

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

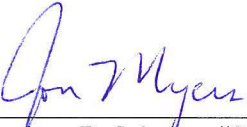
Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the matter of the failure of Eickbush)	Docket No.: 15-CONS-072-CPEN
Production Co. LLC dba ECCO ("Operator"))	
to comply with K.A.R. 82-3-400 at the Bdjt)	CONSERVATION DIVISION
Unit #6, F Johnson Unit #7, Mini Johnson #1,)	
Thomas #1 W and Thomas #1-E wells in)	License No.: 5810
McPherson County, Kansas.)	

**MOTION FOR THE COMMISSION TO ADOPT
A SETTLEMENT AGREEMENT**

Commission Staff moves for the Commission to adopt and approve the attached Settlement Agreement, which has been signed by both parties. Staff believes that the Settlement Agreement represents a fair and efficient manner of resolving the issues described therein.

Respectfully submitted,



Jonathan R. Myers, #25975
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Suite 220
Wichita, Kansas 67202
Phone: 316-337-6200
Fax: 316-337-6106

SETTLEMENT AGREEMENT

This Settlement Agreement is between Eickbush Production Co. LLC dba ECCO (“Operator”) and the Staff of the Corporation Commission of the State of Kansas (“Staff”). The effective date of this Settlement Agreement shall be the date it is approved by an Order of the Commission. If the Commission does not approve this Settlement Agreement by a signed Order, then this Settlement Agreement shall not be binding on either party. This Settlement Agreement shall settle the proceedings instituted in Commission Docket Number 15-CONS-072-CPEN.

A. Background

1. The July 22, 2014, Penalty Order in this docket required Operator to pay \$5,000 for five violations of K.A.R. 82-3-400. Operator filed a timely appeal.
2. Staff has identified a discrepancy in records regarding the Mini Johnson #1, and therefore recommends that the penalty regarding the Mini Johnson #1 should be rescinded. The authorized injection rate at the Mini Johnson #1 is 300 barrels per day, not the 250 barrels per day alleged in Staff’s Penalty Recommendation.
3. After discussion with Counsel for Operator, Staff has identified plausible grounds for Operator’s confusion regarding the authorized injection rate at the Thomas #1-W. Staff recommends that the penalty regarding the Thomas #1-W should be rescinded, although the authorized injection rate at the Thomas #1-W is 300 barrels per day, as alleged in Staff’s Penalty Recommendation.
4. For the remaining three wells, Counsel for Operator has described the circumstances that led to inadvertent over-injection. In light of these circumstances, Staff recommends that the penalty for the remaining three wells should be reduced.

B. Terms of Settlement

5. To avoid any future concerns regarding the injection authority that Operator has with regard to any of the wells that are the subject of this proceeding, Operator shall file applications or amended applications and the Commission will review those applications and advise Operator if anything further is needed to avoid any concerns about its injection authority for any of the subject wells

6. Instead of paying \$5,000, Operator shall pay \$1,500 in this docket, which shall be due within 30 days from the date this Settlement Agreement is approved by an Order of the Commission.

7. Operator agrees to waive its right to appeal any order of the Commission approving this Settlement Agreement or any suspension of Operator's license implemented by Commission Staff due to Operator's failure to comply with this Settlement Agreement.

C. Conclusion

Both parties believe that this Settlement Agreement represents a fair and appropriate resolution to the matters in this docket.

This Settlement Agreement has been agreed to by the undersigned:

Commission Staff

By: Jon Myers

Printed Name: JON MYERS

Title: LITIGATION COUNSEL

Date: 12/15/14

Eickbush Production Co LLC dba ECCO

By: Robert D. Eickbush

Printed Name: Robert D. Eickbush

Title: Partner

Date: 12-10-14

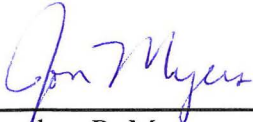
CERTIFICATE OF SERVICE

I certify that on 12/15/14, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy
Martin, Pringle, Oliver, Wallace & Bauer, L.L.P.
100 North Broadway, Suite 500
Wichita, Kansas 67202
Attorney for Eickbush Production Co., LLC dba ECCO

And delivered by hand to:

Alan Snider
Conservation Division Central Office



Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission