

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 24962  
ORDER NO. 27354

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF SM ENERGY CO. 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.160N., R.99W., BURG-BAKKEN POOL, DIVIDE COUNTY, ND, 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 27th day of April, 2016.
- (2) Pursuant to North Dakota Administrative Code (NDAC) 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 described as all of Sections 15 and 22, Township 160 North, Range 99 West, Burg-Bakken Pool, 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) Counsel for applicant requests an order of the Commission pooling all interests in the spacing unit, as provided by NDCC Section 38-08-08, and such other relief as is appropriate.
- (7) There were no objections to this application.
- (8) 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. The requirements for imposition of a risk penalty are set forth in NDCC Section 38-08-08 and NDAC Section 43-02-03-16.3.

(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 described as all of Sections 15 and 22, Township 160 North, Range 99 West, Burg-Bakken Pool, 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 in such tracts or stratigraphic intervals.

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

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

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

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

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

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

Dated this 11th day of May, 2016.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

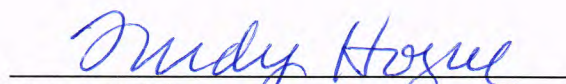
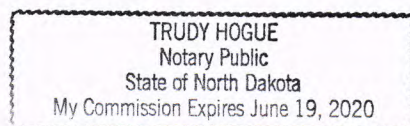
I, Belinda Dickson, being duly sworn upon oath, depose and say: That on the 13th day of May, 2016 enclosed in separate envelopes true and correct copies of the attached Order No. 27354 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 24962:

JOHN MORRISON  
CROWLEY FLECK PLLP  
PO BOX 2798  
BISMARCK ND 58502



Belinda Dickson  
Oil & Gas Division

On this 13th day of May, 2016 before me personally appeared Belinda Dickson 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

## Kadrmass, Bethany R.

---

**From:** Lisa Herberholz <lherberholz@crowleyfleck.com>  
**Sent:** Tuesday, April 26, 2016 11:26 AM  
**To:** Hicks, Bruce E.  
**Cc:** Shawn Heringer; Kadrmass, Bethany R.; John W. Morrison  
**Subject:** SM Energy Pooling Affidavits  
**Attachments:** SM Filing Ltr - Heringer Pooling Affs 24961-24963.pdf; SM - Heringer Pooling Aff 24961.pdf; SM - Heringer Pooling Aff 24962.pdf; SM - Heringer Pooling Aff 24963.pdf

Attached please find pooling affidavits in Case Nos. 24961-24963. Thank you.

Lisa



*Lisa Herberholz*

Administrative Assistant  
Crowley Fleck PLLP  
100 West Broadway Avenue, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502  
Direct 701.224.7538  
Fax 701.222.4853  
[✉lherberholz@crowleyfleck.com](mailto:lherberholz@crowleyfleck.com)

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John W. Morrison  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502-2798  
Office: 701.223.6585  
Direct: 701.224.7534  
jmorrison@crowleyfleck.com

April 26, 2016

*Via Electronic Mail*

Mr. Bruce Hicks  
Oil & Gas Division  
ND INDUSTRIAL COMMISSION  
600 E. Blvd. Ave., Dept. 405  
Bismarck, ND 58505-0840

**In re: SM Energy Co.**  
**Case Nos. 24961-24963**

Dear Mr. Hicks:

Pursuant to Section 43-02-03-88.1 of the North Dakota Administrative Code, please find enclosed the affidavits of Shawn Heringer in the captioned matters.

If you have any questions, please let me know. Thank you.

Sincerely,



John W. Morrison

lh  
enc.

cc (via e-mail w/enc.):      Shawn Heringer  
   Bethany Kadrmas

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

Application of SM Energy Co. 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.160N., R.99W., Burg- )  
Bakken Pool, Divide County, ND, as )  
provided by NDCC § 38-08-08, and such )  
other relief as is appropriate. )

Case No. 24962

**AFFIDAVIT OF SHAWN HERINGER**

STATE OF MONTANA )  
)SS.  
COUNTY OF YELLOWSTONE )

Shawn Heringer, being duly sworn, states as follows:

1. I am a landman employed by SM Energy Company with responsibilities in the State of North Dakota and I have personal knowledge of the matters set forth in this affidavit.
2. Sections 15 and 22, T.160N., R.99W., Divide County, North Dakota constitute a spacing unit for the Burg-Bakken Pool. There are separately owned tracts and separately owned interests within tracts in the spacing unit.
3. There is no voluntary pooling agreement or declaration of pooling which covers all interests within the spacing unit for the above-described well.

Dated this 25th day of April, 2016.

