

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 16205
ORDER NO. 18471

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE IN THE MATTER OF THE PETITION FOR A RISK PENALTY OF BAYTEX ENERGY USA LTD. REQUESTING AN ORDER AUTHORIZING THE RECOVERY OF A RISK PENALTY FROM CERTAIN NON-PARTICIPATING OWNERS, AS PROVIDED BY NDCC § 38-08-08 IN THE DRILLING AND COMPLETING OF THE COLBY 23-14-160-99H #1PB WELL LOCATED IN A SPACING UNIT DESCRIBED AS SECTIONS 14 AND 23, T.160N., R.99W., BURG-BAKKEN POOL, DIVIDE COUNTY, ND, PURSUANT TO NDAC § 43-02-03-88.1, 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 17th day of November, 2011.
- (2) Baytex Energy USA Ltd. (Baytex) has filed a petition for a risk penalty before the North Dakota Industrial Commission (Commission) requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Colby 23-14-160-99H #1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West (Sections 14 and 23), Burg-Bakken Pool, Divide County, North Dakota, pursuant to North Dakota Administrative Code (NDAC) § 43-02-03-88.1, and such other relief as is appropriate.
- (3) Baytex is the owner of an interest in an oil and gas leasehold estate in a spacing unit for the Burg-Bakken Pool described as Sections 14 and 23.
- (4) The Commission makes no findings with regard to the specific acreage or percentage attributed to separately owned tracts or interests.
- (5) NDCC Section 38-08-08 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.

(6) Baytex requests an order of the Commission allowing the recovery of a risk penalty from the The Dublin Company (Dublin) interest.

(7) Dublin, a leasehold interest owner within the spacing unit, did not appear in this matter or object to the risk penalty being assessed against its leasehold interest.

(8) Pursuant to NDAC Section 43-02-03-16.3, Baytex sent an invitation to participate in the drilling and completion of the Colby 23-14-160-99H #1PB well. Baytex provided evidence that the invitation to participate was complete and properly served on Dublin.

(9) Pursuant to NDAC Section 43-02-03-16.3, Dublin had 30 days from the date of receiving the invitation to elect to participate in the Colby 23-14-160-99H #1PB well. Baytex provided evidence that Dublin failed to respond to Baytex's invitation within the 30-day deadline.

(10) The Commission concludes Baytex has complied with NDAC Section 43-02-03-16.3 and the risk penalty may be imposed against Dublin's leasehold interest.

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

IT IS THEREFORE ORDERED:

(1) A risk penalty may be imposed on the The Dublin Company leasehold interest for the drilling and completion of the Colby 23-14-160-99H #1PB well on a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to NDCC Section 38-08-08 and NDAC Section 43-02-03-16.3.

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

(3) 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 9th day of October, 2012.

**INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA**

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

November 1, 2011



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

RE: BAYTEX ENERGY USA LTD.
CASE NO. 16205

Dear Mr. Hicks:

Please find enclosed herewith for filing copies of the certified mail return receipts in the above matter.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lawrence Bender', written over the word 'Sincerely'.

LAWRENCE BENDER

LB/mpg

Enclosures

5015096_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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <p>The Dublin Company P. O. Box 783 Williston, ND 58802</p> <p><i>Baytex Colby 23-14-160-99H</i></p>	B. Received by (Printed Name) <i>TIM LYNCH</i> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7010 0780 0001 9887 9308 <i>mpg</i> Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$

Postage: 1.28
 Certified Fee: \$2.85
 Return Receipt Fee: \$2.30
 Total Postage & Fees: 6.43

The Dublin Company
 P. O. Box 783
 Williston, ND 58802

Baytex Colby 23-14-160-99H

OCT 17 2011
 USPS

7010 0780 0001 9887 9308

PS Form 3811, August 2004

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

CASE NO. 16205

In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38 08 08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.



PETITION OF BAYTEX ENERGY USA LTD.

Baytex Energy USA Ltd. ("Baytex"), respectfully shows the North Dakota Industrial Commission ("Commission") as follows:

1.

That Baytex is an owner of an interest in the oil and gas leasehold estate in all of Sections 14 and 23, Township 160 North, Range 99 West, Divide County, North Dakota ("Sections 14 and 23").

2.

That Baytex is the operator of the Colby 23-14-160-99H 1PB well, drilled in the Southwest Quarter of the Southeast Quarter (SW/4SE/4) of Section 23.

3.

That Sections 14 and 23 constitute the spacing unit for the Colby 23-14-160-99H 1PB well in the Burg-Bakken Pool.

4.

That an application has been filed and Order No. 17141 has been entered pooling all interests in a spacing unit for the Burg-Bakken Pool and described as all of Sections 14 and 23.

5.

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.

6.

That the following owner has elected not to participate in the drilling and completion operations of the Colby 23-14-160-99H 1PB well:

(a) The Dublin Company

7.

That the interests of the foregoing mineral interest owner are leasehold interests.

8.

That a well proposal was forwarded to the foregoing leasehold owner and said owner failed or refused to respond to the same, or elected not to participate.

9.

That the Colby 23-14-160-99H 1PB well was spud on April 8, 2011.

10.

That Baytex therefore requests that the Commission enter its order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by N.D.C.C. § 38-08-08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a

38-08-08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to N.D.A.C. § 43-02-03-88.1 and such other and further relief as is appropriate.

WHEREFORE, Baytex requests the following:

- (a) That this matter be set for the regularly scheduled November 2011 hearings of the Commission;
- (b) That pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code, Baytex's witnesses in this matter be allowed to participate by telephonic means; and
- (c) That thereafter the Commission issue an order granting the relief requested and such other and further relief as the Commission may deem appropriate.

DATED this 17th day of October, 2011.

FREDRIKSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
Attorneys for Applicant,
Baytex Energy USA Ltd.
200 North 3rd Street, Suite 150
Post Office Box 1855
Bismarck, North Dakota 58502-1855
701-221-4020

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

CASE NO. _____

In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38 08 08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.



NOTICE OF HEARING

PLEASE TAKE NOTICE that Baytex Energy USA Ltd. filed the above-referenced application with the North Dakota Industrial Commission.

