

ORDINANCE 2012-1**AN ORDINANCE FOR THE PROTECTION OF WATER AND SOIL IN
THE DEVELOPMENT AND PRODUCTION OF OIL & GAS
IN SHERIDAN COUNTY CONSERVATION DISTRICT****Section 1. POLICY AND INTENT**

- (1) Pursuant to 76-15-102 it is the declared policy of this state to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.
- (2) It is the policy of the Sheridan County conservation district to provide for the conservation of the soil and water resources of the District and the prevention of soil erosion, accelerated soil erosion, and the prevention of sediment damage to the land, water and other resources within this conservation district.
- (3) Sheridan County conservation district finds that there has been an explosive growth in the oil and gas industry in eastern Montana, and specifically in Sheridan County. Sheridan County conservation district finds that the growth of the oil and gas industry in North Dakota has created resource problems related to the development and production of oil and gas at sites located close to streams, waterways, tributaries and drainage areas.
- (4) It is Sheridan County conservation district's intent, in furtherance of the policy of the state of Montana and of Sheridan County conservation district, to protect the water resources and soil resource within the boundaries of the conservation district from unreasonable depletion and degradation of natural resources related to the development and production of oil and gas in Sheridan County conservation district.

Section 2. PURPOSE.

It is the purpose of this ordinance to enact a program for the conservation and protection of land, water, and other resources of the Sheridan County conservation district during the development and production of oil and gas to :

- (1) encourage the development of oil and gas in a manner that protects the land and the water resources adjacent to the development sites;
- (2) prevent the degradation of streams, waterways, drainages, reservoirs and lakes; and
- (3) protect and promote the health, safety and general welfare of the people.

Section 3. AUTHORITY.

- (1) Pursuant to 76-15-702 Sheridan County conservation district has the authority to formulate regulations governing the use of lands within its boundaries in the interest of conserving soil and water resources and preventing and controlling erosion.
- (2) In pertinent part Sheridan County conservation district is authorized to adopt regulations that include any means, measures, operations, and programs as may assist conservation of soil and water resources.

Section 4. DEFINITIONS.

Unless the context requires otherwise, in this ordinance, the following definitions apply:

- (1) "Authorization" means the written consent of the supervisors to develop an industrial site.
- (2) "District" or "conservation district" means the Sheridan County conservation district, a governmental subdivision of the state of Montana and a public body, corporate and politic, exercising public powers.
- (3) "Erosion" means the process by which the surface layer of the land is worn away by the action of water, wind, gravity, or a combination thereof.
- (4) "Industrial site" means the location used for the development and/or production of oil and gas.
- (5) "Person" means any natural person, individual, corporation, firm, partnership, association, municipality, governmental agency, excluding the Montana Board of Oil and Gas Conservation, political subdivision, or other legal entity.
- (6) "Qualified elector" means an individual qualified to vote under state law residing within Sheridan County conservation district.
- (7) "Stream" means any natural water drainage, or tributary to a water drainage, that exhibit stormflow and/or baseflow characteristics, including, but not limited to, ephemeral, intermittent, and perennial water drainages.
- (8) "Supervisors" or "district supervisors" means the board of supervisors of the Sheridan County conservation district.
- (9) "Water" means any and all surface water and groundwater which are contained within, flow through, or border upon the Sheridan County conservation district.

Section 5. SETBACK.

- (1) An industrial development site must be a least ___ feet from a stream, waterway, drainage, lake or reservoir.
- (2) The setback must be measured from the nearest point of the industrial development site to the nearest extent of the high water mark of the stream, waterway, drainage, lake or reservoir.

Section 6. APPLICABILITY.

This ordinance applies to all lands within the conservation district excluding the lands within the towns of _____, _____ and _____.

Section 7. COMPLIANCE WITH ORDINANCE

No land occupier or person may cause or conduct, contract for, or authorize the development or production of oil and gas on or near any stream, waterway, drainage, reservoir or lake in violation of this ordinance.

Section 8. INDUSTRIAL DEVELOPMENT SITE AUTHORIZATION.

- (1) No lands in the district may be used for an industrial development site for the development and/or production of oil and gas without prior authorization from the conservation district.
- (2) A person planning to engage in developing an industrial site within the district shall submit to the supervisors a completed application on a form provided by the district.

- (3) The application must include:
- (a) an application fee in the amount of \$ _____.
 - (b) a description of the lands upon which the ~~development~~ industrial site is proposed;
 - (c) a map describing:
 - (i) the location of the proposed ~~development~~ site; and,
 - (ii) the setback of the proposed ~~development~~ industrial site from the stream, waterway, drainage, reservoir or lake;
 - (d) a restoration plan to return any disturbed area to as near its prior condition as possible; and,
 - (e) a protection plan describing how the water quality of the water in, near or underneath the stream, waterway, drainage, reservoir or lake will be maintained during the development and production of oil and gas, and describing how the water quality will be restored if it is adversely impacted by the development or production of oil and gas at the proposed ~~development~~ industrial site.
- (4) (a) Before authorization may be given, a surety bond made payable to the conservation district and conditioned upon full compliance with this ordinance, must be submitted to and approved by the conservation district. The bond must be signed by the developer of the industrial site as principal and by a good and sufficient corporate surety licensed to do business in the state of Montana. The bond amount must be determined by the conservation district at the cost of reclamation of the industrial site. The bond may be no less than the amount determined by the conservation district.
- (b) In lieu of submitting a surety bond, the industrial site developer may submit cash, government securities, or a letter of credit in a form acceptable to the conservation district.
- (c) The requirements of this subsection are waived if the industrial site developer has furnished a reasonable bond with good and sufficient surety with the Montana Board of Oil & Gas for reclamation of the industrial site.
- (d) The bond or security remains in effect until the affected land has been reclaimed as provided under the authorization.

Section 9. PROCESSING APPLICATIONS

- (1) Permit applications will be reviewed at the next regular monthly meeting of the supervisors if the application is received within 7 days prior to the meeting in order for the application to be placed on the meeting agenda.
- (2) The meeting must be open to the public.
- (3) The applicant may appear at the meeting and provide information in support of the application. Other persons may appear at the meeting and provide information in support of or in opposition to the application.
- (4) The supervisors shall issue a decision on the application at the meeting, unless the application is not complete.
- (5) The supervisors may extend, upon the request of a supervisor or an applicant, the time limits in this section when, in their determination, the time provided is not sufficient to carry out the purposes of this section.
- (6) A majority vote of the supervisors is necessary to grant authorization for the industrial ~~development~~ site.
- (7) An applicant is entitled to an authorization if the supervisors determine:

- (a) the location of the industrial development site is adequately described;
- (b) the setback is in compliance with the ordinance, unless a variance is requested; and
- (c) the proposed restoration plan is adequate; and,
- (d) the proposed protection plan is adequate.

Section 10. COMPLAINTS.

- (1) A complaint signed by a district land occupier may be filed against any land occupier or responsible person alleging that an industrial development site is being constructed or has been constructed in violation of the ordinance.
- (2) The complaint must:
 - (a) include the name and address of the complainant;
 - (b) include the location of the industrial development site;
 - (c) include the name and address of the landowner upon whose land the industrial development site is located, if known;
 - (d) the name and address of the developer of the industrial development site; if known;
 - (e) be in writing, signed, and delivered to the district office; and
 - (d) include the date of the alleged violation, if known;
- (3) The complaint is a public record that is maintained in the district office.

Section 11. ACTION ON A COMPLAINT.

- (1) Within 5 working days of the receipt of a correct and complete complaint the supervisors shall notify the alleged violator of the complaint.
- (2) The supervisors shall conduct an onsite inspection within 10 working days of receipt of the correct and complete complaint to determine whether an actual violation exists. The alleged violator, or a designated representative, may participate in the onsite inspection.
- (3) At the onsite inspection the supervisors shall acquire the following information:
 - (a) the location of the alleged violation;
 - (b) the location and distance of any stream, waterway, drainage, reservoir or lake to the industrial development site;
 - (c) whether a restoration plan is in place; and
 - (d) whether a protection plan is in place.
- (4) (a) Based upon the subsection (3) information the supervisor shall determine within 5 working days of the onsite inspection whether there is a violation of this ordinance. The alleged violator and the complainant must be notified of the supervisors' determination within 5 working days of their determination. If there is a violation the violator must be given a violation notice by certified mail or by personal delivery. The supervisors shall include with the violation notice the corrective actions necessary to resolve the violation.
 - (b) If the supervisors determine that a violation is occurring, the violation notice may include an order requiring the cessation of activity at the industrial development site.
 - (c) If activity continues after an order to cease has been issued the supervisors may petition the district court under 76-15-709 for the enforcement of the ordinance and for such other temporary relief as may be necessary.
 - (d) If the violator ceases activity, the supervisors, or their designated representative, shall meet with the violator within 5 working days of the notice of violation to:
 - (i) discuss solutions to resolve the corrective actions identified in the violation order; and

- (ii) specify, in writing, a reasonable length of time to complete any corrective measures identified in the agreed to solution.
- (5) The supervisors may extend the time periods in this section as they deem necessary.

