

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

Before Commissioners:            Andrew J. French, Chairperson  
   Dwight D. Keen  
   Susan K. Duffy

In the matter of the Application of Berexco    )    Docket No. 22-CONS-3102-CEXC  
LLC for an exception to the 10-year time    )  
limitation of K.A.R. 82-3-111 for its Tom    )    CONSERVATION DIVISION  
Sellens Lease #10 well located in the W/2 SE    )  
NW SE of Sec. 17, T15S, R13W, Russell    )    License No. 34318  
County, Kansas.                                    )

**ORDER GRANTING APPLICATION**

The Commission rules as follows:

**I. JURISDICTION**

1.        K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice, and after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution.

2.        K.A.R. 82-3-111 requires wells that are inactive for more than 90 days, or in some circumstances more than 364 days, to be plugged or approved for temporary abandonment (TA) status. Under K.A.R. 82-3-111(b), a well shall not be eligible TA status if it has been shut-in for ten or more years, unless the Commission has granted an application for a regulatory exception.

**II. FINDINGS OF FACT**

3.        Berexco (Operator) is licensed to conduct oil and gas activities in Kansas and is responsible for the Tom Sellens Lease #10 well (Subject Well), API #15-167-22649.<sup>1</sup>

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<sup>1</sup> In its Application, Operator calls the Subject Well the Tom Sellens #10, but the API number and location listed in the Application describe what is known in Commission databases as the Tom Sellens Lease #10. Based upon the contents of the Application, there is no doubt Operator requests approval for the Tom Sellens Lease #10.

4. On August 24, 2021, Operator filed its Application requesting an exception to the 10-year limit on TA status for the Subject Well.

5. On August 2, 2021, Operator successfully tested the Subject Well for mechanical integrity, indicating there is not a present threat to fresh and usable water.

6. Operator served and published notice at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a. No protest was filed under K.A.R. 82-3-135b.

7. The reasons articulated in Operator's Application and the results of the mechanical integrity test are sufficient to support the administrative grant of Operator's Application.

### **III. CONCLUSIONS OF LAW**

8. The Commission has jurisdiction over Operator and Operator's Application. Operator's Application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes. Operator properly served and published notice.

9. Based on the above facts, Operator's Application should be granted. Operator has demonstrated a potential future use for the Subject Well that is preventative of waste. There is no apparent present pollution threat, and correlative rights will not be affected.

#### **THEREFORE, THE COMMISSION ORDERS:**

A. Operator's Application for an exception to the 10-year limit on TA status for the Subject Well is granted for three years, calculated from the date the Application was filed.

B. Operator must file an annual TA form for the Subject Well. The first TA form shall be filed within 30 days.

C. Operator's Application is being granted via summary proceedings; thus, this Order does not take effect until after the time for requesting a hearing has expired.<sup>2</sup> Any party

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<sup>2</sup> See K.S.A. 77-537.

may request a hearing on the above issues by submitting a written request setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 15 days from the date of service of this Order.<sup>3</sup> If a hearing is not requested, then this Order shall become effective upon expiration of the time for requesting hearing.<sup>4</sup> If this Order becomes effective, then any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>5</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Date: 09/28/2021



Lynn M. Retz  
Executive Director

Date Mailed: 09/28/2021

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<sup>3</sup> See K.S.A. 77-542.

<sup>4</sup> See K.S.A. 77-537.

<sup>5</sup> See K.S.A. 55-606; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

22-CONS-3102-CEXC

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 09/28/2021.

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/S/ Desirae Mayfield  
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Desirae Mayfield