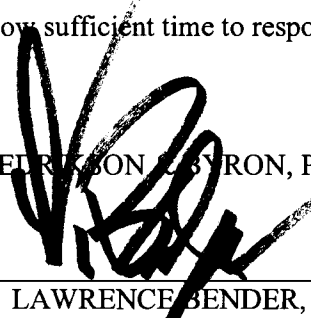
A hearing will be held at 9:00 a.m. on November 17, 2011 at the Department of Mineral Resources Conference Room, Oil and Gas Division, 1016 East Calgary Avenue, Bismarck, North Dakota, to consider the request of Baytex Energy USA Ltd.

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. In the event a nonparticipating owner objects, the applicant reserves the right to request a continuance to the next regularly scheduled hearing to allow sufficient time to respond to the objection.

DATED this 17th day of October, 2011.

FREEDERICKSON & BYRON, P.A.

By



LAWRENCE BENDER, ND Bar #03908
*Attorneys for Applicant,
Baytex Energy USA Ltd.*
200 North 3rd Street, Suite 150
Post Office Box 1855
Bismarck, North Dakota 58502-1855
701-221-4020 5000603_1.DOC

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

CASE NO. _____

In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38 08 08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.



AFFIDAVIT OF KELLY COVINGTON

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

Kelly Covington, being first duly sworn, deposes and states as follows:

1.

That I am a Land Technician for Baytex Energy USA Ltd., 600 17th Street, Suite 1600 S., Denver, Colorado 80202, the applicant in the above-entitled matter.

2.

That in the course of my work as a Land Technician for Baytex Energy USA Ltd., I have become familiar with the mineral ownership and leasehold ownership in and under all of Sections 14 and 23, Township 160 North, Range 99 West, Divide County, North Dakota ("Sections 14 and 23"). I am also familiar with all the oil and gas operations which have been conducted by Baytex Energy USA Ltd. on the above-described lands.

3.

That Baytex Energy USA Ltd. is an owner of an interest in the oil and gas leasehold estate in Sections 14 and 23.

4.

That Sections 14 and 23 have been designated as the spacing unit for the Colby 23-14-160-99H 1PB well in the Burg-Bakken Pool.

5.

That by Order No. 17141 entered in Case No. 14865, dated July 18, 2011, a spacing unit for the Burg-Bakken Pool described as Sections 14 and 23, was granted.

6.

That the following owner has elected not to participate in the drilling and completion operations of the Colby 23-14-160-99H 1PB:

(a) The Dublin Company

7.

That the interests of foregoing mineral interest owner are leasehold interests.

8.

That Baytex Energy USA Ltd. mailed a well proposal for the Colby 23-14-160-99H 1PB well to The Dublin Company on April 15, 2011, via Certified Mail at P. O. Box 783, Williston, ND 58802. That attached hereto as **Exhibit A** is a true and correct copy of the well proposal that Baytex Energy USA Ltd. sent to The Dublin Company April 15, 2011.

9.

That The Dublin Company received the well proposal that Baytex Energy USA Ltd. forwarded on April 15, 2011. That attached hereto as **Exhibit B** is a true and correct copy of the certified mail receipt proving The Dublin Company received and signed for the well proposal.

10.

That the well proposal stated that The Dublin Company had thirty (30) days from the receipt of the well proposal to accept or reject the well proposal. See Exhibit A. The well proposal provided that Baytex Energy USA Ltd. would be seeking recovery of a risk penalty from all nonparticipating owners as provided by North Dakota law. See Exhibit A. The well proposal further stated that any nonparticipating owner may object to the risk penalty by either responding in opposition to the petition, or if no such petition has been filed, by filing a request for hearing with the Commission. See Exhibit A.

11.

That The Dublin Company did not respond to the well proposal and therefore elected not to participate. Accordingly, because The Dublin Company elected not to participate, Baytex Energy USA Ltd. is seeking and is entitled to a risk penalty against the interests of The Dublin Company.

12.

That the Colby 23-14-160-99H 1PB well was spud on April 8, 2011.

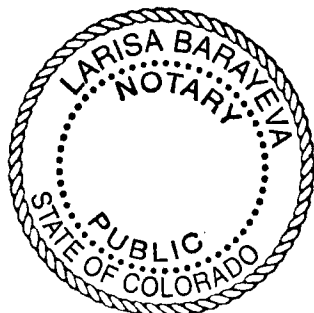
DATED this 13th day of October, 2011.



Kelly Covington

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 13 day of October, 2011 by Kelly Covington, Land Technician, of Baytex Energy USA Ltd.



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Larisa Barayeva
Notary Public
My Commission Expires: 06/27/2013

April 15, 2011

The Dublin Company
PO Box 783
Williston, ND 58802

Re: Colby 23-14-160-99H 1PB Well Proposal
Sections 23 and 14, T160N-R99W
Divide County, ND

Via Certified Mail

Ladies and Gentlemen:

This letter will serve as notice, pursuant to the provisions of Section 38-08-08 of the North Dakota Century Code and Section 43-02-03-16.3 of the North Dakota Administrative Code, of the plans of Baytex Energy USA Ltd. ("Baytex") to drill the above-referenced well. Baytex proposes the following:

1. Baytex plans to drill the Colby 23-14-160-99H 1PB well located in the SE/4 of Section 23, Township 160 North, Range 99 West, Divide County, North Dakota. Baytex proposes to drill a single horizontal lateral well to test the Three Forks formation within the Burg-Bakken Pool as defined by the North Dakota Industrial Commission at an approximate true vertical depth of approximately 9,300 feet.

2. As set forth in the enclosed AFE for the Colby 23-14-160-99H 1PB well, the estimated drilling and casing costs for this operation are \$3,606,500 and the estimated completed and equipped well costs are \$6,001,550. Contingent to verification of title, our records indicate you own 120 net leasehold acres and a 9.375% estimated gross working interest in the proposed 1280 acre spacing unit.

3. Baytex has secured a rig and has plans to spud the Colby 23-14-160-99H 1PB well on or about May 3, 2011.

4. Each working interest owner has thirty (30) days from receipt of this letter to accept or reject this well proposal. If you accept this well proposal and elect to participate in the drilling of the Colby 23-14-160-99H 1PB well, please so indicate by executing the enclosed AFE and returning a copy of the AFE to the undersigned on or before thirty (30) days from the receipt of this letter.

EXHIBIT A

5. If you elect not to participate in the proposed operation as outlined herein, please so indicate by marking the appropriate space provided below, executing this letter and returning it to Baytex on or before thirty (30) days from the receipt of this letter. Please take notice that in the event any owner offered an opportunity to participate hereby elects not to participate in the operations of the Colby 23-14-160-99H 1PB well, the participating owners plan to impose a risk penalty as provided by North Dakota law. Any nonparticipating owner may object to the risk penalty by either responding in opposition to the petition for a risk penalty, or if no such petition has been filed, by filing an application or request for hearing with the North Dakota Industrial Commission.