Section 12. BOARD OF ADJUSTMENT.

- (1) A board of adjustment shall exist to hear and determine matters filed pursuant to 76-15-223 through 76-15-725.
- (2) The board of adjustments shall be structured as set forth in 76-15-721 through 76-15-722.
- (a) The board of adjustment shall be made up of three members, each to be appointed for a term of three years, except that the members first appointed shall be appointed for terms of one, two, and three years, respectively.
- (b) The members of the board of adjustment shall be appointed by the administrator of the conservation and resource development division of the department of natural resources and conservation with the advice and approval of the district supervisors.
- (c) All meetings of the board of adjustment shall be open to the public and its records and proceedings shall be public.

Section 13. BOARD OF ADJUSTMENT--PETITION FOR VARIANCE.

- (1) Any qualified elector, person, or land occupier, ~~whose due process rights are impacted by~~ the ordinance, may file a petition for a variance with the board of adjustment as provided in 76-15-723, alleging that there are great practical difficulties or unnecessary hardships in complying with the land use regulations prescribed by the ordinance.
- (2) Any qualified elector, person or land occupier against whom a complaint has been filed may petition the board of adjustment for a variance as provided in subsection (1). The petition must be filed with a written notice to the supervisors that the person or land occupier does not contest the violation. If the variance is not granted, the person or land occupier shall correct the violation pursuant to the provisions of Section 11.
- (3) An order of the board of adjustment may be appealed to district court pursuant to 76-15-726,

Section 14. ENFORCEMENT IN DISTRICT COURT.

- (1) The supervisors may bring enforcement actions in district court as provided in 76-15-709 against any person failing to comply with the ordinance.
- (2) The supervisors may seek an enforcement order requiring the removal of an industrial ~~development~~ site constructed in violation of the ordinance.

Section 15. COMPLIANCE WITH OTHER LAWS.

Nothing in the ordinance shall be construed as exempting a person from the requirements of other local, state or federal laws. To the extent that the requirements of the ordinance conflict with any applicable local, state or federal requirements, the local, state, or federal requirements shall apply.

Section 16. LIABILITY.

- (1) The Sheridan County conservation district, conservation district supervisors, and conservation district employees are immune from suit for any liability that might

- otherwise be incurred or imposed for an act or omission committed while engaged in conservation district activities under the ordinance as more fully set forth in 76-15-320.
- (2) No person or land occupier acting in compliance with the ordinance is relieved of liability for damage to any person or property as the result of the person's or land occupier's negligent acts or omissions.

Section 17. ALTERATION OR REPEAL OF ORDINANCE.

The ordinance may only be amended, supplemented or repealed by the filing of a petition as provided in 76-15-705. Referenda on the adoption, amendment, supplementation, or repeal of any part of the ordinance shall not be held more often than once in six (6) months.

Section 18. SEVERABILITY CLAUSE.

If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

EXHIBIT 2 DEFA

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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
X Rebecca Benson Agent Address

B. Received by (Printed Name) *Rebecca Benson* C. Date of Delivery *1-23-12*

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



BRIAN SCHWEITZ

1. Article Addressed to:

*Poor Boy Oil Co.
121 10th Ave NW
Sidney, MT 59270*

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7008 1830 0001 9481 0356**
(Transfer from service label)

January 20, 2012

Poor Boy Oil Co.
121 10th Ave. NW
Sidney, MT 59270

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-11

CERTIFIED MAIL #7008 1830 0001 9481 0356
RETURN RECEIPT REQUESTED

Dear Operator:

The Dore #1 well (API #25-083-21281) was a plugged well located in Richland County, Montana. On October 13, 2011, Poor Boy Oil Co. received a permit to convert this well to an injection well.

Poor Boy Oil Co. re-entered the Dore #1 in December of 2011 without first obtaining a drilling re-entry permit. The requirement for the re-entry permit was specifically stipulated on the *Sundry Notice* provided to Poor Boy. This is a violation of Board regulations.

The next meeting of the Board is on March 7, 2012, at the Board office in Billings. This situation will be brought to the Board's attention at that meeting for enforcement action.

You can contact me, or Steve Sasaki, at 656-0040 if you have any questions.

Sincerely,

George Hudak

George Hudak
UIC Director

POOR BOY OIL, LLP
DORE NO. 1, NW NW SECTION 29, T24N R59E
RICHLAND COUNTY, MONTANA

- 9/9/2009 Dore No. 1 plugged and abandoned by TOI Operating.
- 2/26/2010 SRA received from TOI Operating.
- 6/16/2010 Surface owner signs off on Dore No. 1 location. Confirmed by e-mail from Mr. David Linde, surface owner on the Dore No. 1 location.
- 10/13/2010 Well released from TOI Operating Bond.
- 9/20/2011 Welding on wellhead in preparation to reenter well and to convert well to injection.
- 9/29/2011 Sundry Form No. 2 received at the Montana Board of Oil & Gas office, Billings from Poor Boy Oil, LLP to reenter and convert the Dore No. 1 well to a Class II injection well.
- 10/13/2011 October BOGC hearing, Poor Boy Oil requests a UIC Class II permit to use the Dore No. 1 wellbore for a SWD disposal in the Dakota Formation and is granted a Class II permit under Board Order 331-2011.
- 10/13/2011 Sundry Form No. 2 from Poor Boy Oil, LLP to reenter Dore No. 1 well for injection approved by UIC Director, Mr. George Hudak with the "Conditions of Approval" stipulation that **"A reentry permit be submitted"(Form No. 22) and a bond.**
- 12/16/2011 BOGC Sidney Field Inspector, Ron Prevost notes that Lenny Carver, Poor Boy Oil, LLP has a service rig on the Dore No. 1 location. Reentering well. **Violation of Board Rule 36.22.1306 Reentry Permit and 36.22.1308 Plugging and Restoration/UIC Bond.**
- 1/5/2012 BOGC Sidney Field Inspector, Ron Prevost notes that Lenny Carver, Poor Boy Oil, LLP has a service rig on the Dore No. 1 location. In the process of drilling out cement plugs. Notes that Poor Boy Oil, LLP needs to squeeze casing leak at 1925'.
- 1/13/2012 Reentry permit received at the Montana Board of Oil & Gas Billings office. Reentry permit can't be approved because Poor Boy Oil, LLP does not have a bond in place with the Montana Board of Oil & Gas.

- 1/21/2012 BOGC Sidney Field Inspector, Ron Prevost notes that Lenny Carver, Poor Boy Oil, LLP has a service rig on the Dore No. 1 location. Inspects location for oil and saltwater spill due to Dore No. 1 well gas bubble unloads hole.
- 1/24/2012 BOGC Sidney Field Inspector, Ron Prevost notes that Lenny Carver, Poor Boy Oil, LLP has a service rig on the Dore No. 1 location. Notes working on the well to convert to SWD.
- 2/2/2012 BOGC Sidney Field Inspector, Ron Prevost notes that Lenny Carver, Poor Boy Oil, LLP has a service rig on the Dore No. 1 location. Notes working on well to convert well to SWD.
- 2/6/2012 Poor Boy Oil, LLP officially receives approval for a \$10,000 bond for re-entering the Dore No. 1. **Board Rule 36.22.1308 Bond rule complied with.**
- 2/7/2012 Received sundry notice form No. 2 from Poor Boy Oil, LLP to re-enter the Dore No. 1 well to drill out the cement plugs and convert the well to a SWD. **Board Rule 36.22.1306 Reentering plug well rule complied with.**
- 2/8/2012 Run MIT. Well passes MIT. Well completed.
- 3/7/2012 As of this date, Poor Boy Oil, LLP has not submitted a "Subsequent Report" of conversion to SWD injection. Officially 30 days is March 8, 2012. **Board rule 36.22.1011**

BOARD OF OIL & GAS RULES

36.22.1306 APPROVAL FOR PULLING CASING AND REENTERING WELLS

(1) No casing shall be pulled from any well regardless of its status without first filing Form No. 2 and securing approval of the petroleum engineer or his authorized agent.

(2) No oil or gas well which has been plugged in accordance with these rules shall be reentered for any purpose without first filing Form No. 22 and securing approval of the petroleum engineer or his authorized agent.

History: 82-11-111, MCA; IMP, 82-11-123, 82-11-124, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1980, Eff. 8/30/88; AMD, 2000 MAR p. 3542, Eff. 12/22/00.

36.22.1308 PLUGGING AND RESTORATION BOND

(1) Except as otherwise provided in these rules, the following bonds are required for wells within the board's jurisdiction:

(a) the owner or operator of a single well to be drilled, or of a single existing oil, gas, or Class II injection well to be acquired, must provide a one well bond:

(i) in the sum of \$1500, where the permitted total depth of a drilling well, or the actual, or plugged-back, total depth of an existing well, is 2000 feet or less; or

(ii) in the sum of \$5000, where the permitted total depth of drilling well, or the actual, or plugged-back, total depth of an existing well, is greater than 2000 feet and less than 3501 feet; or

(iii) in the sum of \$10,000 where the permitted total depth of a drilling well, or the actual, or plugged-back, total depth of an existing well, is 3501 feet or more.

(b) the owner or operator of multiple wells to be drilled, of existing wells to be acquired, or any combination thereof, must provide a multiple well bond in the sum of \$50,000. A one-time consolidation of companies will not be considered an acquisition requiring a \$50,000 bond if the consolidation does not change the party or parties responsible for the ultimate plugging of the wells and the resulting consolidated company provides a bond not less than the aggregate amount of the existing bonds covering wells prior to consolidation;

(c) the owner or operator of existing wells covered by a multiple well bond in an amount less than \$25,000 must provide a new bond, or a supplemental bond, or rider to an existing bond to increase coverage to \$25,000.

(2) All bonds must be executed on board Form No. 3 or board Form No. 14, must be payable to the state of Montana, and must be conditioned for the performance of the duty to properly plug each dry or abandoned well, and to restore the surface of the location as required by board rules.

(3) The board may require an increase by appropriate rider of any bond from \$1500 to \$3000, \$5000 to \$10,000, or from \$10,000 to \$20,000 for a single well bond, and from \$50,000 to \$100,000 for a multiple well bond, when in the opinion of the board the factual situation warrants such an increase in order for any owner or operator to be in compliance with this rule. In addition to, or in lieu of, an increase in the bond amount as provided above, the board may limit the number of wells that may be covered by any multiple well bond.

(4) No new or additional wells shall be added or substituted to any bond existing prior to the effective date of this rule.

(5) The staff may refer approval of any proposed bond to the board for consideration at its next regularly scheduled business meeting. The staff will promptly notify the applicant of the reason(s) approval has been deferred to the board and will advise the applicant of the time and place for the business meeting. The board may approve, require modification, or reject a proposed bond.

(6) The bond referred to in this rule must be in one of the following forms:

(a) a good and sufficient surety bond secured from a bonding company licensed to do business in the state of Montana;

(b) a federally insured certificate of deposit issued and held by a Montana bank; or

(c) a letter of credit issued by an FDIC-insured, Montana commercial bank.

(7) Out-of-state bank bonds previously approved by the board remain in effect.

(8) A well must remain covered by a bond, and such bond must remain in full force and effect until:

(a) the plugging and restoration of the surface of the well is approved by the board; or

(b) a new bond is filed by a successor in interest and such bond is approved by the board.

(9) A notice of intent to change operator must be filed on Form No. 20 by a proposed new owner or operator of a well within 30 days of the acquisition of the well. Said notice shall include all information required thereon and must contain the endorsement of both the transferor and the transferee. The board administrator may delay or deny any change of operator request if he determines that either the transferor or the transferee is not in substantial compliance with the board's statutes, rules, or orders. The board may require an increase in any bond up to the maximum amount specified in (3) as a condition of approval for any change of operator request. The transferor of a well is released from the responsibility of plugging and restoring the surface of the well under board rules after the transfer is approved by the board.

(10) Where the owner of the surface of the land upon which one or more noncommercial wells have been drilled wishes to acquire a well for domestic purposes, the bond provided by the person who drilled or operated the well will be released if the surface of the location is restored as required by board rules, and if said surface owner furnishes:

(a) proof of ownership of the surface of the land on which the well is located; and

(b) for actual beneficial water uses of 35 gallons or less per minute, not to exceed ten acre-feet per year, a copy of the Notice of Completion of Groundwater Development (Water Rights Form 602) filed with the Department of Natural Resources and Conservation (DNRC); or

(c) for actual beneficial water uses of more than 35 gallons per minute, or in excess of ten acre-feet per year, a copy of the Beneficial Water Use Permit (Water Rights Bureau Form 600) received from the DNRC; or

(d) for a domestic gas well, a written and signed inspection report from one of the board's field inspectors stating that the well is presently being beneficially used as a source of domestic natural gas; and

(e) for a domestic gas well:

(i) a federally insured certificate of deposit in the amount of \$5000 for a single well or in the amount of \$10,000 for more than one well, or

(ii) a real property bond in the amount of two times the amount of the required federally insured certificate of deposit.

(11) The real property bond required in (10)(e)(ii) must be:

(a) provided on a board-approved form; and

(b) accompanied by a certified real property appraisal and abstract of title which evidence unencumbered owner equity in an amount equal to or greater than the amount of the bond required.

(12) A domestic well must be plugged, abandoned, and restored in accordance with ARM 36.22.1301 through 36.22.1304, 36.22.1306, 36.22.1307, and 36.22.1309, or transferred to a bonded operator in accordance with (9), after the well ceases to be used for domestic purposes.

History: 82-11-111, MCA; IMP, 82-11-123, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 549, Eff. 9/24/77; AMD, 1982, MAR p. 855, Eff. 4/30/82; AMD, 1982 MAR p. 1398, Eff. 7/16/82; AMD, 1990 MAR p. 305, Eff. 2/9/90; AMD, 1993 MAR p. 152, Eff. 7/1/93; AMD, 1998 MAR p. 482, Eff. 2/13/98; AMD, 1998 MAR p. 1745, Eff. 6/26/98; AMD, 2000 MAR p. 3542, Eff. 12/22/00; AMD, 2007 MAR p. 350, Eff. 3/23/07.

36.22.1011 WELL COMPLETION AND RECOMPLETION REPORTS

(1) Within 30 days after the completion of a well drilled for oil or gas (except a wildcat or exploratory well), a completion report shall be filed with the board on Form No. 4.

(2) Within 30 days after the completion of any repair, deepening, reconditioning, reperforming, or recompletion, a detailed report of work done and results obtained shall be filed with the board on Form No. 2.

History: Sec. 82-11-111, MCA; IMP, Sec. 82-11-123 and Sec. 82-11-124, MCA; Eff. 12/31/72; AMD, Eff. 7/5/75.

SUPPLEMENTAL INFORMATION

RECEIVED

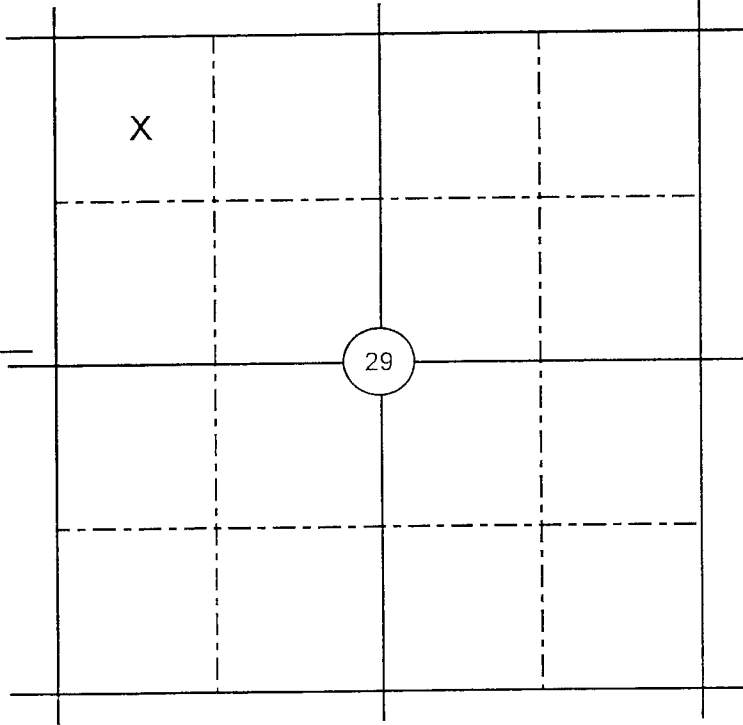
NOTE: Additional information or attachments may be required by Rule or by special request.
Plot the location of the well or site that is the subject of this notice or report.

