

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

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

In the matter of an agreed compliance) Docket No.: 15-CONS-173-CMSC
schedule for Joe Brake to plug the wells on)
the Korte Lease in Butler County, Kansas.) CONSERVATION DIVISION
)
_____) License No.: 31074

ORDER ADOPTING COMPLIANCE SCHEDULE

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On August 19, 2014, Commission Staff moved for the approval of a Compliance Schedule signed by both Staff and Operator. The Compliance Schedule is attached and incorporated into this Order as Exhibit A.

2. The Commission concludes that the Compliance Schedule accomplishes the Commission's duty to enforce Kansas laws pertaining to the protection of the usable waters of the state and the prevention of the pollution of soils and water caused by oil and gas activities.

THEREFORE, THE COMMISSION ORDERS:

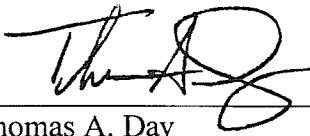
- A. The Compliance Schedule submitted by Staff is hereby approved.
- B. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). Such petition shall be filed within fifteen (15) days after service of this Order and must state the specific grounds upon which relief is requested. The petition for reconsideration shall be filed with the Executive Director of the Conservation Division, 266 N. Main, Suite 220, Wichita, Kansas 67202.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com., Apple, Com.

Dated: AUG 28 2014

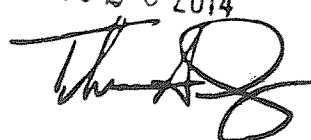


Thomas A. Day
Acting Executive Director

Mailed Date: 9/3/14

JRM

I CERTIFY THE ORIGINAL
COPY IS ON FILE WITH
The State Corporation Commission

AUG 28 2014


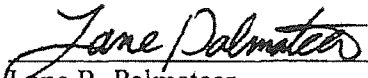
AGREED COMPLIANCE SCHEDULE

The Staff of the Kansas Corporation Commission and Joe Brake dba Brake Inc. ("Operator"), agree as follows:

1. Operator does not have the private contractual right to operate the Korte Lease, which contains the following three wells in Butler County, Kansas:
 - a. Korte #1, API #15-015-21690-00-00, NESWNE 15-28S-7E;
 - b. Korte #4, API #15-015-21693-00-01, SWNESWNE 15-28S-7E; and
 - c. Korte #5, API #15-015-19722-00-00, NENWNE 15-28S-7E.
2. Staff sent temporary abandonment ("TA") denial letters to the Operator with compliance deadlines. Operator has already plugged the Korte #4 well. Operator requested additional time beyond the standard TA denial letter, and the parties agreed that one month for each well is sufficient and agreeable.
3. Staff and the Operator have agreed that this compliance schedule is reasonable and will provide for the efficient correction of these violations.
4. Operator shall address the subject wells by plugging them. Returning to service or temporary abandonment status under K.A.R. 82-3-111 shall not be an option.
5. Operator shall plug one of the remaining two wells by 5:00 pm on Friday, August 29, 2014. Operator shall plug the second well by 5:00 pm on Tuesday, September 30, 2014.
6. Operator shall determine the order of addressing the wells, because the parties do not believe either of the wells presents an imminent pollution threat. If in the future Staff has information indicating that any well presents a pollution threat, that well shall be addressed first.

7. The failure to comply with any compliance deadline shall constitute a violation of the Commission Order incorporating this agreement and subject Operator to license suspension and the shutting-in and sealing of all operations until both of the wells are plugged. License suspension and the shutting-in and sealing of operations shall be at Staff's sole discretion and shall take effect immediately upon notice. Operator waives the right to appeal license suspension or any subsequent Commission Order arising from the failure to abide by this agreed compliance schedule or the failure to timely shut-in operations.

8. This agreement shall be effective only if it is incorporated into a Commission Order. This agreement may be modified or terminated only by subsequent Commission Order.


Lane R. Palmateer
Litigation Counsel
Kansas Corporation Commission

8/19/2014
Date


Joe Brake dba Brake Inc.

August 14 2014
Date

CERTIFICATE OF SERVICE

I certify that on 9/3/14, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Joe Brake dba Brake Inc.
Route 1 Box 84
Latham, Kansas 67072

Jeff Klock
KCC District #2
3450 N. Rock Road, Bldg. 600, Suite 601
Wichita, Kansas 67226

And delivered by hand to:

Lane Palmateer
Conservation Division Central Office

/s/ Jonathan R. Myers
Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission