

R97W

T160N

T160N

R98W

R97W



WELL LEGEND

○ LICENSED/STANDING/OTHER	◇ DRY OR ABANDONED
● OIL/BITUMEN	✱ GAS
✱ ABANDONED OIL/BITUMEN	⊖ ABANDONED GAS
✱ SHUT-IN/SUSPENDED OIL/BITUMEN	⊖ SHUT-IN/SUSPENDED GAS
✱ HEAVY OIL EVALUATION	✱ GAS INJECTION
✱ OIL/GAS	○ OBSERVATION
✱ ABANDONED OIL/GAS	○ WATER
✱ CHECKED	○ WATER/OTHER INJECTION
✱ STRAT. TEST HOLE/EXPERIMENTAL	○ DISPOSAL
✱ SUSPENDED	✱ CANCELLED
○ UNREPORTED (location more than 2 years old)	

All Wells Plotted At Bottom Hole Location

GEOMATIC SERVICES
 Suite 2200 715 - Fifth Avenue S.W. Calgary
 TEL: (403) 205-6450 FAX: (403) 205-6444
 www.veritasgpc.com

SCALE 1:20000

METRES
 0 200 400 600 800 1000

F E E T
 0 200 400

STATE PLANE PROJECTION ZONE 3301
 CLARKE 1866 SPHEROID - NAD 27

Cometra Energy (Canada) Inc.

DIVIDE COUNTY 1APK-3D

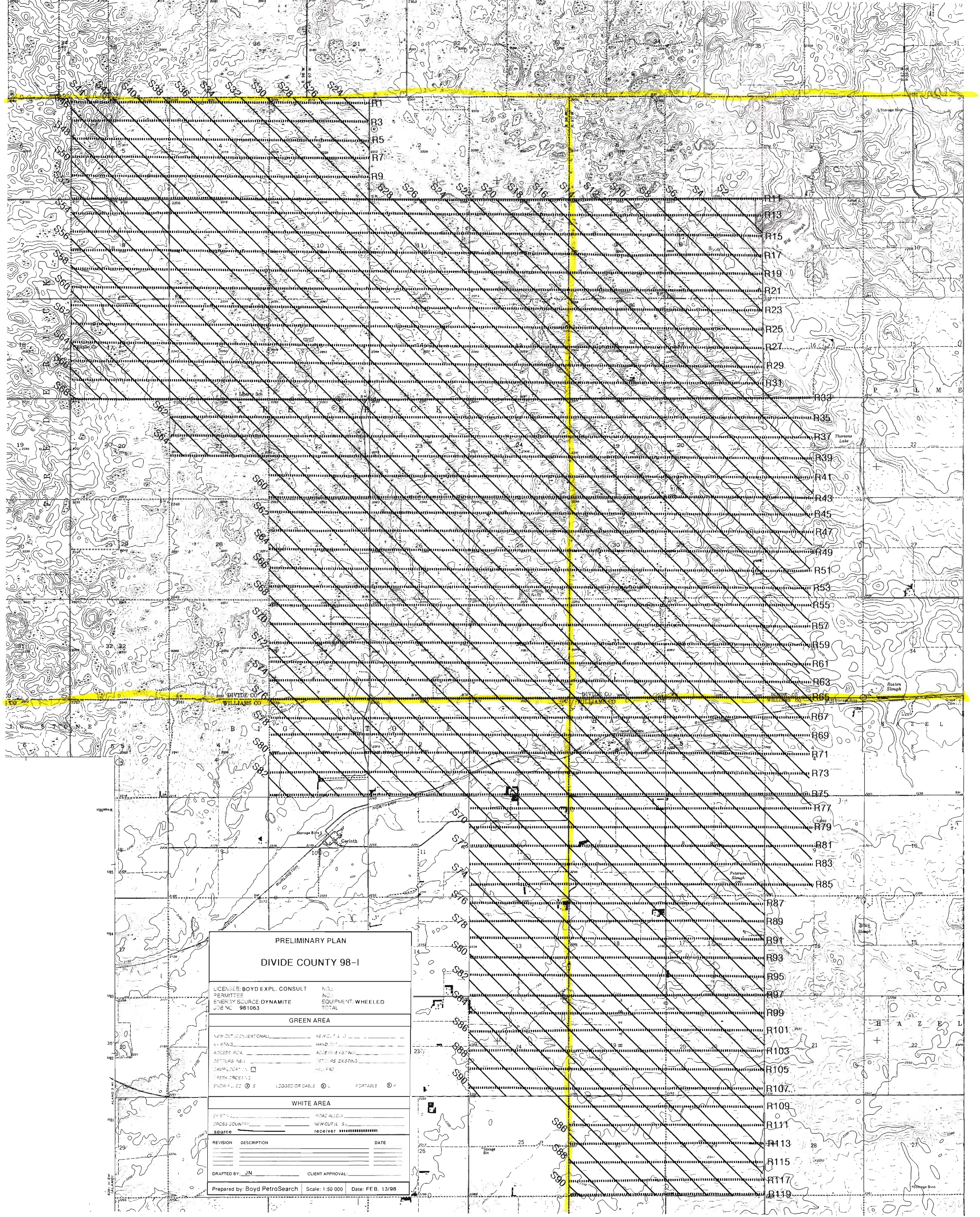
Last Well Update: June 24, 1998
 Last Seismic Update: zone-17-1998
 Produced June-17-1998