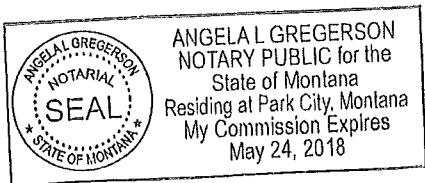
Shawn C. Heringer  
Shawn Heringer

STATE OF MONTANA )  
)SS.  
COUNTY OF YELLOWSTONE )

Subscribed to and sworn before me this 25th day of April, 2016.

Angela L. Gregerson  
Notary Public  
State of Montana  
My Commission Expires: May 24, 2018

(SEAL)



CASE 24902

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

Received  
MAR 28 2016  
ND Oil & Gas Division

Application of SM Energy Company 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.160N., )  
R.99W., Burg-Bakken Pool, Divide County, )  
ND, as provided by NDCC § 38-08-08, and )  
such other relief as is appropriate. )

**APPLICATION**

COMES NOW the applicant, SM Energy Company, and respectfully alleges as follows:

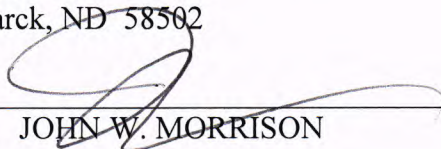
1. It is the owner of an interest in the oil and gas leasehold estate underlying all or portions of Sections 15 and 22, Township 160 North, Range 99 West, Divide County, North Dakota.
2. Said lands constitute a spacing unit for the Burg-Bakken pool.
3. There are separately owned tracts and separately owned interests within tracts within the spacing unit.
4. There is no voluntary pooling agreement covering all interests within the spacing unit.
5. Applicant requests that it be allowed to present testimony by telephone pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code.

WHEREFORE, applicant respectfully requests that this matter be set for hearing at the regularly scheduled hearings in April, 2016 and that thereafter the Commission enter its order granting the relief requested.

Dated this 25<sup>th</sup> day of March, 2016.

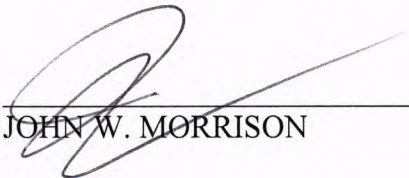
SM ENERGY COMPANY

CROWLEY FLECK PLLP  
Attorneys for the Applicant  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502

By:   
JOHN W. MORRISON

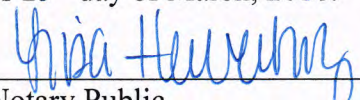
STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF BURLEIGH    )

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

  
JOHN W. MORRISON

Subscribed and sworn to before me this 25<sup>th</sup> day of March, 2016.

(SEAL) LISA HERBERHOLZ  
Notary Public  
State of North Dakota  
My Commission Expires March 17, 2017

  
Notary Public  
Burleigh County, North Dakota  
My Commission Expires: \_\_\_\_\_





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ND Oil & Gas Division

Notary Public for the State of North Dakota
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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. Wednesday, April 27, 2016, at the N.D. Oil & Gas Division, 1000 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 Thursday, April 14, 2016.

**STATE OF NORTH DAKOTA TO:**

Case No. 24892: (Continued) A motion of the Commission to consider the appropriate spacing for the Bakken Hunter, LLC #3427-2MBH Pacer well (File No. 23355), Lot 4, Section 3, T.163N., R.99W., Divide County, ND, Ambrose-Bakken Pool, currently completed in a standup 2080-acre spacing unit described as Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W., Divide County, ND; to consider the altering of spacing units in the Ambrose-Bakken Pool in Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W., Divide County, ND; and to change the timing restrictions for horizontal wells to be completed in standup 2080-acre spacing units described as Sections 26 and 35, T.164N., R.99W. and Sections 2 and 11, T.163N., R.99W.; Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W.; and Sections 28 and 33, T.164N., R.99W. and Sections 4 and 9, T.163N., R.99W., Divide County, ND; and such other relief as is appropriate.

Case No. 24501: (Continued) Proper spacing for the development of the Bounty School-Bakken Pool, Divide County, ND, redefine the field limits, and enact such special field rules as may be necessary. Bakken Hunter, LLC

Case No. 24502: (Continued) Proper spacing for the development of the Crosby-Bakken Pool, Divide County, ND,

redefine the field limits, and enact such special field rules as may be necessary. Bakken Hunter, LLC

Case No. 24958: Application of Lime Rock Resources III-A, LP for an order amending the applicable orders for the Alger and/or Stanley-Bakken Pools, Mountrail County, ND (i) to allow up to seven horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 13 and 24, T.155N., R.92W.; (ii) to establish an overlapping 2560-acre spacing unit consisting of said Sections 13 and 24 and Sections 18 and 19, T.155N., R.91W., and authorize up to two horizontal wells to be drilled on such spacing unit; and (iii) for such other relief as may be appropriate.

Case No. 24959: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Banks and/or Elidah-Bakken Pools, McKenzie County, ND (i) to establish two 1280-acre spacing units consisting of Sections 25 and 36; and Sections 26 and 35, T.152N., R.98W., McKenzie County, ND, and allow up to fifteen wells to be drilled on each such unit; (ii) to establish an overlapping 2560-acre spacing unit consisting of said Sections 25 and 36, T.152N., R.98W. and Sections 30 and 31, T.152N., R.97W., and authorize up to three horizontal wells to be drilled on such spacing unit; and (iii) for such other relief as may be appropriate.

Case No. 24960: Application of NP Resources, LLC for an order extending the boundaries and amending the applicable orders for the Roosevelt-Bakken Pool (i) to include all of Section 33, T.142N., R.102W., Billings County, ND, within the field; (ii) to terminate the existing 1280-acre spacing unit consisting of Sections 21 and 28, T.142N., R.102W., Billings County, ND; (iii) to establish four 1280-acre spacing units consisting of Sections 8 and 17; Sections 16 and 21; Sections 28 and 33, T.142N., R.102W.; and Sections 28 and 33, T.143N., R.102W., all in Billings County, ND, with up to four horizontal wells authorized to be drilled on such spacing units; (iv) to create one 2560-acre spacing unit consisting of Sections 3 and 10, T.142N., R.102W. and Sections 27 and 34, T.143N., R.102W., with up to seven horizontal wells authorized to be drilled on such spacing unit; and (v) granting such other relief as is appropriate.

Case No. 24893: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Hess Bakken Investments II, LLC #157-95-14H-1 TI-WAO well (File No. 26738), NWNW Section 14, T.157N., R.95W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 24831: (Continued) Proper spacing for the development of the Cherry Creek-Bakken Pool, McKenzie County, ND, redefine the field limits, and enact such special field rules as may be necessary. Hess Bakken Investments II LLC

Case No. 24687: (Continued) Application of Enerplus Resources (USA) Corp. for an order amending the applicable orders for the Antelope-Sanish Pool to establish a 640-acre spacing unit consisting of all of Section 16, T.152N., R.94W., McKenzie County, ND authorizing the drilling of a total not to exceed four wells, eliminating any tool error requirements, and granting such other and further relief as may be appropriate.

Case No. 24688: (Continued) Application of HRC Operating, LLC, for an order amending the field rules for the Antelope-Sanish Pool to reduce the minimum setbacks from the "heel and toe" from 200 feet to 50 feet for the North and South boundaries of a 2560-acre spacing unit described as Sections 14, 15, 22 and 23, T.152N., R.94W., McKenzie County, ND, and for such other relief as may be appropriate.

Case No. 24900: (Continued) Application of Whiting Oil and Gas Corp. for an order amending the applicable orders for the Mandaree-Bakken Pool to establish two overlapping 2560-acre spacing units consisting of Sections 11, 12, 13, and 14; and Sections 23, 24, 25, and 26, T.149N., R.93W., Dunn County, ND, and authorize one horizontal well to be drilled on each spacing unit; and granting such other relief as may be appropriate.

Case No. 24889: (Continued) Application of Secure Energy Services USA, LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the Sorenson SWD #2 well, NENW Section 15, T.152N., R.96W., Berg Field, McKenzie County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 24961: Application of SM Energy Co. 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.160N., R.100W., Smoky Butte-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24962: Application of SM Energy Co. 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.160N., R.99W., Burg-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24963: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.160N., R.98W., Skabo-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24964: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Alkali Creek-Bakken Pool to authorize up to two horizontal wells to be drilled on an overlapping 2560-acre spacing unit described as Sections 26, 27, 34 and 35, T.154N., R.94W., Mountrail and McKenzie Counties, ND, and granting such other relief

as may be appropriate.

Case No. 24965: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the CA-E Burdick-155-95-2932H-2 (File No. 21810), CA-E Burdick-155-95-2932H-3 (File No. 21811), and E. Burdick 29-32H (File No. 16441) wells, Sections 29 and 32, T.155N., R.95W., Williams County, ND, to be commingled in a central production facility located in Section 29, T.155N., R.95W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 24966: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the EN-Skabo Trust-155-93-0631H-1 (File No. 18677), EN-Skabo Trust-155-93-0631H-2 (File No. 22771), EN-Skabo Trust-155-93-0631H-3 (File No. 22772), EN-Skabo Trust-155-93-0631H-4 (File No. 31526), EN-Skabo Trust-155-93-0631H-5 (File No. 31527), EN-Skabo Trust-155-93-0631H-6 (File No. 31528), EN-Skabo Trust-155-93-0631H-7 (File No. 31529), EN-Rehak-LE-155-93-0718H-1 (File No. 32498), EN-Rehak-155-93-0718H-1 (File No. 18674), EN-Rehak-155-93-0718H-2 (File No. 22795), EN-Rehak-155-93-0718H-3 (File No. 22796), EN-Rehak-155-93-0718H-5 (File No. 28466), EN-Rehak-155-93-0718H-6 (File No. 28467), EN-Rehak-155-93-0718H-7 (File No. 28468), and EN-Rehak-155-93-0718H-8 (File No. 28469) wells, Sections 6, 7, 18 and 31, T.155N., R.93W., Mountrail County, ND, to be commingled in a central production facility located in Section 6, T.155N., R.93W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 24967: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the CA-Halverson-154-95-0409H-1 (File No. 21760) and CA-Halverson-154-95-0409H-2 (File No. 21761) wells, Sections 4 and 9, T.154N., R.95W., Williams County, ND, to be commingled in a central production facility located in Section 4, T.154N., R.95W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 24968: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the GH SWD 5298 42-32 well, SESW Section 32, T.152N., R.98W., Banks Field, McKenzie County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 24969: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13, 14, 23 and 24, T.151N., R.99W., North Tobacco Garden-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24970: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 25, 26, 35 and 36, T.151N., R.99W., North Tobacco Garden-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24971: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 27, 28, 33 and 34, 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. 24972: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 28, 29, 32 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. 24973: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29, 30, 31 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.

Case No. 24974: Application of QEP Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 12 and 13, T.150N., R.95W. and Sections 7 and 18, 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. 24975: Application of QEP Energy Co. 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.150N., R.95W. and Sections 19 and 30, 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. 24976: Application of QEP Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 36, T.150N., R.95W., Section 31, T.150N., R.94W., Section 1, T.149N., R.95W., and Section 6, T.149N., R.94W., Spotted Horn-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Signed by,  
Jack Dalrymple, Governor  
Chairman, ND Industrial Commission  
4/8 - 20838892

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. Wednesday, April 27, 2016, at the N.D. Oil & Gas Division, 1000 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 Thursday, April 14, 2016.

STATE OF NORTH DAKOTA TO:

Case No. 24892: (Continued) A motion of the Commission to consider the appropriate spacing for the Bakken Hunter, LLC #3427-2MBH Pacer well (File No. 23355), Lot 4, Section 3, T.163N., R.99W., Divide County, ND, Ambrose-Bakken Pool, currently completed in a standup 2080-acre spacing unit described as Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W., Divide County, ND; to consider the altering of spacing units in the Ambrose-Bakken Pool in Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W., Divide County, ND; and to change the timing restrictions for horizontal wells to be completed in standup 2080-acre spacing units described as Sections 26 and 35, T.164N., R.99W. and Sections 2 and 11, T.163N., R.99W.; Sections 27 and 34, T.164N., R.99W. and Sections 3 and 10, T.163N., R.99W.; and Sections 28 and 33, T.164N., R.99W.

and Sections 4 and 9, T.163N., R.99W., Divide County, ND; and such other relief as is appropriate.

Case No. 24501: (Continued) Proper spacing for the development of the Bounty School-Bakken Pool, Divide County, ND, redefine the field limits, and enact such special field rules as may be necessary. Bakken Hunter, LLC

Case No. 24502: (Continued) Proper spacing for the development of the Crosby-Bakken Pool, Divide County, ND, redefine the field limits, and enact such special field rules as may be necessary. Bakken Hunter, LLC

Case No. 24961: Application of SM Energy Co. 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.160N., R.100W., Smoky Butte-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24962: Application of SM Energy Co. 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.160N., R.99W., Burg-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 24963: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.160N., R.98W., Skabo-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

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

(4/6)

Affidavit of Publication

State of North Dakota, County of Divide, ss:

I, Cecile L. Krimm, 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

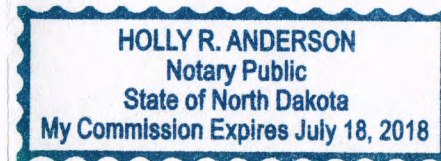
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a printed copy of which is here attached, was published in The Journal on the following date:

Apr. 6, 2016 ..... 90 lines @ 0.67 =\$60.30
TOTAL CHARGE.....\$60.30

Signed Cecile L Krimm
Cecile L. Krimm, Publisher

Subscribed and sworn to before me April 6, 2016
Holly R. Anderson
Notary Public, State of North Dakota



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Gas Division