

**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 failure of Russell) Docket No.: 25-CONS-3150-CPEN
Nightingale dba R J Operating Co. (Operator))
to comply with K.A.R. 82-3-111 at the) CONSERVATION DIVISION
Wernet #3 well in Rice County, Kansas.)
_____) License No.: 30979

PENALTY ORDER

The Commission finds Operator has violated K.A.R. 82-3-111 regarding the captioned well, assesses a \$100 penalty, directs Operator to come into compliance, and further rules as more fully described below.

I. JURISDICTION

1. K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.S.A. 55-152 provides the Commission with jurisdiction to regulate the construction, operation, and abandonment of any well, and also the protection of the usable water of this state from any actual or potential pollution from any well. The Commission has licensing authority under K.S.A. 55-155.

2. K.S.A. 55-162 and K.S.A. 55-164 provide the Commission authority to issue penalty orders for violations of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. Under K.S.A. 55-164, a penalty order may include a monetary penalty of up to \$10,000, the penalty must constitute a substantial and actual economic deterrent to the violation, and each day of a continuing violation constitutes a separate violation.

3. K.A.R. 82-3-111 provides that within 90 days after operations cease on any well, the operator of that well shall plug the well, return the well to service, or file an application with

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 Wernet #3 well (Subject Well), API #15-159-30326-00-00, located in Section 14, Township 20 South, Range 6 West, Rice County, Kansas.

5. On August 27, 2024, 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 September 26, 2024.¹

6. On September 27, 2024, 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: 10/24/2024



Lynn M. Retz
Executive Director

Mailed Date: 10/24/2024

TSK

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).

08/27/2024

Russ Nightingale
Nightingale, Russell dba R J Operating Co.
1044 24TH AVE
GALVA, KS 67443-8852

Re: Temporary Abandonment
API 15-159-30326-00-00
WERNET 3
NE/4 Sec.14-20S-06W
Rice County, Kansas

Dear Russ Nightingale:

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

Shut-in Over 10 years

Pursuant to K.A.R. 82-3-111, the well must be plugged, or returned to service, or obtain temporary abandonment status by 09/26/2024.

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,
Virgil Clothier
KCC DISTRICT 2

KCC OIL/GAS REGULATORY OFFICES

Date: 09/27/24

District: 2

Case #: _____

☐

New Situation

☐

Lease Inspection

☐

Response to Request

☐

Complaint

☒

Follow-Up

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Field Report

Operator License No: 30979

API Well Number: 15-159-30326-0000

Op Name: Nightingale, Russell dba RJ Operating Co.

Spot: SW-NE-NE Sec 14 Twp 20 S Rng 6 ☐ E / ☒ W

Address 1: 1044 24th Ave.

4556 Feet from ☐ N / ☒ S Line of Section

Address 2: _____

862 Feet from ☒ E / ☐ W Line of Section

City: Galva

GPS: Lat: 38.31674 Long: 97.94619 Date: 9/27/24

State: KS Zip Code: 67443 -8852

Lease Name: Wernet Well #: 3

Operator Phone #: (620) 245-8914

County: RC

Reason for Investigation:

Follow-up compliance inspection.

Problem:

DENIED TA well - Shut-in over 10 years.

Persons Contacted:

Findings:

INACTIVE well - NO activity. Operator was given a POR deadline of 9-26-2024.

Action/Recommendations:

Follow Up Required

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Yes

☐

No

☒

Date: _____

I recommend monetary penalty of \$100 per K.A.R. 82-3-111 for failure to comply.

Verification Sources:

Photos Taken: 1

☒

RBDMS

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KGS

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TA Program

☐

T-I Database

☐

District Files

☐

Courthouse

☐

Other: _____

Retain 1 Copy District Office

Send 1 Copy to Conservation Division

By: Virgil Clothier

ECRS

Form: _____

Exhibit B

Page 1 of 2



Wernet #3, inactive well located in the NE/4 of 14-20S-6W, Rice County. API#15-159-30326-00-00. Operated by Nightingale, Russell dba RJ Operating, CO. Lic. #30979. Photo taken on Sept. 27, 2024 by Virgil Clothier-ECRS/UIC Officer.

CERTIFICATE OF SERVICE

25-CONS-3150-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 10/24/2024.

NANCY BORST
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
nancy.borst@ks.gov

TRISTAN KIMBRELL, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
tristan.kimbrell@ks.gov

RUSSELL NIGHTINGALE
D/B/A R J OPERATING CO.
1044 24th AVE
GALVA, KS 67443

/S/ KCC Docket Room

KCC Docket Room