

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

In the matter of determining the responsibility ) Docket No. 25-CONS-3139-CSHO  
of Cyclone Petroleum, Incorporated (Operator) )  
for the Swaim #1 and Swaim B #1 wells in ) CONSERVATION DIVISION  
Section 7, Township 35 South, Range 3 East, )  
Cowley County, Kansas. ) License No. 30253

**MOTION TO JOIN PARTY**

Staff of the Kansas Corporation Commission (Staff and Commission, respectively), moves for the Commission to issue an order joining Mr. Martin McCorgary to the captioned docket. In support of its motion, Staff states the following:

1. On October 14, 2024, Staff filed a motion with the Commission regarding the operator legally responsible for the Swaim #1, API #15-035-23624, and Swaim #B-1, API #15-035-23712 (Subject Wells).

2. While preparing testimony in this matter, Staff learned that the person who initially signed the lease at issue, Mr. Martin McCorgary, is currently licensed as an active operator with the KCC under license #3630.<sup>1</sup> Mr. McCorgary entered into an oil and gas lease for the Swaim lease in the Southeast Quarter of Section 7, Township 35 South, Range 3 East on July 18, 2002. The language in that lease agreement stated that no drilling shall be done until three existing wells are produced or plugged. Two weeks after entering into the lease agreement, Mr. McCorgary assigned the lease to Sundance Oil & Gas, LLC/Operator who then drilled the Swaim-Sundance #7 well on September 26, 2002. Since Mr. McCorgary was in possession of the lease/wells at issue prior to the Swaim-Sundance #7 being drilled, it appears that he could be a potentially responsible party for the Subject Wells.

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<sup>1</sup> Staff requests the Commission take administrative notice of its records. *See* K.A.R. 82-1-230(h).

3. Based on the information above, Staff believes it is necessary for Mr. McCorgary to be joined into these proceedings. K.S.A. 60-219(a)(1)(A) provides that a person who is subject to service of process must be joined as a party if in that person's absence, the court cannot accord complete relief among existing parties. Further, K.S.A. 60-219(a)(2) provides that if a person has not been joined as required, the court must order that the person be made a party. Additionally, K.S.A. 60-220(a)(2) provides that persons may be joined in one action as defendants if any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence or series of transactions or occurrences.

4. Based on the information above, the Commission may determine that Mr. McCorgary is responsible for the care and control of the Subject Wells. Based on that possibility, Mr. McCorgary must be joined into this proceeding based upon Kansas statutes. If he is not joined and the Commission determines he is responsible for the Subject Wells, then the Commission cannot accord complete relief with the parties that currently exist in this matter. Since the same lease document is at issue and the basis for this action, the Operator and/or Mr. McCorgary may be found jointly and severally liable for the Subject Wells. This also provides the Commission the ability to join Mr. McCorgary into the docket and doing so now would be the most efficient way for the issues in this docket to be resolved.

WHEREFORE, for the reasons described above, Staff respectfully moves the Commission to join Mr. Martin McCorgary into the captioned matter and for any other relief the Commission determines to be just and equitable.

Respectfully Submitted,

/s/ Kelcey Marsh

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## **CERTIFICATE OF SERVICE**

25-CONS-3139-CSHO

I, the undersigned, certify that a true and correct copy of the attached Motion has been served to the following by means of first class mail and/or electronic service on June 9, 2025.

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/s/ Paula J. Murray  
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