SEP 29 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

Range 59E

Township 24N



BOARD USE ONLY

CONDITIONS OF APPROVAL

The operator must comply with the following condition(s) of approval:

- Re-entry permit required.
- Set CIBP or similar, with cement, at 6560' +/-
- \$10,000 injection well bond required before injecting.
- Injection packer must be set within 100' of the uppermost injection perf.
- MIT required before injecting.
- Injection pressure is limited to 1122 psig.

Failure to comply with the conditions of approval may void this permit.

3/6/2012

Plugging and Reclamation Bonds With Well List

| | | | | | | | | | | | | | |
|--------------------------|-------------------|---------------|----------|-------------|----------------------|--------|----------|------------|--------------|------|------|----|-----|
| POOR BOY OIL, LLP | | 706 | Bond: T1 | \$10,000.00 | UIC Single Well Bond | Active | Wells: 1 | Allowed: 1 | | | | | |
| Letter of Credit | Active | BANK OF BAKER | | \$10,000.00 | | | Approved | 2/6/2012 | | | | | |
| API# | Operator | Well | Location | | | Field | TD | PBTD | Status | | | | |
| 083-21281 | Poor Boy Oil, LLP | Dore 1 | 24 N | 59 E | 29 | NW NW | 805N | 955W | Fort Gilbert | 9643 | 9345 | PD | SWD |

Comment: To cover the Dore #1 well, API#083-21281

FORM NO. 22 R 10/09 SUBMIT IN QUADRUPPLICATE TO: ARM 36.22.307 ARM 36.22.601

MONTANA BOARD OF OIL AND GAS CONSERVATION
2535 ST. JOHNS AVENUE, BILLINGS, MONTANA 59102

Lease Name: Dore

Lease Type (Private/State/Federal): Private

Application for Permit To:

Drill Deepen Re-enter
 Oil Gas Other Water Injection

Well Number: #1 JAN 13 2012

Operator: Poor Boy Oil, LLP
 Address: 121 10th Ave NW
 City: Sidney State: MT Zip: 59270
 Telephone Number: 406-488-9182

Field Name or Wildcat: MONTANA BOARD OF OIL & GAS CONSERVATION
 Fort Gilbert

Unit Name (if applicable): NA

Surface Location of Well (quarter-quarter and footage measurements):
 NW 1/4 NW 1/4
 805' FNL 955' FWL

Proposed Total Depth and Bottom-hole Location(s) if directional or horizontal well:
 6500 ft TD

Objective Formation(s):
 Dakota

Township, Range, and Section:
 T24N, R59E, Sec 29

County:
 Richland

Elevation (indicate GL or KB):
 2150 ft GL

| | | |
|---|---------------------------|------------------------|
| Size and description of drilling/spacing unit and applicable order, if any: | Formation at total depth: | Anticipated Spud Date: |
| Order # 331-2011 | Rierdon | 2/1/12 |

| Hole Size | Casing Size | Weight / Foot | Grade (API) | Depth | Sacks of Cement | Type of Cement |
|-----------|-------------|---------------|-------------|-------|-----------------|----------------|
| 12 1/4" | 8 5/8" | 24#/ft | K-55 | 1999 | 950 | "G" |
| 7 7/8" | 5 1/2" | 17/23# | K-55/L-80 | 9698 | 1840 | "G" |
| | | | | | | |

Describe Proposed Operations:
 Describe or attach labeled diagram of blowout preventer equipment. Indicate if air drilled or describe mud program.
 See attached documentation for proposed operations.

| | | |
|---|------------------------------------|--|
| BOARD USE ONLY | | The undersigned hereby certifies that the information contained on this application is true and correct: Signed (Agent) <u>[Signature]</u> Title <u>Agent to Poor Boy Oil, LLP</u> Date <u>12/19/2011</u> Telephone Number <u>406-655-3381</u> |
| Approved (date) <u>Feb 7, 2012</u> | Permit Fee <u>\$7500</u> | |
| By <u>George Hudak</u> | Check Number <u>7438 (Hohn)</u> | |
| Title <u>MC Director</u> | Permit Expires <u>AUG - 7 2012</u> | |
| Permit Number <u>29851</u> | | |
| THIS PERMIT IS SUBJECT TO THE CONDITIONS OF APPROVAL STATED ON THE BACK | | |
| API Number: 25 - <u>083 - 21281</u> <u>Re Entry</u> | | |

Samples Required: NONE ALL FROM _____ feet to _____ feet

Core chips to address below, full cores to USGS, Core Laboratory, Arvada, CO. Required samples must be washed, dried and delivered prepaid to:
 Montana Board of Oil and Gas Conservation
 2535 St. Johns Avenue
 Billings, MT 59102

To: Montana Board of Oil and Gas Conservation

From: Norman C. Peterson, Counsel to the Board

Date: March 1, 2012

Re: BOGC's Order No. 380-2011 and Ostby Request for Re-Hearing

Pursuant to Board publication, the BOGC on December 15, 2011 held a hearing on whether to, by BOGC Order, "Establish statewide temporary spacing units for wells drilled to the Bakken/Three Forks pool" within a designated geographic area in Montana.

The notice for the hearing was done by publication.

The purpose of the Proposed Order is to allow the administrative approval by the staff, without BOGC hearing, of any 1280 acre Temporary Spacing Unit [TSU], with specific defined setbacks, and specific well locations in the defined geographic area. It is, however, important to note that an over-riding purpose of this Proposed Order was to avoid the creation of orphan tracts.

Prior to the Proposed Order, the only size TSU that could be administratively approved in this geographic area was a 640 TSU [State default TSU]. The Order does not affect or change either the requirements for an Application to Drill a Well in this geographic area nor does it affect the ultimate requirements for establishing a 1280 Permanent Spacing Unit [PSU] in this geographic area, both of which are required under the BOGC statutes and rules.

The intent of the Proposed Order was to allow for administrative approval of 1280 TSU's and therefore to cut down on the need to hear every request for a 1280 acre TSU in the geographic area. As said above, under the previous requirements, a request for a 640 acre [State wide spacing] TSU in this geographic area could have been administratively approved.

The usefulness and need for a 1280 acre TSU and subsequent PSU was a topic of some controversy when first proposed several years ago, but the controversy no longer exists, at least in the eyes of the BOGC. The TSU norm in this particular area is and has been for a number of years a 1280 acre TSU. But because such requests still could not be administratively approved, the number of hearings before the BOGC had increased tremendously.

The BOGC sought a means of addressing this increase in hearings, particularly since all such applications have been approved and as stated, the norm in this area is a 1280 acre TSU and subsequently, a 1280 PSU. Restated, the BOGC believed this was no longer a controversial topic and the need for a hearing on each proposed 1280 acre TSU no longer existed.

Not to beat the dead horse, but it is again important to emphasize that this Order does not affect the notice requirements for an application to drill a well in this geographic area, nor does it affect the notice requirements to establish a 1280 PSU.

At the time of the hearing, the BOGC adopted the Order as proposed. Ms. Ann Ostby of Dagmar, Montana, appeared at the hearing and verbally protested the adoption of the order. Ms. Ostby, based on her reading of the applicable law and administrative rule, believed that the BOGC could only approve the Proposed Order after giving "written notice" that was served on all record owners of the oil and gas and leasehold interests sought to be spaced or pooled." In this particular matter, under Ms. Ostby's interpretation, since the BOGC is defined as a "person" it must comply with the legal requirements in Title 82 imposed on a "person", and therefore prior to the BOGC adopting the Order, it would be required to give written notice to every record owner "of the oil and gas and leasehold" interests in the entire geographic area that was included in the Proposed Order.

As noted, the BOGC did not give notice of the hearing on the Board's Proposed Order in the manner that Ms. Ostby believed to be the requirements, but instead gave notice by publication.