990032

161

160

159



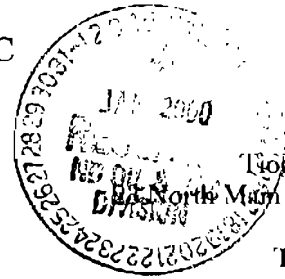
PRELIMINARY PLAN		
DIVIDE COUNTY 98-1		
LICENSEE: BOYD EXPL. CONSULT	NO.:	
PERMITTEE: ENERGY SOURCE DYNAMITE	NO.:	
JOB NO: 981063	TOTAL	
GREEN AREA		
NEW CUT (CONVENTIONAL)	NEW CUT (L.S.)	
EX. STAKES	HAND STAKES	
ACCESS ROAD	ACCESS EX. STAKES	
DETURBS NEW	DETURBS EX. STAKES	
CAMP LOCATIONS	FIELD	
TREEK PROCESSING		
NEW PLANTED <input type="checkbox"/>	LOGGED OR CABLE <input type="checkbox"/>	PORTABLE <input type="checkbox"/>
WHITE AREA		
EX. STAKES	ROAD ALLOW	
CROSS COUNTRY	NEW CUT (L.S.)	
SOURCE	RECEIVER	
REVISION	DESCRIPTION	DATE
DRAFTED BY: JN		CLIENT APPROVAL:
Prepared by: Boyd PetroSearch		Scale: 1:50 000 Date: FEB. 13/98

Imes & Furuseth PC Attorneys

Kathleen Key Imes *
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

The Plainsman Building
3 East Fourth Street, Suite 201
P. O. Box 2398
Williston, ND 58802-2398
Phone 701 / 572-2072
Fax 701 / 572-1072



Tioga Branch Office
101 North Main Street, Suite 203
P. O. Box 519
Tioga, ND 58852
Phone 701 / 664-2072
Fax 701 / 664-2073

January 5, 2000

Jon Bogner
~~Attorney-At-Law~~
PO Box 1173
Dickinson ND 58602-1173

RE: Gunderson v. Champion

Dear Mr. Bogner:

I am in receipt of your December 16, 1999, letter. A few points of clarification. First, I wrote to your client on February 18, 1999, itemizing my client's damages, demanding compensation of \$3,675. A copy of that letter is enclosed for your information. Your client responded by letter dated March 31, 1999, claiming that \$825 was sufficient payment. A copy of that letter is also enclosed for your information. I then wrote to your client on August 23, 1999. Please carefully note the language of my letter, enclosed. I stated,

"This lawsuit may be avoided upon the immediate tender to my client of the sum of \$2,000 cash, US Dollars, received by me on or before September 3, 1999. If this case proceeds to litigation I believe that you will pay far in excess of \$2,000 in attorney's fees, costs, and interest alone, much less the principal which will be adjudicated by the court."

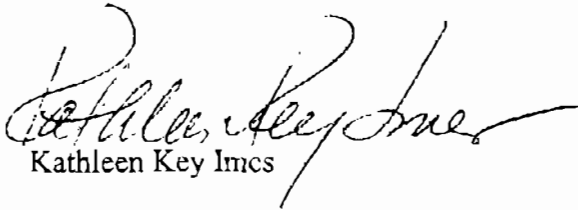
In short, I offered to settle for \$2,000 to avoid litigation. Your client did not even respond to that letter. Litigation then ensued. The statute in question, §38-11.1-09 NDCC, clearly provides that attorney's fees "shall be awarded," as I explained in my December 3, letter to you. My client's damages have always been calculated at \$3,675. The reason for the attempt to compromise last summer was to avoid litigation. Your client chose not to respond to that letter and litigation ensued. My client has itemized his damage at \$3,675. He is also entitled to attorney's fees, as they "shall be awarded". My December 3, 1999, letter consisted of the itemized damages (which we have always claimed) plus the attorney's fees and costs incurred.

Another point of clarification, I invite you to review the enclosed report from the North Dakota Industrial Commission dated September 15, 1999. You state that my client's claim, "that there was a live charge of dynamite near his home is ridiculous." This simply is not true. In fact, the Industrial Commission discharged live dynamite near my client's home on or about September 15, 1999. Your claim that "all charges had in fact exploded," is contrary to the plain records of the North Dakota Industrial Commission, who investigated this matter this fall. I write to simply clarify your

Jon Bogner
Gunderson v. Champion
January 5, 2000
Page 2

misstatements of fact, and to remind you that the offer this summer was made on the premise that litigation would be avoided, which it was not; and that if this matter proceeds to court, so long as my client recovers anything over \$825.00 in damages, the court will award his attorney's fees, which continue to mount.

Sincerely,
IMES & FURUSETH PC



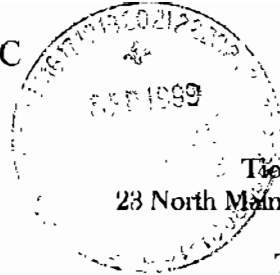
Kathleen Key Imcs

KKI:adj

Enclosures

pc: Les Gunderson w/o enclosures
North Dakota Industrial Commission w/o enclosures

Imes & Furuseth PC
Attorneys



Kathleen Key Imes *
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

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3 East Fourth Street, Suite 201
P. O. Box 2398
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Phone 701 / 572-2072
Fax 701 / 572-1072

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P. O. Box 519
Tioga, ND 58852
Phone 701 / 664-2072
Fax 701 / 664-2073

September 17, 1999

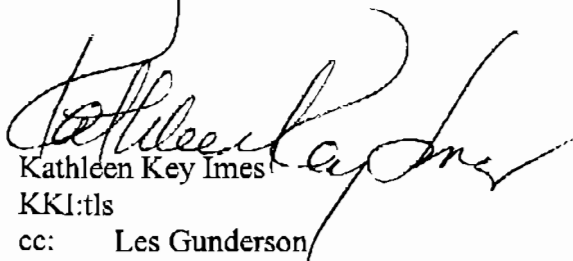
Dave Hvinden
Geophysical Regulation Supervisor
ND Industrial Commission Oil & Gas Division
600 East Boulevard Avenue
Bismarck, ND 58505-0840

RE: Lesely Gunderson Seismograph Damage Claim

Dear Dave:

Thank you for your September 15, 1999, e-mail. Would it be possible for me to get a copy of Kim Martin's official report following his visit to the sight? Please let me know the logistics for requesting and paying for this and I will be glad to comply.

