

(4) The applicant is a working interest owner within the above-described proration unit and therefore has the right to drill for and develop the minerals underlying this unit.

(5) There are interest owners in the above-described proration unit that have not agreed to pool their interests.

(6) Exxon Corporation ("Exxon") entered an appearance in opposition to this application at the September 2, 1999 hearing. No other affected party appeared at the hearing in opposition to this application.

(7) Exxon testified that Prairie did not make a good faith effort to obtain voluntary participation. Exxon asked the Division to Dismiss this case or, in the alternative, to grant a continuance to allow the parties more time to negotiate.

(8) Prairie testified that it made a good faith effort to obtain Exxon's voluntary participation.

(9) This case was continued to October 21, 1999, at which time Exxon testified that it was still in the process of negotiations with Prairie. Prairie testified, via letter, that an agreement had not yet been reached, and that negotiations were still ongoing.

(10) This case was continued to December 2, 1999, at which time Exxon appeared requesting, once again, that this case be dismissed or, in the alternative, that the risk penalty proposed by Prairie be reduced.

(11) The testimony and evidence indicates that Prairie made a good faith effort to obtain voluntary participation.

(12) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in the above-described proration unit the opportunity to recover or receive without unnecessary expense its just and fair share of hydrocarbon production in any pool resulting from this order, this application should be approved by pooling all uncommitted mineral interests, whatever they may be, within the above-described proration unit.

(13) Prairie should be designated the operator of the subject well and unit.

(14) Any non-consenting working interest owner should be afforded the