6. Should you be interested in assigning your leasehold interest in the proposed spacing unit, please contact the undersigned as soon as possible.

If you have any questions, please do not hesitate to contact the undersigned at (303) 551-6452, or by e-mail at lee.zink@baytexenergyusa.com.

Very truly yours,


Lee Zink
Landman

Colby 23-14-160-99H 1PB Well Election

I/We elect to participate in Baytex's Well Proposal of the Colby 23-14-160-99H 1PB.

I/We elect NOT to participate in Baytex's Well Proposal of the Colby 23-14-160-99H 1PB.

I/We would be interested in selling interest in the proposed spacing unit.

THE DUBLIN COMPANY

By: _____
Title: _____
Date: _____

BAYTEX

ENERGY USA LTD

Onshore Operations Authority For Expenditure Cost Estimate

Original Supplemental No. _____
 Category _____
 Drilling
 Workover Re-completion
 Production Facility (Tangible Expenses Only)
 Repair

AFE NO.	U11030020	
Working Interest	100%	
AFE Wt. Amt.		
Total Wt. AFE Amt.	\$ -	
AFE Date		
Working Interest Partners		
The Duffin Company	8.375%	\$ -
		Estimated Costs \$62,845

Project Name	Colby 23-14-160-89 1PB	Depth TVD	1100 R.	Depth MD	17,300	Elevation	2118	
Location	SWSE Section 23, T180N-R09W, approx 343' FSL & 2,170' FEL						County	Divide
Operator	BAYTEX ENERGY USA LTD							

Description Of Work: This estimated AFE is raised to drill, complete and equip (DCE) a horizontal well targeting the Threeforks Formation from surface coordinates as indicated. This well to be drilled to an estimated -9,380' TVD 17,300' MD. Completed with hydraulic stage fracture and tied into a single well battery.

