

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of the Application of John O.                      ) Docket No. 20-CONS-3084-CEXC  
Farmer, Inc. for an exception to the pit closure                      )  
time limitation of K.A.R. 82-3-602 at its                      ) CONSERVATION DIVISION  
Preston Unit #1A located in the NE/4 of                      )  
Section 24, Township 15 South, Range 11                      ) License No. 5135  
East, Lyon County, Kansas.                      )

**ORDER ON APPLICATION**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

**I. JURISDICTION**

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.<sup>1</sup>
2. K.A.R. 82-3-602(a)(2) limits pit permit extensions to two, three-month extensions.
3. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

**II. FINDINGS OF FACT**

4. John O. Farmer, Inc. (Operator) conducts oil and gas activities in Kansas under active license number 5135.
5. On September 12, 2019, Operator filed an Application requesting an exception to the time limitations for pit closures set out in K.A.R. 82-3-602(a)(2) for a pit associated with the

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<sup>1</sup> K.S.A. 74-623.

Preston Unit #1-A well, API #15-111-20539 (“subject pit”).<sup>2</sup> Operator is requesting an additional 90-day extension to the deadline for closing a drilling pit as an exception to K.A.R. 82-3-602 provided under K.A.R. 82-3-100(b).

6. Operator has already received the two extensions allowed by K.A.R. 82-3-602(a)(2) but is requesting an additional 90-day extension due to the intermittent but persistent rainfall at the location of the drilling pit.<sup>3</sup>

7. Operator states the extension of time to close the pit will cause no environmental harm because any fluid which may remain in the pit is fresh water.<sup>4</sup>

8. Operator has verified that notice was properly served and published, as required under K.A.R. 82-3-135a.

9. No protest was filed under K.A.R. 82-3-135b.

10. Staff recommends that Operator be granted an additional 90-day exception to the pit closure time limitations in K.A.R. 82-3-602(a)(2).

### **III. CONCLUSIONS OF LAW**

11. The Commission concludes that it has jurisdiction over Operator in this matter.

12. The Commission concludes the Application will prevent waste, protect correlative rights, prevent pollution, and was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.

13. The Commission concludes that notice was properly served and published.

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<sup>2</sup> Application, ¶3, (Sep. 12, 2019); In its application, Operator calls the subject well the Preston Unit #1A, but the API number and location listed in the application describe what is known in Commission databases as the Preston Unit #1-A. There is no doubt based upon its application that Operator requests approval for Preston Unit #1-A.

<sup>3</sup> *Id.*, at ¶5.

<sup>4</sup> *Id.*, at ¶6.

14. Based on the above facts, the Commission finds and concludes that the Application should be granted.

**THEREFORE, THE COMMISSION ORDERS:**


A. Operator's Application is granted. Operator shall have until December 11, 2019, to close the subject pit.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>5</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/07/2019 \_\_\_\_\_

  
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Lynn M. Retz  
Executive Director

Mailed Date: 11/07/2019 \_\_\_\_\_

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<sup>5</sup> K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

20-CONS-3084-CEXC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 11/07/2019.

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/S/ DeeAnn Shupe  
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