Sincerely,
IMES & FURUSETH PC


Kathleen Key Imes
KKI:tls
cc: Les Gunderson

Imes & Furuseth PC Attorneys

Kathleen Key Imes*
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

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Imespc@nccray.com

September 13, 1999

Dave Hvinden
Geophysical Regulation Supervisor
ND Industrial Commission Oil & Gas Division
600 East Boulevard Avenue
Bismarck, ND 58505-0840

RE: Lesely Gunderson Seismograph Damage Claim

Township 160 North, Range 98 West, Divide County, North Dakota
Section 11: NW¼
Section 15: E½
Section 23: N½NE¼, NE¼NW¼
Section 24: NW¼NW¼

*NOTE: NRG is not
a subsidiary of Willist.
Seismic, but the other
way around*

Dear Dave:

This confirms our telephone conference of Wednesday September 8, 1999 in which we discussed Lesely Gunderson's seismograph damage claim. I represent Lesely Gunderson who lives at HC2 Box 63, Alamo, North Dakota 58830-9642, telephone No. (701) 539-2363. Enclosed is the Summons and Complaint which I am in the process of serving upon W. H. Champion, d/b/a W. H. Champion Oil Properties of Post Office 1131, Miles City, Montana 59301, telephone (406) 232-4766, Cellular (406) 951-4766. The second Defendant is Boyd Exploration Consultants Ltd., of 700 540 5 Avenue SW, Calgary, Alberta, Canada T2P OM2, telephone (403) 262-4344. The third Defendant is Natural Resources Geophysical (NRG) a subsidiary of Williston Seismic, Inc., of Calgary, Alberta, Canada. A copy of the Summons and Complaint is enclosed for your information.

To fully acquaint you with this claim, I also enclose the following documents:

1. Letter from W. H. Champion dated August 7, 1998, with enclosed geophysical surface permit and geophysical operations release form.
2. My September 16, 1998 letter responding to Mr. Champion's letter which is self-explanatory.
3. My February 18, 1999 letter to W. H. Champion.
4. Letter from W. H. Champion to me dated March 31, 1999 with their response.
5. My August 23, 1999 letter responding to W. H. Champion
6. Summons
7. Complaint

Dave Iivinden
Geophysical Regulation Supervisor
September 13, 1999
page 2

Pursuant to Section 38-08.1-03.1 NDCC, on behalf of Mr. Lesely Gunderson, I respectfully request that the State of North Dakota Industrial Commission consider reimbursing my client for his seismic damages in the amount of \$3,675 as itemized in my February 18, 1999 letter to W. H. Champion. At this time we do intend to pursue the Summons and Complaint as well. If I can be of further assistance please don't hesitate to call. Please confirm receipt of this letter and let me know the Industrial Commission's position on this matter. Thank you.

Sincerely,
IMES & FURUSETH PC

A handwritten signature in cursive script, appearing to read "Kathleen Key Imes".

Kathleen Key Imes

KKI:tlb

Enclosures

cc: Lesely Gunderson

C W. H. HAMPION

Oil Properties

Phone (406) 232-4766

Cell 951-4766

FAX (406) 232-0598

P.O. Box 1131

MILES CITY, MONTANA 59301

August 7, 1998



Lesely Gunderson
HC 2 Box 63
Alamo, ND 58830-9642

Dear Mr Gunderson:

Please find enclosed, our check in the amount of \$1380.00 for the "Geophysical Surface Permit" granted us, by you, on our Divide County 3D seismic program.

To expedite payment of general damages in the amount of \$725.00, please sign the "Geophysical Operations Release Form" attached.

A pre addressed, stamped envelope has been included for your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W.H. Champion".

W.H. Champion

Agent for Boyd Exploration Consultants, Ltd.

W.H. CHAMPION OIL PROPERTIES

BRIAN (Seismic crew chief)

STAYING Golden Hub

W.H. CHAMPION
OFFICE: (406) 232-4766

P.O. BOX 1131
MILES CITY, MONTANA 59301

As agent for Boyd Exploration Consultants, Ltd., 700, 540 5th Ave. S.W., Calgary, Alberta T2P 0M2, 403-233-2455



PERMIT FOR SURFACE

TO LESELY GUNDERSON DATE 2-6-98
HC 2, BOX 63 JOB NO. _____
ALAMO, ND 58830-9642 LINE NO. _____
Telephone 701-539-2363
Attn. _____

_____, is proposing a Seismic Survey in DIVIDE
County, NORTH DAKOTA. We respectfully request permission to cross property owned and/or leased by you and described as follows:

Land Minerals (if applicable) Surface

Description of Property: TOWNSHIP 160 NORTH, RANGE 98 WEST
SECTION 11: NW 1/4
SECTION 15: E 1/2
SECTION 23: N 1/2 NE 1/4, NE 1/4 NW 1/4
SECTION 24: NW 1/4 NW 1/4. 640 ACRES

Conditions: Payment will be \$ 2.00 per Acre. No shot hole will be allowed closer than 400 feet to any water well, buildings, underground cisterns, pipeline or flowing spring as shown on the attached plat.

We will obtain permission from the other interested parties and will indemnify you from all claims and damages that might result from our work by virtue of your permission herein granted.

Line location shown on enclosed plat (or map) is approximate. If you have any questions or comments, please call me at the telephone number noted below.

In the event we do not enter the lands as permitted, we shall not be obligated to make any payment to you whatsoever.

If this request meets with your approval, please so indicate by signing and returning the white copy of this letter. A self addressed envelope is enclosed for your convenience.

ATTEST TO SIGNATORY RIGHTS ON THE LAND DESCRIBED HERE-IN.

