

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF ENEFIT AMERICAN OIL FOR AN ORDER ENLARGING THE DESIGNATED OIL SHALE AREA CREATED BY CAUSE NOS. 190-3 AND 190-13 TO INCLUDE LANDS LOCATED IN TOWNSHIPS 9 AND 10 SOUTH, RANGES 24 AND 25 EAST, SLM, UINTAH COUNTY, UTAH

**Docket No. 2015-017  
Cause No. 190-14**

**INDEX OF CORRESPONDENCE**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	06/24/2015	Order Granting Petitioners' Motion for Leave to File Late Amended Request for Agency Action for the SITLA Lands
2.	08/24/2015	Findings of Fact, Conclusions of Law, and Order for Federal and Fee Lands
3.	08/24/2015	Findings of Fact, Conclusions of Law, and Order for State of Utah Lands

**FILED**

AUG 24 2015

SECRETARY, BOARD OF  
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF ENEFIT AMERICAN OIL FOR AN ORDER ENLARGING THE DESIGNATED OIL SHALE AREA CREATED BY CAUSE NOS. 190-3 AND 190-13 TO INCLUDE LANDS LOCATED IN TOWNSHIPS 9 AND 10 SOUTH, RANGES 24 AND 25 EAST, SLM, UINTAH COUNTY, UTAH.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER FOR  
STATE OF UTAH LANDS**

**Docket No. 2015-017**

**Cause No. 190-14**

Enefit American Oil (“Enefit”) originally filed the Request for Agency Action in this matter on April 8, 2015, requesting that the Board of Oil, Gas and Mining (the “Board”) enter an order enlarging the Designated Oil Shale Area created by Cause Nos. 190-3 and 190-13 to certain federal, state, and fee lands. This matter came before the Board on Wednesday, May 27, 2015, and the Board entered an order approving the Request as to the federal and fee lands. This matter was continued as to the lands owned by the State of Utah, identified in the Request as the “SITLA Leases.”

Enefit filed an Amended Request for Agency Action for the SITLA Leases on June 11, 2015 (the “Amended Request”). The hearing on the Amended Request came before the Board on June 24, 2015, at approximately 9:00 a.m. in the auditorium of the Utah Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. The following Board members were present and participated in the hearing: Ruland J. Gill, Jr., Chairman, Susan S. Davis, Gordon L.

Moon, Chris Hansen, Richard Borden, Carl F. Kendell, and Michael Brown. The Board was represented by Michael S. Johnson, Assistant Attorney General.

Testifying on behalf of Enefit was Rikki Hrenko-Browning, CEO. Enefit was represented by Mark L. Burghardt of Holland & Hart, LLP.

Also participating in the hearing was Respondent T-K Production Company (“T-K”), an oil and gas lessee in the majority of the State of Utah lands. Testifying on behalf of T-K was Tom Hauptman, President, and Thomas K. Hohn, Senior Registered Petroleum Engineer at Hohn Engineering, PLLC. The Board recognized Mr. Hohn as an expert in petroleum engineering for purposes of this Cause. T-K was represented by Frederick M. MacDonald of MacDonald & Miller Mineral Legal Services, PLLC.

Testifying on behalf of the Division of Oil, Gas and Mining (the “Division”) was Dustin Doucet, Petroleum Engineer. The Division was represented by Steven F. Alder, Assistant Attorney General.

The Board, having fully considered the testimony and exhibits in this matter, being fully advised, and for good cause shown, hereby enters the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Enefit is a Delaware Corporation in good standing, with its principal place of business in Salt Lake City, Utah. Enefit is qualified to do business in Utah and is fully and appropriately bonded with all Federal and State of Utah agencies.

2. The Amended Request covered the following State of Utah lands:

a. **SITLA Leases ML-49104, ML-49105, ML-49106:**

Township 9 South, Range 25 East, SLM

Section 19: S $\frac{1}{2}$

Section 30: Lots 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 31: Lots 1,2,3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$

Section 28: S $\frac{1}{2}$

Section 33: Lots 1,2,3,4,5, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 10 South, Range 24 East, SLM

Section 1: Lots 1,2,3,4,5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

(the "Subject Lands").

3. Enefit is currently in the process of developing a commercial oil shale project in Uintah County, Utah.

4. The oil shale underlying the Subject Lands is leased 100% by Enefit's subsidiary, EAO State Leases, LLC. The oil and gas underlying all of the Subject Lands except the above described Section 1 lands are leased 100% to T-K. As to the oil and gas underlying the Sec. 1 lands, T-K has a right of first leasing if and when the current lease covering such lands expires.