NET		GROSS		INTANGIBLE DRILLING		
Major Account	Minor Account	Major Account	Minor Account	Drill	Completion & Equip	Total
3200	1030	9200	1030	ENTRY FEE & INITIAL CONSIDERATION	\$ 8,000	\$ 8,000
3200	1032	9200	1032	LICENSE & SURVEY	\$ 3,000	\$ 3,000
3200	1034	9200	1034	LEASE PREPARATION	\$ -	\$ -
3200	2505	9200	2505	SITE RESTORATION	\$ -	\$ -
3200	1038	9200	1038	ROAD USE FEES	\$ -	\$ -
3200	1100	9200	1100	EQUIPMENT RENTALS	\$ 250,000	\$ 250,000
3200	1102	9200	1102	POWER, FUEL & WATER HAULING	\$ 210,000	\$ 210,000
3200	1104	9200	1104	TRUCKING & HAULING	\$ 99,000	\$ 99,000
3200	2000	9200	2000	SUPERVISION	\$ 70,000	\$ 70,000
3200	2225	9200	2225	LEGAL/TITLE	\$ 15,000	\$ 15,000
3200	2025	9200	2025	COMMUNICATION	\$ 28,000	\$ 28,000
3200	2510	9200	2510	SAFETY SERVICES	\$ 50,000	\$ 50,000
3200	2010	9200	2010	CONTRACT SERVICES	\$ 190,000	\$ 190,000
3200	2500	9200	2500	ENVIRONMENTAL SERVICES	\$ 80,000	\$ 80,000
3200	2005	9200	2005	COMPANY LABOUR	\$ -	\$ -
3200	2015	9200	2015	ENGINEERING	\$ -	\$ -
3200	2020	9200	2020	CONSTRUCTION/LOCATION & ROAD	\$ 150,000	\$ 150,000
3200	3130	9200	3130	RAT HOLE & CONDUCTOR PIPE	\$ 20,000	\$ 20,000
3200	3125	9200	3125	CASING BOWL	\$ 35,000	\$ 35,000
3200	3100	9200	3100	SURFACE CASING & ATTACHMENTS	\$ -	\$ -
3200	3105	9200	3105	CEMENTING SURFACE CASING	\$ 25,000	\$ 25,000
3200	3120	9200	3120	PLUGS	\$ 12,000	\$ 12,000
3200	3115	9200	3115	INTERMEDIATE CASING & ATTACHMENTS	\$ -	\$ -
3200	3110	9200	3110	CEMENTING INTERMEDIATE CASING	\$ 55,000	\$ 55,000
3200	3135	9200	3135	POWER TONGS	\$ 75,000	\$ 75,000
3200	3292	9200	3292	RIG MOVE & RACKING COST	\$ 100,000	\$ 100,000
3200	3210	9200	3210	DRILLING - METRAGE	\$ 60,000	\$ 60,000
3200	3296	9200	3296	DRILLING - DAYWORK	\$ 675,500	\$ 675,500
3200	3215	9200	3215	DRILLING - DIRECTIONAL	\$ 380,000	\$ 380,000
3200	3220	9200	3220	CAMP & SUBSISTENCE	\$ -	\$ -
3200	3294	9200	3294	RIG UP, TEAR OUT & STANDBY	\$ 90,000	\$ 90,000
3200	3250	9200	3250	DRILLING BITS	\$ 100,000	\$ 100,000
3200	3284	9200	3284	MUD & CHEMICALS	\$ 195,000	\$ 195,000
3200	3282	9200	3282	FISHING TOOL COSTS	\$ -	\$ -
3200	3285	9200	3285	CORDING & ANALYSIS	\$ -	\$ -
3200	3240	9200	3240	OPEN HOLE LOGGING	\$ 40,000	\$ 40,000
3200	3230	9200	3230	DRILL STEM TEST	\$ -	\$ -
3200	3231	9200	3231	SUPERVISION - GEOLOGICAL	\$ 89,000	\$ 89,000
3200	3280	9200	3280	AIR TRANSPORTATION	\$ -	\$ -
3200	3285	9200	3285	GOVERNMENT INCENTIVES	\$ -	\$ -
3200	3260	9200	3260	PRODUCTION CASING & ATTACHMENTS	\$ -	\$ -
3200	3281	9200	3281	CEMENTING PRODUCTION CASING	\$ -	\$ -
3200	3135	9200	3135	POWER TONGS	\$ -	\$ -
3200	8096	9200	8096	ENGINEERING & DESIGN - 2%	\$ -	\$ -
3200	8000	9200	8000	MISCELLANEOUS	\$ 75,000	\$ 75,000
3200	5000	9200	5000	INSURANCE	\$ -	\$ -
3200	8098	9200	8098	OVERHEAD	\$ 37,000	\$ 37,000
NET				INTANGIBLE COMPLETION		
3250	2505	9250	2505	SITE RESTORATION	\$ 98,000	\$ 98,000
3250	1100	9250	1100	EQUIPMENT RENTALS	\$ 120,000	\$ 120,000
3250	1102	9250	1102	POWER, FUEL & WATER HAULING	\$ 100,000	\$ 100,000
3250	1104	9250	1104	TRUCKING & HAULING	\$ -	\$ -
3250	2000	9250	2000	SUPERVISION	\$ 45,800	\$ 45,800
3250	2025	9250	2025	COMMUNICATIONS	\$ 3,000	\$ 3,000
3250	2510	9250	2510	SAFETY SERVICES	\$ 2,500	\$ 2,500
3250	2010	9250	2010	CONTRACT SERVICES	\$ 54,000	\$ 54,000
3250	2005	9250	2005	COMPANY LABOUR	\$ -	\$ -
3250	2015	9250	2015	ENGINEERING	\$ -	\$ -
3250	1038	9250	1038	LEASE & ROAD UPGRADE	\$ 5,000	\$ 5,000
3250	3250	9250	3250	SERVICE RIG	\$ 150,000	\$ 150,000
3250	3248	9250	3248	CASED HOLE LOGGING	\$ 15,000	\$ 15,000
3250	3258	9250	3258	SLICK LINE	\$ -	\$ -
3250	3250	9250	3250	FRACTURING	\$ 640,000	\$ 640,000
3250	3258	9250	3258	COMPLETION FLUIDS	\$ 30,000	\$ 30,000
3250	3262	9250	3262	PRODUCTION TESTS	\$ 66,000	\$ 66,000
3250	3264	9250	3264	CIRCLATING	\$ -	\$ -
3250	3288	9250	3288	DISPOSAL COSTS	\$ 84,000	\$ 84,000
3250	3268	9250	3268	SHAULING AND FISHING	\$ -	\$ -
3250	8096	9250	8096	ENGINEERING & DESIGN - 2%	\$ -	\$ -
3250	8000	9250	8000	MISCELLANEOUS	\$ 30,000	\$ 30,000
3250	5000	9250	5000	INSURANCE	\$ -	\$ -
3250	8098	9250	8098	OVERHEAD	\$ 19,000	\$ 19,000
NET				Total Intangibles		
				\$ 2,215,500	\$ 1,430,100	\$ 4,045,600
NET		GROSS		TANGIBLE DRILLING		
Major Account	Minor Account	Major Account	Minor Account	Drill	Completion & Equip	Total
3230	3130	9230	3130	CONDUCTOR CASING	\$ 50,000	\$ 50,000
3230	3100	9230	3100	SURFACE CASING & ATTACHMENTS	\$ 340,000	\$ 340,000
3230	3115	9230	3115	INTERMEDIATE CASING & ATTACHMENTS	\$ -	\$ -
3230	3312	9230	3312	LINERS & LINER EQUIPMENT	\$ -	\$ -
NET				Total Tangibles		
				\$ 390,000	\$ 390,000	\$ 390,000
NET		GROSS		TANGIBLE COMPLETION		
Major Account	Minor Account	Major Account	Minor Account	Drill	Completion & Equip	Total
3300	1038	9300	1038	LEASE & ROAD UPGRADE	\$ 14,000	\$ 14,000
3300	3260	9300	3260	PRODUCTION CASING & ATTACHMENTS	\$ 390,000	\$ 390,000
3300	3112	9300	3112	LINERS & LINER EQUIPMENT	\$ 52,000	\$ 52,000
3300	3508	9300	3508	WELLHEAD & EQUIPMENT	\$ 22,000	\$ 22,000
3300	3302	9300	3302	TUBING	\$ 55,000	\$ 55,000
3300	3304	9300	3304	SUCKER ROOD	\$ 33,000	\$ 33,000
3300	3310	9300	3310	BOTTOM HOLE PUMPS	\$ 12,600	\$ 12,600
3300	3308	9300	3308	RETRIEVABLE DOWNHOLE EQUIP	\$ 9,250	\$ 9,250
3300	8000	9300	8000	MISCELLANEOUS	\$ 4,000	\$ 4,000
3300	5000	9300	5000	INSURANCE	\$ -	\$ -
3300	8098	9300	8098	OVERHEAD	\$ -	\$ -
NET				Total Tangibles		
				\$ 580,000	\$ 984,950	\$ 1,354,950
NET		GROSS		WELL EQUIPPING COSTS		
Major Account	Minor Account	Major Account	Minor Account	Drill	Completion & Equip	Total
3340	1040	9340	1040	SITE FENCING	\$ -	\$ -
3340	3422	9340	3422	PUMPJACK AND BASE	\$ 125,000	\$ 125,000
3340	3442	9340	3442	TREATERS	\$ 44,100	\$ 44,100
3340	3430	9340	3430	TANKS	\$ 58,500	\$ 58,500
3340	3448	9340	3448	HEATERS	\$ -	\$ -
3340	3312	9340	3312	LIME PIPE & COATING	\$ 12,600	\$ 12,600
3340	3432	9340	3432	METERS & INSTRUMENTS	\$ 3,800	\$ 3,800
3340	3308	9340	3308	VALVES & FITTINGS	\$ 47,000	\$ 47,000
3340	2030	9340	2030	INSTALLATION & LABOR	\$ 30,000	\$ 30,000
3340	3424	9340	3424	ENGINES	\$ 37,000	\$ 37,000
3340	3444	9340	3444	SEPARATORS	\$ -	\$ -
3340	3720	9340	3720	PERMANENT ROADS	\$ -	\$ -
3340	3710	9340	3710	BUILDINGS & FOUNDATIONS	\$ 15,000	\$ 15,000
3340	3436	9340	3436	ELECTRICAL EQUIPMENT	\$ -	\$ -
3340	3434	9340	3434	INSTRUMENTATION	\$ -	\$ -
3340	8000	9340	8000	MISCELLANEOUS	\$ -	\$ -
3340	8000	9340	8000	INSURANCE	\$ -	\$ -
3340	8098	9340	8098	OVERHEAD	\$ -	\$ -
NET				Total Tangibles		
				\$ 390,000	\$ 984,950	\$ 1,354,950
TOTAL COST				\$ 3,906,000	\$ 2,395,050	\$ 6,001,550