Following the adoption of the Order, Ms. Ostby filed a timely request for a re-hearing of the BOGC's Docket on the matter, and the BOGC will hear the request for a re-hearing at its business meeting on March 7, 2012. Should the BOGC grant her request for a re-hearing, the hearing will be held on March 8, 2012.

The question at the heart of Ms. Ostby's protest and subsequent request for a re-hearing is did the BOGC give proper notice of its Proposed Order prior to adopting the same on December 15, 2011.

The substance of Ms. Ostby's request is as follows.

The Board derives its jurisdiction from Statute, and cannot deviate from the requirements of statute. Under Mont. Code Ann. § 82-11-201, the BOGC may establish temporary and permanent spacing units in Montana either on a statewide basis or for defined areas in the State. [As noted above, the statewide default TSU is 640 acres.]

Ms. Ostby believes that under the applicable statutes, the BOGC is a "person" and that any "person" who applies for a "non-default size" TSU under Mont. Code Ann. § 82-11-201 must – pursuant to Mont. Code Ann. § 82-11-141 (4) (b) - give written notice to all the record owners of the gas and oil and leasehold interests sought to be spaced or pooled.

Ms. Ostby also believes that it would be more appropriate for the BOGC to adopt such a change in policy as an Administrative Rule. Ironically, the notice

requirements for an administrative rule do not require written personal notice but instead require published notice in the Montana Administrative Register.

The opposition of Ms. Ostby did not go unnoticed, so to speak, and a law firm that often appears before the BOGC offered a different interpretation of statute that fully supported the BOGC's action in adopting the above mentioned Proposed Order.

The substance of that opinion is as follows:

Initially, it is pointed out that Ms. Ostby in rendering her opinion, omitted a fairly important reference in Mont. Code Ann. § 82-11-201 (a).

“The Board, upon its own motion, or upon application of an interested person, after hearing, may by order establish: temporary spacing units on a statewide basis or for defined areas with the state....”

The omission is that the BOGC is specifically mentioned separately from a “person”. The BOGC can create such a spacing unit either on its own order, or it can act upon the application of a “person.” While that subsection of § 82-11-201 may not have indicated that a different process existed for noticing the hearing that would take place, the difference can be seen in Mont. Code Ann. § 82-11-141, the statute that discussed procedural requirements for a hearing.

In Ms. Ostby's interpretation of the BOGC as a “person”, the requirements of Mont. Code Ann. § 82-11-141 (4) (b) apply because they clearly apply to any “person”.

However, if the BOGC is not considered to be a person or is treated differently than a person, as clearly indicated by the different references in § 82-11-201; then § 82-11-141 (4) (b) does not apply. And, as Ms. Ostby herself indicates, State law definition of the BOGC as a person will apply “except where a contrary intention plainly appears” [Mont. Code Ann. § 1-2-107]

So, if the BOGC is not a person, what notice requirements apply? We look again to § 82-11-141. It provides in 4 (a) that if notice is required by this chapter [which is does under § 82-11-201 (a)] then it must be done by publication unless the Montana Administrative Procedure Act (MAPA) applies.

MAPA applies to contested cases, rulemaking hearings, and agency issued declaratory rulings. Mont. Code Ann. § 2-4-101, et seq.

It does not, therefore, appear to apply to Orders issued by an agency that is authorized to issue them. Since the BOGC is authorized to issue “orders”, then MAPA does not apply and we return to Mont. Code Ann. § 82-11-141 (a) which requires in such cases that notice be done by publication; and the BOGC has met

the specific notice requirement in § 82-11-141 (a) when it published notice of a hearing on whether or not to adopt the Proposed BOGC Order.

RECOMMENDATION

Having read both opinions, and done parallel research, I believe the BOGC has acted in accordance with state law; giving proper notice of a hearing on the Proposed Order and in adopting the Proposed Order.

I recommend that the request for re-hearing be denied.

I would also note that the BOGC has acted in this same manner in the past when creating a defined geographic area near Havre in which spacing units would be addressed differently than the state wide default spacing unit size.

But more importantly, the concerns of Ms. Ostby are addressed to the importance of interested parties receiving due process and notice of the creation of spacing units that may affect the property rights of those interested parties.

In any instance above, those interested parties still have the same notice rights when a “person” applies for a permit to drill a well in the proposed spacing unit, and more importantly, those interested parties will get specific personal notice when a “person” applies for a Permanent Spacing Unit, which they must do within a required length of time following the creation of a TSU and the drilling of a well. The BOGC takes permanent action on property rights only at the time of the creation of a Permanent Spacing Unit.

FINANCIAL STATEMENT
As of 02/01/2012
Percent of Year Elapsed: 58

| OIL AND GAS DIVISION FY12 Budget vs. Expenditures | | | | | | | | | | | | | | | | |
|--|------------------------------|------------------|--------------------------------|-----------------------|----------------|--------------------------------|-------------------------------|------------------|--------------------------------|----------------------------|--------------|-----------------------------|------------------|------------------|----------------|--|
| | 2012 Regulatory Budget | Expenditures | Expenditures % of Budget | 2012 UIC Budget | Expenditures | Expenditures % of Budget | 2012 Education Outreach | Expenditures | Expenditures % of Budget | 2012 EPA CO2 Primacy | Expenditures | Expenditures & of Budget | 2012 | 2012 | Expenditures | |
| | | | | | | | | | | | | | TOTAL BUDGET | TOTAL EXPENDS | % of Budget | |
| FTE | 17.0 | | | 3.5 | | | | | | | | | 20.5 | | | |
| Obj | | | | | | | | | | | | | | | | |
| 1000 | General PS | (2,133) | | | | | | | | | | | (2,133) | | | |
| 1100 | Salaries | 1,075,334 | 452,360 | 0.42 | 185,181 | 101,561 | 0.71 | | | | | | 1,322,355 | 587,095 | 0.44 | |
| 1300 | Other Comp | | 2,831 | 0.00 | | 322 | 239 | | | | | | | | | |
| 1400 | Benefits/Ins | | | | 61,518 | 30,103 | | | | | | | | | | |
| 1600 | Vacancy Savings | | | | (9,884) | | | | | | | | (9,884) | | | |
| 2100 | Contracted Svcs | 531,225 | 61,843 | 0.12 | 66,135 | 6,949 | 0.11 | 1,500,000 | | 250,000 | | | 2,347,360 | 68,792 | 0.03 | |
| 2200 | Supplies | 53,019 | 29,670 | 0.56 | 9,526 | 5,705 | 0.60 | | | | | | 62,545 | 35,375 | 0.57 | |
| 2300 | Communications | 39,482 | 27,024 | 0.68 | 7,228 | 4,578 | 0.63 | | | | | | 46,710 | 31,603 | 0.68 | |
| 2400 | Travel | 32,092 | 15,457 | 0.48 | 6,612 | 1,848 | 0.28 | | | | | | 38,704 | 17,305 | 0.45 | |
| 2500 | Rent | 17,769 | 9,393 | 0.53 | 2,353 | 2,224 | 0.95 | | | | | | 20,122 | 11,616 | 0.58 | |
| 2600 | Utilities | 11,908 | 9,051 | 0.76 | 2,464 | 1,956 | 0.79 | | | | | | 14,372 | 11,007 | 0.77 | |
| 2700 | Repair/Maint | 9,722 | 9,668 | 0.99 | 2,896 | 2,385 | 0.82 | | | | | | 12,618 | 12,053 | 0.96 | |
| 2800 | Other Expenses | 28,857 | 21,693 | 0.75 | 16,909 | 5,145 | 0.30 | | | | | | 45,766 | 26,838 | 0.59 | |
| 3100 | Equipment | 35,575 | | 0.00 | 12,500 | | | | | | | | 48,015 | | | |
| 6000 | Grants | | | | | | | | | | | | | | | |
| Total | | 1,832,850 | 638,991 | 0.35 | 363,760 | 162,693 | 0.45 | 1,500,000 | | 250,000 | | | 3,946,610 | 801,684 | 0.20 | |

