

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

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

In the matter of the application of Shelby) Docket No. 18-CONS-3192-CHOR
Resources, LLC for an order authorizing)
the drilling of the Brubaker #1-17H as a) CONSERVATION DIVISION
horizontal wellbore upon its Brubaker Unit)
located in Pratt County, Kansas.) License No. 31725

ORDER GRANTING APPLICATION

The above captioned matter comes before the State Corporation Commission of the State of Kansas for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

I. JURISDICTION

1. K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities.
2. K.S.A. 55-155 provides licensing authority to the Commission.
3. K.A.R. 82-3-103a provides that any hole drilled horizontally into a formation for production may only be permitted after application and notice under K.A.R. 82-3-135a.

II. FINDINGS OF FACT

4. Commission records indicate that Shelby Resources LLC (“Operator”) is currently licensed to conduct oil and gas activities in Kansas under K.S.A. 55-155.

5. On October 23, 2017, Operator filed an application requesting permission to drill and complete its proposed Brubaker #1-17H horizontal well (“the subject well”) into the Viola formation in Pratt County, Kansas.¹

6. The surface location of the subject well shall be 1,800' FSL and 249' FEL in Section 17, Township 29 South, Range 12 West.

7. The bottom-hole location of the subject well shall be 521' FSL and 1,798' FEL in Section 18, Township 29 South, Range 12 West.

8. The completion interval of the subject well shall meet the setback requirements of K.A.R. 82-3-108.

9. 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.

10. No protests have been filed pursuant to K.A.R. 82-3-135(b).

11. Commission Staff recommends the approval of Operator’s application.

III. CONCLUSIONS OF LAW

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

13. The application was filed in accordance with the Commission’s rules and regulations and in accordance with Kansas statutes.

14. Notice was properly served and published.

15. Based on the available facts, the Commission finds that granting the application would not cause waste or harm correlative rights.

¹ In Paragraph 6 of its application, Operator also requests the assignment of a production allowable consistent with the provisions of K.A.R. 82-3-1303. There is no need for the Commission to specifically grant the request, however, because each horizontal well automatically has its production allowable determined under K.A.R. 82-3-1303. No Commission ruling is necessary.

THEREFORE, THE COMMISSION ORDERS:

- A. Operator's application for a horizontal well is granted.
- B. This Order is a summary proceeding pursuant to K.S.A. 77-537, which provides in paragraph (b)(4) that summary proceedings are not effective until the time for requesting a hearing has expired. K.S.A. 77-542 provides that a request for hearing shall be filed within 15 days of any agency notice resulting in a right to request a hearing. If service of this Order is by mail, three days are added to the deadline.
- C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order. If service of this Order is by mail, three days are added to the deadline. The petition shall be addressed to the Commission and sent to 266 N. Main, Suite 220, Wichita, Kansas 67202. Pursuant to K.S.A. 55-606 and K.S.A. 77-529(a), reconsideration is prerequisite for judicial review of this Order. Any party taking an action permitted by this summary proceeding before the deadline for a petition for reconsideration does so at their own risk of further proceedings.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 12 2017


Lynn M. Retz
Secretary to the Commission

Mailed Date: DEC 13 2017

JRM

CERTIFICATE OF SERVICE

18-CONS-3192-CHOR

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/hand-delivered on DEC 12 2017.

Chasen R. Katz
Thompson, Arthur, Davidson & Katz
PO Box 111
Russell, KS 67665
Attorneys for Shelby Resources, LLC

Trey Mallon
Shelby Resources LLC
13949 W. Colfax Avenue, Bldg. 1 Suite 120
Lakewood, CO 80401-3248

and delivered by e-mail to:

Scott Alberg
KCC District #1

Jim Hemmen
KCC Central Office

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

DEC 13 2017