5. Evidence presented by Enefit confirmed the presence of a substantial and valuable oil shale resource underlying the Subject Lands. This oil shale resource varies by depth throughout the Subject Lands.

6. A copy of the Request and the Amended Request was mailed to the last known addresses of record for all persons having a legally protected interest in the Subject Lands, return receipt requested.

7. Notice of the filing of the Request and of the hearing was duly published in the Salt Lake Tribune and the Deseret Morning News on May 3, 2015, and the Uintah Basin Standard and the Vernal Express on May 5, 2015.

8. The vote of the Board members present at the hearing was unanimous in favor of partially granting the Amended Request to establish a Designated Oil Shale Area pursuant to Utah Admin. Code R649-3-31 for the Subject Lands. The Board also clarified that Paragraph 8 of Utah Admin. Code R649-3-31 does not impose an obligation to cement surface casing through the entire oil shale zone, but whatever casing that does penetrate the oil shale zone, whether surface, intermediate or production string, must be cemented through the entire oil shale zone. The Amended Request was partially denied insofar as Enefit sought to apply any additional standards beyond the general requirements in Utah Admin. Code R649-3-31 as so clarified.

#### **CONCLUSIONS OF LAW**

9. Due and regular notice of the time, place, and purpose of the hearing was properly given in the form and manner as required by law and the rules and regulations of the Board and Division to all parties whose legally protected interests are affected by the Amended Request.

10. The Board has jurisdiction of the parties and of the subject matter pursuant to Utah Code Ann. § 40-6-1. *et seq.* and Utah Admin. Code R649-3-31.

11. Enefit has sustained its burden of proof, demonstrated good cause, and satisfied all legal requirements for granting the Amended Request insofar as they relate to declaring the Subject Lands as a “Designated Oil Shale Area” pursuant to Utah Admin. Code R649-3-31. As a consequence, the provisions of said Rule shall apply to the Subject Lands with the clarification outlined in Findings of Fact No. 8 above.

## ORDER

Based upon these findings of fact and conclusions of law, the Amended Request and T-K's Response, and testimony and exhibits admitted into evidence, the Board hereby orders:

1. The Amended Request in this matter is granted as follows as to the Subject Lands.
  - a. The Subject Lands are established as a Designated Oil Shale Area in accordance with Utah Admin Code R649-3-31.
  - b. Oil and gas operators must comply with the provisions of Utah Admin. Code R649-3-31, with the understanding that Paragraph 8 of Utah Admin. Code R649-3-31 does not impose an obligation to cement surface casing through the entire oil shale zone, but whatever casing that does penetrate the oil shale zone, whether surface, intermediate or production string, must be cemented completely through the oil shale zone..
2. The Board has considered and decided this matter as a formal adjudication, pursuant to the Utah Administrative Procedures Act, Utah Code Ann. §§ 63G-4-204 through 208, and of the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, Utah Admin. Code R641.
3. This order is based exclusively upon evidence of record in this proceeding or on facts officially noted, and constitutes the signed written order stating the Board's decision and the reasons for the decision, as required by the Utah Administrative Procedures Act, Utah Code Ann. § 63G-4-208, and the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, Utah Admin. Code R641-109; and constitutes a final agency action as defined in the Utah Administrative Procedures Act and Board rules.

**4. Notice of Right of Judicial Review by the Supreme Court of the State of Utah.**

As required by Utah Code Ann. § 63-G-4-208(e) through (g), the Board hereby notifies all parties to this proceeding that they have the right to seek judicial review of this order by filing an appeal with the Supreme Court of the State of Utah within 30 days after the date this order is entered. Utah Code Ann. § 63G-4-401(3)(a) and 403.

**5. Notice of Right to Petition for Reconsideration.** As an alternative, but not as a prerequisite to judicial review, the Board hereby notifies all parties to this proceeding that they may apply for reconsideration of this order. Utah Code Ann. § 63G-4-302. The Utah Administrative Procedures Act provides:

(1) (a) Within 20 days after the date that an order is issued for which review by the agency or by a superior agency under Section 63–46b–12 is unavailable, and if the order would otherwise constitute final agency action, any party may file a written request for reconsideration with the agency, stating the specific grounds upon which relief is requested.

(b) Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order.

(2) The request for reconsideration shall be filed with the agency and one copy shall be sent by mail to each party by the person making the request.

(3)(a) The agency head, or a person designated for that purpose, shall issue a written order granting the request or denying the request.

