

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of TGT) Docket No. 19-CONS-3003-CEXC
Petroleum Corporation (Operator) for an)
exception to the 10-year time limitation of) CONSERVATION DIVISION
K.A.R. 82-3-111 for its Wheeler F #1 Well)
located in the SE/4 NW/4 of Section 34,) License No. 5118
Township 27 South, Range 19 West, Kiowa)
County, Kansas.)

ORDER GRANTING APPLICATION

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 makes the following findings:

BACKGROUND:

1. On July 3, 2018, TGT Petroleum Corporation (Operator) filed an Application requesting an exception to the 10-year limitation on temporary abandonment (TA) status for the Wheeler F #1 well, API #15-097-21577-00-00.¹ The Operator published notice of its Application in both the Wichita Eagle and the Merchant's Directory of Kiowa County.²

2. On July 20, 2018, the Commission received a protest to the Application from Voskuhl Staab Family Farms LLC.³ On July 24, 2018, the Commission received a protest from Morning Star Farms.⁴

¹ Application, (July 3, 2018).

² Affidavit of Publication – Wichita Eagle (July 23, 2018); Affidavit of Publication – Merchant's Directory of Kiowa County (July 23, 2018).

³ Voskuhl Staab Family Farms LLC – Letter Protesting Application (July 20, 2018).

⁴ Morning Star Farms, GP – Letter Protesting Application (July 24, 2018).

3. On July 31, 2018, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for August 21, 2018.⁵

4. On August 20, 2018, the Operator filed a Motion to Dismiss Protests.⁶

5. On August 21, 2018, the Prehearing Officer issued an *Order Continuing Proceeding and Scheduling a Status Conference*, scheduling a Status Conference for October 11, 2018.⁷

6. On September 11, 2018, the Commission issued an *Order on Motion to Dismiss Protests*, dismissing both protests filed in this docket.⁸

7. On October 29, 2018, Commission Conservation Staff (Staff) filed a Motion to Grant Application, stating that “[t]he Application complies with all Commission regulations” and recommending Commission approval of the Operator’s Application.⁹ Staff stated that the Operator has demonstrated a potential future use for the well, and there is no present threat to fresh and usable water.¹⁰

JURISDICTION:

8. The Commission has exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹¹ K.A.R. 82-3-111 provides that wells having been shut-in for more than 10 years shall not be approved for TA status without Commission approval of an application for an exception. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

⁵ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (July 31, 2018).

⁶ Motion to Dismiss Protests (Aug. 20, 2018).

⁷ Prehearing Officer Order Continuing Proceeding and Scheduling a Status Conference, Ordering Clause A (Aug. 21, 2018).

⁸ Order on Motion to Dismiss Protests (Sept. 11, 2018).

⁹ Motion to Grant Application, ¶ 8 (Oct. 29, 2018).

¹⁰ *Id.*

FINDINGS AND CONCLUSIONS:

9. The Operator conducts oil and gas activities in Kansas under active license number 5118. The Operator has verified that notice was properly served and published, as required under K.A.R. 82-3-135a, at least 15 days before the issuance of this Order. Thus, the Commission finds that notice was properly served and published. In addition, the Commission finds the Operator's Application was filed in accordance with the Commission's rules and regulations and with Kansas statutes.

10. On June 28, 2018, the Operator successfully tested the subject well for mechanical integrity.¹² The Commission finds the mechanical integrity test (MIT), along with the rest of the Operator's Application, sufficiently support the administrative grant of this Application.

11. Therefore, based on the above, the Commission finds the Application should be granted to prevent waste and protect correlative rights, because Operator has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

THEREFORE, THE COMMISSION ORDERS:

A. The Operator's Application for an exception to the 10-year limit on TA status for the subject well is granted for three years, calculated from the date the Application was filed. The Operator must file an annual TA form for the subject well, with the first form being filed within 30 days.

B. 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).¹³

¹¹ K.S.A. 74-623

¹² Application, ¶ 7.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Date: 11/15/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: 11/16/2018

MJD

¹³ 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

19-CONS-3003-CEXC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 11/15/2018.

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