

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

2016.10.19 15:17:54
Kansas Corporation Commission
/S/ Amy L. Green

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

In the matter of a Motion to Intervene)Docket No:16-CONS4131CSHO
and for Dismissal of for Substitution and)
Addition of Proper and necessary Parties)
to Summer Sun Gas LLC ("Operator"))CONSERVATON DIVISION
Regarding responsibility under K.S.A. 55-179)
for plugging the Brown #2 well in Chautauqua)
County, Kansas.)License No: 6880

SUPPLEMENTAL CERTIFICATE OF MAILING


I certify that I mailed a true and correct copy of the attached Motion To Intervene ^{7m}
and For Dismissal Or Realignment Of Parties by depositing in the U.S. Mail on the 18
day of October, 2016 addressed to the following:

John Brown
2074 Indian Rd.
Sedan, KS 67361

Ronald R. Brown
409 S. Chautauqua
Sedan, KS 67361

John McCannon
Prehearing Officer
Kansas Corporation Commission
266 N. Main, Ste. 220
Wichita, KS 67206

Jon Myers
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Ste. 220
Wichita, KS 67206


Jon R. Viets #9678
201 N. Penn Ave., Ste. 604
P.O. Box 1176
Independence, KS 67301

RECEIVED
KANSAS CORPORATION COMMISSION

OCT 19 2016

CONSERVATION DIVISION
WICHITA, KS

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**MOTION TO INTERVENE AND
FOR DISMISSAL OR REALIGNMENT OF PARTIES**

Gary D. Cude' and Summer Sun Gas, Inc., each of 408 S. School, P.O. Box 339, Sedan, Kansas 67361 (collectively "Movants") inform the Commission as follows:

I. Background

1. Gary Cude' formerly did business as Summer Sun Gas, a licensed Kansas oil and gas well operator, License No. 6880.
2. Gary D. Cude' drilled the Brown #2 well, API 15-019-23792 in 1982. The well had a show of gas, but was deemed incapable of producing sufficient commercial quantities to justify the infrastructure necessary to collect, process and transport the gas for his commercial use.
3. On November 25, 1986 Gary D. Cude' entered into an Agreement with George Lowell Brown and Barbara Jean Brown, the fee owners of the land on which the Brown #2 is located, providing for the fee owners assumption of responsibility for the plugging of the well, which the fee owners intended to convert to use as a domestic gas well. A true and correct copy of the Agreement is attached hereto as Exhibit "A". George

Lowell Brown and Barbara Jean Brown subsequently died, and by inheritance their sons, John Brown of 2074 Indian Rd, Sedan, KS 67361 and Ronald R. Brown, 409 S. Chautauqua, Sedan, KS 67361, now own and occupy the fee.

4. Subsequently, Summer Sun Gas. LLC assumed the oil and gas business and assets of Gary D. Cud', but said company was dissolved in 2002.

5. Summer Sun Gas, Inc., Operator's License No. 33067, was formed in 2001, and assumed the oil and gas business and assets of Summer Sun Gas, LLC.

6. Commission Staff has directed Summer Sun Gas, LLC, plug the Brown #2, and has brought these proceedings to enforce its directive.

7. Movants have endeavored to gain access to the fee land upon which the Brown #2 is located, but have been refused access by the fee owners who declare that the Brown #2 belongs to them and they will not allow it to be plugged.

8. Movants have attempted to enlist the aid of Commission Staff to obtain access, but Commission Staff is likewise denied access by the fee owners.

II. Intervention

9. Movants should be allowed to intervene herein as the real parties in interest.

III. Dismissal

10. John Brown and Ronald E. Brown have assumed complete dominion and control over the Brown #2, (as they are entitled to do as successors to the November 25, 1986 Agreement above described).

11. John Brown and Ronald E. Brown are the de facto operators of the Brown #2.

12. Accordingly, these proceedings should be dismissed as against Summer Sun Oil & Gas, LLC and as against Movants.

IV. Substitution

13. In the alternative to dismissal, John Brown and Ronald E. Brown, as the de facto operators of the Brown #2, should be substituted herein as the operator as against whom the obligation to plug is sought to be enforced.

V. Additional Parties

14. In the alternative to dismissal and/or substitution, John Brown and Ronald E. Brown should be joined as additional parties so that the Commission can adjudicate responsibility for the Brown #2.

WHEREFORE, Movants request they be permitted to intervene; that the proceedings be dismissed, or in the alternative John Brown and Ronald E. Brown be substituted herein; or, in the alternative John Brown and Ronald E. Brown be joined as additional parties to these proceedings.



JON R. VIETS
201 N. Penn Ave., Suite 604
P.O. Box 1176
Independence, KS 67301
(620) 331-0144
Attorney for Plaintiffs

#9675

Certificate of Mailing

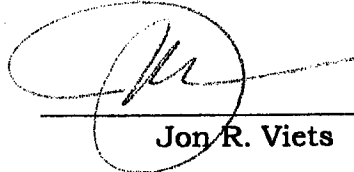
I certify that on October 6th, 2016 I mailed the original and (6) copies of the foregoing Motion to:

Patti Peterson-Klein, Executive Director
State Corporation Commission
Conservation Division
266 N. Main, Ste. 220
Wichita, KS 67202

And mailed copies thereof to each of the following:

John McCannon
Prehearing Officer
Kansas Corporation Commission
266 N. Main, Ste. 220
Wichita, KS 67206

Jon Myers
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Ste. 220
Wichita, KS 67206



Jon R. Viets

AGREEMENT

THIS AGREEMENT made and entered into this 25th day of November, 1986, by and between George Lowell Brown and Barbara Jean Brown, his wife, of RFD, Sedan, Chautauqua County, Kansas, Parties of the First Part, and Gary D. Cude of Sedan, Chautauqua County, Kansas, Party of the Second Part.

