

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

In the matter of the failure of Novy Oil & Gas, ) Docket No.: **23-CONS-3212-CPEN**  
Inc. (Operator) to comply with K.A.R. 82-3-111 )  
at the Beymer #4 and Isern A #2 wells in Barton ) CONSERVATION DIVISION  
and Kearny Counties, Kansas. )  
\_\_\_\_\_ ) License No.: 31714

In the matter of the failure of Novy Oil & Gas, ) Docket No.: 23-CONS-3331-CPEN  
Inc. (Operator) to comply with K.A.R. 82-3-111 )  
at the Patton B #2 well in Scott County, Kansas. ) CONSERVATION DIVISION  
\_\_\_\_\_ )  
\_\_\_\_\_ ) License No.: 31714

**PRE-FILED DIRECT TESTIMONY**  
  
**OF**  
  
**ERIC MACLAREN**  
  
**ON BEHALF OF COMMISSION STAFF**  
  
**JULY 21, 2023**

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

2   A. Eric MacLaren, 210 E. Frontview, Suite A, Dodge City, Kansas, 67801.

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

4   A. I am employed by the Conservation Division of the Kansas Corporation Commission  
5       (Commission), District #1 Office, as Compliance Officer, Underground Injection Control  
6       (UIC) Coordinator, and Environmental Compliance and Regulatory Specialist (ECRS).

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

8   A. I am a high school graduate. My oilfield work experience started as a rotary drilling rig  
9       roughneck in 1982. After two years as a derrick hand, I became a morning tour driller for the  
10       next two years. I was then hired as a pumper/roustabout for F.G. Holl Company, LLC, where  
11       I worked for 17 ½ years. My duties included monitoring oil and gas production, working on  
12       pumping units and engines, and laying lead lines. My job with the Commission started in  
13       October 2005 as a regulatory field technician. In February 2019, I was promoted to District  
14       #1 Compliance Officer and UIC Coordinator.

15   **Q. What are your duties with the Conservation Division?**

16   A. As Compliance Officer, I am responsible for coordinating the District #1 compliance  
17       program. This includes working with District #1 Staff to track potential regulatory violations.  
18       If Staff documents a violation, I help review the violation letters that are sent to operators, and  
19       if there is no response, I work with the District Supervisor to determine which penalty  
20       recommendations should be sent to the Legal Department. Additionally, I witness well  
21       pluggings and mechanical integrity tests (MITs), and perform inspections and compliance  
22       follow-ups as necessary.

1 As UIC Coordinator, I am responsible for reviewing all the forms operators submit after  
2 they perform MITs on injection wells. I ensure the forms are processed in adherence with the  
3 associated injection permits. Additionally, I coordinate with Staff when necessary to verify  
4 information provided by operators on their forms.

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

6 A. Yes.

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

8 A. The purpose of my testimony is to discuss the evidence supporting the Commission's findings  
9 in regard to the Penalty Orders issued against Novy Oil & Gas, Inc. (Operator) in Docket  
10 23-CONS-3212-CPEN (Docket 23-3212) and Docket 23-CONS-3331-CPEN (Docket  
11 23-3331).

12 **Q. Please provide a brief overview of the facts in these consolidated dockets.**

13 A. In Docket 23-3212, the Commission penalized Operator for two violations of K.A.R. 82-3-  
14 111 at the Beymer #4 and Isern A #2 wells. In Docket 23-3331, the Commission penalized  
15 Operator for one violation of K.A.R. 82-3-111 at the Patton B #2 well. The Beymer #4 and  
16 Patton B #2 wells are located in District #1, so I will provide testimony about those wells. The  
17 Isern A #2 well is located in District #4, so Richard Williams will provide testimony about  
18 that well.

19 **Q. What are the requirements of K.A.R. 82-3-111?**

20 A. K.A.R. 82-3-111 provides that within 90 days after operations cease on any well, the operator  
21 of that well shall: (1) plug the well; (2) return the well to service; or (3) file an application  
22 with the Conservation Division requesting temporary abandonment (TA) status, on a form  
23 prescribed in writing by the Conservation Division. K.A.R. 82-3-111 also states that no well

1 shall be temporarily abandoned unless first approved by the Conservation Division, and a well  
2 shall not be eligible for TA status if the well has been shut-in for 10 years or more without an  
3 operator first filing an application for an exception pursuant to K.A.R. 82-3-100 and receiving  
4 approval by the Commission. Finally, K.A.R. 82-3-111 provides that failure by an operator to  
5 file a notice of TA status for a well shall be punishable by a \$100 penalty.

