

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the matter of an Order to Show Cause) Docket No.: 16-CONS-3989-CSHO
issued to Asher Associates, Inc. ("Operator"))
regarding responsibility under K.S.A. 55-179) CONSERVATION DIVISION
for unplugged wells.)
_____) License No.: 4868

**MOTION FOR AN ORDER TO SHOW CAUSE, THE DESIGNATION OF A
PREHEARING OFFICER, AND THE SCHEDULING OF A PREHEARING
CONFERENCE**

For the following reasons, Commission Staff moves for an Order to Show Cause, the designation of a prehearing officer, and the scheduling of a prehearing conference in this matter:

I. JURISDICTION & LEGAL STANDARD

1. The Commission has jurisdiction to regulate oil and gas production in Kansas under Chapter 55 of the Kansas Statutes Annotated and the General Rules and Regulations for the Conservation of Crude Oil and Natural Gas, K.A.R. 82-3-100 *et seq.*
2. K.S.A. 55-162 provides the Commission with jurisdiction to institute proceedings to enforce the laws of Kansas and Commission rules, regulations, and orders.
3. K.S.A. 55-179 provides the Commission with jurisdiction to determine the persons legally responsible for the proper care and control of oil and gas wells, including the responsibility to plug the wells.
4. K.S.A. 55-179(b) provides that a person who is legally responsible for the proper care and control of an abandoned well shall include one or more of the following:
 - a. Any operator of a waterflood or other pressure maintenance program deemed to be causing pollution or loss of usable water;

- b. the current or last operator of the lease upon which such well is located, irrespective of whether such operator plugged or abandoned such well;
- c. the original operator who plugged or abandoned such well; and
- d. any person who without authorization tampers with or removes surface equipment or downhole equipment from an abandoned well.

5. K.A.R 82-3-136 requires the past operator to report transferred operator responsibility within 30 days.

II. STAFF'S ALLEGATION OF FACTS

6. The wells listed in Exhibit A attached hereto were transferred to operator effective August 1, 1990 through a Change of Operator form filed with the Commission January 25, 1991.

7. A portion of the lease containing the listed wells was assigned to Col-Kan Development Co., Inc. (Col-Kan) on July 28, 1998.

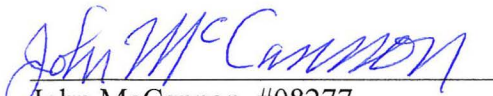
8. A Change of Operator form transferring operation of the wells to Col-Kan was never filed with the Commission.

9. Since a Change of Operator form was never filed with the Commission Operator appears to be responsible for the wells and should continue to list the wells on its well inventory.

III. CONCLUSION

10. Based on the above, Staff requests that an Order to Show Cause be issued, designating a prehearing officer and scheduling a prehearing conference.

Respectfully submitted,


John McCannon, #08277
Litigation Counsel
Kansas Corporation Commission

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Wichita, Kansas 67202-1513
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CERTIFICATE OF SERVICE

I certify that on 4/26/16, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Elain Mundorf
Asher Associated, Inc.
6044 E. Briarwood Drive
Centennial, Colorado 80112-1030

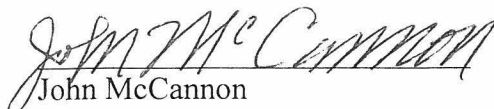

John McCannon
Litigation Counsel
Kansas Corporation Commission

Exhibit A

Asher Associates, Inc. License: 4868

<u>Unplugged Wells on Operator's License</u>			
API Well #	Lease Name / Well #	Well Location	County
15-167-20510-00-00	LUERMAN 2	19-15S-12W, NENENE	RUSSELL
15-167-22938-00-00	LUERMAN 6	19-15S-12W, NWNENE	RUSSELL