(b) If the agency head or the person designated for that purpose does not issue an order within 20 days after the filing of the request, the request for reconsideration shall be considered to be denied. *Id.*

The Rules of Practice and Procedure before the Board of Oil, Gas and Mining entitled “Rehearing and Modification of Existing Orders” state:

Any person affected by a final order or decision of the Board may file a petition for rehearing. Unless otherwise provided, a petition for rehearing must be filed no later than the 10th day of the month

following the date of signing of the final order or decision for which the rehearing is sought. A copy of such petition will be served on each other party to the proceeding no later than the 15th day of that month. Utah Admin. Code R641-110-100.

The Board hereby rules that should there be any conflict between the deadlines provided in the Utah Administrative Procedures Act and the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, the later of the two deadlines shall be available to any party moving to rehear this matter. If the Board later denies a timely petition for rehearing, the aggrieved party may seek judicial review of the order by perfecting an appeal with the Utah Supreme Court within 30 days thereafter.

6. The Board retains exclusive and continuing jurisdiction of all matters covered by this order and of all parties affected thereby; and specifically, the Board retains and reserves exclusive and continuing jurisdiction to make further orders as appropriate and authorized by statute and applicable regulations.

7. The Chairman's signature on a facsimile copy of this order shall be deemed the equivalent of a signed original for all purposes.

DATED this 24th day of August, 2015.

STATE OF UTAH  
BOARD OF OIL, GAS, AND MINING

By:   
Ruland J. Gill, Jr., Chairman

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of August, 2015, I caused a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR STATE OF UTAH LANDS** for Docket No. 2015-017, Cause No. 190-14, to be mailed by Email or via First Class Mail with postage prepaid, to the following:

Mark L. Burghardt  
William E. Ward  
HOLLAND & HART, LLP  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101

Enefit American Oil  
Attention: Rikki Hrenko-Browning, CEO  
307 W 200 S, Suite 4005  
Salt Lake City UT 84101

Attorneys for Enefit American Oil

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Attorney for Division of Oil, Gas and Mining

Attorney for Board of Oil, Gas and Mining

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Utah State Office  
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Salt Lake City, UT 84101-1345

School and Institutional Trust Lands  
Administration  
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Baseline  
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Denver, CO 80202

Enduring  
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Denver, CO 80202  
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Phillips Petroleum  
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Utah Tribe  
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Gary & Marilyn Baker  
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Rigby, ID 83442

American Gilsonite  
HC 73 Box 28  
Vernal, UT 84078-9284

Forest Oil Corp.  
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Houston, TX 77002-7490  
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Uintah County Commissioners  
152 East 100 North  
Vernal, UT 84078

Theos Swallow Fork Ranch  
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Meeker, CO 81641

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Red Lodge, MT 59068-0790

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John Wehmiller  
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Wilmington, DE 19803

Jean Stogner  
[no address of record]

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[no address of record]

Jordan Griffin  
[no address of record]

  
\_\_\_\_\_

**FILED**

AUG 24 2015

SECRETARY, BOARD OF  
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF ENEFIT AMERICAN OIL FOR AN ORDER ENLARGING THE DESIGNATED OIL SHALE AREA CREATED BY CAUSE NOS. 190-3 AND 190-13 TO INCLUDE LANDS LOCATED IN TOWNSHIPS 9 AND 10 SOUTH, RANGES 24 AND 25 EAST, SLM, UINTAH COUNTY, UTAH.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER FOR  
FEDERAL AND FEE LANDS**

**Docket No. 2015-017**

**Cause No. 190-14**

This matter came before the Board on Wednesday, May 27, 2015, at approximately 9:30 a.m. in the auditorium of the Utah Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. The following Board members were present and participated in the hearing: Ruland J. Gill, Jr., Chairman, Susan S. Davis, Gordon L. Moon, Chris Hansen, Richard Borden, Carl F. Kendell, and Michael Brown. The Board was represented by Michael S. Johnson, Assistant Attorney General.

Testifying on behalf of Petitioner, Enefit American Oil ("Enefit"), was Rikki Hrenko-Browning, CEO, and Michael D. Vanden Berg, Geologist, Utah Geological Survey. Enefit was represented by Mark L. Burghardt of Holland & Hart, LLP.

Attending on behalf of the Division of Oil, Gas and Mining (the "Division") was John Rogers, Associate Director, Oil and Gas, Dustin Doucet, Petroleum Engineer, and Brad Hill, Oil and Gas Permitting Manager. Dustin Doucet testified on behalf of the Division. The Division was represented by Steven F. Alder, Assistant Attorney General.

