

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

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

In the matter of the application of Wynn-)	Docket No. 18-CONS-3341-CEXC
Crosby Operating, Ltd. for the assignment of a)	
special allowable to the Mayberry B-1 well in)	CONSERVATION DIVISION
Section 12, Township 33 South, Range 38)	
West, Stevens County, Kansas.)	License No. 34929

ORDER GRANTING MOTION FOR INTERIM RELIEF

The Commission grants the March 6, 2018, *Motion for Interim Relief* of Wynn-Crosby Operating, Ltd. (“Operator”), to allow production from the Mayberry B #1 at the rate of 1,300 MCF per day during the pendency of the application in this docket, for the following reasons:

I. JURISDICTION

1. K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities, with licensing authority under K.S.A. 55-155.

2. K.A.R. 82-3-312(a) provides that for gas wells not covered by a special commission order, the daily allowable for each well shall be 50 percent of the well’s actual open flow potential, as measured by the testing procedures specified in K.A.R. 82-3-303, except that each well in compliance with K.A.R. 82-3-304 shall be entitled to a minimum allowable of 250 MCF per day.

3. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

II. FINDINGS OF FACT

4. Operator is currently licensed to conduct oil and gas activities in Kansas under K.S.A. 55-155.

5. On March 6, 2018, Operator filed an application requesting a special allowable for its Mayberry B #1 (“the subject well”), API #15-189-21622, located in Section 12, Township 33 South, Range 38 West, Stevens County, Kansas.¹ In its application, Operator notes the subject well has produced in excess of its daily allowable under K.A.R. 82-3-312(a) since its completion in November 2016.² Operator states that the well is producing from a single-well reservoir, and that producing the well at a rate less than its maximum efficient rate of flow, or shutting the well in to make up any accrued overage, will result in damage to the formation, decreasing the ultimate recovery of gas and oil, which will result in waste.³

6. On March 9, 2018, Operator also filed a motion for interim relief, to allow Operator to continue producing the subject well in excess of its daily allowable under K.A.R. 82-3-312(a) during the pendency of its application. Specifically, Operator requests to be allowed to produce the subject well at a rate of up to 1,300 MCF per day.

7. In explanation of its motion, Operator states that upon learning the subject well was in an overproduced status, it curtailed production from the well to 1,050 MCF per day pending the filing of its present application.⁴ Operator reports that upon curtailing production, such production became erratic, and steady production under the reduced rate resulted in a loading of fluid in the wellbore, which could damage the well and result in waste.⁵

¹ While Operator calls the well the Mayberry B-1 in its filing, Commission records call the well as the Mayberry B #1. There is no question, however, as to the identity of the well at issue in this proceeding.

² See Application ¶10 and Application Exhibit A.

³ *Id.*, ¶11, 12.

⁴ Motion for Interim Relief, ¶5.

⁵ *Id.*, ¶6, 8.

8. Operator notes that Staff is not opposed to Operator's motion for interim relief.⁶

III. CONCLUSIONS OF LAW

9. The Commission has jurisdiction over Operator and this matter.

10. Operator's application was filed in accordance with the rules and regulations of the Commission and Kansas statutes.

11. Based on the available facts, the Commission finds Operator's *Motion for Interim Relief* should be granted. The Commission notes that if any party files a protest to the application in this docket and also motions to litigate the matter of interim relief while the application itself is pending, the Commission may then consider such motion.

THEREFORE, THE COMMISSION ORDERS:

A. Operator's Motion for Interim Relief is granted. Operator may produce from the subject well at a rate of up to 1,300 MCF per day during the pendency of its application, unless the Commission issues a future order to the contrary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Date: 03/20/2018 _____

03/21/2018
Date Mailed: _____



Lynn M. Retz
Secretary to the Commission

JRM

⁶ *Id.*, ¶9.

CERTIFICATE OF SERVICE

18-CONS-3341-CEXC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

US mail or electronic Service on 03/20/2018.

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