

**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 Craig Gabel) Docket No.: 25-CONS-3328-CPEN
(Operator) to comply with K.A.R. 82-3-111 at)
the H Lohkamp #1 well in Sedgwick County,) CONSERVATION DIVISION
Kansas.)
_____) License No.: 30729

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 H Lohkamp #1 well (Subject Well), API #15-173-03084-00-00, located in Section 16, Township 28 South, Range 1 East, Sedgwick County, Kansas.

5. On February 7, 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 March 10, 2025.¹

6. On March 20, 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: 04/01/2025



Celeste Chaney-Tucker
Executive Director

Mailed Date: 04/01/2025

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).



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

Corporation Commission

Laura Kelly, Governor

NOTICE OF VIOLATION

February 10, 2025
KCC Lic.-30729

GABEL, CRAIG
150 E. 44TH ST. S.
WICHITA KS 67216-1712

RE: TEMPORARY ABANDONMENT
API Well No. 15-173-03084-00-00
H LOHKAMP 1
16-28S-1E, SESENW
SEDGWICK County, Kansas

Operator:

On February 07, 2025, a lease inspection documented a probable violation of the following regulation at the referenced well:

§ K.A.R. 82-3-111. Within 90 days after operations cease on a well, the operator must return the well to service, plug the well, or obtain approval for temporary abandonment status.

**Failure to remedy this violation
by MARCH 10, 2025
shall be punishable by a \$100 penalty.**

You may contact me if you have any questions.

Sincerely,

DAN FOX
KCC District # 2

KCC OIL/GAS REGULATORY OFFICES

Date: 05/11/23

District: 02

Case #: _____

New Situation

Lease Inspection

Response to Request

Complaint

Follow-Up

Field Report

Operator License No: 30729

API Well Number: 15-173-03084-00-00

Op Name: Gabel, Craig

Spot: SE SE NW Sec 16 Twp 28 S Rng 1 E / W

Address 1: 150 E. 44th Str. S.

3025 Feet from N / S Line of Section

Address 2: _____

3096 Feet from E / W Line of Section

City: Wichita

GPS: Lat: 37.61620 Long: 97.32607 Date: 5/11/23

State: KS Zip Code: 67216 -1712

Lease Name: H Lohkamp Well #: 1

Operator Phone #: (316) 806-3300

County: Sedgwick

Reason for Investigation:

Inactive well.

Problem:

Sporadic well operation.

Persons Contacted:

Craig Gabel

Findings:

5/11/2023-Arrived first at the H Lohkamp #1 and found well fully equipped but inactive, horse head was up and polish rod was dull as if well has been down or inactive for a while. No approved CP-111 on KOLAR. Found gate into well wide open. Dead vegetation around well, no activity. Very old electrical box and I could not tell if the electric power to well is on or off, switch is pointing down as if off. Horse head is hitting trees that are growing in and around well in fence row. This well has a long history of intermittent operation.

6/3/2023-Operator sent me a short video via txt of the above well running, in the txt operator stated they only run the well a couple of days a month. I forwarded the video to the District Supervisor.

6/6/2023-Operator txt. me a couple of documents to which he states proves the well has been producing, payment statement and production assessment form.

6/22/2023-Follow up field inspection, found well inactive. Polish rod is still dull. Gate still open into well and electrical box switch in off position.

2/10/2025-Staff has been monitoring the operation of the H Lohkamp #1 and have not seen well run at all since last reported.

3/20/2025-Follow up field inspection after operator sent a text stating the above stated well was back in operation. Found well was down.

Action/Recommendations:

Follow Up Required Yes No

Date: _____

5/12/2023-Will submit findings to Dist. Supervisor and I recommend a TA NOV letter for lack of production over many years of intermittent operation. Possible casing leak down-hole I also recommend a casing integrity test for possible environmental threat. 5/16/2023-TA NOV letter sent to operator. 6/22/2023-Report findings to District Supervisor. 2/10/2025-TA NOV letter sent to operator with a deadline of March 10, 2025. 3/21/2025-Recommend a Commission Order for failure to follow the requirements under K.A.R. 82-3-111.

Verification Sources:

Photos Taken: Yes

RBDMS KGS TA Program
 T-I Database District Files Courthouse
 Other: _____

By: Daniel K. Fox-ECRS, Compliance Officer

Retain 1 Copy District Office
Send 1 Copy to Conservation Division

Form: _____



H Lohkamp #1, (Inactive well) located in the NW/4 of 16-28S-1E, SG. Co.

API#15-173-03084-00-00. Operated by Gabel, Craig Lic. 30729.

Photo taken on 3/20/25 by Dan Fox-ECRS/Compliance Officer.

CERTIFICATE OF SERVICE

25-CONS-3328-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 04/01/2025.

DANIEL FOX, COMPLIANCE OFFICER, KCC DISTRICT 2
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 2
3450 N. ROCK RD BLDG 600 STE 601
WICHITA, KS 67226
dan.fox@ks.gov

CRAIG GABEL
150 E 44TH ST S
WICHITA, KS 67216-1712
craig_gabel@yahoo.com

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

/S/ KCC Docket Room
KCC Docket Room