

RECEIVED

OCT 28 2010

DEPT OF ENVIRONMENT & NATURAL  
RESOURCES - RAPID CITY



# Capital Journal

## AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Ona Arnold of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Notice of Hearing Case 17-2010

a printed copy of which, taken from the paper in which the same was published, and which is here-to attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

<u>October 6</u>	<u>2010</u>	<u>20</u>
<u>October 13</u>	<u>2010</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 82.66.

Signed: [Signature]

subscribed and sworn to before me this 26 day of October 2010

[Signature]

Notary Public in and for the County of Hughes, South Dakota.  
My Commission expires 2-19, 2015.

RECEIVED

OCT 21 2010

AFFIDAVIT OF PUBLICATION

DEPT OF ENVIRONMENT & NATURAL RESOURCES - RAPID CITY

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Pam Buhler, being duly sworn, says: That the Meade County Times Tribune is during all times hereinafter mentioned, is a legal newspaper as defined in SDCL as amended, published in Sturgis, Meade County, South Dakota, by Lee Enterprises. This affidavit is and during all of said times, is employed as an Office Manager by the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit, that the notice, order or advertisement, a printed copy which is attached hereto, published in said newspaper for successive issues, bearing the following dates:

Table with 3 columns: Date, Page Number, and another Page Number. Handwritten entries include Oct 13, Oct 20, and 201.

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 65.48, insures solely to the benefit of the publisher of said newspaper: no agreement or understanding for the division of the fee has been made with any other person and that no part of the fee has been agreed to be paid to any other person.

Handwritten signature of Pam Buhler

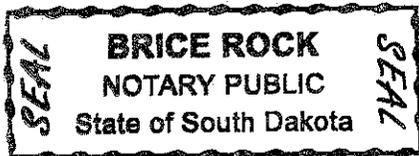
Subscribed and sworn to before me this

19th day of Oct. 2010

Handwritten signature of Brice Rock

Notary Public, South Dakota
My Comm. Expires:

My Commission Expires February 1, 2011



Account No. # 20514575
Total Amount \$ 65.48

NOTICE OF HEARING
CASE NO. 17-2010
STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT
IN THE MATTER OF THE APPLICATION OF NAKOTA ENERGY LLC, LITTLETON, COLORADO, FOR AN ORDER TO ESTABLISH A FIELD FOR THE PRODUCTION OF OIL AND GAS CONSISTING OF ALL OF SECTION 14 AND THE NORTH HALF OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 5 EAST, MEADE COUNTY, SOUTH DAKOTA, WITH SPACING OF ONE WELL PER 40-ACRE TRACT, EACH WELL TO BE LOCATED NOT CLOSER THAN 500 FEET FROM THE SPACING UNIT BOUNDARY, AND NOT CLOSER THAN 1,000 FEET TO THE NEAREST WELL DRILLED TO OR PRODUCING FROM THE STRATIGRAPHIC INTERVAL DESCRIBED AS FROM THE TOP OF THE SUNDANCE TO THE BASE OF THE MINNELUSA FORMATIONS.

Notice is hereby given that the Board of Minerals and Environment will hold a contested case hearing on the above described matter on Thursday, November 18, 2010, at 10:15 a.m. CST in the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, SD 57501. The case involves oil and gas interests in the following land: all of Section 14 and the north half of Section 23, Township 6 North, Range 5 East, Meade County, South Dakota.

The board has jurisdiction and legal authority to issue orders for the development of the oil and gas resources of the state pursuant to South Dakota Codified Laws (SDCL) Chapter 45-9 and Chapter 1-26 and further pursuant to Administrative Rules of South Dakota (ARSD) 74:09 and 74:10. The hearing is an adversary proceeding and any

The applicant's application and notice of hearing are also posted on the department's website at: http://denr.sd.gov/des/og/oghome.aspx. Additional information about this petition is available from Fred V. Steece, Oil and Gas Supervisor, Department of Environment and Natural Resources, 2050 West Main Street, Suite #1, Rapid City, SD 57702, telephone 605.394.2229, email fred.steece@state.sd.us.

Dated: September 23, 2010

/s/ Steven M. Pimer, Secretary

Published twice at the total approximate cost of \$65.48.

