THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Jay Scott Emler, Chairman

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In the matter of a Compliance Agreement)	Docket No.: 16-CONS-3876-CMSC
Between Steven A. Leis and Commission Staff)	
regarding bringing the twenty-eight wells in compliance with K.A.R. 82-3-111)	CONSERVATION DIVISION
•)	License No.: 33900

Pursuant to the Kansas Statutes & Administrative Regulations

Before Commissioners:

LANDOWNER'S RESPONSE TO KCC STAFF RESPONSE OPPOSING PETITION FOR INTERVENTION FILED BY LANDOWNERS

Comes now, LD and Cheryl McCormick, husband and wife, Petitioners herein, and submit their response to KCC staff's response opposing the Petition for Intervention filed by Petitioners.

In response, Petitioners allege and state as follow:

- Petitioners, LD and Cheryl McCormick, reside at 1266 80th Road, Yates Center, Kansas, 66783.
 - 2) Petitioners are the owners of the following described property, to wit:

South Half (S/2) of Section 28, Township 25 South, Range 15 East of the 6th P.M., Woodson County, Kansas.

- 3) Petitioners filed their Petition for Intervention on or about March 29, 2016, pursuant to K.S.A. 77-521.
 - 4) A petition to intervene must be granted if it meets certain criteria, and may be

granted if it is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings. *Mobil Exploration & Production U.S. Inc.*, v. State Corporation Commission of the State of Kansas, 258 Kan. 796, 908 P.2d 1276 (1995).

- 5) K.S.A. 77-521(a) provides, in pertinent part, as follows:
- (a) The presiding officer shall grant a petition for intervention if:
- (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least three business days before the hearing;
- (2) the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervener under any provision of law; and
- (3) the presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.
- 6) The Petition for Intervention complies with the requirements of K.S.A. 77-521(a) which requires the KCC to grant the Petition as a matter of right. The Petition for Intervention was (1) submitted in writing with copies to all interested parties; (2) states facts demonstrating that Petitioner's legal rights, duties, privileges, or other legal interests may be substantially affected by the proceeding; and (3) the interests of justice will be served and the orderly and prompt conduct of the proceedings will not be impaired by allowing Petitioners to intervene.
- 7) K.S.A. 77-521(b) also allows the KCC discretion to grant a petition for intervention upon a determination that the intervention sought is in the interest of justice and will

not impair the orderly and prompt conduct of the proceedings. K.S.A. 77-521(b) provides as follows:

- (b) The presiding officer may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.
- 8) Petitioners believe their Petition for Intervention should be granted under both K.S.A. 77-521(a) and K.S.A. 77-521(b). If it is determined that Petitioners are not entitled to intervene as a matter of right under K.S.A. 77-521(a), then the KCC should exercise discretion and grant the Petition for Intervention under K.S.A. 77-521(b). *In the Matter of Atmos Energy*, Docket No. 14-ATMG-230-TAR, 2014 WL 3058531 (Kan.S.C.C.).
- 9) Neither Steven A. Leis (Operator) nor KCC staff present any evidence of prejudice by an order allowing Petitioners to intervene in this action.
- 10) In further support of the Petition for Intervention, Petitioners state that there appears to be discrepancies with respect to the unplugged wells listed in the Compliance Agreement, (Petition for Intervention, Exhibit B), as follows:
- a) The oil well identified by KCC records as the Hartzler #22 well located on the land and property described in paragraph 2 above appears to be unplugged because the wellhead remains with a ball value on it.
- b) The oil wells identified by KCC records as the Hartzler #30 and Hartzler #48 wells located on the land and property described in paragraph 2 above also appear to be unplugged.

c) The oil wells listed in the Compliance Agreement, (Petition for Intervention, Exhibit B), as the Hartzler #8, #39, #40, #41, #46 and #47 do not correspond with information and well location previously provided to Petitioners by KCC staff.

d) The Compliance Agreement, (Petition for Intervention, Exhibit B), lists the

Hartzler #25, #29 & #31 wells as being injections wells. However, it appears that Hartzler #2

may actually be Hartzler #31 which was to have been converted to a non-injection well based on

information previously received by Petitioners from KCC staff.

e) The oil and gas lease covering the land described in paragraph 2 above, and

formerly known as the "Hartzler" lease, was released by Steven A. Leis a/k/a Steve Leis

(Operator) on or about August 15, 2014. The release of oil and gas lease was duly filed of record

with the Woodson County Register of Deeds on or about January 26, 2015. However, the

Operator submitted Temporary Abandonment Well Applications for Hartzler well #31 on or

about September 17, 2015, after the oil and gas lease was released. Copies of the T/A

applications are attached hereto, marked Exhibit "A", and incorporated herein by reference.

f) For year 2015, the Operator also submitted an Annual Report of Pressure

Monitoring, Fluid Injection and Enhanced Recovery documents to KCC covering the Hartzler

#23, #25 and #29 wells. However, the Compliance Agreement (Petition for Intervention, Exhibit

B), does not show the Hartzler #23 well as being an injection type well. Copies of the referenced

reports are attached hereto, marked Exhibit "B", and incorporated herein by reference.

