

INDEX OF ORDERS
DOCKET NO. 2002-009, CAUSE NO. 249-01
BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

<u>ORDER</u>	<u>FILED</u>	<u>ITEM</u>
#1	04/19/02	Order Continuing Hearing
#2	05/17/02	Order Continuing Hearing
#3	06/20/02	Order Continuing Hearing
#4	08/28/02	Order Continuing Hearing
#5	11/07/02	Findings of Fact, Conclusions of Law, and Order of Approval
#6	11/06/02	Order Determining Heirs and of Distribution of Property – In the Seventh Judicial District Court of Emery County, State of Utah – (This Order meets the Condition of Paragraph One of the Order by the Board filed on 11/07/02.)

FILED

BEFORE THE BOARD OF OIL, GAS AND MINING

APR 19 2002

DEPARTMENT OF NATURAL RESOURCES

SECRETARY, BOARD OF OIL, GAS & MINING

STATE OF UTAH

**IN THE MATTER OF THE REQUEST
FOR AGENCY ACTION OF ALKER
EXPLORATION L.L.C. FOR
APPROVAL OF AN EXCEPTION
WELL LOCATION FOR THE ALKER
EXPLORATION #1 WELL LOCATED
IN SECTION 8, TOWNSHIP 20 SOUTH,
RANGE 7 EAST, S.L.B. & M., EMERY
COUNTY, UTAH**

ORDER CONTINUING HEARING

**Docket No. 2002-009
Cause No. 249-01**

The Board of Oil, Gas and Mining (the "Board") having fully considered Alker Exploration L.L.C.'s (the "Petitioner") Motion to Continue Hearing (the "Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its order granting the Motion as follows:

1. The hearing on Petitioner's Request for Agency Action is continued from the Board's regularly scheduled April 24, 2002 hearing to the Board's May 22, 2002 regularly scheduled hearing.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 19th day of April, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Elise Erlor
Elise L. Erlor, Chairman

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing ORDER CONTINUING HEARING in Docket No. 2002-009, Cause No. 249-01 to be mailed with postage prepaid, this 19 day of April, 2002, to the following:

Thomas W. Clawson
Van Cott, Bagley, Cornwall & McCarthy
Attorneys for Alker Exploration
50 South Main Street, Suite 1600
P. O. Box 45340
Salt Lake City, Utah 84145-0340

Thomas A. Mitchell
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

Kurt E. Seel
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

John B. Maycock
Assistant Attorney General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116

John R. Baza, Associate Director
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(Hand Delivered)

Alker Exploration L.L.C.
Attention: Henry A. Alker
5360 Vinehill Road
Sebastopol, California 95472

Irma P. Snow Family Trust
dated May 24, 1990
Attention: Beth Black, Trustee
P.O. Box 2
Ferron, Utah 84523

Reva Hunter
P.O. Box 1
Ferron, Utah 84523

Janice F. & John Ciarus
P.O. Box 260
Ferron, Utah 84523

Doris Lindsey
P.O. Box 1
Ferron, Utah 84523

Lynn J. & Joan Anderson
P.O. Box 744
Ferron, Utah 84523

Clyde & Grace Behling
P.O. Box 203
Ferron, Utah 84523

Richard & Diane Barney
P.O. Box 305
Ferron, Utah 84523

Chandler & Associates, Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Shenandoah Energy Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Colleen H. Barton
(Address Unknown)

D. Craig Hammond
(Address Unknown)

Kristin Barton
(Address Unknown)

Karen Barton
(Address Unknown)

David J. Barton
(Address Unknown)



MAY 17 2002

BEFORE THE BOARD OF OIL, GAS AND MINING SECRETARY, BOARD OF OIL, GAS & MINING DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

IN THE MATTER OF THE REQUEST)
FOR AGENCY ACTION OF ALKER)
EXPLORATION L.L.C. FOR)
APPROVAL OF AN EXCEPTION)
WELL LOCATION FOR THE ALKER)
EXPLORATION #1 WELL LOCATED)
IN SECTION 8, TOWNSHIP 20 SOUTH,)
RANGE 7 EAST, S.L.B.& M., EMERY)
COUNTY, UTAH)