| FUNDING | 2012 Regulatory Budget | Expenditures | Expenditures % of Budget | 2012 UIC Budget | Expenditures | Expenditures % of Budget | 2012 Education Outreach | Expenditures | Expenditures % of Budget | 2012 EPA CO2 Primacy | Expenditures | Expenditures & of Budget | 2012 TOTAL BUDGET | 2012 TOTAL EXPENDS | Expenditures % of Budget |
|--------------------|------------------------------|----------------|--------------------------------|-----------------------|----------------|--------------------------------|-------------------------------|--------------|--------------------------------|----------------------------|--------------|-----------------------------|-------------------------|--------------------------|--------------------------------|
| State Special | 1,819,114 | 638,991 | 0.35 | 256,209 | 134,943 | 0.53 | | | | | | | 3,839,159 | 773,934 | 0.20 |
| Federal | | | | 107,551 | 27,750 | 0.26 | | | | | | | 107,551 | 27,750 | |
| Total Funds | 1,819,114 | 638,991 | | 363,760 | 162,693 | | | | | | | | 3,946,710 | 801,684 | |

| FY10 Carryforward Org 2013 | | FY 11 Carryforward Org 2021 | |
|-------------------------------|---------|--------------------------------|---------|
| start balance | 122,991 | start balance | 191,319 |
| less exp | (1,250) | | |
| current bal | 121,741 | | |

| REVENUE INTO STATE SPECIAL REVENUE ACCOUNT 2/1/2012 | | | |
|--|---------------------|---------------------|-------------------------|
| | FY12 | FY11 | Percentage FY12 FY11 |
| Oil Production Tax | 1,415,092 | 1,562,946 | 0.91 |
| Gas Production Tax | 180,620 | 265,464 | 0.68 |
| Drilling Permit Fees | 36,700 | 54,300 | |
| UIC Permit Fees | 193,400 | 208,650 | |
| Enhanced Recovery Filing Fee | | - | |
| Interest on Investments | 7,582 | 40,332 | 0.19 |
| Insurance Proceeds | | - | |
| Accommodations Tax Rebate | | 491 | |
| Copies of Documents | 4,471 | 7,496 | 0.60 |
| Miscellaneous Reimbursemts | | 25,300 | |
| TOTALS | \$ 1,837,864 | \$ 2,164,979 | 0.85 |

| REVENUE INTO DAMAGE MITIGATION ACCOUNT as of 2/1/2012 | |
|--|---------------|
| | FY11 |
| Transfer in from Orphan Share | 0 |
| RIT Interest | 0 |
| Bond Forfeitures | 0 |
| Interest on Investments | 403 |
| TOTAL | \$ 403 |

| BOND FORFEITURES AS OF 2/1/2012 | | |
|--|---|---------------|
| <i>Go into Damage Mitigation Account</i> | | |
| North American Technical Trading Company | 0 | 60,000 |
| MSC Exploration | | 10,000 |
| TOTAL | | 70,000 |

| REVENUE INTO GENERAL FUND FROM FINES as of 2/1/2012 | |
|--|------------------|
| | FY12 |
| Brandon Oil | 20 |
| Kelly Oil & Gas LLC | 10 |
| Hofland, James D | 20 |
| Hofland, James D | 80 |
| Slohcinc Inc. | 10 |
| Slawson Exploration Co | 5,000 |
| McOil Montana One LLC | 120 |
| Misc Oil Co | 10 |
| Phoenix Energy Inc | 90 |
| Mountain Pacific General | 4,900 |
| Justice Oilfield Water Service Inc | 20 |
| Valerie Wadman (Frank Miller) | 10 |
| ECA Holdings LP | 10 |
| Coalridge Disposal & Petroleum | 10 |
| SBG Sheridan Facility | 1,000 |
| Southside Oil & Gas LTD | 40 |
| Hawley Oil | 340 |
| Native American Energy Group | 100 |
| Grey Wolf Production Company | 50 |
| August Energy Services LLC (Jake Oil) | 30 |
| Grey Wolf Production Company | 50 |
| Phoenix Energy Inc | 90 |
| Mountain Pacific General Inc | 1,040 |
| Lyon Oil | 120 |
| Bensun Energy | 5,000 |
| August Energy Services LLC (Jake Oil) | 1,100 |
| Frank Baxter | 5,000 |
| Brandon Oil | 70 |
| R F Parsell Partnership | 60 |
| JH Oil Co | 80 |
| James D. Hofland | 130 |
| Quinque Oil | 80 |
| Harry Knaup | 70 |
| Roland Oil & Gas | 30 |
| Bensun Energy LLC | 60 |
| Slohcinc Inc | 70 |
| Refund Frank Baxter | (5,000) |
| TOTAL | \$ 19,920 |

| INVESTMENT ACCOUNT BALANCES 2/1/2012 | |
|---|-----------|
| Oil & Gas ERA | 3,251,797 |
| Damage Mitigation | 383,260 |

| GRANT BALANCES - 2/1/12 | | | |
|--------------------------------|-----------------------|------------------|------------------|
| <u>Name</u> | <u>Authorized Amt</u> | <u>Expended</u> | <u>Balance</u> |
| 2009 Northern | 300,000 | 0 | 300,000 |
| 2009 Southern | 300,000 | 0 | 300,000 |
| 2007 Tank Battery | 304,847 | 166,048 | 138,799 |
| TOTALS | \$904,847 | \$166,048 | \$738,799 |

| CONTRACT BALANCES - 2/1/12 | | | |
|---|----------------|----------------|----------------|
| 2012 Teachers Workshop | 43,000 | - | 43,000 |
| EOR Study - MT Tech | 179,091 | - | 179,091 |
| Scope of Work | 6,250 | - | 6,250 |
| Automated Maintenance Services, Inc. | 27,458 | 7,274 | 20,184 |
| Agency Legal Services - Legal | 60,000 | 16,400 | 43,600 |
| Central Avenue Mall | 400 | 400 | 0 |
| Liquid Gold Well Service, Inc. - 09 Northern | 165,000 | 0 | 165,000 |
| Liquid Gold Well Service, Inc. - 09 Southern | 165,000 | 0 | 165,000 |
| C-Brewer - 07 Southern Tank Battery (og-cb-134) | 215,000 | 166,048 | 48,952 |
| TOTALS | 861,199 | 190,123 | 671,076 |

| Agency Legal Services Expenditures in FY12 | | |
|---|------------------|----------------------|
| <u>Case</u> | <u>Amt Spent</u> | <u>Last Svc Date</u> |
| BOGC Duties | 16,400 | 01/12 |
| Total | 16,400 | |

Montana Board of Oil and Gas Conservation Summary of Bond Activity

12/13/2011 Through 3/6/2012

Approved

| | | | |
|---|--|---------------------------------|---|
| Charger Resources, LLC North Richland Hills TX | 697 T1 | Approved Amount: Purpose: | 2/1/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 U.S. Specialty Insurance Co. | | |
| Charger Resources, LLC North Richland Hills TX | 697 T3 | Approved Amount: Purpose: | 2/1/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 U.S. Specialty Insurance Co. | | |
| Charger Resources, LLC North Richland Hills TX | 697 T2 | Approved Amount: Purpose: | 2/1/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 U.S. Specialty Insurance Co. | | |
| Energy Corporation of America Charleston WV | 626 T3 | Approved Amount: Purpose: | 2/15/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 U.S. Specialty Insurance Co. | | |
| Glacier Minerals, LLC The Woodlands TX | 707 G1 | Approved Amount: Purpose: | 2/16/2012 \$5,000.00 Single Well Bond |
| Certificate of Deposit | \$5,000.00 FIRST INTERSTATE BANK | | |
| Poor Boy Oil, LLP Sidney MT | 706 T1 | Approved Amount: Purpose: | 2/6/2012 \$10,000.00 UIC Single Well Bond |
| Letter of Credit | \$10,000.00 BANK OF BAKER | | |
| Sands Oil Company Billings MT | 6692 T2 | Approved Amount: Purpose: | 12/20/2011 \$10,000.00 UIC Single Well Bond |
| Certificate of Deposit | \$10,000.00 FIRST INTERSTATE BANK | | |
| Slawson Exploration Company Inc Oklahoma City OK | 6980 T3 | Approved Amount: Purpose: | 1/26/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 American Safety Casualty Insurance Company | | |
| Slawson Exploration Company Inc Oklahoma City OK | 6980 T2 | Approved Amount: Purpose: | 1/26/2012 \$10,000.00 UIC Single Well Bond |
| Surety Bond | \$10,000.00 American Safety Casualty Insurance Company | | |
| Storm Cat Energy (USA) Operating Corporation Denver CO | 699 M1 | Approved Amount: Purpose: | 1/9/2012 \$50,000.00 Multiple Well Bond |
| Surety Bond | \$50,000.00 Argonaut Insurance Company | | |

Montana Board of Oil and Gas Conservation Summary of Bond Activity

12/13/2011 Through 3/6/2012

Approved

| | | | |
|---|-------------|-----------------------|----------------------|
| Stratex Oil and Gas, Inc. Watertown CT | 703 G1 | Approved | 2/2/2012 |
| | | Amount: | \$10,000.00 |
| | | Purpose: | Single Well Bond |
| Certificate of Deposit | \$10,000.00 | Western Security Bank | |
| Tempel Farm Inc. Chester MT | 698 D1 | Approved | 2/2/2012 |
| | | Amount: | \$5,000.00 |
| | | Purpose: | Domestic Well Bond |
| Certificate of Deposit | \$5,000.00 | Independence Bank | |
| Vess Oil Corporation Wichita KS | 684 T1 | Approved | 1/18/2012 |
| | | Amount: | \$10,000.00 |
| | | Purpose: | UIC Single Well Bond |
| Certificate of Deposit | \$10,000.00 | FIRST INTERSTATE BANK | |

Released

| | | | |
|--|-------------|--------------------------------|----------------------|
| Crusader Holdings, LLC Austin TX | 627 M1 | Released | 1/3/2012 |
| | | Amount: | \$50,000.00 |
| | | Purpose: | Multiple Well Bond |
| Surety Bond | \$50,000.00 | RLI INSURANCE COMPANY | |
| Flying J Oil and Gas, Inc. North Salt Lake UT | 2600 T1 | Released | 1/23/2012 |
| | | Amount: | \$10,000.00 |
| | | Purpose: | UIC Single Well Bond |
| Surety Bond | \$10,000.00 | WESTERN SURETY COMPANY | |
| Flying J Oil and Gas, Inc. North Salt Lake UT | 2600 M1 | Released | 1/23/2012 |
| | | Amount: | \$50,000.00 |
| | | Purpose: | Multiple Well Bond |
| Surety Bond | \$50,000.00 | FIDELITY & DEPOSIT CO. OF MD | |
| Gary-Williams Company, The Denver CO | 2819 B2 | Released | 1/5/2012 |
| | | Amount: | \$25,000.00 |
| | | Purpose: | Blanket Bond |
| Surety Bond | \$25,000.00 | NATIONAL FIRE INS. OF HARTFORD | |
| Highland Oil and Gas, LLC College Station TX | 551 G1 | Released | 12/15/2011 |
| | | Amount: | \$10,000.00 |
| | | Purpose: | Single Well Bond |
| Certificate of Deposit | \$10,000.00 | Wells Fargo Bank Montana | |
| Plain Energy USA, LLC Calgary AB | 656 G1 | Released | 1/5/2012 |
| | | Amount: | \$10,000.00 |
| | | Purpose: | Single Well Bond |
| Certificate of Deposit | \$10,000.00 | FIRST STATE BANK OF SHELBY | |
| TOI Operating Sidney MT | 278 T2 | Released | 12/29/2011 |
| | | Amount: | \$50,000.00 |
| | | Purpose: | UIC Single Well Bond |
| Letter of Credit | \$50,000.00 | BANK OF BAKER | |

Montana Board of Oil and Gas Conservation Summary of Bond Activity

12/13/2011 Through 3/6/2012

Released

| | | | | | |
|-----------------------------|-------------|------------------------------|--|----------|--------------------|
| Xeric Oil & Gas Corporation | | 136 M1 | | Released | 1/23/2012 |
| Centennial CO | | | | Amount: | \$50,000.00 |
| | | | | Purpose: | Multiple Well Bond |
| Certificate of Deposit | \$25,000.00 | 1ST SECURITY BANK OF ROUNDUP | | | |
| Certificate of Deposit | \$25,000.00 | 1ST SECURITY BANK OF ROUNDUP | | | |
| <hr/> | | | | | |
| Xeric Oil & Gas Corporation | | 136 U1 | | Released | 1/23/2012 |
| Centennial CO | | | | Amount: | \$60,000.00 |
| | | | | Purpose: | UIC Limited Bond |
| Certificate of Deposit | \$60,000.00 | 1ST SECURITY BANK, ROUNDUP | | | |

March 8, 2012 Hearing Summary

| | |
|--------------|-----|
| Applications | 164 |
| Withdrawn | 26 |
| Continued | 52 |
| To Hear | 62 |
| Default | 24 |

Known protests:

- 2 Lease issues
- 2 Overlapping temporary spacing units
- 1 Disposal well location

Other issues:

- Orphaned 640-acre tracts
- Multiple wells in undrilled temporary spacing units
- Lateral setbacks for initial well in spacing unit.
- Setbacks within the original Elm Coulee Field area

Default Docket, 3/8/2012

| | | | |
|----------|---------------------------------------|-------------------|---------|
| 4-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 5-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 6-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 7-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 8-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 9-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 10-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 11-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 12-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 13-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 14-2012 | EOG Resources, Inc. | Temp. Spacing | Default |
| 24-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 27-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 29-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 30-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 76-2012 | Primary Petroleum Company USA, Inc. | Class II Permit | Default |
| 86-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 87-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 88-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 93-2012 | Continental Resources Inc | Class II Permit | Default |
| 94-2012 | Continental Resources Inc | Class II Permit | Default |
| 96-2012 | Continental Resources Inc | Temp. Spacing | Default |
| 533-2011 | Continental Resources Inc | Spacing Amendment | Default |
| 535-2011 | Continental Resources Inc | Spacing Amendment | Default |

Applications to Hear, 3/8/2012

| | | | |
|----------|---------------------------------------|-------------------|-----------|
| 1-2012 | Montana Board of Oil & Gas | Re-hearing | |
| 2-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | |
| 3-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | |
| 15-2012 | XTO Energy Inc. | Well Density | |
| 16-2012 | TAQA North USA, Inc. | Spacing | |
| 17-2012 | TAQA North USA, Inc. | Spacing | |
| 18-2012 | TAQA North USA, Inc. | Spacing | |
| 19-2012 | TAQA North USA, Inc. | Pooling | |
| 20-2012 | TAQA North USA, Inc. | Well Density | |
| 21-2012 | TAQA North USA, Inc. | Well Density | |
| 22-2012 | TAQA North USA, Inc. | Well Density | |
| 23-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 25-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Protested |
| 26-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 28-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Protested |
| 32-2012 | Oasis Petroleum, Inc. | Spacing | |
| 33-2012 | Oasis Petroleum, Inc. | Spacing | |
| 34-2012 | Oasis Petroleum, Inc. | Pooling | |
| 35-2012 | Oasis Petroleum, Inc. | Pooling | |
| 36-2012 | Slawson Exploration Company Inc | Class II Permit | Letter |
| 37-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 38-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 40-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 41-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 42-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 43-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 44-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 58-2012 | Brigham Oil & Gas LP | Spacing Amendment | |
| 59-2012 | Brigham Oil & Gas LP | Well Density | |
| 60-2012 | Brigham Oil & Gas LP | Well Density | |
| 61-2012 | Brigham Oil & Gas LP | Spacing | |
| 62-2012 | Brigham Oil & Gas LP | Spacing | |
| 63-2012 | Brigham Oil & Gas LP | Pooling | |
| 444-2011 | Brigham Oil & Gas LP | Pooling | |
| 64-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 65-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 66-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 67-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 68-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |
| 69-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 70-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |

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| 71-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |
| 72-2012 | Whiting Oil and Gas Corporation | Spacing | |
| 73-2012 | Whiting Oil and Gas Corporation | Pooling | |
| 74-2012 | Whiting Oil and Gas Corporation | Spacing | |
| 75-2012 | Whiting Oil and Gas Corporation | Pooling | |
| 77-2012 | Armstrong Operating, Inc. | Temp. Spacing | |
| 78-2012 | Cirque Resources LP | Temp. Spacing | |
| 79-2012 | Cirque Resources LP | Temp. Spacing | |
| 80-2012 | Cirque Resources LP | Temp. Spacing | |
| 81-2012 | Cirque Resources LP | Temp. Spacing | |
| 82-2012 | Cirque Resources LP | Temp. Spacing | |
| 83-2012 | Cirque Resources LP | Temp. Spacing | |
| 84-2012 | True Oil LLC | Temp. Spacing | |
| 97-2012 | Continental Resources Inc | Temp. Spacing | Protested |
| 98-2012 | Continental Resources Inc | Temp. Spacing | Protested |
| 357-2011 | Continental Resources Inc | Temp. Spacing | |
| 540-2011 | Continental Resources Inc | Spacing Amendment | (BLM) |
| 543-2011 | Continental Resources Inc | Spacing | |
| 546-2011 | Continental Resources Inc | Spacing | |
| 115-2012 | Athena Energy LLC | Show-Cause | |
| 116-2012 | Energy Equity Company | Show-Cause | |