The Board, having fully considered the testimony and exhibits in this matter, being fully advised, and for good cause shown, hereby enters the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Enefit is a Delaware Corporation in good standing, with its principal place of business in Salt Lake City, Utah. Enefit is qualified to do business in Utah and is fully and appropriately bonded with all Federal and State of Utah agencies.

2. The Request for Agency Action included federal, state, and fee properties. This matter was continued as to the lands owned by the State of Utah, identified in the Request for Agency Action as the "SITLA Leases." The May 27, 2015 Hearing in this matter proceeded as to the federal and fee lands, described as follows:

**a. BLM Lease UTU-84087:**

**Township 10 South, Range 24 East, SLM**

Section 22: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 27: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 13: S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$

Section 14: S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$

Section 23: All

Section 24: All

Section 25: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 26: All

Section 35: N $\frac{1}{2}$ N $\frac{1}{2}$

**Township 10 South, Range 25 East, SLM**

Section 18: All  
Section 19: All

- b. Orion Reserves Limited Partnership (Purchase Option) [Parcel Nos. 09.113.0001, 09.114.0001, 09.112.0002, 09.115.0002, 09.116.0002, 09.117.0002, 09.118.00020]:**

Township 10 South, Range 25 East, SLM

Section 8: NW $\frac{1}{4}$ , S $\frac{1}{2}$

Section 9: E $\frac{1}{2}$

Section 10: W $\frac{1}{2}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 16: NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 17: All

Section 20: N $\frac{1}{2}$

Section 21: N $\frac{1}{2}$

(the "Subject Lands").

3. Enefit is currently in the process of developing a commercial oil shale project in Uintah County, Utah.

4. As of June 8, 2001, the Board adopted specific standards for individual oil shale areas by Orders in Cause Nos. 190-3 and 190-13. In particular, the order in Cause No. 190-13 enlarged the Designated Oil Shale Area created by Cause No. 190-3.

5. Since 2001, when the previous Board orders were issued, Enefit has acquired additional lands in Uintah County, including the Subject Lands.

6. Evidence presented by Enefit confirmed the presence of a substantial and valuable oil shale resource underlying the Subject Lands. This oil shale resource varies by depth throughout the Subject Lands, sometimes existing at a depth in excess of 1,100 feet.

7. A copy of the Request was mailed to the last known addresses of record for all persons having a legally protected interest in the Subject Lands and those owners within a one-half mile radius of the Subject Lands by certified mail, return receipt requested.

8. Notice of the filing of the Request and of the hearing was duly published in the Salt Lake Tribune and the Deseret Morning News on May 3, 2015, and the Uintah Basin Standard and the Vernal Express on May 5, 2015.

9. The vote of the Board members present at the hearing was unanimous in favor of granting the Request.

#### **CONCLUSIONS OF LAW**

10. Due and regular notice of the time, place, and purpose of the hearing was properly given in the form and manner as required by law and the rules and regulations of the Board and Division to all parties whose legally protected interests are affected by the Request.

11. The Board has jurisdiction of the parties and of the subject matter pursuant to Utah Code Ann. § 40-6-1. *et seq.* and Utah Admin. Code R649-3-31.

12. Enefit has sustained its burden of proof, demonstrated good cause, and satisfied all legal requirements for granting the Request.

#### **ORDER**

Based upon these findings of fact and conclusions of law, the Request, and testimony and other evidence submitted by Enefit, the Board hereby orders:

1. The Request in this matter is granted as to the Subject Lands.

2. The previously created Designated Oil Shale Area from Cause Nos. 190-3 and 190-13 is enlarged to include the Subject Lands, which are established as a Designated Oil Shale Area in accordance with Utah Admin Code R649-3-31.

3. The specific standards identified in the Order in Cause No. 190-13 are imposed on the Subject Lands.

4. Oil and gas operators must comply with the provisions of Utah Admin. Code R649-3-31.

5. The Board has considered and decided this matter as a formal adjudication, pursuant to the Utah Administrative Procedures Act, Utah Code Ann. §§ 63G-4-204 through 208, and of the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, Utah Admin. Code R641.

6. This order is based exclusively upon evidence of record in this proceeding or on facts officially noted, and constitutes the signed written order stating the Board's decision and the reasons for the decision, as required by the Utah Administrative Procedures Act, Utah Code Ann. § 63G-4-208, and the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, Utah Admin. Code R641-109; and constitutes a final agency action as defined in the Utah Administrative Procedures Act and Board rules.

7. **Notice of Right of Judicial Review by the Supreme Court of the State of Utah.** As required by Utah Code Ann. § 63-G-4-208(e) through (g), the Board hereby notifies all parties to this proceeding that they have the right to seek judicial review of this order by filing an appeal with the Supreme Court of the State of Utah within 30 days after the date this order is entered. Utah Code Ann. § 63G-4-401(3)(a) and 403.