ORDER CONTINUING HEARING

Docket No. 2002-009
Cause No. 249-01

The Board of Oil, Gas and Mining (the "Board") having fully considered Alker Exploration L.L.C.'s (the "Petitioner") Second Motion to Continue Hearing (the "Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its order granting the Motion as follows:

- 1. The hearing on Petitioner's Request for Agency Action is continued from the Board's regularly scheduled May 22, 2002 hearing to the Board's June 26, 2002 regularly scheduled hearing.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 17th day of May, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Handwritten signature of Elise L. Erler

Elise L. Erler, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER CONTINUING HEARING in Docket No. 2002-009, Cause No. 249-01 to be mailed with postage prepaid, this 21st day of May, 2002, to the following:

Thomas W. Clawson
Van Cott, Bagley, Cornwall & McCarthy
Attorneys for Alker Exploration
50 South Main Street, Suite 1600
P. O. Box 45340
Salt Lake City, Utah 84145-0340

Thomas A. Mitchell
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

Kurt E. Seel
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

John R. Baza, Associate Director
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(Hand Delivered)

Alker Exploration L.L.C.
Attention: Henry A. Alker
5360 Vinehill Road
Sebastopol, California 95472

Irma P. Snow Family Trust
dated May 24, 1990
Attention: Beth Black, Trustee
P.O. Box 2
Ferron, Utah 84523

Reva Hunter
P.O. Box 1
Ferron, Utah 84523

Janice F. & John Ciarus
P.O. Box 260
Ferron, Utah 84523

Doris Lindsey
P.O. Box 1
Ferron, Utah 84523

Lynn J. & Joan Anderson
P.O. Box 744
Ferron, Utah 84523

Clyde & Grace Behling
P.O. Box 203
Ferron, Utah 84523

Ronald & Diane Barney
P.O. Box 305
Ferron, Utah 84523

Chandler & Associates, Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Shenandoah Energy Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Colleen H. Barton
(Address Unknown)

D. Craig Hammond
(Address Unknown)

Kristin Barton
(Address Unknown)

Karen Barton
(Address Unknown)

David J. Barton
(Address Unknown)

Diane Holland

FILED

JUN 20 2002

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

SECRETARY, BOARD OF
OIL, GAS & MINING

**IN THE MATTER OF THE REQUEST)
FOR AGENCY ACTION OF ALKER)
EXPLORATION L.L.C. FOR)
APPROVAL OF AN EXCEPTION)
WELL LOCATION FOR THE ALKER)
EXPLORATION #1 WELL LOCATED)
IN SECTION 8, TOWNSHIP 20 SOUTH,)
RANGE 7 EAST, S.L.B.& M., EMERY)
COUNTY, UTAH)**

ORDER CONTINUING HEARING

**Docket No. 2002-009
Cause No. 249-01**

The Board of Oil, Gas and Mining (the "Board") having fully considered Alker Exploration L.L.C.'s (the "Petitioner") Third Motion to Continue Hearing (the "Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its order granting the Motion as follows:

1. The hearing on Petitioner's Request for Agency Action is continued from the Board's regularly scheduled June 26, 2002 hearing to the Board's August 28, 2002 regularly scheduled hearing.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 20th day of June, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



Elise L. Erler, Chairman

AUG 28 2002

BEFORE THE BOARD OF OIL, GAS AND MINING SECRETARY, BOARD OF OIL, GAS & MINING DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

IN THE MATTER OF THE REQUEST)
FOR AGENCY ACTION OF ALKER)
EXPLORATION L.L.C. FOR)
APPROVAL OF AN EXCEPTION)
WELL LOCATION FOR THE ALKER)
EXPLORATION #1 WELL LOCATED)
IN SECTION 8, TOWNSHIP 20 SOUTH,)
RANGE 7 EAST, S.L.B.& M., EMERY)
COUNTY, UTAH)

ORDER CONTINUING HEARING

Docket No. 2002-009
Cause No. 249-01

The Board of Oil, Gas and Mining (the "Board") having fully considered Alker Exploration L.L.C.'s (the "Petitioner") Fourth Motion to Continue Hearing (the "Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its order granting the Motion as follows:

- 1. The hearing on Petitioner's Request for Agency Action is continued from the Board's regularly scheduled August 28, 2002 hearing to the Board's October 23, 2002 regularly scheduled hearing.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 28th day of August, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Elise L. Erler, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER CONTINUING HEARING in Docket No. 2002-009, Cause No. 249-01 to be mailed with postage prepaid, this 6th day of September, 2002, to the following:

Thomas W. Clawson
Van Cott, Bagley, Cornwall & McCarthy
Attorneys for Alker Exploration
50 South Main Street, Suite 1600
P. O. Box 45340
Salt Lake City, Utah 84145-0340

Kurt E. Seel
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

Steven F. Alder, Esq.
Assistant Attorney General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116

John R. Baza, Associate Director
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(Hand Delivered)

Alker Exploration L.L.C.
Attention: Henry A. Alker
5360 Vinehill Road
Sebastopol, California 95472

Irma P. Snow Family Trust
dated May 24, 1990
Attention: Beth Black, Trustee
P.O. Box 2
Ferron, Utah 84523

Reva Hunter
P.O. Box 1
Ferron, Utah 84523

Janice F. & John Ciarus
P.O. Box 260
Ferron, Utah 84523

Doris Lindsey
P.O. Box 1
Ferron, Utah 84523

Lynn J. & Joan Anderson
P.O. Box 744
Ferron, Utah 84523

Clyde & Grace Behling
P.O. Box 203
Ferron, Utah 84523

Ronald & Diane Barney
P.O. Box 305
Ferron, Utah 84523

Chandler & Associates, Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Shenandoah Energy Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Colleen H. Barton (*Address Unknown*)

D. Craig Hammond (*Address Unknown*)

Kristin Barton (*Address Unknown*)

Karen Barton (*Address Unknown*)

David J. Barton (*Address Unknown*)



RECEIVED

NOV 04 2002

DIVISION OF OIL, GAS AND MINING

BEFORE THE BOARD OF OIL, GAS AND MINING

DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

FILED

NOV 07 2002

IN THE MATTER OF THE REQUEST)
 FOR AGENCY ACTION OF ALKER)
 EXPLORATION L.L.C. FOR)
 APPROVAL OF AN EXCEPTION)
 WELL LOCATION FOR THE ALKER)
 EXPLORATION #1 WELL LOCATED)
 IN SECTION 8, TOWNSHIP 20 SOUTH,)
 RANGE 7 EAST, S.L.B.& M., EMERY)
 COUNTY, UTAH)

SECRETARY, BOARD OF OIL, GAS & MINING

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF APPROVAL

Docket No. 2002-009
Cause No. 249-01

This cause came on regularly for hearing before the Utah Board of Oil, Gas and Mining (the "Board") on Wednesday, October 23, 2002, at the hour of 10:00 a.m. in the Board Room of the Department of Natural Resources, 1594 West North Temple, Suite 1050, Salt Lake City, Utah. The following Board members were present at the hearing: Elise L. Erler, Chairman; Stephanie B. Cartwright; J. James Peacock; Robert J. Bayer; Kent R. Peterson; and Douglas E. Johnson. Lowell Braxton, Director, and John Baza, Associate Director, Oil and Gas, were present for the Division of Oil, Gas and Mining (the "Division"). Steven F. Alder and Kurt E. Seel, Assistant Attorneys General and counsel to the Division and the Board, respectively, also were present. The petitioner, Alker Exploration LLC ("Alker"), was represented by Thomas W. Clawson of Van Cott, Bagley, Cornwall & McCarthy. Mark S. Dolar, Consulting Landman, and Steven J. Lund, Consulting Petroleum Engineer, testified on behalf of Alker. Although Janice F. Ciarus filed letters with the Board regarding petitioner's request, Ms. Ciarus did not appear at or otherwise participate at the October 23, 2002 hearing. Except for Ms. Ciarus' letters,

Alker's Request for Agency Action was unopposed. After considering the testimony introduced at the October 23, 2002 hearing, the Board unanimously approved Alker's Request for Agency Action, subject to the conditions stated in the Order contained herein.

NOW, THEREFORE, the Board having fully considered the testimony adduced at the October 23, 2002 hearing, and being fully advised, and good cause appearing, hereby makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Notices of the time, place, and purpose of the October 23, 2002 hearing were mailed to all known interested parties by first-class mail, postage prepaid, and were duly published in the Salt Lake Tribune, Deseret News, and The Emery County Progress pursuant to the requirements of Utah Administrative Code Rule R641-106-100. Copies of the Request for Agency Action were mailed to each person known to have a direct interest in the Request for Agency Action pursuant to Rule R641-104-135.