Approved: _____ Date: _____ By: _____ Company: _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Dublin Company
 PO Box 783
 Williston, ND 58802

2. Article Number
 (Transfer from service label)

7010 1870 0000 6397 6988

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Address

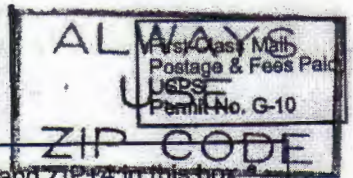
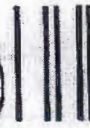
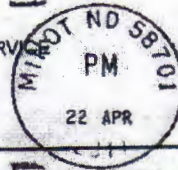
B. Received by (Printed Name) *Marcelus Lee* C. Date of Deliv *4/22/11*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

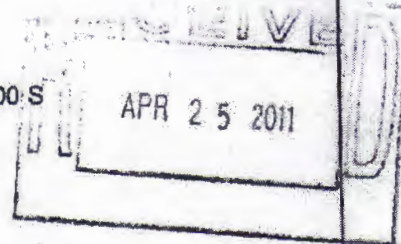
4. Restricted Delivery? (Extra Fee) Yes

UNITED STATES POSTAL SERVICE



* Sender: Please print your name, address, and ZIP+4 in this box.

Baytex Energy USA Ltd
 600 17th Street, Suite 1600 S
 Denver, CO 80202
 Attn: Lee Zink



Colby 23-14-160-99H



EXHIBIT B

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

CASE NO. _____

In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38 08 08 in the drilling and completing of the Colby 23-14-160-99H 1PB well located in a spacing unit described as Sections 14 and 23, Township 160 North, Range 99 West, Burg-Bakken Pool, Divide County, North Dakota, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the following documents:

1. **Petition of Baytex Energy USA Ltd.;**
2. **Notice of Hearing; and**
3. **Affidavit of Lee Zink**

was on the 17th day of October, 2011 served by placing the same in the United States mail, with postage prepaid, certified mail, return receipt requested, at Bismarck, North Dakota, properly addressed to the following:

The Dublin Company
P. O. Box 783
Williston, ND 58802



LAWRENCE BENDER
5000612_1.DOC

October 17, 2011



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

**RE: RISK PENALTY PETITION OF
BAYTEX ENERGY USA LTD.**

Dear Mr. Hicks:

Please find enclosed herewith for filing the following:

1. Petition of Baytex Energy USA Ltd.;
2. Notice of Hearing;
3. Affidavit of Lee Zink; and
4. Certificate of Service.

As you will note, pursuant to N.D. Admin. Code § 43-02-03-88.2, Baytex 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/mpg

Enclosure

cc: Ms. Karlene Fine - (w/enc.)
Mr. Lynn Helms - (w/enc.)
Mr. Charles Carvell - (w/enc.)
Ms. Kelly Covington - (w/enc.)
5005246_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

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OIL & GAS DIVISION

600 E BLVD AVE #405
BISMARCK ND 58505

Date	Order #	Type	Order Amt
10/26/11	20547766	INV	727.32

Amount Paid: _____ CK #: _____

Cash Amt

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR

Date	Date	Times Run	Description	Lines
10/26/11	10/26/11	1	607331/Case No 15947 Bismarck Tribune PO:Notice of Hearing	957.00

Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota, personally appeared ck who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune and that the publication(s) were made through the Bismarck Tribune on the following dates: 10/26. Signed Carrie Hunt sworn and subscribed to before me this 12th day of NOVEMBER 2011.
Notary Public in and for the State of North Dakota

**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, November 17, 2011, 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, November 04, 2011.
STATE OF NORTH DAKOTA TO:
Case No. 15947: Temporary spacing to develop an oil and/or gas pool discovered by the Samson Resources Co. #16-162-98H

GREGORY P. ZIEGLER
Notary Public
State of North Dakota
My Commission Expires July 22, 2015

Please return invoice or put order number on check. Thank You.

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Holm State, NWNW Section 16, T.162N., R.98W., Divide County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16181: Temporary spacing to develop an oil and/or gas pool discovered by the Samson Resources Co. #1H Love 11-2, SESW Section 11, T.158N., R.99W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16182: Temporary spacing to develop an oil and/or gas pool discovered by the Zenergy, Inc. #34-27H Wold, SESW Section 34, T.153N., R.97W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16183: Application of Zenergy, Inc., for an order suspending and, after hearing, revoking the permit issued to Petro-Hunt, L.L.C. to drill the Eidsvoog #157-100-3B-4-1 well (File No. 21666), with a surface location in the SENW of Section 3, T.157N., R.100W., Williams County, ND, and for such other relief as is appropriate.

Case No. 16184: Temporary spacing to develop an oil and/or gas pool discovered by the Crescent Point Energy U.S. Corp. #2-11-162N-102W CPEC Lancaster, NWNE Section 2, T.162N., R.102W., Divide County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16185: Application of G3 Operating, LLC, for an order to establish temporary spacing for the development of an oil and/or gas pool discovered by the Peterson Trust #1-5-8H well, located in Lot 4 of Section 5, T.157N., R.101W., Williams County, ND, define the field limits, enact such special field rules as may be necessary and such further and additional relief.

Case No. 16186: Application of Enerplus Resources (U.S.A.) Inc. for an order amending the field rules for the Antelope-Sanish Pool to create and establish a 640-acre spacing unit comprised of the S/2 of Section 13, T.152N., R.95W., and the S/2 of Section 18, T.152N., R.94W., McKenzie County, ND, authorizing the drilling of a total of not more than four wells on said 640-acre spacing unit, eliminating any tool error requirements, and/or such other and further relief as appropriate.

Case No. 16187: Application of Enerplus Resources (U.S.A.) Inc. for an order extending the field boundaries and amending the field rules for the McGregory Buttes, Moccasin Creek, or Bailey-Bakken Pools to create and establish a 1280-acre spacing unit comprised of Sections 13 and 24, T.147N., R.94W., Dunn County, ND, authorizing the drilling of a total of not more than four wells on said 1280-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16188: Application of Silver Oak Energy, LLC for an order authorizing the drilling, completing and producing of the Rankin #1-35H well with a beginning location of the lateral approximately 728 feet from the south line and 621 feet from the west line of Section 35, T.133N., R.106W., Slope County, ND, as an exception to the provisions of NDAC § 43-02-03-18 and such other relief as is appropriate.

