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SECRETARY, BOARD OF OIL, GAS & MINING

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

NOTICE OF HEARING REGARDING:

Docket No. 2010-013, Cause No. 131-128

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF ENERPLUS RESOURCES (USA) CORPORATION FOR AN ORDER TO FORCE POOL THE INTERESTS OF ALL OWNERS REFUSING OR FAILING TO AGREE TO LEASE THEIR INTEREST OR OTHERWISE BEAR THEIR PROPORTIONATE SHARE OF THE COSTS OF DRILLING AND PRODUCTION OPERATIONS OF THE LIVSEY 25-15 WELL DRILLED IN SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, USM, UINTAH COUNTY, UTAH.

ENERPLUS RESOURCES (USA) CORPORATION TO:

Notice is hereby given that the Board of Oil, Gas and Mining ("Board"), State of Utah, will conduct a hearing on Wednesday, March 24, 2010 at 8:00 a.m., or as soon as possible thereafter, in the Auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 *et seq.* as provided for by Utah Code Ann. § 40-6-1 *et seq.* and Utah Code Ann. § 63-46b-1 *et seq.*

The purpose of the proceeding will be for the Board to receive testimony and evidence regarding an order:

1. Force pooling all non-consenting and nonlocateable mineral interest owners in Section 25, Township 2 South, Range 1 West, USM and apportioning the costs of drilling, operation and production of the Livsey 25-15 Well already drilled in subject Section 25 and assessing to such owners a non-consent penalty as provided by Utah Code Ann. § 40-6-6.5 of not less than 150% or more than 300% of certain costs of drilling and completing the Livsey 25-15 Well, together with reasonable interest as just and reasonable compensation to the consenting owners.

2. Providing for a weighted average royalty payable to such non-consenting and nonlocateable Owners in subject Section 25.

3. Providing for such other and further relief as may be just and equitable under the circumstances.

Devon Energy Production Company, L.P., Croff Oil Company, El Paso E&P Company, L.P., Slover Minerals, L.P., Dusty Sanderson and C.D. LaSusa, as unleased owners and Aaron D. Rasmussen, Max D. Rasmussen, Michael D. Pierson, Deanna Kay Sargeant, Nicole Massey, Julie Massey and Naomi Allred a/k/a Naomi Allred Roll, as unleased and unlocatable owners and all other persons claiming any right, title or interest in or to the oil and gas produced from the reservoir beneath the real property described herein should contact Enerplus Resources

(USA) Corporation at 1-(720) 279-5500, or at 1700 Lincoln Street, Denver, CO 80203 regarding the opportunity to lease. Additionally, each of the owners named in this paragraph and all other person claiming any right, title, or interest in or to the oil and gas produced from the reservoir beneath the real property described herein who has not previously been given the opportunity to participate, has the opportunity to participate in the Livsey 25-15 Well by entering into a joint operating agreement and by paying their portion of the costs of drilling and completing said well.

Failure to respond to this Request for Agency Action or to participate in the Livsey 25-15 Well, by entering into a lease or by paying the owners portion of the drilling and completing costs for the well, will result in the owners named in the above-paragraph being deemed non-consent and therefore subject to force pooling and a non-consent penalty to be imposed by the board at the hearing.

Objections to this matter shall be filed with the Secretary of the Board at the address listed below no later than the 10th day of the month, or two weeks before the scheduled hearing, whichever is earlier. Objections filed later may be considered by the Board at or before the regularly scheduled hearing for good cause shown.

Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts. Attorney representation may be waived by the Board upon petition and good cause shown.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the Secretary of the Board, 1594 W. North Temple, Suite 1210, Salt Lake City, Utah 84116, or copies obtained by contacting Petitioner's counsel A. John Davis at the address and telephone number listed below. A party who fails to attend or participate in the hearing may be held in default.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Julie Carter at (801) 538-5277, at least three working days prior to the hearing date.

Dated this 18th day of February, 2010.

HOLME, ROBERTS & OWEN
By: /s/ A. John Davis
/s/ Mark L. Burghardt
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
(801) 521-5800