2. Alker Exploration LLC is a California limited liability company in good standing, having its principal place of business in Sebastopol, California, and is qualified to do, and is doing, business in Utah.

3. The Board has jurisdiction of the parties and subject matter of Alker's Request for Agency Action, pursuant to Section 40-6-5 of the Utah Code Annotated and Rule R649-3-3 of the Utah Administrative Code.

4. Alker's Request for Agency Action seeks an order by the Board approving an exception well location for the Alker Exploration #1 Well (the "Subject Well") located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 20^{South (dh)}~~North~~, Range 7 East, S.L.M., in Emery County, Utah (the "Subject Lands").

5. Alker will be the operator of the Subject Well.

6. No spacing order of the Board as contemplated by Section 40-6-6 of the Utah Code Annotated exists with respect to the Subject Lands. Accordingly, pursuant to Utah Administrative Code Rule R649-3-2, the Subject Well should be located at the center of a 40-acre quarter-quarter section, or a substantially equivalent lot, with a tolerance of 200 feet in any direction from the center location.

7. The surface of the Subject Lands is owned by the Irma P. Snow Family Trust dated May 24, 1990. Alker and the surface owner have entered an Easement and Surface Use Agreement permitting Alker to conduct oil and gas operations for the Subject Well upon the Subject Lands.

8. Alker seeks a location exception to Rule R649-3-2 for the Subject Well to accommodate the existing surface uses of the Subject Lands and other adjacent lands and because of geologic considerations.

9. To accommodate for these considerations, Alker proposes to drill the Subject Well in subject Section 8 outside the 400-square foot "window" as provided under Rule R649-2-2(1). The proposed surface location is a point located 106.4 feet from the west line and 2003.5 feet from the south line in Section 8, Township 20 ^{South (dh)} ~~North~~, Range 7 East, S.L.M., Emery County, Utah. (The proposed surface location is shown on Exhibit "A" attached to the Request for Agency Action.) Alker's proposal is reasonably necessary to accommodate the surface owner's existing surface uses and will fulfill the purposes of Chapter 6 of Title 40 of the Utah Code Annotated.

10. The minerals in the lands embraced within the Subject Lands are privately owned and some of the mineral interests are subject to fee oil and gas leases.

Subsequent to the filing of the Request for Agency Action, a title examination revealed that the ownership of fifty percent of the mineral interests in the Subject Lands is “clouded” because the estate of Albert L. Hunter (the prior owner of the fifty percent mineral interest) has never been probated (the “Albert L. Hunter Mineral Interests”). The remaining fifty percent mineral interests in the Subject Lands are subject to fee oil and gas mineral leases which are held by Alker.

11. To clear the “cloud on title,” the Albert L. Hunter Mineral Interests are being adjudicated in a probate proceeding currently pending in the Seventh Judicial District Court of Emery County, State of Utah, in Castle Dale, Utah (Case No. 023700012 OT) (the “Probate Court”). A hearing in that matter for an order to determine Albert L. Hunter’s heirs and to distribute the property of the Estate of Albert L. Hunter is set for November 6, 2002, at 9:00 a.m., before Judge Bryner, at which time it is anticipated that the heirs of Albert L. Hunter will be established and the Albert L. Hunter Mineral Interests will be distributed.

12. Most, but not all, of the possible heirs of Albert L. Hunter received notice of the October 23, 2002. (Some of the possible heirs are unlocatable.) The possible heirs of Albert L. Hunter include Janice F. Ciarus and Doris D. Lindsey (collectively, the “Reva Hunter Heirs”), both of whom received mailed and published notice of the Request for Agency Action and the October 23, 2002 hearing. Alker has obtained an oil and gas lease from Doris D. Lindsey.

13. Contingent upon the ruling by the Probate Court, with the exception of Janice F. Ciarus, Alker has obtained written consents to the exception well location and/or leases covering all of the oil and gas rights within a 460-foot radius of the proposed

well location, including from the mineral owners in the relevant portions of the E $\frac{1}{2}$ E $\frac{1}{2}$ of adjacent Section 7, Township 20 South, Range 7 East, S.L.M. Contingent upon the ruling by the Probate Court, Janice F. Ciarus is the only "Owner," as defined by the Division's general rules at Rule R649-1-1, from which Alker has not been able to obtain a lease or written consent for the exception well location as required by Rule R649-3-3(1.2).

