

1 **Q. What is your name and business address?**

2 A. Thad Triboulet, 137 E. 21st Street, Chanute, Kansas 66720.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Kansas Corporation Commission (KCC), Conservation Division, as an
5 Environmental Compliance and Regulatory Specialist (ECRS) for District #3.

6 **Q. Have you previously testified before this Commission?**

7 A. No

8 **Q. Would you please briefly describe your background and work experience?**

9 A. In 2003, I graduated from Friends University with a Bachelor's Degree in Business
10 Administration. After graduation, I started working at TET Energy and began my career in
11 the oil business. I was also employed by C & E Oil as an oilfield superintendent during this
12 time. As an oilfield superintendent, I monitored and produced oil wells and saltwater disposal
13 wells. I also conducted Mechanical Integrity Tests (MITs) on disposal wells for initial disposal
14 permits and five year tests. Additionally, I oversaw plugging operations and well completions
15 while employed at C & E Oil. Since February 8, 2021, I have been employed by the KCC
16 Conservation Division out of the District #3 office in Chanute, Kansas as an ECRS.

17 **Q. What duties does your position with the Conservation Division involve?**

18 A. As an ECRS, I am responsible for witnessing and monitoring oil and gas related activities in
19 Chautauqua, Elk, and Greenwood counties in Kansas. My job involves inspections,
20 documentation, investigation, and consultation with lease operators, landowners, and
21 Commission Staff on compliance issues related to oil and gas production in Kansas.
22 Additionally, I witness and monitor mechanical integrity tests, the plugging of wells, and the
23 drilling and completion of oil, gas, injection, and disposal wells. I also investigate spills and

1 complaints. Further, I conduct inspections on new and abandoned wells to verify the exact
2 location and the status of wells. I work with District Staff and Central Office Staff when
3 required to complete various projects and requests.

4 **Q. What is the purpose of your testimony in this matter?**

5 A. The purpose of my testimony is to discuss the evidence regarding the application for license
6 renewal submitted by Quito, Inc. (Operator) in this docket - Docket 22-CONS-3115-CMSC
7 (Docket 22-3115). Specifically, my testimony will discuss my field investigation reports of
8 Operator's leases and the compliance status of Operator's wells on those leases.

9 **Q. Which of Operator's leases did you inspect?**

10 A. I conducted lease inspections at Operator's Bever, Doty, Flossie White, LDS Church, M & M
11 Kirchner, McFarlane Delong, Mullin, Smith Lolly, Tom Appleby, and Wall leases in
12 Chautauqua County.

13 **Q. Did you find violations at Operator's leases?**

14 A. Yes, those violations are documented in the Commission Staff Report and Further
15 Investigation (Staff Investigation Report) and Exhibit KCC Staff-3, Exhibit KCC Staff-6,
16 Exhibit KCC Staff-7, Exhibit KCC Staff-10, Exhibit KCC Staff-11, Exhibit KCC Staff-13,
17 Exhibit KCC Staff-15, Exhibit KCC Staff-19, Exhibit KCC Staff-21, and Exhibit KCC
18 Staff-22.

19 **Q. Please provide a brief summary of the compliance status of Operator's wells on the**
20 **leases that you inspected.**

21 A. **Bever lease, Section 23, Township 34 South, Range 11 East:**

22 I inspected Operator's Bever lease on March 15, 2022. My inspection report for this lease
23 is attached to the Staff Investigation Report as *Exhibit KCC Staff-3*. That report documents

1 one active oil well (Bever #4, API #15-019-26133), one inactive enhanced oil recovery (EOR)
2 well (Bever #1, API #15-019-20554), three inactive oil wells (KL Beaver #2, API #15-019-
3 20555; Bever #3, API #15-019-20840; and Bever #1-A, API #15-019-19489) and one plugged
4 well (Clark #3, API #15-019-72153) that does not have cement at surface and is not on
5 Operator's license. Also, one of the inactive oil wells has cement at surface, but was listed as
6 producing on Operator's well inventory.

7 Operator's Detailed Response to Commission Staff Report and Further Investigation
8 (Detailed Response) claims a Temporary Abandonment Well Application (CP-111) form has
9 been prepared for the Bever #1 EOR well. To date, that CP-111 form has not been submitted.
10 Additionally, Operator's Detailed Response claims the Bever #3 and Bever #1-A have
11 operated within the past 364 days. Under K.A.R. 82-3-111(e), a well that is exempted from
12 the requirements of the regulation must (1) be fully equipped for production of oil or gas or
13 for injection; (2) capable of immediately resuming production of oil or gas or of injection;
14 (3) subject to a valid, continuing oil and gas lease; (4) have a cessation period less than 365
15 consecutive days; and (5) is in full compliance with all of the Commission's regulations.
16 However, the Bever #1-A does not meet the exception to the temporary abandonment
17 regulation because the Bever #1-A is not fully equipped for production and not capable of
18 immediately resuming production as the well is not connected to the lead line.

19 Lastly, Operator's Detailed Response states the KL Beaver #2 was plugged by a prior
20 operator on November 10, 1986, and inadvertently was included with Operator's well
21 inventory. Staff's position is that Operator should be required to drill out the KL Beaver #2
22 well to Table I depth and ensure the well is properly plugged since Operator appears to be a
23 responsible party for the well. Operator is likely a responsible party because Operator most

1 recently filed a completed report of transfer with the Commission in which Operator accepted
2 responsibility for the well, and most recently filed a well inventory with the Commission in
3 which Operator accepted responsibility for the well. Operator should also be assessed a penalty
4 for falsifying its well inventory.

5 **Doty lease, Section 33, Township 33 South, Range 11 East:**

6 I inspected Operator's Doty lease on March 11, 2022. My inspection report for this lease
7 is attached to the Staff Investigation Report as *Exhibit KCC Staff-6*. My inspection
8 documented two wells on the lease as out of compliance (Doty #1, API #15-019-20752; and
9 Doty #2, API #15-019-21030). Additionally, as a point of clarification, my inspection report
10 is incorrect regarding the Doty #3 well, API #15-019-23901. The well was approved for TA
11 status on October 25, 2021.

12 Operator's Detailed Response states a CP-111 form has been prepared for the Doty #1, and
13 that further investigation is needed for the Doty #2. To date, no CP-111 form has been
14 received for the Doty #1 or the Doty #2. Regardless of whether Operator claims the Doty #2
15 is actually located on the Doty lease or not, Operator is responsible for bringing the well into
16 compliance as the well has been included with Operator's certified well inventory.

17 **Flossie-White lease, Section 22, Township 34 South, Range 11 East:**

18 I inspected Operator's Flossie-White lease on March 14, 2022. My inspection report for
19 this lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-7*. My inspection
20 documented one well (Flossie White #21, API #15-019-26405) as out of compliance.
21 Operator's Detailed Response states a CP-111 form has been prepared for the Flossie White
22 #21 well. To date, no CP-111 form has been received for the Flossie White #21 well.

1 Additionally, the Flossie White #21 is only listed as a permitted well in Commission databases
2 and needs to be added to Operator's license.

3 **LDS Church lease, Section 24, Township 33 South, Range 11 East:**

4 I inspected Operator's LDS Church lease on March 16, 2022. My inspection report for this
5 lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-10*. My inspection
6 documented four oil wells as out of compliance with K.A.R. 82-3-111 because they were
7 inactive and there are no records of production within the past year (LDS Church #1, API
8 #15-019-20783; LDS Church #2, API #15-019-20784; LDS Church #3, API #15-019-20894;
9 and LDS Church #5, API #15-019-21168). Operator's Detailed Response states that two of
10 the wells, LDS Church #1 and LDS Church #2, are in production. However, while the LDS
11 Church #1 has a belt running from the jack shaft to the pulley, it is missing a belt from the
12 electric motor to the jack shaft. Additionally, the tubing at the LDS Church #2 was laid out at
13 the time of inspection. These factors prevent the wells from being fully equipped and capable
14 of immediately resuming production or otherwise falling under the exception to the temporary
15 abandonment regulation. Further, the District Office has not received any notification stating
16 these two wells have been returned to service. Operator's Detailed Response also states a
17 CP-111 form has been prepared for the remaining two wells, LDS Church #3 and LDS Church
18 #5. To date, no CP-111 forms have been received for any wells located on the LDS Church
19 lease.

20 **M&M Kirchner lease, Section 7, Township 34 South, Range 11 East:**

21 I inspected Operator's M&M Kirchner lease on March 15, 2022. My inspection report for
22 this lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-11*. My inspection
23 documented three wells that were out of compliance: one inactive authorized EOR well

1 (M&M Kirchner #4, API #15-019-24035), one inactive oil well (Floyd Casement #7, API
2 #15-019-25342), and one inactive revoked EOR well (Floyd Casement #6, API #15-019-
3 25195).

