

**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 Barracuda    ) Docket No.: 25-CONS-3360-CPEN  
Operating Company (Operator) to comply    )  
with K.A.R. 82-3-120 and K.A.R. 82-3-133    ) CONSERVATION DIVISION  
by operating under a suspended license.    )  
\_\_\_\_\_ ) License No.: 33593

**SHUT-IN ORDER**

The Commission finds Operator has violated K.A.R. 82-3-120 and K.A.R. 82-3-133 by conducting oil and gas operations under a suspended license, finds Operator has failed to comply with an order of the Commission, assesses a \$25,000 penalty, directs Commission Staff to seal all oil and gas operations of Operator, 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(a) provides 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. K.S.A. 55-162(e) provides that whenever an operator is in violation of subsection (a) of the statute, “agents of the commission may enter upon the lease or any other leases under the control of such operator and seal any well operated by the offending party.”

3. 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.

4. K.A.R. 82-3-120 provides that no operator shall operate any well without a current license. K.A.R. 82-3-133 provides that production of oil or gas in violation of a Commission regulation or order shall be deemed unlawful.

## II. FINDINGS OF FACT

5. Operator obtained a license from the Commission on May 2, 2005.<sup>1</sup> Since then, the Commission has issued seventeen penalty orders against Operator for violations of various Commission regulations.<sup>2</sup> The Commission also issued a previous Shut-In Order against Operator for conducting oil and gas operations under a suspended license.<sup>3</sup> In the previous Shut-In Order, the Commission ordered Operator to pay a \$10,000 penalty.<sup>4</sup>

6. Between August 13, 2024, and March 4, 2025, the Commission issued a total of three Penalty Orders against Operator in Dockets 25-CONS-3050-CPEN (25-3050), 25-CONS-3223-CPEN (25-3223), and 25-CONS-3242-CPEN (25-3242). In each Penalty Order, the Commission stated that in the event Operator failed to comply with the Penalty Order within 30 days, Commission Staff was directed to suspend Operator's license until Operator achieved compliance.<sup>5</sup>

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<sup>1</sup> The Commission takes administrative notice of its records. See K.A.R. 82-1-230(h).

<sup>2</sup> *Id.*

<sup>3</sup> Docket 25-CONS-3246-CPEN, *Shut-In Order* (Jan. 28, 2025).

<sup>4</sup> *Id.* at Ordering Clause A.

<sup>5</sup> The Commission takes administrative notice of its records. See K.A.R. 82-1-230(h).

7. On March 11, 2025, Staff suspended Operator's license for non-compliance with the Penalty Orders in Dockets 25-3050, 25-3223, and 25-3242, as directed by the Commission. Staff notified Operator of the suspension in a Notice of License Suspension letter. In the letter, Staff informed Operator that if, after 10 days from the date of the letter, Staff discovered Operator performing oil and gas operations, Staff would recommend a Shut-In Order, as well as an additional \$10,000 monetary penalty.<sup>6</sup>

8. On April 17, 2025, Staff conducted various inspections and found Operator actively operating the following wells (Subject Wells), in Gove County, Kansas, under a suspended license:<sup>7</sup>

- a. Chapman A #2, API #15-063-20061-00-02, located in Section 35, Township 15 South, Range 26 West;
- b. Horchem #2-A, API #15-063-21160-00-00, located in Section 27, Township 15 South, Range 26 West; and
- c. Robertson #1-24, API #15-063-20735-00-00, located in Section 24, Township 14 South, Range 28 West.

9. To date, Operator's license remains suspended in Docket 25-3223.<sup>8</sup>

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

10. The Commission has jurisdiction over Operator and this matter under K.S.A. 74-623, K.S.A. 55-152, K.S.A. 55-155, K.S.A. 55-162, and K.S.A. 55-164.

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<sup>6</sup> Exhibit A. On April 9, 2025, Staff also suspended Operator's license for failure to comply with the Commission's Penalty Order in Docket 25-CONS-3276-CPEN.

<sup>7</sup> Exhibit B.

<sup>8</sup> On April 21, 2025, Operator came into compliance with the Penalty Order in Docket 25-3242, and on April 28, 2025, Operator came into compliance with the Penalty Order in Docket 25-3050. Staff unsuspended Operator's license with regard to both dockets.

11. Operator has violated K.A.R. 82-3-120 by conducting oil and gas operations on a suspended license, resulting in unlawful production under K.A.R. 82-3-133. Operator has also failed to comply with the Commission's Penalty Order in Docket 25-3223, and under K.S.A. 55-162(e), Commission Staff may immediately seal any of Operator's wells.

12. K.S.A. 55-164(a) provides that Commission penalties "shall constitute an actual and substantial economic deterrent to the violation for which the penalty is assessed." Given Operator's record of non-compliance and the previous Shut-In Order, the Commission concludes that a heightened penalty is necessary to provide the actual and substantial economic deterrent contemplated in K.S.A. 55-164.

**THEREFORE, THE COMMISSION ORDERS:**

- A. Operator shall pay a \$25,000 penalty.
- B. Commission Staff is directed to shut-in and seal all oil and gas operations of Operator until (i) Operator complies with the Commission's Penalty Order in Docket 25-3223, and (ii) Operator's license is reinstated.
- C. 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.
- D. 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. 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. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512

regarding license suspension. 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).