11) Petitioners rights, duties, privileges, immunities or other legal interests are

substantially affected due to apparent discrepancies with respect to the wells listed in the

In the Matter of a Compliance Agreement

Between Steven A. Leis and Commission Staff

regarding bringing the twenty-eight wells in

Woodson County into compliance with K.A.R. 82-3-111

Docket No. 16-CONS-3876-CMSC

CONSERVATION DIVISION

License No. 33900 - Filed Electronically

Compliance Agreement. Granting the Petition for Intervention will allow opportunity for KCC staff and the parties to correct the record and properly identify well locations, well types, and well status for plugging.

- 12) The Petition for Intervention should be granted due to the apparent discrepancies in the Compliance Agreement as set forth herein, and the KCC should set aside the order approving the Compliance Agreement.
- because the oil and gas lease covering Petitioner's property as described in paragraph 2 above, and formerly known as the "Hartzler" lease, was released by Steven A. Leis a/k/a Steve Leis (Operator) on or about August 15, 2014. The oil and gas lease was released prior to March 9, 2016, when the Compliance Agreement was signed. As such, there is no way the Operator can return any of the wells to service or obtain temporary abandonment status for any of the unplugged wells located on Petitioner's property as set forth in the Compliance Agreement.
- 14) Petitioners should be allowed to intervene in these proceedings as an interested party because the orders issued by the KCC in this matter affect their legal and constitutional rights with respect to their property without notice or opportunity to be heard.
- 15) Petitioners should also be allowed to intervene in these proceedings as an interested party because the orders issued by the KCC in this matter could conflict with Petitioner's legal rights under K.S.A. 55-177 or impair their ability to exhaust administrative remedies without notice or due process of law.

- Petitioners should be allowed to intervene in these proceedings as an interested party and the KCC should set aside the Compliance Agreement, (Petition for Intervention, Exhibit B), because it appears to be in error or with discrepancies as to content, well location, well identification and well status as set forth herein.
- 17) No objection to the Petition for Intervention has been filed by the Operator to the knowledge of Petitioners as of this date.

WHEREFORE, the Petition for Intervention filed by Petitioners should be granted; and that Petitioners should be granted such other and further relief to which they may otherwise be entitled herein.

BIDEAU LAW OFFICES, LLC

By: David J. Bideau #11285

P. O. Box 945

Chanute, Kansas 66720-0945

(620) 431-2720 (Voice) (620) 431-2742 (Fax)

Attorney for Petitioners LD & Cheryl McCormick

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing Landowner's Response to KCC Staff Response Opposing Petition for Intervention filed by Landowners was served upon the following parties by depositing the same in the U.S. Mail, postage prepaid, addressed as follows on this 25th day of April, 2016.

Original to: Kansas Corporation Commission

Conservation Division 266 North Main, Suite 220 Wichita, Kansas 67202

Copy to: Mr. Jonathan R. Myers

Litigation Counsel

Kansas Corporation Commission 266 North Main, Suite 220 Wichita, Kansas 67202

Copy to: Steven A. Leis

1135 30th Road

Yates Center, Kansas 66783

Copy to: John Almond

Kansas Corporation Commission

Conservation Division - District 3 Office

1500 West 7th Street Chanute, Kansas 66720

Bideau Law Offices, LLC

We further certify that on the 25th day of April, 2016, the original thereof was submitted electronically to the Kansas Corporation Commission - Conservation Division of the State of Kansas for filing in this matter.