12. The proposed plan of development for the Subject Well will allow for the orderly development of the Subject Lands, will protect correlative rights, will prevent waste, and will result in the greatest recovery of hydrocarbon substances from the Subject Lands.

CONCLUSIONS OF LAW

1. Due and regular notice of the time, place, and purpose of the October 23, 2002 hearing was given to all known interested parties in the form and manner and within the time required by law and the Rules and Regulations of the Board. Due and regular notice of the filing of the Request for Agency Action was given to all persons known to have a direct interest in the Request for Agency Action in the form and manner and within the time required by law and the Rules and Regulations of the Board.

2. The Board has jurisdiction of the parties and subject matter of the Request for Agency Action, pursuant to Section 40-6-5 of the Utah Code Annotated and Rule R649-3-3 of the Utah Administrative Code, and has the power and authority to make and promulgate the order herein set forth insofar as the Subject Lands and the hydrocarbons beneath them are concerned.

3. Approval of the proposed exception well location for the Subject Well is in the public interest and will adequately protect the correlative rights of all

interested parties. The proposed exception well location will promote conservation, increase ultimate recovery, and will prevent waste. Accordingly, the plan of development for the Subject Well as proposed by Alker is just and reasonable under the circumstances.

4. Alker's Request for Agency Action satisfies all statutory and regulatory requirements for the relief sought therein and should be granted.

5. The proposed exception well location for the Subject Well is necessary to foster conservation and to encourage and promote the development, production, and utilization of oil and gas and to prevent waste; to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be obtained; and to provide protection of the correlative rights of all Owners.

6. The proposed exception well location for the Subject Well is reasonably necessary to fulfill the purposes of Chapter 6, Title 40 of the Utah Code Annotated and is in the public interest.

ORDER

Based upon Alker's Request for Agency Action, the testimony adduced, the Findings of Fact and Conclusions of Law set forth above, and good cause appearing, IT IS HEREBY ORDERED:

1. Alker's Request for Agency Action in this cause is granted subject to the Probate Court distributing the Albert L. Hunter Mineral Interests to the Reva Hunter Heirs.

2. This Order is expressly made contingent upon Alker filing with the Board evidence that the Probate Court distributed the Albert L. Hunter Mineral Interests to

the Reva Hunter Heirs. Accordingly, this Order will become effective immediately upon the filing of such evidence.

3. Pursuant to Utah Administrative Code R641 and Utah Code Ann. § 63-46b-6 to -10, the Board has considered and decided this matter as a formal adjudication.

4. This Findings of Fact, Conclusion of Law, and Order (“Order”) is based exclusively on evidence of record in the adjudicative proceeding or on facts officially noted, and constitutes the signed written order stating the Board’s decision and the reasons for the decision, all as required by the Utah Administrative Procedures Act, Utah Code Ann. § 63-46b-10 and Utah Administrative Code R641-109.

5. Notice re Right to Seek Judicial Review by the Utah Supreme Court or to Request Board Reconsideration: As required by Utah Code Ann. § 63-46b-10(e) to -10(g), the Board hereby notifies all parties in interest that they have the right to seek judicial review of this final Board Order in this formal adjudication by filing a timely appeal with the Utah Supreme Court within 30 days after the date that this Order issued. Utah Code Ann. § 63-46b-14(3)(a) and -16. As an alternative to seeking immediate judicial review, and not as a prerequisite to seeking judicial review, the Board also hereby notifies parties that they may elect to request that the Board reconsider this Order, which constitutes a final agency action of the Board. Utah Code Ann. § 63-46b-13, entitled, “Agency review - Reconsideration,” states:

(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 Board also hereby notifies the parties that Utah Administrative Code R641-110-100, which is part of a group of Board rules entitled, "Rehearing and Modification of Existing Orders," states:

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.

Id. See Utah Administrative Code R641-110-200 for the required contents of a petition for Rehearing. If there is any conflict between the deadline in Utah Code Ann § 63-46b-13 and the deadline in Utah Administrative Code R641-110-100 for moving to rehear this matter, the Board hereby rules that 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 party may still seek judicial review of the Order by perfecting a timely appeal with the Utah Supreme Court within 30 days thereafter.