WHEREAS, by an oil and gas lease dated June 7, 1980, Parties of the First Part did make, execute, and deliver to W. M. Huffins, an oil and gas lease covering the following described real estate located in Chautauqua County, Kansas, to wit:

(See description of real estate attached.)

said lease being for a primary term of three years. That by various assignments, said oil and gas lease was assigned to Gary D. Cude; that gas wells were drilled upon said property, but are no longer operated by the lessee or his assigns, so that said oil and gas lease has terminated by its own terms and conditions, but that said wells have never been plugged and it is the desire of Parties of the First Part that they be not plugged and said Parties of the First Part are willing to assume the responsibility for the operation of said wells, if they are to be operated, and the responsibility for plugging said wells in accordance with the Rules and Regulations of the Conservation Division of the Kansas Corporation Commission.

NOW THEREFORE, in consideration of the release of said lease and the transfer of all right, title, and interest in and to said wells to Parties of the First Part by Party of the Second Part, Parties of the First Part do hereby assume the responsibility for the operation of said wells, should they be operated, and for the abandonment and plugging of said wells in the event that they are required to be plugged, and do hereby relieve Party of the Second Part from any and all further responsibility for said gas wells, their operation or abandonment.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands as of the day and year first above written.

STATE OF KANSAS) ss. 7426
Chautauqua County)
I, Madeline Brown,
County Clerk,
do hereby certify that the
above instrument was
recorded in book 13 of Wells
on page 3
Madeline Brown
REGISTER OF DEEDS

George Lowell Brown
George Lowell Brown

Barbara Jean Brown
Barbara Jean Brown
PARTIES OF THE FIRST PART

Gary D. Cude
Gary D. Cude
PARTY OF THE SECOND PART

STATE OF KANSAS
COUNTY OF CHAUTAUQUA

SS

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 15th day of November, 1986, personally appeared George Lowell Brown and Barbara Jean Brown, his wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My Commission Expires:
2-14-88

Henry Belmont
Notary Public



STATE OF KANSAS
COUNTY OF CHAUTAUQUA

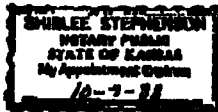
SS

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 10th day of November, 1986, personally appeared Gary S. Cuda to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My Commission Expires:
Oct. 7, 1988

Shirley Stephenson
Notary Public



JOHN M. WALL, ATTORNEY
Post Office Box 94
Chautauqua, Kansas 67821

**DESCRIPTION OF REAL ESTATE
DIL. AND CON. STATE OF OHIO / 1980.**

About 16 acres of the East Half of the Northeast Quarter of Section 31, Township 34, Range 11, more particularly described as follows: All that part of the West Half of the Northeast Quarter of Section 31, Township 34 South, Range 11, lying and being North and East of a road crossing said tract from Southwest to Northeast near the North end of said tract and recorded in road record of said county as Road No. 201. The North Half of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 31, also a tract beginning at the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 36; thence South along said line 34 rods, thence East across Cedar Creek to top of bluff; thence in a Northerly direction along top of said bluff to North line of said 40, thence West to place of beginning; all in Township 33 South, Range 11, East of the 6th P.M.; ALSO the North 25 acres of the Northwest Quarter of the Northeast Quarter of Section 31; Township 33 South, Range 11, Range 11, Range 11, and a tract commencing 1.40 chains South of the Northeast Corner of said Section 31, thence South 86° 30' East 3.70 chains; thence South 14° East 2 chains; thence South 14° 30' East 3.70 chains; thence South 3.80 chains to Section line; thence North of the Section line 5.28 chains to the place of beginning; Except a tract beginning 8.60 chains North of the Southwest Corner of said Section 31, Township 33 South, Range 11, East, thence North 54° West 1.90 chains; thence North 41° 30' East 3 chains; thence North 4° West 1 chain; thence North 13° East 1 chain; thence North 32° 30' East 1 chain; thence East to Section line, thence South along said Section line to the place of beginning; Also excepting a tract commencing at the Northwest Corner of the Southwest Quarter of Section 35, Township 33 South, Range 11, East, thence South to a point where the West line of said Southwest Quarter crosses the Section line and Independence State Road, thence in a Northeasterly direction along said road to a point where the road crosses the North line of said Southwest Quarter of Section 35, Township 33 South, Range 11, East of the 6th P.M.; thence West to the place of beginning; the land hereby conveyed containing 115 acres, more or less. Plus Lot A. (Glease states 141 acres)

SMITH WALL ASSOCIATES
Real Estate
4444 Independence
Cincinnati, Ohio 45224

07/1/80

-5-