Case No. 16189: Application of EOG Resources, Inc. for an order extending the field boundaries and amending the field rules for the Van Hook and/or Parshall-Bakken Pools to create and establish two 2560-acre spacing units comprised of Sections 15, 16, 21 and 22, T.153N., R.90W.; and Sections 13, 14, 23 and 24, T.152N., R.91W.; eight 1920-acre spacing units comprised of Sections 11, 12 and 13; Sections 23, 24 and 25, T.152N., R.91W.; Sections 13 and 24, T.152N., R.91W. and Section 19, T.152N., R.90W.; Sections 4, 5 and 9; Sections 5, 6 and 8; Sections 8, 16 and 17; Sections 17, 20 and 21; and Sections 18, 19 and 20, T.152N., R.90W.; and one 1280-acre spacing unit comprised of Sections 25 and 26, T.152N., R.91W., Mountrail County, ND, authorizing the drilling of one horizontal well on each 2560, 1920 and 1280-acre spacing unit described herein and/or such other and further relief as appropriate.



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Credit card: _____

(one)

Amt	Net Amt Due
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Due: 727.32

Case No. 16190: Application of Chesapeake Exploration, LLC, for an order creating a 1280-acre drilling unit comprised of Sections 25 and 36, T.140N., R.104W., Golden Valley County, ND, authorizing the drilling of a horizontal well within said drilling unit and such other and further relief.

Case No. 16191: Application of Chesapeake Exploration, LLC, for an order creating a 1280-acre drilling unit comprised of Sections 25 and 36, T.139N., R.94W., Stark County, ND, authorizing the drilling of a horizontal well within said drilling unit and such other and further relief.

Case No. 16192: Application of Chesapeake Exploration, LLC, for an order creating two 1280-acre drilling units comprised of Sections 18 and 19 and Sections 28 and 33, T.138N., R.95W., Stark County, ND, authorizing the drilling of a horizontal well within each drilling unit and such other and further relief.

Case No. 16193: Application of Chesapeake Exploration, LLC, for an order creating nine 1280-acre drilling units comprised of Sections 29 and 32, T.138N., R.98W.; Sections 17 and 20, T.137N., R.98W.; Sections 6 and 7; Sections 16 and 21; Sections 17 and 20, T.137N., R.97W.; Sections 5 and 8, T.137N., R.96W., Stark County, ND; Sections 6 and 7, T.136N., R.98W., Slope County, ND; Sections 5 and 8, T.136N., R.97W.; and Sections 15 and 22, T.136N., R.96W., Hettinger County, ND, authorizing the drilling of a horizontal well within each drilling unit and such other relief as is appropriate.

Case No. 16264: Application of Chesapeake Exploration, LLC, for an order authorizing the drilling, completion and production of the Schoch 21-137-97 #A 1H well which was inadvertently drilled with an entry point into the Three Forks Formation of approximately 163 feet from the north line and 1946 feet from the east line of Section 28, T.137N., R.97W., Stark County, ND, as an exception to the provisions of NDAC § 43-02-03-18 and designating Sections 28 and 33, T.137N., R.97W., as the appropriate drilling unit for said well and such other relief as is appropriate.

Case No. 16194: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Marmon, Oliver and/or East Fork-Bakken Pools to create and establish eighteen 1280-acre spacing units comprised of Sections 1 and 12; Sections 2 and 11; Sections 3 and 10; Sections 4 and 9; Sections 5 and 8; Sections 6 and 7; Sections 13 and 24; Sections 14 and 23; Sections 15 and 22; Sections 16 and 21; Sections 17 and 20; Sections 18 and 19; Sections 25 and 36; Sections 26 and 35; Sections 27 and 34; Sections 28 and 33; Sections 29 and 32; and Sections 30 and 31, T.157N., R.99W., Williams County, ND, authorizing the drilling of a total of not more than seven wells on said 1280-acre spacing units, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16195: Application of Continental Resources, Inc. for an order amending the field rules for the Medicine Pole Hills West-Red River Unit, and the Medicine Pole Hills-Red River "B" Unit, Bowman County, ND, authorizing the drilling of a boundary horizontal well at a surface location approximately 2250 feet from the north line and 2400 feet from the east line of Section 10, T.130N., R.104W., Bowman County, ND, allowing the well to be drilled at an approximate azimuth of south 45°W., with the terminus of the horizontal well bore at a location 2150 feet from the south line and 700 feet from the west line of Section 10, T.130N., R.104W., such that the horizontal displacement in the open hole portion of the well bore in the Red River "B" porosity will be approximately 3500

feet in the Medicine Pole Hills West-Red River Unit and approximately 3900 feet in the Medicine Pole Hills-Red River "B" Unit, and such other relief as is appropriate.

Case No. 16196: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Wildrose-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 2 and 11, T.160N., R.97W., Divide County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 14356: (Continued) Application of Continental Resources, Inc. for an order amending the field rules for the Elm Tree-Bakken Pool to create a 2560-acre spacing unit comprised of all of Sections 5, 8, 17 and 20, T.153N., R.94W., McKenzie County, ND, authorizing the drilling of up to four horizontal wells from said well pad within said 2560-acre spacing unit; eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15491: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-14H Montpelier, NENE Section 14, T.153N., R.101W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15733: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-23H Truman, NENW Section 23, T.153N., R.99W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16197: Application of Triangle USA Petroleum Corp. for an order extending the field boundaries and amending the field rules for the Strandahl or Bull Butte-Bakken Pools to create and establish a 960-acre spacing unit comprised of Sections 2 and 3, T.156N., R.104W., Williams County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 15957: (Continued) Application of Triangle USA Petroleum Corp. for an order extending the field boundaries and amending the field rules for the Bull Butte-Bakken Pool to create and establish a 640-acre spacing unit comprised of Section 36, T.156N., R.104W., Williams County, ND, authorizing the drilling of a horizontal well on said spacing unit, authorizing the horizontal well to be drilled not less than 500 feet to the spacing unit boundary except for the "heel and toe" which may be drilled not less than 200 feet from the spacing unit boundary and such other relief as is appropriate.