6. The Board retains continuing jurisdiction over all the parties and over the subject matter of this Cause, except to the extent said jurisdiction may be divested by the filing of a timely appeal to seek judicial review of this Order by the Utah Supreme Court.

7. For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 7th day of November, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

By Elise E. Erler
Elise E. Erler, Chairman

6. The Board retains continuing jurisdiction over all the parties and over the subject matter of this Cause, except to the extent said jurisdiction may be divested by the filing of a timely appeal to seek judicial review of this Order by the Utah Supreme Court.

7. For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this _____ day of November, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

By _____
Elise E. Erler, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "Findings of Fact, Conclusions of Law, and Order of Approval" for Docket No. 2002-009, Cause No. 249-01 to be mailed with postage prepaid, this 15th day of November, 2002, to the following:

Thomas W. Clawson
Van Cott, Bagley, Cornwall & McCarthy
Attorneys for Alker Exploration
50 South Main Street, Suite 1600
P. O. Box 45340
Salt Lake City, Utah 84145-0340

Kurt E. Seel
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

Steven F. Alder, Esq.
Assistant Attorney General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116

John R. Baza, Associate Director
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(Hand Delivered)

Alker Exploration L.L.C.
Attention: Henry A. Alker
5360 Vinehill Road
Sebastopol, California 95472

Irma P. Snow Family Trust
dated May 24, 1990
Attention: Beth Black, Trustee
P.O. Box 2
Ferron, Utah 84523

Reva Hunter
P.O. Box 1
Ferron, Utah 84523

Janice F. & John Ciarus
P.O. Box 260
Ferron, Utah 84523

Doris Lindsey
P.O. Box 1
Ferron, Utah 84523

Lynn J. & Joan Anderson
P.O. Box 744
Ferron, Utah 84523

Clyde & Grace Behling
P.O. Box 203
Ferron, Utah 84523

Ronald & Diane Barney
P.O. Box 305
Ferron, Utah 84523

Chandler & Associates, Inc.
1050 17th Street, Suite 500
Denver, Colorado 80265-1050

Shenandoah Energy Inc.
1050 17th Street, Suite 500
Denver, Colorado 80265-1050

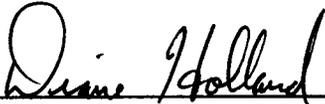
Colleen H. Barton (*Address Unknown*)

D. Craig Hammond (*Address Unknown*)

Kristin Barton (*Address Unknown*)

Karen Barton (*Address Unknown*)

David J. Barton (*Address Unknown*)



E 2794 B 293 P 671
Date 6-NOV-2002 9:15am
Fee: 13.00 Cash
DIXIE SWASEY, Recorder
Filed By SUE
For PRUITT GUSHEE & BACHTELL
EMERY COUNTY CORPORATION

Docket No. 2002-009
Cause No. 249-01

CERTIFICATE

STATE OF UTAH)
COUNTY OF EMERY) ss.

I, the undersigned Recorder, in and for Emery County State of Utah, do hereby certify that the annexed and foregoing is a true, full, and correct copy of an original document on file in my office as such recorder.

WITNESS my hand this 6th day of Nov

10 2002

Dixie Swasey Recorder

By _____ Deputy

ORDER PREPARED BY:
Frederick M. MacDonald, #4876
PRUITT, GUSHEE & BACHTELL
1850 Beneficial Life Tower
Salt Lake City, Utah 84111
Telephone (801) 531-8446
Attorneys for Dolar Energy, L.L.C.

IN THE SEVENTH JUDICIAL DISTRICT COURT OF EMERY COUNTY
STATE OF UTAH

In the Matter of the Estate of)	ORDER DETERMINING HEIRS AND
)	OF DISTRIBUTION OF PROPERTY
ALBERT L. HUNTER,)	
)	Probate No. 023700012OT
Deceased.)	
)	Judge Bryce K. Bryner
)	

The petition of Doris D. Lindsey, on file herein, for an order determining heirs and of distribution of property in the above named estate came on before the court on Wednesday, November 6, 2002, at 9:00 a.m. It appearing to the court that notice has been given in compliance with this court's Order entered September 23, 2002 and as otherwise required by law, and that the allegations and statements contained in the petition are true, IT IS HEREBY ORDERED, ADJUDICATED AND DECREED THAT:

FILED

NOV 06 2002

SECRETARY, BOARD OF
OIL, GAS & MINING

1. Albert L. Hunter died intestate on March 6, 1975, leaving his spouse, Reva Hunter (now deceased), as his sole heir at law pursuant to Utah Code Ann. § 74-4-5(3) (1975).