All Applications, 3/8/2012

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|---------|---------------------------------------|-------------------|-----------|
| 1-2012 | Montana Board of Oil & Gas | Re-hearing | |
| 2-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | |
| 3-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | |
| 4-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 5-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 6-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 7-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 8-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 9-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 10-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 11-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 12-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 13-2012 | Fidelity Exploration & Production Co. | Temp. Spacing | Default |
| 14-2012 | EOG Resources, Inc. | Temp. Spacing | Default |
| 15-2012 | XTO Energy Inc. | Well Density | |
| 16-2012 | TAQA North USA, Inc. | Spacing | |
| 17-2012 | TAQA North USA, Inc. | Spacing | |
| 18-2012 | TAQA North USA, Inc. | Spacing | |
| 19-2012 | TAQA North USA, Inc. | Pooling | |
| 20-2012 | TAQA North USA, Inc. | Well Density | |
| 21-2012 | TAQA North USA, Inc. | Well Density | |
| 22-2012 | TAQA North USA, Inc. | Well Density | |
| 23-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 24-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 25-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 26-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 27-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 28-2012 | Oasis Petroleum, Inc. | Temp. Spacing | |
| 29-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 30-2012 | Oasis Petroleum, Inc. | Temp. Spacing | Default |
| 31-2012 | Oasis Petroleum, Inc. | Spacing Amendment | Continued |
| 32-2012 | Oasis Petroleum, Inc. | Spacing | |
| 33-2012 | Oasis Petroleum, Inc. | Spacing | |
| 34-2012 | Oasis Petroleum, Inc. | Pooling | |
| 35-2012 | Oasis Petroleum, Inc. | Pooling | |
| 36-2012 | Slawson Exploration Company Inc | Class II Permit | |
| 37-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 38-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 39-2012 | Slawson Exploration Company Inc | Temp. Spacing | Continued |
| 40-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 41-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 42-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 43-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 44-2012 | Slawson Exploration Company Inc | Temp. Spacing | |
| 45-2012 | Slawson Exploration Company Inc | Well Density | Continued |
| 46-2012 | Slawson Exploration Company Inc | Well Density | Continued |
| 47-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |

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| 48-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 49-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 50-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 51-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 52-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 53-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 54-2012 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 55-2012 | Brigham Oil & Gas LP | Spacing Amendment | Withdrawn |
| 56-2012 | Brigham Oil & Gas LP | Spacing Amendment | Withdrawn |
| 57-2012 | Brigham Oil & Gas LP | Spacing Amendment | Withdrawn |
| 58-2012 | Brigham Oil & Gas LP | Spacing Amendment | |
| 59-2012 | Brigham Oil & Gas LP | Well Density | |
| 60-2012 | Brigham Oil & Gas LP | Well Density | |
| 61-2012 | Brigham Oil & Gas LP | Spacing | |
| 62-2012 | Brigham Oil & Gas LP | Spacing | |
| 63-2012 | Brigham Oil & Gas LP | Pooling | |
| 64-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 65-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 66-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 67-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 68-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |
| 69-2012 | Whiting Oil and Gas Corporation | Temp. Spacing | |
| 70-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |
| 71-2012 | Whiting Oil and Gas Corporation | Spacing Amendment | |
| 72-2012 | Whiting Oil and Gas Corporation | Spacing | |
| 73-2012 | Whiting Oil and Gas Corporation | Pooling | |
| 74-2012 | Whiting Oil and Gas Corporation | Spacing | |
| 75-2012 | Whiting Oil and Gas Corporation | Pooling | |
| 76-2012 | Primary Petroleum Company USA, Inc. | Class II Permit | Default |
| 77-2012 | Armstrong Operating, Inc. | Temp. Spacing | |
| 78-2012 | Cirque Resources LP | Temp. Spacing | |
| 79-2012 | Cirque Resources LP | Temp. Spacing | |
| 80-2012 | Cirque Resources LP | Temp. Spacing | |
| 81-2012 | Cirque Resources LP | Temp. Spacing | |
| 82-2012 | Cirque Resources LP | Temp. Spacing | |
| 83-2012 | Cirque Resources LP | Temp. Spacing | |
| 84-2012 | True Oil LLC | Temp. Spacing | |
| 85-2012 | True Oil LLC | Spacing | Continued |
| 86-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 87-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 88-2012 | Abraxas Petroleum Corporation | Spacing Amendment | Default |
| 89-2012 | Highline Exploration, Inc. | Spacing Amendment | Continued |
| 90-2012 | Sands Oil Company | Well Density | Continued |
| 91-2012 | Shadwell Resources Group, LLC | Class II Permit | Continued |
| 92-2012 | Shadwell Resources Group, LLC | Class II Permit | Continued |
| 93-2012 | Continental Resources Inc | Class II Permit | Default |
| 94-2012 | Continental Resources Inc | Class II Permit | Default |
| 95-2012 | Continental Resources Inc | Temp. Spacing | Continued |

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| 96-2012 | Continental Resources Inc | Temp. Spacing | Default |
| 97-2012 | Continental Resources Inc | Temp. Spacing | Protested |
| 98-2012 | Continental Resources Inc | Temp. Spacing | Protested |
| 99-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 100-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 101-2012 | Continental Resources Inc | Spacing Amendment | Withdrawn |
| 102-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 103-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 104-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 105-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 106-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 107-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 108-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 109-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 110-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 111-2012 | Continental Resources Inc | Spacing Amendment | Continued |
| 112-2012 | Central Montana Resources, LLC | Vacate Field/Rule | Continued |
| 113-2012 | Central Montana Resources, LLC | Spacing | Continued |
| 114-2012 | Central Montana Resources, LLC | Pooling | Continued |
| 314-2010 | Slawson Exploration Company Inc | Temp. Spacing | Continued |
| 63-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 64-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 65-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 69-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 72-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 73-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 74-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 77-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 78-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 79-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 80-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 81-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 82-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 83-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 299-2011 | Central Montana Resources, LLC | Spacing | Continued |
| 302-2011 | G3 Operating, LLC | Well Density | Continued |
| 335-2011 | Samson Resources Company | Temp. Spacing | Continued |
| 357-2011 | Continental Resources Inc | Temp. Spacing | |
| 394-2011 | TOI Operating | Class II Permit | Continued |
| 404-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 405-2011 | Brigham Oil & Gas LP | Temp. Spacing | Withdrawn |
| 409-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 410-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 411-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 420-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 422-2011 | Brigham Oil & Gas LP | Spacing Amendment | Withdrawn |
| 426-2011 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 427-2011 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 429-2011 | Brigham Oil & Gas LP | Temp. Spacing | Continued |

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| 432-2011 | Brigham Oil & Gas LP | Temp. Spacing | Continued |
| 444-2011 | Brigham Oil & Gas LP | Pooling | |
| 446-2011 | Brigham Oil & Gas LP | Pooling | Continued |
| 479-2011 | Triangle Petroleum Corporation | Temp. Spacing | Continued |
| 487-2011 | Central Montana Resources, LLC | Temp. Spacing | Continued |
| 503-2011 | Whiting Oil and Gas Corporation | Temp. Spacing | Withdrawn |
| 505-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 508-2011 | Brigham Oil & Gas LP | Spacing Amendment | Continued |
| 509-2011 | Brigham Oil & Gas LP | Well Density | Withdrawn |
| 511-2011 | Brigham Oil & Gas LP | Well Density | Withdrawn |
| 533-2011 | Continental Resources Inc | Spacing Amendment | Default |
| 535-2011 | Continental Resources Inc | Spacing Amendment | Default |
| 540-2011 | Continental Resources Inc | Spacing Amendment | Default |
| 543-2011 | Continental Resources Inc | Spacing | |
| 546-2011 | Continental Resources Inc | Spacing | |
| 552-2011 | Decker Operating Company, L.L.C. | Well Density | Continued |
| 561-2011 | Oasis Petroleum, Inc. | Spacing Amendment | Continued |
| 567-2011 | Oasis Petroleum, Inc. | Temp. Spacing | Withdrawn |
| 115-2012 | Athena Energy LLC | Show-Cause | |
| 116-2012 | Energy Equity Company | Show-Cause | |