Case No. 16198: Application of Brigham Oil & Gas, L.P. for an order authorizing the drilling, completing and producing of the Kalil 25-36 #2H well (Well File No. 21125) as a horizontal well located in Section 25, T.156N., R.103W., in the Bull Butte-Bakken Pool, Williams County, ND, with a portion of the vertical section of the well open to the Lodgepole Formation and such other relief as is appropriate.

Case No. 16199: Application of Dakota-3 E&P Co., LLC for an order extending the field boundaries and amending the field rules for the Van Hook or Deep Water Creek Bay-Bakken Pools to create and establish a 3840-acre spacing unit comprised of Sections 4, 5, 6, 7, 8, 9, T.150N., R.91W., McLean County, ND, authorizing the drilling of a total of not more than 22 wells on said 3840-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16200: Application of CCS Midstream Services, LLC, for an order pursuant to NDAC § 43-02-03-51 authorizing the construction of a treating plant to be located in the E/2 of Section 7, T.156N., R.94W., Mountrail County, ND, and such further relief as is appropriate.

Case No. 15754: (Continued) Application of Newfield Production Co. for an order extending the field boundaries and amending the field rules for the Cartwright-Bakken Pool, or in the alternative to establish Bakken spacing in the Hay Creek, Estes, and/or Yellowstone Fields, to create and establish ten 1280-acre spacing units comprised of Sections 14 and 23; Sections 15 and 22; Sections 16 and 21; Sections 17 and 20; Sections 18 and 19; Sections 26 and 35; Sections 27 and 34; Sections 28 and 33; Sections 29 and 32; and Sections 30 and 31, T.150N., R.104W., McKenzie County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 15755: (Continued) Application of Newfield Production Co. for an order extending the field boundaries and amending the field rules for the Todd or Williston-Bakken Pools, or in the alternative to establish Bakken spacing in the Springbrook Field, to create and establish a 1280-acre spacing unit comprised of Sections 30 and 31, T.155N., R.100W., Williams County, ND, authorizing the drilling of total of not more than seven wells on said 1280-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15496: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Renegade Petroleum (ND) Ltd. #6H 3-14 A Trout, Lot 3, Section 6, T.162N., R.84W., Renville County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15736: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Crescent Point Energy US Corp. #1-21-16H-158-97 Perry Larson, SESW Section 21, T.158N., R.97W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15747: (Continued) Application of Credo Petroleum Corp. for an order suspending, and after hearing, revoking the permit issued to Helix Oil & Gas Co., L.L.C., to drill the Linseth #13-13/12H well (File No. 21217), with a surface location in Lot 4 of Section 13, T.149N., R.95W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 16201: In the matter of the petition for a risk penalty of G3 Operating, LLC requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Rasmussen #1-25-36H well located in a spacing unit described as Sections 25 and 36, T.157N., R.103W., Strandahl-Bakken Pool, Williams County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16202: Application of G3 Operating, LLC for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.158N., R.101W., in an unestablished-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16203: Application of G3 Operating, LLC for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 5 and 8, T.157N., R.101W., in an unestablished-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16204: In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Olson 15-22-162-100H #1CN well located in a spacing unit described as Sections 15 and 22, T.162N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16205: In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Colby 23-14-160-99H #1PB well located in a spacing unit described as Sections 14 and 23, T.160N., R.99W., Burg-Bakken Pool, Divide County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16206: Application of Continental Resources, Inc. for an order authorizing the drilling, completing and producing of a total of not more than two wells on an overlapping 1280-acre spacing unit described as Sections 27 and 34, T.159N., R.95W., Lindahl-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16207: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 4 and 9, T.161N., R.94W., Leaf Mountain and/or Stoneview-Bakken Pools, Burke County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16208: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 3 and 10, T.160N., R.94W., Viking-Bakken Pool, Burke County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16209: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 7 and 18, T.160N., R.94W., Stoneview-Bakken Pool, Burke County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16210: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.160N., R.94W., North Tioga-Bakken Pool, Burke County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16211: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.156N., R.100W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16212: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 2 and 11, T.156N., R.100W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16213: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 5 and 8, T.156N., R.99W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16214: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.156N., R.99W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16215: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.156N., R.95W., Pleasant Valley-Bakken Pool, Williams County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16216: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 31, T.154N., R.99W., and Section 6, T.153N., R.99W., Crazy Man Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16217: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 4 and 9, T.153N., R.99W., Crazy Man Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16218: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 7 and 18, T.153N., R.99W., Crazy Man Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16219: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 17 and 20, T.153N., R.99W., Crazy Man Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16220: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 19 and 30, T.153N., R.99W., Crazy Man Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16221: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 31, T.153N., R.99W., and Section 3 and the N/2 of Section 10, T.152N., R.100W., Crazy Man Creek-Bakken Pool, Williams and McKenzie Counties, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16222: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.153N., R.99W., Long Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16223: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 23 and 26, T.153N., R.99W., Long Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16224: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 24 and 25, T.153N., R.99W., Long Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16225: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as the S/2 of Section 22 and all of Sections 27 and 34, T.153N., R.99W., Long Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16226: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.152N., R.97W., Eldah-Bakken Pool, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16227: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.152N., R.94W., Antelope-Sanish Pool, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16228: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 14 and 23, T.148N., R.99W., Haystack Butte-Bakken Pool, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16229: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 31, T.147N., R.96W., and Section 6, T.146N., R.96W., Rattlesnake Point-Bakken Pool, Dunn County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16230: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 26 and 35, T.141N., R.99W., St. Demetrius-Bakken Pool, Billings County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16231: Application of Continental Resources, Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 27 and 34, T.141N., R.99W., St. Demetrius-Bakken Pool, Billings County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 15781: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the conversion to saltwater disposal into the Dakota Group of the Holecek #1-17 well, NENE Section 17, T.129N., R.104W., Medicine Pole Hills Field, Bowman County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 16232: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than two wells on a 320-acre spacing unit described as the E/2 of Section 1, T.148N., R.95W., Eagle Nest-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16233: Application of Dakota-3 E&P Company, LLC for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 14 and 23, T.149N., R.93W., and a total of not more than four wells on each 640-acre spacing unit described as Sections 15 and 17, T.149N., R.93W., Mandaree-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16234: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 1 and 12, T.148N., R.93W., South Fork-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16235: Application of Dakota-3 E&P Company, LLC for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Section 8, T.149N., R.94W., Squaw Creek-Bakken Pool, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16236: Application of Dakota-3 E&P Company, LLC for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Section 35, T.148N., R.93W., Moccasin Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16237: Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on an overlapping 1280-acre spacing unit described as Sections 25 and 36, T.152N., R.97W., Westberg-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16238: Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on an overlapping 1280-acre spacing unit described as Sections 21 and 28, T.153N., R.96W., Sand Creek-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16239: Application of Newfield Production Company for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 2 and 11, T.150N., R.99W., Tobacco Garden-Bakken Pool, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 15859: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 6 and 7, T.154N., R.100W., Williston-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15860: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 1 and 12, T.155N., R.100W., Stony Creek-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15861: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on each 1280-acre spacing unit described as Sections 5 and 8; Sections 6 and 7; Sections 14 and 23; Sections 17 and 20; and Sections 18 and 19, T.155N., R.99W., Epping-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16240: Application of EOG Resources, Inc. for an order authorizing the drilling, completing and producing of a total of not more than two wells on an overlapping 1920-acre spacing unit described as Sections 7, 17 and 18, T.156N., R.92W., Alger-Bakken Pool, Mountrail County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16241: Application of EOG Resources, Inc. for an order authorizing the drilling, completing and producing of a total of not more than three wells on a 1280-acre spacing unit described as Sections 6 and 7, T.153N., R.103W., Painted Woods-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16242: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.154N., R.104W., Round Prairie-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16243: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 16 and 21, T.150N., R.94W., Spotted Horn-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16244: Application of Enerplus Resources (U.S.A.) Inc. for an order authorizing the drilling, completing and producing of a total of not more than four wells on a 640-acre spacing unit described as Section 16, T.151N., R.94W., Antelope-Sanish Pool, McKenzie County, ND, eliminating any tool error requirements and such further and additional relief.