INITIALED _____

Sincerely, _____

PERMIT AGENT W.H. CHAMPION
ADDRESS PO BOX 1131
CITY, STATE, ZIP MILES CITY, MT 59301
TELEPHONE NO. 406-232-4766

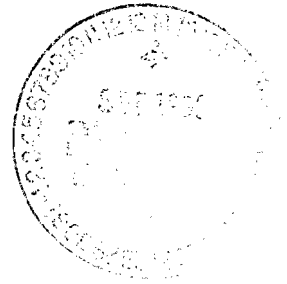
Day of 26 19 98
by Lesely Gunderson
PROPERTY OWNER/LESSEE SIGNATURE
501. 52-0285
SOCIAL SECURITY NO./TAX I.D. NO.

Comments: _____

W.H. CHAMPION OIL PROPERTIES

W.H. CHAMPION
OFFICE: (406) 232-4766

P.O. BOX 1131
Miles City, Montana 59301



As agent for Boyd Exploration Consultants, Ltd. 700, 540 5th Ave. S.W., Calgary, Alberta T2P 0M2, 403-233-2455

GEOPHYSICAL OPERATIONS RELEASE FORM RE: PERMIT DATED 02/06/98

I Lesely Gunderson of HC 2 Box 63, Alamo in the State of North Dakota in consideration of the sum of one thousand three hundred eighty and 00/100 (\$ 1380.00) do hereby release and forever discharge **Boyd Exploration Consultants, Ltd** and its subcontractors from any and all manner of actions, claims and demands resulting from operations conducted by **Natural Resources Geophysical** up to and including the date hereof on the lands described below:

Township 160 North, Range 98 West
Section 11: NW¹/₄
Section 15: E¹/₂
Section 23: N¹/₂NE¹/₄, NE¹/₄NW¹/₄
Section 24: NW¹/₄NW¹/₄

Allocation of Payment:

Fees:	<u>640.00</u>	Acres @ \$ <u>2.00</u>	per acre	\$ <u>1280.00</u>
		Acres @ \$ _____	per acre	\$ _____
		Acres @ \$ _____	per acre	\$ _____
TOTAL:				\$ <u><u>1280.00</u></u>

Damages: 4 Fence Cuts \$ 100.00

This release executed pending payment in the amount of \$725.00 for general damages listed

- below:**
1. 4 fence cuts
 2. 3 acres crop damage
 3. 5 hours tractor time

TOTAL: \$ 1380.00

I HEREBY state that I am the owner x (or lessee) and do hereby declare that I have legal authority to grant and release and receive payment of the above fees and damages.

Dated at _____, this _____ day of _____, 19 98

Witness _____ Signed _____

Amount Paid \$ 1380.00 Date Paid August 7, 1998 Cheque # 001143

Imes & Furuseth PC
Attorneys

Kathleen Key Imes*
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

The Plainsman Building
3 East Fourth Street, Suite 201
P. O. Box 2398
Williston, ND 58802-2398
Phone 701 / 572-2072
Fax 701 / 572-1072



Tioga Branch Office
23 North Main Street, Suite 203
P. O. Box 519
Tioga, ND 58852
Phone 701 / 664-2072
Fax 701 / 664-2073

September 16, 1998

WH Champion Oil Properties
Attn.: WH Champion
PO Box 1131
Miles City, MT 59301

RE: Lesely Gunderson Surface Damages

Dear Mr. Champion:

I represent Lesely Gunderson, and am in receipt of your August 7, 1998 letter to him with enclosed Boyd Petro Search check No. U001143 in the amount of \$1,380.00, and the Geophysical Operations Release form.

My client is not agreeable to signing the Geophysical Operations Release form regarding permit dated February 6, 1998. Accordingly, I am returning to you the enclosed check in the amount of \$1,380.00 dated June 24, 1998. I would ask that you immediately tender to me on behalf of my client a replacement check for the 640 acres at \$2.00 per acre allocation of fees for a total of \$1,280 representing payment for the actual shot holes. However, as to the damages, we will address that in the near future. The reason the check is being returned is that it may be construed by accepting it my client would agree to your Geophysical Operations Release form and would somehow be held to a settlement of 4 fence cuts, 3 acres crop damage and 5 hours tractor time. In fact, the surface damages far exceed 4 fence cuts, 3 acres of crop damage and 5 hours tractor time. We are currently investigating whether your client's operations damaged my client's water well. Our information is that there are 10 fence cuts, 20 fence posts and rather than 5 hours of tractor time it actually took 8 hours of tractor time.

Please see that a new check for the actual shot holes in the amount of \$1,280 is issued immediately. In the near future we will be corresponding with you regarding an itemization of the surface damages. If you have any questions please don't hesitate to call.

Sincerely,
IMES & FURUSETH PC

Kathleen Key Imes
KKI:tls
Enclosures

cc: Lesely Gunderson

Imes & Furuseth PC
Attorneys

Kathleen Key Imes*
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

The Plainsman Building
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Tioga Branch Office
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P. O. Box 519
Tioga, ND 58852
Phone 701 / 664-2072
Fax 701 / 664-2073

February 18, 1999

WH Champion Oil Properties
Attn.: WH Champion
PO Box 1131
Miles City, MT 59301

RE: Lesely Gunderson Surface Damages
Township 160 North, Range 98 West, Divide County, ND
Section 11: NW¼
Section 15: E½
Section 23: N½NE¼, NE¼NW¼
Section 24: NW¼NW¼

Divide County 3D seismic program
Boyd Exploration Consultants Ltd, of Canada
Your File No. 981063

Dear Mr. Champion:

This letter supplements my September 16, 1998 letter to you regarding the above referenced matter. I write on behalf of Lesely Gunderson to request a settlement of the surface damages he has experienced from your client's mineral explorations on his lands, your client being Boyd Petro Search and/or Boyd Exploration Consultants, Ltd. of Calgary, Alberta, Canada.