6 **Q. Did Operator submit TA applications for the Beymer #4 or Patton B #2 wells?**

7 A. On March 18, 2023, Operator submitted a TA application for the Patton B #2 well (the  
8 application is attached to my testimony as *Exhibit EM-1*). District #1 Staff denied the  
9 application on March 21, 2023. On that same date, Staff sent a letter to Operator indicating  
10 that the TA application had been denied because of a high fluid level in the well. The letter  
11 gave Operator a deadline of April 20, 2023, to bring the well into compliance with K.A.R.  
12 82-3-111. The letter is attached to the Docket 23-3331 Penalty Order as Exhibit A.

13 As for the Beymer #4 well, Operator did not submit a TA application for that well in 2022  
14 or 2023.

15 **Q. You stated that the TA application for the Patton B #2 well was denied because of a high**  
16 **fluid level. What was the fluid level for the well?**

17 A. Operator reported that the fluid level for the well was 786 feet (*see* the TA application attached  
18 as *Exhibit EM-1*).

19 **Q. Why was this fluid level a concern?**

20 A. Operator measured the fluid level for the Patton B #2 well from the surface of the well down  
21 to the fluid level. A fluid level of 786 feet suggests a possible casing leak in the well.

1 **Q. Did District #1 Staff send any letters to Operator regarding the Beymer #4 well?**

2 A. Yes, Staff sent a Notice of Violation (NOV) letter to Operator on December 8, 2022, regarding  
3 the Beymer #4 well. The NOV letter stated that the previous TA status for the well had expired  
4 on October 14, 2022, and the well was likely in violation of K.A.R. 82-3-111. The NOV letter  
5 also gave Operator a deadline of December 22, 2022, to bring the well into compliance with  
6 K.A.R. 82-3-111. The NOV letter is attached to the Docket 23-3212 Penalty Order in  
7 Exhibit A.

8 **Q. Did Operator respond to the letters Staff sent on December 8, 2022, and March 21, 2023?**

9 A. No.

10 **Q. Did District #1 Staff perform field inspections of the Beymer #4 and Patton B #2 wells?**

11 A. Yes. On January 5, 2023, District #1 Staff performed a field inspection of the Beymer #4 well.  
12 Staff found the well to be inactive. Consequently, the well was out of compliance with K.A.R.  
13 82-3-111 after the deadline in the December 8, 2022, NOV letter. The field report is attached  
14 to the Docket 23-3212 Penalty Order in Exhibit B.

15 On May 3, 2023, District #1 Staff performed a field inspection of the Patton B #2 well.  
16 Staff also found that well to be inactive. Consequently, the well was out of compliance with  
17 K.A.R. 82-3-111 after the deadline in the March 21, 2023, letter. The field report is attached  
18 to the Docket 23-3331 Penalty Order as Exhibit B.

19 **Q. As of the date of this testimony, has Operator plugged, returned to service, or obtained**  
20 **TA status for the Beymer #4 or Patton B #2 wells?**

21 A. Operator returned the Beymer #4 well to service. Operator, however, has not plugged,  
22 returned to service, or obtained TA status for the Patton B #2 well. The Patton B #2 well is  
23 therefore still out of compliance with K.A.R. 82-3-111.

1   **Q. Please summarize your recommendations.**

2   A. I believe the information gathered by District #1 Staff is sufficient to affirm the Commission's  
3       Penalty Orders with regard to the Beymer #4 and Patton B #2 wells. The wells were inactive  
4       and unplugged without TA status for longer than allowed by Commission regulations.

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

6   A. Yes.

KANSAS CORPORATION COMMISSION  
OIL & GAS CONSERVATION DIVISION

## TEMPORARY ABANDONMENT WELL APPLICATION

OPERATOR: License# 31714

Name: Novy Oil & Gas, Inc.

