

## THE STATE CORPORATION COMMISSION

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

In the matter of the application of Murfin ) Docket No: 20-CONS-3283-CUIC  
Drilling Co., Inc., to authorize the disposal of )  
saltwater into the Mississippi Formation at the ) CONSERVATION DIVISION  
Culwell 'J' #2 well, located in the NE/4 of )  
Section 19, Township 2 South, Range 37 West, ) License No: 30606  
Cheyenne County, Kansas. )

### **DEFAULT ORDER**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

#### **I. Jurisdiction**

1. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. Within seven days after service of a proposed default order, the party against whom it was issued has seven days to file a written motion to vacate, which shall state the grounds relied upon.

#### **II. Findings of Fact**

2. On April 28, 2020, Murfin Drilling Co., Inc. (Operator) filed an Application for injection authority at its Culwell 'J' #2 well.<sup>1</sup> The same day, Operator also filed an Affidavit of Publication, evidencing an April 9, 2020, publication of notice in *The Saint Francis Herald*.<sup>2</sup>

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<sup>1</sup> See Application, p. 1 (Apr. 28, 2020).

<sup>2</sup> See Affidavit of Publication – The Saint Francis Herald (Apr. 28, 2020).

3. On April 20, 2019, the Commission received a letter from Darren and Tana Dale, protesting the Application.<sup>3</sup> On May 12, 2020, Jeter and Nina Isely also filed a letter in this docket.<sup>4</sup>

4. On May 19, 2020, the Commission issued an order setting a June 4, 2020, prehearing conference.<sup>5</sup>

5. On June 3, 2020, Operator filed a motion to dismiss Darren and Tana Dale, and also Jeter and Nina Isely. No person responded to Operator's motion.

6. On June 4, 2020, the prehearing conference was attended by the Prehearing Officer, counsel for Commission Staff, and counsel for Operator. Darren Dale, Tana Dale, Jeter Isely, and Nina Isely were not in attendance. Staff recommended and the Prehearing Officer found that notice had been proper.

7. On June 5, 2020, Operator filed a motion for a default order against Darren and Tana Dale, and also Jeter and Nina Isely. No person responded to Operator's motion.

### **III. Conclusions of Law**

8. Pursuant to K.S.A. 77-520(a), the Commission concludes that Darren and Tana Dale's, and Jeter and Nina Isely's, failure to attend the June 4, 2020, Prehearing Conference constitutes default. Thus, Operator's motion for a default order may be granted.

9. Since the Commission shall grant Operator's motion for a default order, Operator's motion to dismiss will be moot. In the event the Commission vacates this Default Order, Operator may renew its motion to dismiss.

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<sup>3</sup> Letter of Protest – Darren & Tana Dale (Apr. 20, 2020);

<sup>4</sup> Letter – Jeter and Nina Isely (May 12, 2020).

<sup>5</sup> See Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (May 19, 2020).

**THEREFORE, THE COMMISSION ORDERS:**

A. Operator's motion for a default order is granted. Darren and Tana Dale, and Jeter and Nina Isely, are in default in this proceeding.

B. Operator's motion to dismiss is denied as moot.

C. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting this Default Order be vacated, stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail.

D. In the event no timely motion is filed requesting this Default Order be vacated, Staff shall process Operator's Application accordingly. If a timely motion to vacate is received, then Staff shall take no action on the Application until the Commission has ruled on the motion.

E. 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>6</sup>

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

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 06/23/2020



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Lynn M. Retz  
Executive Director

Mailed Date: 06/23/2020

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<sup>6</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-3283-CUIC

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 06/23/2020.

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