Bideau Law Offices, LLC

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

the matter of a Compliance Agreement)	Docket No.: 16-CONS-3876-CMSC
Between Steven A. Leis and Commission Staff)	
regarding bringing the twenty-eight wells in)	CONSERVATION DIVISION
compliance with K.A.R. 82-3-111)	
A CONTRACTOR OF THE CONTRACTOR)	License No.: 33900

EXHIBIT "A"

Form CP-111 Form must be Typed

TEMPORARY ABANDONMENT WELL APPLICATION

Form must be signed All blanks must be complete

Phone 620.432.2300

Phone 785.625.0550

OPERATOR: License# _	33900			API No. 1	₅₋ 15-207-2393	0-00-02	
Name: Leis, Steven A.			Spot Description:				
Address 1: 1092 O				SE N	ESW_SE Sec. 2	8 _{Twp.} 25 s	s. R. 15 PE W
Address 2:				860		feet from	N / S Line of Section
City: YATES CEN		zin: 66783 + 5	223	1340		feet from	E / W Line of Section
Contact Person: Stev				GPS Loca	tion: Lat:(e.g. xx.xxx	, Long:	(e.gxxx.xxxxx)
Phone: (620) 330-					NAD27 NAD83 Voodson		
Contact Person Email:				Lease Nar	ne: HARTZLER	W	/ell #:
Field Contact Person:							Other:
Field Contact Person Pho							ermit #:
Field Colltact Ferson Filo	ine.()			Gas St	orage Permit #:	Date Shut-In: _	3/23/2012
	Conductor	Surface	Pr	oduction	Intermediate	Liner	Tubing
Size	n/a	7	2.875	N	n/a	n/a	n/a
Setting Depth		40	1208				
Amount of Cement		11	151				
Top of Cement		0	0				
Bottom of Cement		40	1208				
Packer Type: Total Depth: 1208 Geological Date: Formation Name 1 2	to w (bottom) w Gas Lease?	No Sacks of company No Sacks of company No Tools in Hole at	Ca Ca Inch t Perfor	sing Leaks: sack Set at: Plug Back Metheration Interval	Yes No Depth of soft cement Port Co Feet od: Completion In 1180 to 1190 Feet to Feet	sacks of cement. of casing leak(s): w llar: w (depth) onformation or Open Hole Interv	/ sack of cement /al to Feet //al to Feet
Do NOT Write in This Space - KCC USE ONLY	Date Tested:	R	esults:	,	Date Plugged:	Date Repaired: Da	ate Put Back in Service:
Review Completed by:	lyan Duling		Comm	ents:			
TA Approved: Yes	Denied Date:	10/13/2015					
		Mail to the App	ropriate K	(CC Conserv	ation Office:		
	KCC Distr	rict Office #1 - 210 E. Fron	ntview, Suit	e A, Dodge Ci	ty, KS 67801		Phone 620.225.8888
	KCC Distr	rict Office #2 / UPGS - 34	50 N. Rock	Road, Buildin	g 600, Suite 601, Wichita	a, KS 67226	Phone 316.630.4000

KCC District Office #3 - 1500 SW Seventh Steet, Chanute, KS 66720

KCC District Office #4 - 2301 E. 13th Street, Hays, KS 67601-2651

Conservation Division District Office No. 3 1500 W. Seventh Chanute, KS 66720



Phone: 620-432-2300 Fax: 620-432-2309 http://kcc.ks.gov/

Sam Brownback, Governor

Shari Feist Albrecht, Chair Jay Scott Emler, Commissioner Pat Apple, Commissioner

October 13, 2015

Steve Leis Leis, Steven A. 1092 OSAGE RD YATES CENTER, KS 66783-5223

Re: Temporary Abandonment API 15-207-23930-00-02 HARTZLER 31 SE/4 Sec.28-25S-15E Woodson County, Kansas

Dear Steve Leis:

Your application for Temporary Abandonment (TA) of the above-listed well is denied for the following reasons(s):

Lack of Lease

In accordance with K.A.R. 82-3-111, this well must be plugged or returned to service by November 12, 2015,