2. Any right, title and interest the said Albert L. Hunter may have had in the following Emery County lands, including but not limited to an undivided 50% interest in the oil, gas and other minerals in, on or underlying said lands:

Township 20 South, Range 7 East, SLM

Section 8: N½SW¼ and SE¼SW¼,

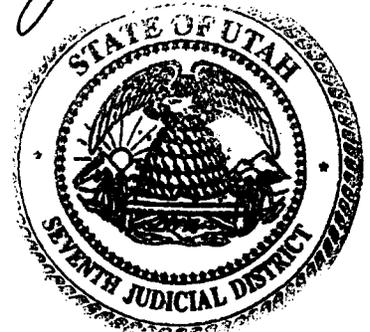
as well as all of his right, title and interest in any other Utah property not now known and hereafter discovered, vested upon his death (on March 6, 1975) solely and absolutely in the said Reva Hunter as his sole heir at law.

MADE AND ENTERED this 6th day of November, 2002.



BY THE COURT:

Bryce K. Bryner
Bryce K. Bryner, District Judge



STATE OF UTAH
County of Emery

I hereby certify that the document to which this certificate is attached is a full, true and correct copy of the original filed and now in my custody.

WITNESS my hand and seal this 6th day of November, 2002
SEVENTH DISTRICT COURTS
Emery County, Utah

by *[Signature]*

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 ALKER)	
EXPLORATION L.L.C. FOR)	ORDER CONTINUING HEARING
APPROVAL OF AN EXCEPTION)	
WELL LOCATION FOR THE ALKER)	
EXPLORATION #1 WELL LOCATED)	Docket No. 2002-009
IN SECTION 8, TOWNSHIP 20 SOUTH,)	Cause No. 249-01
RANGE 7 EAST, S.L.B.& M., EMERY)	
COUNTY, UTAH)	

The Board of Oil, Gas and Mining (the "Board") having fully considered Alker Exploration L.L.C.'s (the "Petitioner") Third Motion to Continue Hearing (the "Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its order granting the Motion as follows:

1. The hearing on Petitioner's Request for Agency Action is continued from the Board's regularly scheduled June 26, 2002 hearing to the Board's August 28, 2002 regularly scheduled hearing.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 20 day of June, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



Elise L. Erler, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER CONTINUING HEARING in Docket No. 2002-009, Cause No. 249-01 to be mailed with postage prepaid, this 21st day of June, 2002, to the following:

Thomas W. Clawson
Van Cott, Bagley, Cornwall & McCarthy
Attorneys for Alker Exploration
50 South Main Street, Suite 1600
P. O. Box 45340
Salt Lake City, Utah 84145-0340

Thomas A. Mitchell
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

Kurt E. Seel
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, Utah 84114-0815

John R. Baza, Associate Director
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(Hand Delivered)

Alker Exploration L.L.C.
Attention: Henry A. Alker
5360 Vinehill Road
Sebastopol, California 95472

Irma P. Snow Family Trust
dated May 24, 1990
Attention: Beth Black, Trustee
P.O. Box 2
Ferron, Utah 84523

Reva Hunter
P.O. Box 1
Ferron, Utah 84523

Janice F. & John Ciarus
P.O. Box 260
Ferron, Utah 84523

Doris Lindsey
P.O. Box 1
Ferron, Utah 84523

Lynn J. & Joan Anderson
P.O. Box 744
Ferron, Utah 84523

Clyde & Grace Behling
P.O. Box 203
Ferron, Utah 84523

Ronald & Diane Barney
P.O. Box 305
Ferron, Utah 84523

Chandler & Associates, Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Shenandoah Energy Inc.
475 17th Street, Suite 1000
Denver, Colorado 84202

Colleen H. Barton (*Address Unknown*)

D. Craig Hammond (*Address Unknown*)

Kristin Barton (*Address Unknown*)

Karen Barton (*Address Unknown*)

David J. Barton (*Address Unknown*)