

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

the Conservation Division requesting temporary abandonment (TA) status. If not plugged or returned to service, the operator must obtain TA approval; TA status may be denied by the Conservation Division if necessary to prevent pollution. A well shut-in for 10 years or more cannot be granted TA status without the operator filing an application for an exception pursuant to K.A.R. 82-3-100 and approval from the Commission. K.A.R. 82-3-111(e) provides a TA exemption for certain wells fully equipped and capable of production.

II. FINDINGS OF FACT

4. Operator is licensed to conduct oil and gas activities in Kansas and is responsible for the Novotny #1 (Subject Well), API #15-151-21227-00-01, located in Section 22, Township 29 South, Range 13 West, Pratt County, Kansas.

5. On June 5, 2025, Commission records indicated the Subject Well had been inactive and unplugged for longer than the 90 days allowed by K.A.R. 82-3-111, that the well was not exempt pursuant to K.A.R. 82-3-111(e), and that the well was not approved for TA status. Thus, Commission Staff sent a letter to Operator, requiring Operator to bring the Subject Well into compliance with K.A.R. 82-3-111 by August 21, 2025.¹

6. On September 10, 2025, Commission Staff inspected the Subject Well, because the deadline in the letter had passed and the violation had not been resolved, verifying that the well continued to be inactive and unplugged.²

III. CONCLUSIONS OF LAW

7. The Commission has jurisdiction over Operator and this matter under K.S.A. 74-623 and K.S.A. 55-152.

¹ Exhibit A.

² Exhibit B.

8. Operator has committed one violation of K.A.R. 82-3-111 because the Subject Well has been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for TA status.³

THEREFORE, THE COMMISSION ORDERS:

- A. Operator shall pay a \$100 penalty.
- B. Operator shall plug the Subject Well, or return the well to service, or obtain TA status for the well if eligible.
- C. Commission Staff may require Staff-witnessed static fluid level measurements before a Subject Well is returned to service. A Subject Well may not be returned to service if (1) any measurement has shown fluid in the wellbore at or above the appropriate minimum surface casing requirement described in Table I of the Commission's August 1, 1991, Order in Docket 34,780, (2) any measurement has shown fluid in the wellbore at or above any salt formation or other corrosive formation, or (3) in the opinion of Staff, variation in measurements indicates the possibility of a casing leak. Provided, however, a Subject Well may be returned to service upon (a) passing a casing integrity test after issuance of this Penalty Order to the satisfaction of Staff, or (b) Staff providing written, well-specific authorization after issuance of this Penalty Order.
- D. Operator may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. A request for hearing must comply with K.A.R. 82-1-219.
- E. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing. If no party timely requests a hearing, then this Order shall become final.

³ K.S.A. 55-164; K.A.R. 82-3-111(b).

F. If Operator is not in compliance with this Order and the Order is final, then Operator's license shall be suspended without further notice and shall remain suspended until Operator complies. If a Subject Well has been inactive for more than 10 years and Operator applies for an exception to the 10-year limit on TA status for the Subject Well prior to this Order becoming final, and Operator would be in compliance with this Order if the application were approved, then suspension shall not be enforced unless: (1) the application is denied, and (2) 30 days have elapsed since the denial. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension.

G. A party may petition for reconsideration of a final order pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁴

H. Credit card payments may be made by calling the Conservation Division at 316-337-6200. Checks and money orders shall be payable to the Kansas Corporation Commission. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. Payments must reference the docket number of this proceeding.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/02/2025



Celeste Chaney-Tucker
Executive Director

Mailed Date: 10/02/2025

KAM

⁴ See K.S.A. 55-162; K.S.A. 55-164; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

Conservation Division
District Office No. 1
210 E. Frontview, Suite A
Dodge City, KS 67801



Phone: 620-682-7933
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

06/05/2025

Josh Nicolay
Elm Creek Oil, LLC
80270 S 1ST AVE
PRATT, KS 67124-8233

Re: Temporary Abandonment
API 15-151-21227-00-01
NOVOTNY 1
SW/4 Sec.22-29S-13W
Pratt County, Kansas

Dear Josh Nicolay:

Your application for Temporary Abandonment (TA) for the above-listed well is denied for the following reasons(s):

High Fluid Level

Pursuant to K.A.R. 82-3-111, the well must be plugged, or returned to service, or obtain temporary abandonment status by ~~07/05/2025~~.

8/21/25 - Per MM
This deadline does NOT override any compliance deadline given to you in any Commission Order.

You may contact me if you have any questions.

Sincerely,
Michael Maier
KCC DISTRICT 1

KCC OIL/GAS REGULATORY OFFICES

Date: 9/10/25

District: 1

Case #: _____

- ☐ New Situation
☐ Response to Request
☒ Follow-Up

- ☐ Lease Inspection
☐ Complaint
☒ Field Report

Operator License No: 36094

Op Name: Elm Creek Oil, LLC

Address 1: 80270 S 1st Ave

Address 2: _____

City: Pratt

State: KS Zip Code: 67124 -8233

Operator Phone #: (405) 880-3548

API Well Number: 15-151-21227-00-01

Spot: SE NW NW SW Sec 22 Twp 29 S Rng 13 ☐ E / ☒ W

2069 Feet from ☐ N / ☒ S Line of Section

4614 Feet from ☒ E / ☐ W Line of Section

GPS: Lat: 37.50531 Long: 98.73654 Date: 9/10/25

Lease Name: Novotny Well #: 1

County: Pratt

Reason for Investigation:

NOV PR Inspection; NOV due date 8/21/25.

Problem:

Potential violations.

Persons Contacted:

None

Findings:

12:30 PM

Tank battery located 2548' FSL, 5119' FEL. Tank battery consists of 3 200 bbl steel stock tanks, 1 30" x 10' horizontal separator, 1 90 bbl fiberglass gun barrel (not connected to system) all contained within a 3' earthen dike. Water piped to SWD on Lee lease. Overgrown.

#1 SW NW NW SW. Oil well with an electric pumping unit. Horse head disconnected. Rods and tubing next to well. Swedge w/closed ball valve. No appearance of any recent activity.

No current leaks or spills or scarring.

Action/Recommendations:

Follow Up Required ☐ Yes ☒ No ☐

Date: _____

Forward to legal.

Verification Sources:

Photos Taken: 9/10/25

- | | | |
|--|--|-------------------------------------|
| <input checked="" type="checkbox"/> RBDMS | <input checked="" type="checkbox"/> KGS | <input type="checkbox"/> TA Program |
| <input type="checkbox"/> T-I Database | <input checked="" type="checkbox"/> District Files | <input type="checkbox"/> Courthouse |
| <input checked="" type="checkbox"/> Other: <u>LEOWEB V11.0, ON-SITE INSPECTION</u> | | |

By: David Ring, ECRS

Retain 1 Copy District Office
 Send 1 Copy to Conservation Division

Form: 09/10/2025



9/10/2025 WELL WITH NO EQUIPMENT #1 15-151-21227-00-01

NASH OIL & GAS, INC. KLN# 31629

PR Co. Sec. 22-T29S-R13W GPS: 37.50531, -98.73654 2069' FSL, 4614' FEL SE NW NW SW

CERTIFICATE OF SERVICE

26-CONS-3093-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 10/02/2025.

ATTN: ELM CREEK OIL, LLC
ELM CREEK OIL, LLC
80270 S 1ST AVE
PRATT, KS 67124-8233

FRED MACLAREN
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/S/ KCC Docket Room

KCC Docket Room