

**BEFORE THE BOARD OF OIL AND GAS CONSERVATION  
OF THE STATE OF MONTANA**

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IN THE MATTER OF THE APPLICATION	)	
OF EMPIRE NORTH DAKOTA LLC FOR	)	
AN ORDER POOLING ALL INTERESTS	)	
IN THE PERMANENT SPACING UNIT	)	APPLICATION
CONSISTING OF THE S½NW¼ AND N½SW¼	)	
OF SECTION 13, TOWNSHIP 24 NORTH,	)	
RANGE 58 EAST, RICHLAND COUNTY,	)	DOCKET NO. <u>65</u> -2021
AND IMPOSING THE NON-JOINDER RISK	)	
PENALTIES AUTHORIZED PURSUANT TO	)	
SECTION 82-11-202(2), MONTANA CODE	)	
ANNOTATED.	)	

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EMPIRE NORTH DAKOTA LLC ("Applicant"), 2200 South Utica Place, Suite 150, Tulsa, Oklahoma 74114, presents the following Application:

1. Applicant is the owner of oil and gas leasehold interests in, to and under the following described lands:

Township 24 North, Range 58 East, MPM  
Section 13: N½SW¼  
Containing 80.00 acres  
Richland County, Montana

2. Applicant is the owner and Operator of the Ullman No. 2 Duperow Formation oil well located within and upon the SW¼NW¼ of Section 13 described above.

3. Board Order No. 72-99 designated the S½NW¼ and N½SW¼ of Section 13 described above as a one hundred sixty (160) acre permanent spacing unit for the Duperow Formation and designated the Ullman No. 2 oil well within said permanent spacing unit as the permitted well therefore.

4. As of the date of this Application Applicant has been unable to establish voluntary pooling of all interests within the above permanent spacing unit and it is anticipated such voluntary pooling cannot be consummated prior to the hearing of this Application.

5. In the absence of voluntary pooling of all interests within the foregoing permanent spacing unit Applicant requests an Order from this Board pooling all interests in said spacing unit for the production of Duperow Formation oil from the foregoing well.

6. Applicant requests the proposed Order be based upon a surface acre participation basis, the factor allocating participation and production proceeds being the ratio of the surface acreage in each separate tract in the one hundred sixty (160) acre pooled area.

7. Applicant is of the opinion that pooling on surface acreage participation is just and reasonable and will afford the owner or owners of each separate tract in the permanent spacing unit the opportunity to recover or receive without unnecessary expense his/her/its just and equitable share of the crude oil produced and sold from the foregoing well and permanent spacing unit.

8. In the absence of voluntary pooling of all interests within the foregoing permanent spacing unit Applicant requests an Order from this Board pooling all such interests for the development, operation and production of Duperow Formation oil from the Ullman No. 2 well and the imposition of non-joinder risk penalties authorized by Section 82-11-202(2), Montana Code Annotated.

9. Applicant believes that approval and granting of the request herein will be in the best interests of prevention of waste of Duperow Formation oil and the conservation thereof and will not adversely affect the correlative rights of any party.

WHEREFORE, Applicant requests the following:

1. This matter be set for hearing with notice given as required by law;
2. After hearing this matter the Board enter its Order granting and approving the request of Applicant herein; and
3. For such other or additional relief as the Board may deem appropriate.

Dated June 29, 2021.

EMPIRE NORTH DAKOTA LLC

By: 

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**RECEIVED**

**JUL 02 2021**