Sincerely,

Ryan Duling

Form CP-111 June 2011 Form must be Typed

TEMPORARY ABANDONMENT WELL APPLICATION

Form must be signed All blanks must be complete

OPERATOR: License#	33900			API No. 1	5- 15-207-2393	80-00-02	
Name: Leis, Stev				1000	scription:		
Address 1: 1092 OSA				SE N	ESWSE Sec 2	8 _{Twp.} 25	s. R. 15 PE W
				860		feet from	N / S Line of Section
Address 2:	R State: KS	7in: 66783	5223	1340		feet from	N / S Line of Section
Contact Person: Steve		ALLE MARKETINE TO THE REAL PROPERTY.		GPS Loc	ation: Lat:	, Long:	(e.gxxx.xxxxx)
Phone: (620) 330-63					NAD27 NAD83 Woodson		GLKB
				Lease Na	me: HARTZLER	levation:	Well#: 31
Contact Person Email:							/ Other:
Field Contact Person:				-	Permit #:		
Field Contact Person Phone:	()			Gas S	Storage Permit #:		0/00/0040
				Spud Dat	e:	Date Shut-In:	3/23/2012
T T	Conductor	Surface	Pr	oduction	Intermediate	Liner	Tubing
Size r	n/a	7	2.875		n/a	n/a	n/a
Setting Depth		40	1208				
Amount of Cement		11	151				
Top of Cement		0	0				
Bottom of Cement		40	1208				
Casing Fluid Level from Surfa	700	How	Determined	bobber			Data: 09/17/2015
Casing Squeeze(s):(top)							
Type Completion: ALT. I Packer Type: Total Depth: 1208 Geological Date: Formation Name	Size: Plug B:	ack Depth:	Inch	Set at:	Feet Completion I	nformation	
1	At:	to F	eet Perfo	ration Interva	toFee	t or Open Hole Inter	rval toFeet
2	At:	to F	eet Perfo	ration Interval	to Fee	t or Open Hole Inter	rval — to — Feet
INDED DENALTY OF DED II	IDV I UEDEDV ATT	EST TUAT THE INCOD	MATION COL	ITAINED UE	DEIN 16 TOLIE AND COL	DECT TO THE DEC	T OF MAY KNOWN EDGE
		Cuba	itted Fla	atronical	l. c		
		Subm	itted Ele	ctronical	ıy		
Do NOT Write in This Space - KCC USE ONLY	Date Tested:		Results:		Date Plugged:	Date Repaired: D	Pate Put Back in Service:
Review Completed by: Rya	n Duling		Comm	ents:			
TA Approved: Yes		11/19/2015					
,pp.0704.	, , , , , , , , , , , , , , , , , , , ,	1.55/2/2011-0-5					
		Mail to the A	ppropriate k	(CC Conser	vation Office:		
	KCC Dist	rict Office #1 - 210 E. F	rontview, Suit	e A, Dodge C	City, KS 67801		Phone 620.225.8888
	KCC Dist	rict Office #2 / UPGS -	3450 N. Rock	Road, Buildi	ng 600, Suite 601, Wichit	a, KS 67226	Phone 316.630.4000
		rict Office #3 - 1500 SV				11-11-11-11-11-11-11-11-11-11-11-11-11-	Phone 620.432.2300
Z	3	rict Office #4 - 2301 E.	**************************************		THE PARTITIONS		Phone 785.625.0550
	INCO DISC	Omoon T Loui L.		,-,			

Conservation Division District Office No. 3 1500 W. Seventh Chanute, KS 66720



Phone: 620-432-2300 Fax: 620-432-2309 http://kcc.ks.gov/

Sam Brownback, Governor

Shari Feist Albrecht, Chair Jay Scott Emler, Commissioner Pat Apple, Commissioner

November 19, 2015

Steve Leis Leis, Steven A. 1092 OSAGE RD YATES CENTER, KS 66783-5223

Re: Temporary Abandonment API 15-207-23930-00-02 HARTZLER 31 SE/4 Sec.28-25S-15E Woodson County, Kansas

Dear Steve Leis:

Your application for Temporary Abandonment (TA) of the above-listed well is denied for the following reasons(s):

Lack of Lease

In accordance with K.A.R. 82-3-111, this well must be plugged or returned to service by December 19, 2015.

Sincerely,

Ryan Duling

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

the matter of a Compliance Agreement)	Docket No.: 16-CONS-3876-CMSC
Between Steven A. Leis and Commission Staff)	
regarding bringing the twenty-eight wells in)	CONSERVATION DIVISION
compliance with K.A.R. 82-3-111)	
A management of the contract o)	License No.: 33900

EXHIBIT "B"



1300508

Form U3C
June 2015
Form must be Typed
Form must be completed
on a per well basis

ANNUAL REPORT OF PRESSURE MONITORING, FLUID INJECTION AND ENHANCED RECOVERY

Complete all blanks - add pages if needed. Copy to be retained for five (5) years after filing date.

OPERATOR: License # 33900 Name: Leis, Steven A. Address 1: 1135 30TH RD Address 2:								
					(January 1 to December	er 31)		
					ER State: KS zip: 667		<u>SE_SW_SE</u>	Sec. 28 Twp. 25 S.
	act Person: Steve	1		(Q/Q/Q/Q)	feet from N / V S Line of Section			
Contact Person: Steve Leis Phone: (620) 330-6328					feet from 🗸 E			
	1255-001-001-001	ZLER		County: Woodson	Doctrion [] L	V Line of Section		
				County.	50000			
VVCIII	Number							
I. Ini	ection Fluid:							
	Type (Pick one):	Fresh Water	Treated Brine	Untreated Brine	✓ Water/Brine			
	Source:	Produced Water	Other (Attach list)	5 Table 1 Tabl				
	Quality: Tota	al Dissolved Solids:	mg/l Specific Grav	rity: Additives:				
	(Attach water analys	sis, if available)						
1	Maximum Authorized	d Injection Pressure:500 d Injection Rate: _500 nanced Recovery Injection Wells	barrels per da	ау	SQUIRREL SAND			
III.	Month:	Total Fluid Injected BBL	Maximum Fluid Pressure	Total Gas Injected MCF	Maximum Gas Pressure	# Days of Injection		
	January	0				-		
	February	0		0		-		
	March	0		0				
	April	0		0				
	May	0		0				
	June	0		0				
	July	0		0				
	August	0		0				
	September	0		0		Table 1		
	October	0		0				
	November	0		0				
	December	0		0				
	TOTAL	0		0				