8. **Notice of Right to Petition for Reconsideration.** As an alternative, but not as a prerequisite to judicial review, the Board hereby notifies all parties to this proceeding that they may apply for reconsideration of this order. Utah Code Ann. § 63G-4-302. The Utah Administrative Procedures Act provides:

(1) (a) Within 20 days after the date that an order is issued for which review by the agency or by a superior agency under Section 63-46b-12 is unavailable, and if the order would otherwise constitute final agency action, any party may file a written request for reconsideration with the agency, stating the specific grounds upon which relief is requested.

(b) Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order.

(2) The request for reconsideration shall be filed with the agency and one copy shall be sent by mail to each party by the person making the request.

(3)(a) The agency head, or a person designated for that purpose, shall issue a written order granting the request or denying the request.

(b) If the agency head or the person designated for that purpose does not issue an order within 20 days after the filing of the request, the request for reconsideration shall be considered to be denied. *Id.*

The Rules of Practice and Procedure before the Board of Oil, Gas and Mining entitled “Rehearing and Modification of Existing Orders” state:

Any person affected by a final order or decision of the Board may file a petition for rehearing. Unless otherwise provided, a petition for rehearing must be filed no later than the 10th day of the month following the date of signing of the final order or decision for which the rehearing is sought. A copy of such petition will be served on each other party to the proceeding no later than the 15th day of that month. Utah Admin. Code R641-110-100.

The Board hereby rules that should there be any conflict between the deadlines provided in the Utah Administrative Procedures Act and the Rules of Practice and Procedure before the Board of Oil, Gas and Mining, the later of the two deadlines shall be available to any party moving

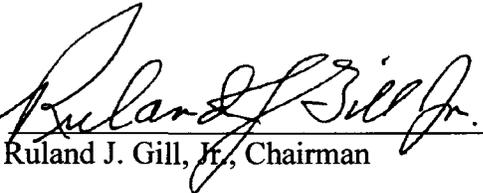
to rehear this matter. If the Board later denies a timely petition for rehearing, the aggrieved party may seek judicial review of the order by perfecting an appeal with the Utah Supreme Court within 30 days thereafter.

9. The Board retains exclusive and continuing jurisdiction of all matters covered by this order and of all parties affected thereby; and specifically, the Board retains and reserves exclusive and continuing jurisdiction to make further orders as appropriate and authorized by statute and applicable regulations.

10. The Chairman's signature on a facsimile copy of this order shall be deemed the equivalent of a signed original for all purposes.

DATED this 24th day of August, 2015.

STATE OF UTAH  
BOARD OF OIL, GAS, AND MINING

By:   
Ruland J. Gill, Jr., Chairman

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of August, 2015, I caused a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR FEDERAL AND FEE LANDS** for Docket No. 2015-017, Cause No. 190-14, to be mailed by Email or via First Class Mail with postage prepaid, to the following:

Mark L. Burghardt  
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Matthew Coleman  
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Jordan Griffin  
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**FILED**

JUN 24 2015

SECRETARY, BOARD OF  
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF ENEFIT AMERICAN OIL FOR AN ORDER ENLARGING THE DESIGNATED OIL SHALE AREA CREATED BY CAUSE NOS. 190-3 AND 190-13 TO INCLUDE LANDS LOCATED IN TOWNSHIPS 9 AND 10 SOUTH, RANGES 24 AND 25 EAST, SLM, UINTAH COUNTY, UTAH.

**ORDER GRANTING PETITIONERS' MOTION  
FOR LEAVE TO FILE LATE AMENDED  
REQUEST FOR AGENCY ACTION FOR  
THE SITLA LANDS**

**Docket No. 2015-017**

**Cause No. 190-14**

The Board of Oil, Gas and Mining (the "Board") having fully considered Enefit American Oil's Motion to File Late Amended Request for Agency Action for the SITLA Lands on the grounds and reasons provided therefore, and good cause appearing, hereby enters its Order Granting Petitioner's Motion and permitting the late filing of the Amended Request for Agency Action for the SITLA Lands in accordance with Rule R641-105-200 of the Utah Admin. Code.

ISSUED this 24th day of June, 2015.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING

By:   
Ruland J. Gill, Jr., Chairman

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of July, 2015, I caused a true and correct copy of the foregoing ORDER for Docket No. 2015-017, Cause No. 190-14, to be mailed by Email or via First Class Mail with postage prepaid, to the following:

Mark L. Burghardt  
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