

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the matter of the application of Berexco) Docket No. 25-CONS-3248-CEXC
LLC for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Spiers) CONSERVATION DIVISION
Lease #2-29 well located in the NW NW of)
Sec 29, T10S, R32W, Thomas County, Kansas.) License No. 34318

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 LLC (Operator) is licensed to conduct oil and gas activities in Kansas and is responsible for the Spiers Lease #2-29 well (Subject Well), API #15-193-20239.¹

4. On January 31, 2025, Operator filed an Application requesting an exception to the 10-year limit on TA status for the Subject Well.

¹ In its Application, Operator calls the Subject Well the Spiers #2 OWWO, but the API number and location listed in the Application describe what is known in Commission databases as the Spiers Lease #2-29. Based upon the contents of the Application, there is no doubt Operator requests approval for the Spiers Lease #2-29.

5. On December 12, 2024, Operator successfully tested the Subject Well for mechanical integrity, indicating there is not a present threat to fresh and usable water.²

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.³ Any party 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,

² To reach this finding, the Commission takes administrative notice of its records. *See* K.A.R. 82-1-230(h).

³ *See* K.S.A. 77-537.

Wichita, Kansas 67202, within 15 days from the date of service of this Order.⁴ If a hearing is not requested, then this Order shall become effective upon expiration of the time for requesting hearing.⁵ 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).⁶

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Date: 03/25/2025



Abigail D. Emery
Acting Secretary to the Commission

Date Mailed: 03/25/2025

KAM

⁴ See K.S.A. 77-542.

⁵ See K.S.A. 77-537.

⁶ See K.S.A. 55-606; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

25-CONS-3248-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 03/25/2025.

JONATHAN HAYWARD
BEREXCO LLC
2020 N. BRAMBLEWOOD
WICHITA, KS 67206-1094
haywardj@berexco.com

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
kelcey.marsh@ks.gov

CASE MORRIS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
case.morris@ks.gov

PAULA WHITE
BEREXCO LLC
2020 N. BRAMBLEWOOD
WICHITA, KS 67206-1094
paulaw@berexco.com

RICHARD WILLIAMS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
richard.williams@ks.gov

/S/ KCC Docket Room
KCC Docket Room