I understand that the geophysical exploration took place in late 1997 and early 1998. Apparently, Mr. William Champion and Mr. Steve Armstrong came to the site on April 23, 1998, to examine the damage with Mr. Gunderson. He kept notes of that meeting. The following are Mr. Gunderson's itemization of those damages:

1. Breaks in fence. Originally it appeared there were ten fence breaks. Mr. Armstrong and Mr. Champion agreed to pay \$25.00 per fence break. After they visited the site, Mr. Gunderson located 2 more fence breaks from your client's operations. Accordingly Mr. Gunderson claims 10 fence breaks at \$25.00 per break for a total of **\$250.00** for fence breaks.
2. Trash. Trash, debris and garbage was left all over the site by your client's operations. There was garbage in the ditch beyond the old grain bin and stakes all over from the geophysical exploration. The wire from the stakes got tangled in the Wil-Rich cultivator of Mr. Gunderson when he tried to cultivate his land in the spring of 1998. He had repairs of \$75.00

WH Champion Oil Properties
Attn.: WH Champion
February 18, 1999
page 2

- for wheel bearings and seals damaged when he tried to cultivate the 78 acres he farms in Section 15, of T160N, R98W. Mr. Gunderson cleaned the garbage up himself and should be compensated \$250.00 for his efforts. The claim for trash and stakes left is **\$325.00**.
3. The were oil spills and diesel fuel spills all over Section 23 lands. He should be compensated **\$100.00** for this.
 4. The geophysical crew drove their four wheel drive vehicles all over where they really should not have. There were 4" to 18" deep four wheeler tracks everywhere. In addition, there were over 5 miles of tracks from the seismic trucks alone. There were gouges and tracks caused by the snow removal of your client's operation. The trucks and four wheelers drove all over the lands even after Mr. Gunderson had seeded his crop. They drove through the seeded crops. This resulted in wash outs. Mr. Gunderson's crop land has a great deal of clay in it and when it is packed down by vehicles it does not break up well. This created problems with his farming operations. He would like to be compensated for the truck ruts and tracks as follows:
 - a) Wash outs in seeded crops - 5 acres at \$200.00 per acre, equaling **\$1,000.00**. This occurred in Sections 23, 14 in the SE¼, 14 of the SW¼, and 26 in the NW¼NW¼. Mr. Gunderson has worked the ruts out and would like to be compensated at the rate of \$125.00 per hour for 8 hours of tractor time, for a total of **\$1,000.00**. This was agreed to by Bill Champion and Steve Armstrong on April 23, 1998.
 5. Water well. My client disputes that the water well problems he is experiencing are caused by his pump and motor. Rather, he believes that the decrease in rate of flow of his water well from 5 gallons to approximately 3½ gallons per minute is the result of your client's geophysical operations. I understand the pump was pulled in March, 1998, again in June, 1998 and possibly in July, 1998. He would like to be compensated **\$1,000.00** for his water well problems.
 6. Of utmost concern to my client is that there is one stake left with a wire on it and it appears to be active. He fears that a charge might be left and could injure an innocent party. We would like your client to make arrangements with my client through me to diffuse that situation.

In conclusion, my client hereby demands compensation in the amount of \$3,675.00 as a full and final settlement of the surface damages he has suffered. May I hear from you within 14 days of the date of this letter?

Sincerely,
IMES & FURUSETH PC



Kathleen Key Imes
KKI:tis

cc: Lesely Gunderson

C W. H. CHAMPION

Oil Properties

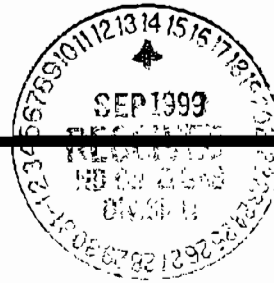
Phone (406) 232-4766

Cell 951-4766

FAX (406) 232-0598

P.O. Box 1131

MILES CITY, MONTANA 59301



March 31, 1999

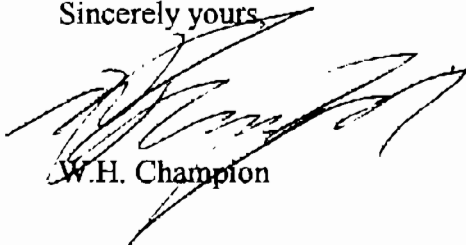
Imes & Furuseth
Attn: Kathleen Key Imes
P.O. Box 2398
Williston, ND 58802-2398

Dear Ms Imes:

We have reviewed your letter pertaining to the claims of surface damage by Lesely Gunderson. We feel the \$825.00 which we offered him is sufficient payment for any damages which he may have sustained.

Anytime he is ready to accept this settlement please advise and I will get a check to him.

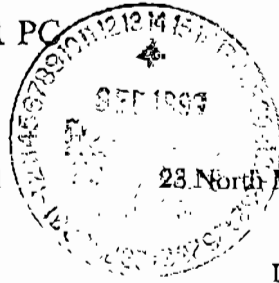
Sincerely yours,



W.H. Champion

SEP 1999
MILES CITY, MONTANA

Imes & Furuseth PC
Attorneys



Kathleen Key Imes*
Andrew C. Imes
Peter H. Furuseth

*Also licensed in Montana

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Fax 701 / 664-2073

August 23, 1999

WH Champion Oil Properties
Attn.: WH Champion
PO Box 1131
Miles City, MT 59301

RE: Lesely Gunderson Surface Damages

Dear Mr. Champion:

I am in receipt of your March 31, 1999 letter in which you rejected my client's offer to settle his surface damages claim and renewed your original offer of \$825. As you know my client is Lesely Gunderson. I call your attention to Chapter 38-08.1 and 38-11.1 of the North Dakota Century Code which governs surface damages for geophysical exploration. Specifically, Section 38-08.1-03 renders you, Mr. Champion, as well as Boyd Exploration Consultants, Ltd., to be doing business within the state for purposes of service of process. Section 38-08.1-03 provides that your bond with the State of North Dakota covers "all owners of property within the state... against physical damages to property which may result in geophysical exploration..." It also lasts for 6 years. Thus, it would apply to my client, Lesely Gunderson. We will notify the State Industrial Commission if we do not receive satisfaction on Mr. Gunderson's claim. Section 38-11.1-09 NDCC states that if the person seeking compensation rejects the offer of the mineral developer that person may bring an action for compensation in the courts. If the amount of compensation is greater than the amount offered, in this case \$825, the court shall award the person seeking compensation reasonable attorneys fees, costs and interest at the Bank of North Dakota rate.