Address 1: PO BOX 559

Address 2: \_\_\_\_\_

City: GODDARD State: KS Zip: 67052 + 0559

Contact Person: Michael Novy

Phone: ( 316 ) 794-7200

Contact Person Email: \_\_\_\_\_

Field Contact Person: \_\_\_\_\_

Field Contact Person Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

API No. 15- 15-171-20177-00-00

Spot Description: \_\_\_\_\_

\_\_\_\_\_ - SW NW Sec. 36 Twp. 19 S. R. 33 ☐ E ☒ W

3300 feet from ☐ N / ☒ S Line of Section

4620 feet from ☒ E / ☐ W Line of Section

GPS Location: Lat: \_\_\_\_\_, Long: \_\_\_\_\_  
(e.g. xx.xxxxx) (e.g. -xxx.xxxxx)

Datum: ☐ NAD27 ☐ NAD83 ☐ WGS84

County: Scott Elevation: \_\_\_\_\_ ☐ GL ☐ KB

Lease Name: PATTON B Well #: 2

Well Type: (check one) ☐ Oil ☒ Gas ☐ OG ☐ WSW ☐ Other: \_\_\_\_\_

☐ SWD Permit #: \_\_\_\_\_ ☐ ENHR Permit #: \_\_\_\_\_

☐ Gas Storage Permit #: \_\_\_\_\_

Spud Date: 08/04/1979 Date Shut-In: 11/30/2022

	Conductor	Surface	Production	Intermediate	Liner	Tubing
Size	na	8.625	4.5	na	na	2.375
Setting Depth		367	2745			2671
Amount of Cement		300	325			na
Top of Cement		0	1770			na
Bottom of Cement		367	2745			na

Casing Fluid Level from Surface: 786 How Determined? Echometer Date: 03/13/2023

Casing Squeeze(s): \_\_\_\_\_ to \_\_\_\_\_ w / \_\_\_\_\_ sacks of cement, \_\_\_\_\_ to \_\_\_\_\_ w / \_\_\_\_\_ sacks of cement. Date: \_\_\_\_\_  
(top) (bottom) (top) (bottom)

Do you have a valid Oil & Gas Lease? ☒ Yes ☐ No

Depth and Type: ☐ Junk in Hole at \_\_\_\_\_ ☐ Tools in Hole at \_\_\_\_\_ Casing Leaks: ☐ Yes ☐ No Depth of casing leak(s): \_\_\_\_\_  
(depth) (depth)

Type Completion: ☒ ALT. I ☐ ALT. II Depth of: ☐ DV Tool: \_\_\_\_\_ w / \_\_\_\_\_ sacks of cement ☐ Port Collar: \_\_\_\_\_ w / \_\_\_\_\_ sack of cement  
(depth) (depth)

Packer Type: \_\_\_\_\_ Size: \_\_\_\_\_ Inch Set at: \_\_\_\_\_ Feet

Total Depth: 4860 Plug Back Depth: 2697 Plug Back Method: Bridge Plug

**Geological Date:**

**Formation Name** **Formation Top** **Formation Base** **Completion Information**

1. \_\_\_\_\_ At: \_\_\_\_\_ to \_\_\_\_\_ Feet Perforation Interval 2628 to 2637 Feet or Open Hole Interval \_\_\_\_\_ to \_\_\_\_\_ Feet


2. \_\_\_\_\_ At: \_\_\_\_\_ to \_\_\_\_\_ Feet Perforation Interval \_\_\_\_\_ to \_\_\_\_\_ Feet or Open Hole Interval \_\_\_\_\_ to \_\_\_\_\_ Feet

UNDER PENALTY OF PERJURY I HEREBY ATTEST THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

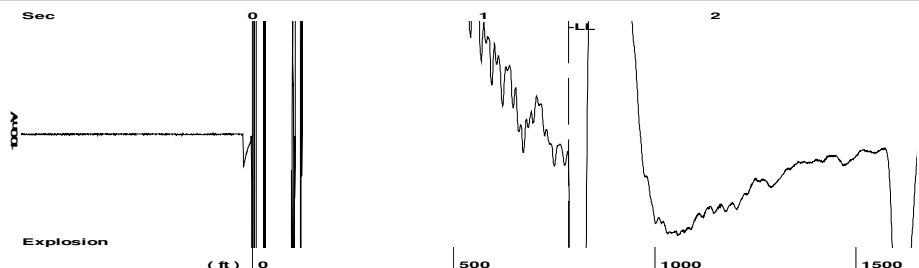
Submitted Electronically

Do NOT Write in This Space - KCC USE ONLY	Date Tested: _____	Results: _____	Date Plugged: _____	Date Repaired: _____	Date Put Back in Service: _____
	Review Completed by: <u>Michael Maier</u> Comments: _____				
TA Approved: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Denied Date: <u>03/21/2023</u>					

## Mail to the Appropriate KCC Conservation Office:

	KCC District Office #1 - 210 E. Frontview, Suite A, Dodge City, KS 67801	Phone 620.682.7933
	KCC District Office #2 - 3450 N. Rock Road, Building 600, Suite 601, Wichita, KS 67226	Phone 316.337.7400
	KCC District Office #3 - 137 E. 21st St., Chanute, KS 66720	Phone 620.902.6450
	KCC District Office #4 - 2301 E. 13th Street, Hays, KS 67601-2651	Phone 785.261.6250

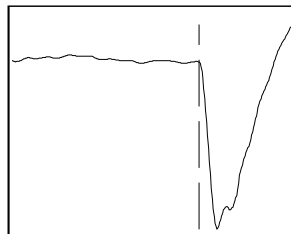
Group: Novy Oil & Gas Well: Patton B2 (acquired on: 03/13/23 10:01:38 )



Time 1.366 sec  
Joints 24.7776 Jts  
Depth 785.45 ft

Liquid level calculated with  
user supplied Acoustic Velocity

Acoustic Velocity 1150 ft/s



**Analysis Method: Acoustic Velocity**

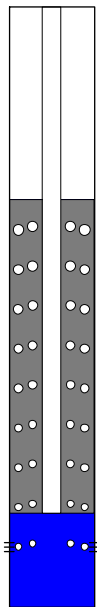
Group: Novy Oil & Gas Well: Patton B2 (acquired on: 03/13/23 10:01:38 )

**NO PRESSURE DATA AVAILABLE**

Change in Pressure 0.00 psi PT15262  
Range 0 - ? psi  
Change in Time 0.25 min

Group: Novy Oil & Gas Well: Patton B2 (acquired on: 03/13/23 10:01:38 )

Production	Potential	Casing Pressure	Producing
Current			
Oil - * -	- * - BBL/D	-0.7 psi (g)	Annular
Water - * -	- * - BBL/D	Casing Pressure Buildup	Gas Flow
Gas - * -	- * - Mscf/D	0.003 psi	0 Mscf/D
		0.25 min	% Liquid
IPR Method	Vogel	Gas/Liquid Interface Pressure	100 %
PBHP/SBHP	- * -	-0.4 psi (g)	
Production Efficiency	0.0		
		Liquid Level Depth	
Oil 40 deg.API		785.45 ft	Liquid Stream
Water 1.05 Sp.Gr.H2O			Below Tubing
Gas 0.85 Sp.Gr.AIR		Tubing Intake Depth	Oil 0 %
		2637.00 ft	Water 100 %
Acoustic Velocity 1150 ft/s		Formation Depth	
		2637.00 ft	Liquid Below Tubing
			100 %
			Tubing Intake
			627.0 psi (g)
Formation Submergence			Producing BHP
Total Gaseous Liquid Column HT (TVD)	1865 ft		717.0 psi (g)
Equivalent Gas Free Liquid HT (TVD)	1865 ft		Static BHP
			- * - psi (g)
Acoustic Test			



Group: Novy Oil & Gas Well: Patton B2 (acquired on: 03/13/23 10:01:38 )

**Entered Acoustic Velocity for Liquid Level depth determination**



## **CERTIFICATE OF SERVICE**

23-CONS-3212-CPEN, 23-CONS-3331-CPEN

I, the undersigned, certify that a true and correct copy of the attached Prefiled Testimony of Eric MacLaren has been served to the following by means of electronic service on July 21, 2023.

TRISTAN KIMBRELL, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
t.kimbrell@kcc.ks.gov

FRED MACLAREN  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
e.maclaren@kcc.ks.gov

MICHAEL MAIER  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
m.maier@kcc.ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
266 N. Main St., Ste. 220  
WICHITA, KS 67202-1513  
j.myers@kcc.ks.gov

ROBYN STALKFLEET, ADMINISTRATIVE SPECIALIST  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
r.stalkfleet@kcc.ks.gov

DIANA E. STANLEY  
DEPEW GILLEN RATHBUN & MCINTEER. LC  
8301 EAST 21ST ST. NORTH, SUITE 450  
WICHITA, KS 67206-2936  
dstanley@depewgillen.com

CHARLES C STEINCAMP  
DEPEW GILLEN RATHBUN & MCINTEER. LC  
8301 EAST 21ST ST. NORTH, SUITE 450  
WICHITA, KS 67206-2936  
chris@depewgillen.com

KENNY SULLIVAN, DISTRICT #1 SUPERVISOR  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
k.sullivan@kcc.ks.gov

RICHARD WILLIAMS  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 4  
2301 E. 13TH STREET  
HAYS, KS 67601-2654  
r.williams@kcc.ks.gov

/s/ Paula J. Murray

---

Paula J. Murray