4 Operator's Detailed Response states that a CP-111 form has been prepared for the M&M
5 Kirchner #4. To date, no CP-111 form has been received for the Kirchner #4 well.
6 Additionally, Operator's Detailed Response states that further investigation was needed for
7 the remaining two wells, Floyd Casement #6 and #7, since they did not appear to be located
8 on the M&M Kirchner lease. While neither well is listed on Operator's well inventory, both
9 are associated with McCann Drilling, Inc. and located within the AOR of an injection well
10 belonging to Operator. K.A.R. 82-3-403(a)(5) states in pertinent part that when permitting
11 injection wells, staff is to consider the construction of all wells within the AOR to ensure that
12 the fluids injected into the well will remain in that zone. Here, the existence of abandoned
13 wells within the AOR would result in an operator not being granted a permit until the
14 abandoned wells were addressed. In order for Operator to continue using its injection wells,
15 these wells must be plugged.

16 **McFarlane-Delong lease, Section 23, Township 34 South, Range 11 East:**

17 I inspected Operator's McFarlane-Delong lease on March 14, 2022. My inspection report
18 for this lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-13*. My
19 inspection documented nine wells as out of compliance: one inactive injection well
20 (McFarlane-Delong #7, API #15-019-20551) and eight inactive oil wells (McFarlane-Delong
21 #1, API #15-019-20480; McFarlane-Delong #2, API #15-019-20481; McFarlane-Delong #3,
22 API #15-019-20485; McFarlane-Delong #5, API #15-019-20487; McFarlane-Delong #6, API
23 #15-019-20547; McFarlane-Delong #8, API #15-019-20563; McFarlane-Delong #11, API

1 #15-019-20572; and McFarlane-Delong #OW1, API #15-019-40948). Each of these wells
2 appeared to be out of compliance because they were inactive without an approved CP-111.

3 Operator's Detailed Response states that CP-111 forms have been prepared for the inactive
4 injection well (McFarlan-Delong #7) and four of the oil wells (McFarlane-Delong #1,
5 McFarlane-Delong #2, McFarlane-Delong #3, and McFarlane-Delong #6). However, no
6 CP-111 forms have been received for these five wells. Further, Operator's Detailed Response
7 states that the remaining five oil wells (McFarlane-Delong #4, API #15-019-20486,
8 McFarlane-Delong #5, McFarlane-Delong #8, McFarlane-Delong #10 and McFarlane-
9 Delong #11) do not need a CP-111 form to be filed because they have operated within the
10 past 364 days. However, my inspection report documents two wells that do not qualify for the
11 exemption under K.A.R. 82-3-111(e) referenced in my testimony above. The McFarlane-
12 Delong #5 was not capable of production during my inspection because the bridle cable was
13 not connected to the Horse Head. The McFarlane-Delong #8 was not capable of production
14 due to no electric motor on the pump jack. Thus, both wells would require a CP-111 form to
15 be filed and approved. To date, no CP-111 forms have been received for these wells.

16 Operator's Detailed Response states it has no right to operate the McFarlane-Delong
17 #OW1. This well is not on Operator's well inventory, but the well is within the quarter-mile
18 AOR of one of Operator's injection wells. Based upon the permitting factors of K.A.R. 82-3-
19 403(a)(5), Operator needs to plug the well in order to continue using its McFarlane-Delong
20 #9, API #15-019-20564, injection well.

21 **Mullin lease, Section 25, Township 33 South, Range 11 East:**

22 I inspected Operator's Mullin lease on March 11, 2022. My inspection report for this lease
23 is attached to the Staff Investigation Report as *Exhibit KCC Staff-15*. My inspection

1 documented two wells as out of compliance: one inactive injection well (Mullin OLCC #2,
2 API #15-019-21236) and one inactive oil well (Mullin #3, API #15-019-23655). Both wells
3 appear to be out of compliance because they were inactive without an approved CP-111 form.

4 Operator's Detailed Response states that a CP-111 form has been prepared for the Mullin
5 #3 oil well. However, no CP-111 form has been received. Additionally, Operator's Detailed
6 Response states that the Mullin OLCC #2 well does not need a CP-111 form filed because the
7 well is active. However, the well was shut-in at the time of my inspection. Operator has not
8 called in the well as being returned to service, and KGS records show the last production sold
9 from the Mullin lease was in February 2014 and the only producing well on the lease is
10 inactive.