I believe that a court in Divide County, North Dakota, will view your offer of \$825 to be far less than the actual amount of surface damages experienced by my client, as more particularly detailed in my February 18, 1999 letter to you. Accordingly, I write to again reject your offer of \$825 and to advise you that we are preparing to bring lawsuit against you and Boyd Exploration Consultants, Ltd. under Sections 38-08.1 and 38-11.1 of the North Dakota Century Code. This lawsuit may be avoided upon the immediate tender to my client of the sum of \$2,000 cash, US dollars, received by me on or before September 3, 1999. If this case proceeds to litigation, I believe you will pay far in excess of \$2,000 in attorneys fees, costs and interest alone, much less the additional principal which will be adjudicated by the court.

Sincerely,
IMES & FURUSETH PC

Kathleen Key Imes

KKI:tlc

cc: Lesely Gunderson
Boyd Exploration Consultants, Ltd.

1 STATE OF NORTH DAKOTA

IN DISTRICT COURT

2 COUNTY OF DIVIDE

NORTHWEST JUDICIAL DISTRICT

3 Lesely Gunderson

Plaintiff,

DRAFT

4 vs.

Civil No. _____

5 W. H. Champion, d/b/a W. H. Champion Oil
6 Properties; Boyd Exploration Consultants,
7 Ltd.; and Natural Resources Geophysical
(NRG) a subsidiary of Williston Seismic, Inc.,

SUMMONS

8 Defendants.

9
10
11 THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANTS:

12 You are hereby summoned and required to appear and to defend against the Complaint in this
13 action, which is herewith served upon you, by serving upon the undersigned an Answer or other
14 proper response within twenty (20) days after the service of this Summons upon you, exclusive
15 of the day of service. If you fail to do so, judgment by default will be taken against you for the
16 relief demanded in the Complaint. A copy of the Complaint is or will be filed in the Williams
County, North Dakota Clerk of District Court office.

17 Dated at Williston, North Dakota this _____ day of _____, 1999.

18
19 _____
Kathleen Key Imes
ID No. 04180
20 **IMES & FURUSETH, PC**
Attorneys for the Plaintiff
21 P. O. Box 2398
22 Williston ND 58802-2398
701/572-2072



1 STATE OF NORTH DAKOTA

IN DISTRICT COURT

2 COUNTY OF DIVIDE

NORTHWEST JUDICIAL DISTRICT

3 Lesely Gunderson,

4 Plaintiff,

Civil No. _____

5 vs.

6 COMPLAINT
7 DRAFT

8 W. II. Champion, d/b/a W. H. Champion Oil
9 Properties; Boyd Exploration Consultants,
10 Ltd.; and Natural Resources Geophysical
11 (NRG) a subsidiary of Williston Seismic, Inc.,
12 Defendants.

13 Plaintiff, for his cause of action, alleges as follows:

14 1. Plaintiff is the owner of the following described real property located in Divide County,
15 North Dakota, to-wit:

- 16 Township 160 North, Range 98 West
- 17 Section 11: NW $\frac{1}{4}$
- 18 Section 15: E $\frac{1}{2}$
- 19 Section 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 20 Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

21 2. Defendant W. H. Champion is an individual doing business as W. II. Champion Oil
22 Properties, and is a mineral developer who does business in the State of North Dakota
23 pursuant to Section 38-08.1-03 NDCC.

24 3. Defendant Boyd Exploration Consultants, Ltd. is a Canadian corporation engaged in the
25 mineral development business going business in North Dakota, USA, pursuant to section 38-
26 08.1-03 NDCC.

27 4. Defendant Natural Resources Geophysical (NRG) is a subsidiary of Williston Seismic, Inc., a
foreign corporation engaged in the mineral development business doing business in North
Dakota, USA, pursuant to Section 38-08.1-03 NDCC.

5. By Agreement dated February 6, 1998, the Plaintiff granted Defendants a "Permit for
Surface" for the purposes of conducting geophysical and/or seismograph exploration
activities on the real property listed in Paragraph 1 above.

1 6. As a result of said geophysical and/or seismograph activities, the Defendants damaged the
2 surface of the Plaintiff's real property.

3 7. Pursuant to Section 38-11.1-04 NDCC the Defendants are required to pay to the Plaintiff as
4 surface owner a sum of money equal to the amount of damages sustained by the surface
5 owner.

6 8. The Defendants have offered surface damages in the amount of \$825. The Plaintiff has
7 rejected this offer as being inadequate to fully compensate him for the surface damages to his
8 lands caused by Defendants' operations, which include fence breaks, trash and debris
9 removal, oil and diesel fuel spills, truck travel damage, and water well damage in the
reasonable amount of \$3,675.00.

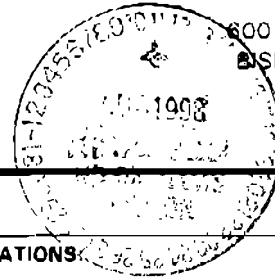
10 WHEREFORE, Plaintiff requests Judgment against Defendants, jointly and severally, as
11 follows:

- 12 1. Reasonable surface damages in an amount to be proven at trial, estimated to exceed the
13 amount of \$3,675.00 plus interest thereon at the highest legal rate.
14 2. Reasonable attorney fees, costs and interest as allowable under allowable under Section 38-
15 11.1-09 NDCC.
16 3. For such other and further relief as the Court deems just and equitable.