1300509

Form U3C
June 2015
Form must be Typed
Form must be completed
on a per well basis

ANNUAL REPORT OF PRESSURE MONITORING, FLUID INJECTION AND ENHANCED RECOVERY

Complete all blanks - add pages if needed. Copy to be retained for five (5) years after filing date.

OPERATOR: License # 33900 Name: Leis, Steven A. Address 1: 1135 30TH RD Address 2:				API No.: 15-207-23920-00-01				
					(January 1 to Decemb	er 31)		
				. NW .SW .SE	Sec 28 Two 25 S	R 15 ₩ F \ V		
	Contact Person: Steve Leis			(Q/Q/Q/Q)	Sec. 28 Twp. 25 S. R. 15 VE V			
Phone: (620) 330-6328					feet from E			
Phone: (620) 330-6328 Lease Name: HARTZLER				Moodoon				
				County: 170000011	- 100 W - W - W - W - W - W - W - W - W - W			
Well	Number: _25							
I. Inj	jection Fluid:				×			
	Type (Pick one):	Fresh Water	Treated Brine	Untreated Brine	✓ Water/Brine			
	Source:	✓ Produced Water	Other (Attach list)					
	Quality: Total	Il Dissolved Solids:	mg/l Specific Grav	ity: Additives:				
	(Attach water analys	sis, if available)						
	Maximum Authorized	d Injection Pressure:700 d Injection Rate:500 anced Recovery Injection Wells	barrels per da	у	SQUIRREL SAND			
111.	Month:	Total Fluid Injected BBL	Maximum Fluid Pressure	Total Gas Injected MCF	Maximum Gas Pressure	# Days of Injection		
	January	0		0				
	February	0		0		N 1991		
	March	0		0				
	April	0		0	All V V	-		
	May	0		0		-		
	June	0		0		-		
	July	0		0				
	August	0		0				
	September	0	W-1.524	0		-		
	October	0		0				
	November	0		0				
	December	0		0				
	TOTAL	0		0				



1300507

Form U3C June 2015 Form must be Typed Form must be completed on a per well basis

ANNUAL REPORT OF PRESSURE MONITORING, FLUID INJECTION AND ENHANCED RECOVERY

Complete all blanks - add pages if needed. Copy to be retained for five (5) years after filing date.

OPERATOR: License # 33900				API No.: 15-207-23899-00-00					
Name: Leis, Steven A. Address 1:1135 30TH RD			Permit No: E21983.3						
				AND 2012 (2012)					
Address 2:					(January 1 to Decemb	er 31)			
		ER State: KS Zip: 66		_ SW_SW_SE	Sec. 28 Twp. 25 S.	р 15 🗸 Е П w			
	act Person: Steve		т	(Q/Q/Q/Q)	feet from N				
	ne: (620) 33				A CONTRACTOR OF THE CONTRACTOR	A LOCATION			
		ZLER		2236 feet from V E / W Line of Section					
	00	too loo loo 7 X		County					
Well	Number:								
I. In	jection Fluid:					The state of the s			
	Type (Pick one):	Fresh Water	Treated Brine	Untreated Brine	✓ Water/Brine				
	Source:	✓ Produced Water	Other (Attach list)						
	Quality: Total	al Dissolved Solids:	mg/l Specific Grav	rity: Additives:					
	(Attach water analys	sis, if available)							
	Maximum Authorized	d Injection Pressure:700 d Injection Rate:500 nanced Recovery Injection Wells	barrels per da	ay	SQUIRREL SAND				
III.	Month:	Total Fluid Injected BBL	Maximum Fluid Pressure	Total Gas Injected MCF	Maximum Gas Pressure	# Days of Injection			
	January	0							
	February	.0		0					
	March	0		0					
	April	0		0		-			
	May	0		0					
	June	0		0		-			
	July	0		0		:			
	August	0		0					
	September	0		0					
	October	0		0					
	November	0		0					
	December	0		0					
	TOTAL	0		0					