11 **Smith-Lolly lease, Section 23, Township 34 South, Range 11 East:**

12 I inspected Operator's Smith-Lolly lease on March 14, 2022. My inspection report for
13 this lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-19*. My inspection
14 documented seven wells as out of compliance: three inactive injection wells (Smith-Lolly #1,
15 API #15-019-20613; Smith-Lolly #2, API #15-019-20614; and Smith-Lolly #5, API #15-019-
16 20633) and four inactive oil wells (Smith-Lolly #3, API #15-019-20615; Smith-Lolly #4, API
17 #15-019-20616; Smith-Lolly #6, API #15-019-20634; and Smith-Lolly #8, API #15-019-
18 20673) without approved TA status.

19 Operator's Detailed Response states a CP-111 form has been prepared for two wells, the
20 Smith-Lolly #1 and the Smith-Lolly #8. To date, no CP-111 forms have been received for
21 these wells. Additionally, Operator's Detailed Response states the remaining five wells have
22 operated within the past 364 days and therefore do not need to have CP-111 forms filed.
23 However, the Smith-Lolly #2 was shut-in with a swedge and valve at the time of my

1 inspection. Further, KGS records show the last production was sold from the lease in February
2 2019 and the last reported injection from a U3C was for the year 2020. Thus, it does not
3 appear that the wells fall under the exemption outlined in K.A.R. 82-3-111(e) as described in
4 my testimony above.

5 **Tom Appleby lease, Section 30, Township 33 South, Range 11 East:**

6 I inspected Operator's Tom Appleby lease on March 14, 2022. My inspection report for
7 this lease is attached to the Staff Investigation Report as *Exhibit KCC Staff-21*. My inspection
8 documented three inactive oil wells as out of compliance because they did not have an
9 approved CP-111 form (Tom Appleby #5, API #15-019-24284; Tom Appleby #6, API
10 #15-019-24684; and Tom Appleby #8, API #15-019-25252).

11 Operator's Detailed Response states a CP-111 form has been prepared for two wells, the
12 Tom Appleby #5 and Tom Appleby #6. To date, no CP-111 forms have been received for
13 either well. Additionally, Operator's Detailed Response states the remaining well, the Tom
14 Appleby #8, does not need to have a CP-111 form filed because it has operated within the past
15 364 days. However, at the time of my inspection the well was missing its motor, which means
16 the well is not fully equipped for production. Further, the last production sold from the lease
17 was in December 2019. Therefore, the well does not fall under the exception outlined in 82-
18 3-111(e) and needs a CP-111 form to be filed.

19 **Wall lease, Section 29, Township 33 South, Range 11 East:**

20 I inspected Operator's Wall lease on March 11, 2022. My inspection report for this lease
21 is attached to the Staff Investigation Report as *Exhibit KCC Staff-22*. My inspection
22 documented eight wells as out of compliance: two inactive injection wells (John Casement
23 #Nella 1-A, API #15-019-21389; and Wall #1, API #15-019-20769) and six inactive oil wells

1 (Wall #5A, API #15-019-24407; Wall #6A, API #15-019-25154; Wall #2A, API #15-019-
2 23802; Wall #4A, API #15-019-24220; Wall #1B, API #15-019-20310; and Wall #OW1, API
3 #15-019-40962). None of the wells have approved CP-111 status. Operator's Detailed
4 Response states that a CP-111 form has been prepared for the Wall #6A and John Casement
5 #Nella 1-A wells. To date, no CP-111 form has been received for either well.

6 Operator's Detailed Response states that the Wall #1 injection well and Wall #5A, Wall
7 2-A, and Wall 4-A oil wells have operated within the past 364 days and do not need CP-111
8 forms filed and approved. However, my inspection noted that these wells were either shut-in,
9 did not have a belt running from the motor to the pump jack, or did not have a bridle cable
10 connecting the pump jack to the well. Thus, there is no indication that these wells qualify for
11 the exemption provided under K.A.R. 82-3-111(e) because the wells are not fully equipped
12 and not capable of immediately resuming production, and all of these wells need to have
13 CP-111 forms filed and approved.

14 Lastly, Operator's Detailed Response states that it does not have a right to operate the two
15 remaining inactive oil wells (Wall #1B and Wall #OW1) found on the Wall lease. Based upon
16 the permitting factors of K.A.R. 82-3-403(a)(5), Operator needs to plug the wells in order to
17 continue using its Wall #1A injection well.

18 **Q. Does this conclude your testimony?**

19 A. Yes.

CERTIFICATE OF SERVICE

22-CONS-3115-CMSC

I, the undersigned, certify that a true and correct copy of the attached Prefiled Direct Testimony of Thad Triboulet has been served to the following by means of electronic service on September 7, 2022.

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