Published Wed., Oct. 13 and Wed., Oct. 20, 2010
Meade County Times Tribune

Oct. 6, 13

L20514977

**NOTICE OF HEARING**  
STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT  
& NATURAL RESOURCES

CASE NO. 17-2010

IN THE MATTER OF THE AP-  
PLICATION OF NAKOTA ENERGY  
LLC, LITTLETON, COLORADO,  
FOR AN ORDER TO ESTABLISH A  
FIELD FOR THE PRODUCTION  
OF OIL AND GAS CONSISTING OF  
ALL OF SECTION 14 AND THE  
NORTH HALF OF SECTION 23,  
TOWNSHIP 6 NORTH, RANGE 5  
EAST, MEADE COUNTY, SOUTH  
DAKOTA, WITH SPACING OF ONE  
WELL PER 40-ACRE TRACT, EACH  
WELL TO BE LOCATED NOT  
CLOSER THAN 500 FEET FROM  
THE SPACING UNIT BOUNDARY,  
AND NOT CLOSER THAN 1,000  
FEET TO THE NEAREST WELL  
DRILLED TO OR PRODUCING  
FROM THE STRATIGRAPHIC IN-  
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ter 45-9 and Chapter 1-26 and further  
pursuant to Administrative Rules of  
South Dakota (ARSD) 74:09 and  
74:10. The hearing is an adversary  
proceeding and any party has the  
right to be represented by a lawyer.  
These and other due process rights  
will be forfeited if they are not exer-  
cised at the hearing. The board may  
approve, conditionally approve, or  
deny the application. The board's de-  
cision will be based upon the evidence  
received at the hearing. The board's  
decision may be appealed to the Cir-  
cuit Court and the State Supreme  
Court as provided by law.

If the amount in controversy ex-  
ceeds two thousand five hundred dol-  
lars or if a property right may be ter-  
minated, any party to the contested  
case may require the agency to use  
the Office of Hearing Examiners by  
giving notice of the request to the  
agency no later than ten days after  
service of a notice of hearing issued  
pursuant to SDCL 1-26-17.

Any person who wishes to intervene  
in this proceeding as a party must file  
a petition to intervene pursuant to  
ARSD 74:09-01:04 on or before No-  
vember 2, 2010.

Notice is further given to individu-  
als with disabilities that this hearing  
is being held in a physically accessi-  
ble place. Please notify the Depart-  
ment of Environment and Natural  
Resources at least 48 hours before  
the public hearing if you have a disa-  
bility for which special arrangements  
must be made at the hearing by  
calling the telephone number listed  
below.

The applicant's application and no-  
tice of hearing are also posted on the  
department's website at: [http://  
denr.sd.gov/des/oa/ohome.aspx](http://denr.sd.gov/des/oa/ohome.aspx). Ad-  
ditional information about this peti-  
tion is available from Fred V. Steece,  
Oil and Gas Supervisor, Department  
of Environment and Natural Resour-  
ces, 2050 West Main Street, Suite  
#1, Rapid City, SD 57702, telephone  
(605) 394-2229, email [fred.steece@  
state.sd.us](mailto:fred.steece@state.sd.us).

Dated: September 23, 2010

/s/ Steven M. Pirner  
Secretary

(Published twice at the total approxi-  
mate cost of \$151.96.)

# Affidavit of Publication

OCT 27 2010

STATE OF SOUTH DAKOTA  
County of Pennington

DEPT OF ENVIRONMENT & NATURAL  
RESOURCES - RAPID CITY

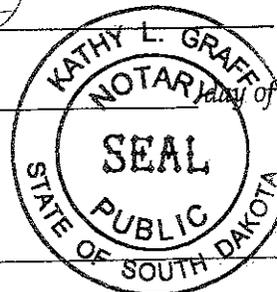
Patricia K. Van Patten, being first duly sworn,  
upon her oath says: That she is now and was at all times hereinafter mentioned,  
an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of  
Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOUR-  
NAL, a legal and daily newspaper printed and published in Rapid City, in said  
County of Pennington, and has full and personal knowledge of all the facts  
herein stated as follows: that said newspaper is and at all of the times herein  
mentioned has been a legal and daily newspaper with a bonafide paid circula-  
tion of at least Two Hundred copies daily, and has been printed and published  
in the English language, at and within an office maintained by the owner and  
publisher thereof, at Rapid City, in said Pennington County, and has been  
admitted to the United States mail under the second class mailing privilege for  
at least one year prior to the publication herein mentioned; that the advertise-  
ment, a printed copy of which, taken from said RAPID CITY JOURNAL, the  
paper in which the same was published, is attached to this sheet and made a part  
of this affidavit, was published in said paper once each week  
for two successive weeks, the  
first publication thereof being on the sixth day of  
October, 2010; that the fees charged for the  
publication thereof are One hundred fifty-one Dollars  
and ninety-six cents.

Patricia K. Van Patten

Subscribed and sworn to before me this 13<sup>th</sup>  
October, 2010.

Kathy L. Graff

Notary public.



April 29, 2016  
My commission expires