Case No. 16245: Application of Bennett SWD, LLC in accordance with NDAC § 43-02-03-88.1 for an order authorizing the conversion of the Berwald Federal #11-21 SWD well, f/k/a Berwald Federal #11-21 well, located in the SW/4 of Section 21, T.150N., R.95W., Blue Buttes Field, McKenzie County, ND, to a saltwater disposal well in the Dakota Formation pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 16246: In the matter of the petition for a risk penalty of Denbury Onshore, LLC requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Wolff #13-24 ENH well located in a spacing unit described as Section 24, T.149N., R.98W., and Section 19, T.149N., R.97W., North Fork-Bakken Pool, McKenzie County, ND, pursuant to NDAC § 43-02-03-88.1, and such other and further relief as is appropriate.

Case No. 16247: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.156N., R.103W., Bull Butte-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16248: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.156N., R.100W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16249: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 30 and 31, T.156N., R.100W., East Fork-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16250: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 4 and 9, T.155N., R.103W., Squires-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16251: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 27 and 34, T.155N., R.103W., Squires-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16252: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 4 and 9, T.155N., R.100W., Stony Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16253: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 5 and 8, T.155N., R.100W., Stony Creek-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16254: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 22 and 27, T.154N., R.102W., Painted Woods-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16255: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 4, T.154N., R.102W., and Section 33, T.155N., R.102W., Painted Woods-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16256: Application of Brigham Oil & Gas, L.P. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.154N., R.101W., Todd-Bakken Pool, Williams County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16257: Application of Abraxas Petroleum Corp. for an order authorizing the drilling, completing and producing of a total of not more than eight wells on each 1280-acre spacing unit described as Sections 26 and 35; and Sections 27 and 34, T.150N., R.97W., and Sections 2 and 11, T.149N., R.97W., North Fork-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16258: Application of ProWater Inc. pursuant to NDAC § 43-02-03-88.1 for an order authorizing the drilling of a saltwater disposal well to be located in the NWNE of Section 26, T.154N., R.103W., Painted Woods Field, Williams County, ND, in the Dakota Formation pursuant to NDAC Chapter 43-02-05, and providing such other and further relief.

Case No. 16259: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19, T.151N., R.98W., Siverston-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16260: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 28 and 33, T.151N., R.98W., Siverston-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16261: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.151N., R.98W., Siverston-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

well NW/4 Section 19, T.153N., R.76W.,
Bentley County, ND, pursuant to NDAC
Chapter 43-02-05 and such other relief as is
appropriate.
Signed by:
Jack Dairymple, Governor
Chairman, ND Industrial Commission
10/26 - 607331

Case No. 16263: Application of Legacy Oil &
Gas, L.P. for an order pursuant
to NDAC § 43-02-03-88.1 authorizing
saltwater disposal into the Dakota Group in
the Legacy et al Emery, Norm 4-19H #1-H

Case No. 16267: Application of Zenergy, Inc.
for an order pursuant to NDAC § 43-02-
03-88.1 pooling all interests in a spacing
unit described as Sections 18 and 19,
T.151N., R.97W., Eldah-Bakken Pool,
McKenzie County, ND, as provided by
NDCC § 38-08-08 and such other relief as
is appropriate.

**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, November 17, 2011, 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, November 04, 2011.

**STATE OF NORTH DAKOTA
TO:**

Case No. 15947: Temporary spacing to develop an oil and/or gas pool discovered by the Samson Resources Co. #16-162-98H Holm State, NWNW Section 16, T.162N., R.98W., Divide County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16184: Temporary spacing to develop an oil and/or gas pool discovered by the Crescent Point Energy U.S. Corp. #2-11-162N-102W CPEC Lancaster, NWNE Section 2, T.162N., R.102W., Divide County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 16196: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Wildrose-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 2 and 11, T.160N., R.97W., Divide County,

ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 16204: In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Olson 15-22-162-100H #1CN well located in a spacing unit described as Sections 15 and 22, T.162N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16205: In the matter of the petition for a risk penalty of Baytex Energy USA Ltd. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Colby 23-14-160-99H #1PB well located in a spacing unit described as Sections 14 and 23, T.160N., R.99W., Burg-

Bakken Pool, Divide County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Signed by,
Jack Dalrymple, Governor
Chairman,
ND Industrial
Commission

(10-26)

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 date:

October 26, 2011..... 81 lines @ .63 = \$51.03

TOTAL CHARGE..... \$51.03

Signed Steven J. Andrist
Steven J. Andrist, Publisher

Subscribed and sworn to before me November 14, 2011

Susan M. Jacobson
Notary Public, State of North Dakota

SUSAN M. JACOBSON
Notary Public
State of North Dakota
My Commission Expires February 17, 2016

