25 and 36, T.160N., R.96W., Hamlet-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10403: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Skar #1-21H, Sections 21 and 28, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10404: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Landblom #1-35H, Sections 26 and 35, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10405: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-

03-88.1 pooling all interests in a spacing unit for the Spooner #1-11H, Sections 2 and 11, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10406: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Rossow #1-10H well described as Sections 3 and 10, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10407: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ells #1-6H well described as Sections 6 and 7, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10408: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Arvid #1-34H, Sections 27 and 34, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10409: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Glasoe #1-18H, Sections 18 and 19, T.161N., R.95W., Dolphin-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10296: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Elveida #1-33H, Sections 28 and 33, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 10419: Proper spacing for the development of the Ambrose-Bakken Pool, Divide County, ND, redefine the field limits, and enact such special field rules as may be necessary. Samson Resources Co.

Case No. 10420: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Hamisch #28-163-98H H/s/t well located in the SWSW of Section 28, T.163N., R.98W., Divide County, ND, Blooming Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or such further and additional relief as is appropriate.

Case No. 10421: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Holm #33-163-98H well located in the SESE of Section 33, T.163N., R.98W., Divide County, ND, Blooming Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or such further and additional relief as is appropriate.

Case No. 10422: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Sandberg #36-163-98H well located in the NWNW of Section 36, T.163N., R.98W., Divide County, ND, Blooming Prairie-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 or such further and additional relief as is appropriate.

Signed by,
John Hoeven, Governor
Chairman,
ND Industrial Commission
(5-7)