17 Dated this ____ day of September, 1999.

18 IMES & FURUSETH, PC

19
20 _____
21 KATHLEEN KEY IMES, ID No. 04180
22 Attorney for Plaintiff
23 3-4th Street East, Suite 201
24 PO Box 2398
25 Williston, ND 58802-2398
26 Tele. (701) 572-2072
27 Fax. (701) 572-1072



PERMIT NO.: 97-0032	
SHOT HOLE OPERATIONS: Shothole 3D	*NON-EXPLOSIVE OPERATIONS

SECTION 1

GEOPHYSICAL CONTRACTOR: Williston Seismic Inc.	
PROJECT NAME AND NUMBER: Divide County 98-2 3D (1APK-3D)	COUNTY(S):
TOWNSHIP(S): 159-160N	RANGE(S): 97-98W
PERMITTED BY: Boyd Petrosearch	
DATE COMMENCED: Drilling Mar. 10/98 Recording Mar. 31/98	DATE COMPLETED: Drilling May 31/98 Recording June 24/98

SECTION 2

FIRST S.P. #:	44101	LAST S.P. #:	74188
LOADED HOLES (UNDETONATED SHOT POINTS) See Attached			
S.P. #'s:			
CHARGE SIZE::			
DEPTH:			
REASONS HOLES WERE NOT SHOT: All shotholes 5 lb. charge 60 Ft. depth			

SECTION 3

FLOWING HOLES S.P.#'s
PROCEDURE FOR PLUGGING FLOWING HOLES:
Include a 7.5 minute USGS topographic quadrangle map or a computer generated post-plot facsimile of the approximate scale displaying each individual shot hole, SP #, line #, and legal location.

*Non-Explosive Operations - Complete Section 1 and Affidavit.

AFFIDAVIT OF COMPLETION (GEOPHYSICAL CONTRACTOR)

Province of Alberta
~~STATE OF NORTH DAKOTA~~)
)
COUNTY OF Canada)

Before me, John Reynolds, a Notary Public in and for the said County and State, this day personally appeared Lynn Williams who being first duly sworn, deposes and says that (s)he is employed by Williston Seismic Inc, that (s)he has read North Dakota Century Code Section 38-08.1, that the foregoing seismic project has been completed in accordance with North Dakota Administrative Code Rule 43-02-12 and that the statements on the reverse side of this document are true.

Lynn Williams
Geophysical Contractor Representative

Subscribed in my presence and sworn before me this day of , 1988.

Notary Public *John Reynolds*
JOHN E.P. REYNOLDS
Student at Law

My Commission Expires _____

NORTH DAKOTA INDUSTRIAL COMMISSION

OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR

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

F.E. Wilborn
ASSISTANT DIRECTOR

October 16, 1998

Mr. Shawn Johnson
Johnson Drilling
RR 4, Box 325
Minot, ND 58701

**RE: Seismic Hole Plugging Reports
Divide County 98-2
ND Permit No. 97-0032**

**Donnybrook 98
ND Permit No. 97-0033**

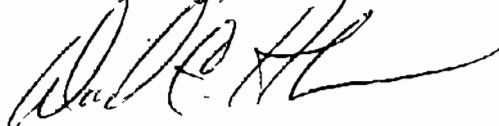
Dear Mr. Johnson:

Our records indicate that your company was a plugging contractor for the above captioned program. Please be advised that pursuant to North Dakota Administrative Code Section 43-02-12-06 any person plugging seismic holes must submit a plugging report and affidavit detailing the plugging of each seismic shot hole.

For your convenience we have enclosed some seismic hole plugging reports for use on subsequent jobs and also some affidavits to attach to the requested reports to date.

Should you have any questions with regard to this matter, feel free to contact our office.

Sincerely,



David C. Hvinden
Geophysical Regulation Supervisor

DCH/dh
enc.

2nd NOTICE - 11-12-98 DCH

NORTH DAKOTA INDUSTRIAL COMMISSION

OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR

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

F.E. Wilborn
ASSISTANT DIRECTOR

October 16, 1998

Mr. Gordon Bruner
American Seismic Services
302 E. Villard
Dickinson, ND 58601

**RE: Seismic Hole Plugging Reports
Divide County #98-2
ND Permit No. 97-0032**

**Donnybrook 98
ND Permit No. 97-0033**

Dear Gordy:

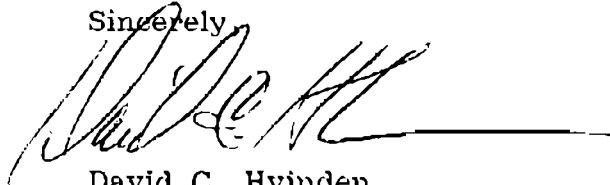
Our records indicate that your company was a plugging contractor for the above captioned program. Please be advised that pursuant to North Dakota Administrative Code Section 43-02-12-06 any person plugging seismic holes must submit a plugging report and affidavit detailing the plugging of each seismic shot hole.

For your convenience we have enclosed some seismic hole plugging reports for use on subsequent jobs and also some affidavits to attach to the requested reports to date.

Also, we did receive a hole plugging affidavit for the Divide County 97-2 3D, job #971672, permit #97-0026, however we never received any logs. Please submit these logs as well.

Should you have any questions with regard to this matter, feel free to contact our office.

Sincerely,



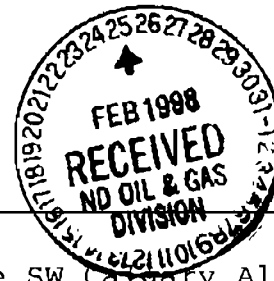
David C. Hvinden
Geophysical Regulation Supervisor

DCH/dh
enc.

2nd NOTICE - 11-12-98 DCH



GEOPHYSICAL EXPLORATION PERMIT
INDUSTRIAL COMMISSION OF NORTH DAKOTA
OIL AND GAS DIVISION
 SFN 51459 (11-97)



600 E BOULEVARD AVE
 BISMARCK, ND 58505

1) a. Company: Williston Seismic Inc.		Address: 2050 633-6th Avenue SW Calgary Alberta T2P 2Y5	
Contact: Robert Wood		Telephone: (403)263-7770	Fax: (403)263-7776
Surety Company: Amwest Survey Ins. Company		Bond Amount: \$50,000.00	Bond Number: 1334638
2) a. Subcontractor(s): American Seismic		Address: 302 E. Villard Dickinson ND 58601	
b. Subcontractor(s): Tumbleweed		Address: 10120-111 Avenue SE Minot, ND 58701-2440	
c. Subcontractor(s): North River		Address:	
3) Party Manager: Ron Skelton		Address:	
4) Project Name or Line Numbers: Divide County 98-2			
5) Exploration Method (Shot Hole, Non-Explosive, 2D, 3D): Shot Hole 3-D			
6) Approximate Drilling Start Date: Feb 24, 1998		Approximate Completion Date: April 15/98	

THE COMMISSION MUST BE NOTIFIED AT LEAST 24 HOURS IN ADVANCE OF COMMENCEMENT OF DRILL/PLUG OPERATIONS

7) Location of Proposed Project - County TWP 160 R 98 W2M				DIVIDE & WILLIAMS			
Section(s), Township(s) & Range(s)		Sec. 3-5, 8-17, 22-27, 34-36	T 160	R 98			
		Sec. 7, 8, 17-21, 28-33	T 160	R 97			
		Sec. 1, 2, 3, 12, 13, 24	T 159	R 98			
		Sec. 4-9, 17-20, 29-30	T 159	R 97			
8) Size of Hole	Amt. of Charge	Depth	Shots per Mi. (sq. mi.)	No. of Mi. (sq. mi.)	Identifying Marks Used on Nonmetallic Plug		
2 3/8"	5 Lbs	18M	99	50	Geophysical ID	a. Plugger ID	b. Plugger ID
					*	*	*

9) Anticipated special drilling and plugging procedures?
 Auger Drilling & Bentonite Hole Plugging

10) Enclose a pre-plot map with proposed location of seismic program lines and powder mag.

Signed:	Title: Robert J. Wood Operations Manager	Date: February 5/98
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(This space for State office use)		* Conditions of Approval if any: * plug must be identified w/ mark & permit number R. Wood 2/25/98
Permit No.: 97-0032	Approval Date: 2/25/98	
Approved By:		
Title: Geophysical Regulation Supervisor		
County Approval Sent: DIVIDE		

NORTH DAKOTA INDUSTRIAL COMMISSION

OIL AND GAS DIVISION

Wesley D. Norton
DIRECTOR

F.F. Wilborn
ASSISTANT DIRECTOR

February 25 ,1998

Robert Wood
Williston Seismic, Inc.
2050, 633-6th Ave. SW
Calgary, Alberta
Canada T2P 2Y5

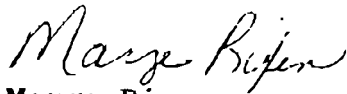
RE: GEOPHYSICAL EXPLORATION PERMITS
No. 970032 - DIVIDE COUNTY 98 - 2
No. 970033 - DONNYBROOK 98, NORTH DAKOTA

Dear Mr. Wood:

This letter will verify the approval of the above-captioned Geophysical Permits effective February 25, 1998.

Please feel free to contact Mr. David Hvinden, Geophysical Regulation Supervisor if you should have any questions.

Sincerely,



Marge Rixen
Legal Assistant

/mr

NORTH DAKOTA INDUSTRIAL COMMISSION

OIL AND GAS DIVISION

Westley D. Norton
DIRECTOR

F.E. Wilborn
ASSISTANT DIRECTOR

February 25, 1998

The Honorable Shirley Peterman
Divide County Register of Deeds
P.O. Box 49
Crosby, ND 58730

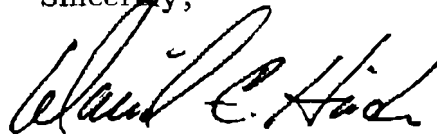
**RE: Geophysical Exploration
Permit #97-0032**

Dear Ms. Peterman:

Pursuant to Section 38-08.1-04.2 of the North Dakota Century Code, please be advised that Williston Seismic Inc. was issued the above captioned permit on February 25, 1998 and will remain in effect for a period of one year.

Should you have any questions, please contact our office.

Sincerely,



David C. Hvinden
Geophysical Regulation Supervisor

DCH/dh

NORTH DAKOTA INDUSTRIAL COMMISSION

OIL AND GAS DIVISION

Wesley D. Norton
DIRECTOR

F.E. Wilborn
ASSISTANT DIRECTOR

February 25, 1998

The Honorable Beth Innis
Williams County Auditor
P.O. Box 2047
Williston, ND 58802

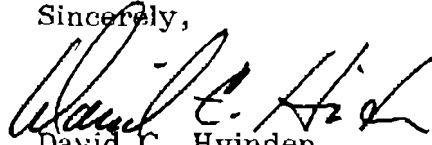
RE: Geophysical Exploration
Permit #97-0032

Dear Ms. Innis:

Pursuant to Section 38-08.1-04.2 of the North Dakota Century Code, please be advised that Williston Seismic Inc. was issued the above captioned permit on February 25, 1998 and will remain in effect for a period of one year.

Should you have any question, please contact our office.

Sincerely,



David C. Hvinden
Geophysical Regulation Supervisor

DCH/dh