E. 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: 05/08/2025



Celeste Chaney-Tucker  
Executive Director

Mailed Date: 05/08/2025

TSK

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

Laura Kelly, Governor

March 11, 2025

Brian Gabel  
Barracuda Operating Company  
PO Box 405  
Ness City, KS 67560-0405

**NOTICE OF LICENSE SUSPENSION**

**License No. 33593**

Docket No. 25-CONS-3050-CPEN

Docket No. 25-CONS-3223-CPEN

Docket No. 25-CONS-3242-CPEN

Operator:

Our records indicate that you are in violation of a Commission Order in the above Dockets.

**Your license is hereby suspended.**

Until your license is reinstated, it is illegal for you to conduct oil and gas operations in Kansas.

If, after 10 days from the date of this letter (March 21, 2025), Commission Staff discovers you performing oil and gas operations, Staff will recommend a Shut-In Order, including an additional \$10,000 penalty. If you are already shut-in, you must remain shut-in.

Any outstanding monetary penalty may be sent to collections.

You may review the Commission Orders, which was mailed to you, at the Commission's website, <https://www.kcc.ks.gov/> and then selecting "Docket Filings" (in box on right side of homepage).

If you have questions, you may contact us at the phone number listed at the top of this page. If your license is reinstated it will be listed as "Active" at the following webpage:

<https://www.kcc.ks.gov/kansas-oil-operators>.

Sincerely,

Legal Department Staff

## KCC OIL/GAS REGULATORY OFFICES

Date: 04/17/25

District: 04

Case #: \_\_\_\_\_

- ☐ New Situation  
☐ Response to Request  
☒ Follow-Up

- ☐ Lease Inspection  
☐ Complaint  
☐ Field Report

Operator License No: 33593

API Well Number: 15-063-20061-00-02

Op Name: Barracuda Operating Company

Spot: NW SE NE NW Sec 35 Twp 15 S Rng 26 ☐ E ☒ W

Address 1: PO Box 405

4618' Feet from ☐ N ☒ S Line of Section

Address 2: \_\_\_\_\_

3314' Feet from ☒ E ☐ W Line of Section

City: Ness City

GPS: Lat: 38.71036 Long: 100.18379 Date: 4/17/25

State: KS Zip Code: 67560 -0405

Lease Name: Chapman A Well #: 2

Operator Phone #: (785) 798-3122

County: Gove

### Reason for Investigation:

Follow up on Suspended Operator

### Problem:

Well is actively in use

### Persons Contacted:

confirmed Operators suspension with KCC legal staff.

### Findings:

Follow up inspection found the Chapman A 2 SWD to appear to be in use all valves are open and there is fresh fluids in the saltwater tank. Operator is currently suspended.

Dkt# D27462.0

### Action/Recommendations:

Follow Up Required ☒ Yes ☐ No ☐

Date: \_\_\_\_\_

I will forward to Compliance for further review and recommendations.

### Verification Sources:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> RBDMS               | <input checked="" type="checkbox"/> KGS            | <input checked="" type="checkbox"/> TA Program |
| <input checked="" type="checkbox"/> T-I Database        | <input checked="" type="checkbox"/> District Files | <input type="checkbox"/> Courthouse            |
| <input checked="" type="checkbox"/> Other: <u>KOLAR</u> |  |  |

Photos Taken: Yes

By: M Shane Jones

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division

Form: \_\_\_\_\_



# KCC OIL/GAS REGULATORY OFFICES

Date: 04/17/25

District: 04

Case #: \_\_\_\_\_

- ☐ New Situation  
☐ Response to Request  
☒ Follow-Up

- ☐ Lease Inspection  
☐ Complaint  
☐ Field Report

Operator License No: 33593

API Well Number: \_\_\_\_\_

Op Name: Barracuda Operating Company

Spot: NW Sec 27 Twp 15 S Rng 26 ☐ E ☒ W

Address 1: PO Box 405

Feet from ☐ N ☒ S Line of Section

Address 2: \_\_\_\_\_

Feet from ☒ E ☐ W Line of Section

City: Ness City

GPS: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date: 4/17/25

State: KS Zip Code: 67560 -0405

Lease Name: Horchem Well #: \_\_\_\_\_

Operator Phone #: (785) 798-3122

County: Gove

## Reason for Investigation:

follow up on suspended Operator

## Problem:

Operator is currently producing while suspended

## Persons Contacted:

Operator's suspension confirmed with KCC legal staff.

## Findings:

Follow up inspection found the lease to be currently active and producing. The tank battery was found to be in use at the time of inspection. The Horchem 2-A was actively operating. The Horchem 1-A was not operating during inspection. The Horchem 1-A is on a time clock, so I marked rod and will check back after the weekend.

## Action/Recommendations:

Follow Up Required ☒ Yes ☐ No ☐

Date: \_\_\_\_\_

I will forward report to Compliance for further review and recommendations.

## Verification Sources:

<input checked="" type="checkbox"/> RBDMS	<input checked="" type="checkbox"/> KGS	<input checked="" type="checkbox"/> TFA Program
<input checked="" type="checkbox"/> T-I Database	<input checked="" type="checkbox"/> District Files	<input type="checkbox"/> Courthouse
<input checked="" type="checkbox"/> Other: <u>KOLAR</u>		

By: \_\_\_\_\_

M Shane Jones

Photos Taken: \_\_\_\_\_

Retain 1 Copy District Office  
 Send 1 Copy to Conservation Division

Form: \_\_\_\_\_



Date: 04/17/25District: 04License #: 33593Op Name: 33593Spot: NWSec 27Twp 15S Rng 26☐ E☒ WCounty: GoveLease Name: Horchem

Well #:

I.D. Sign <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>
<input checked="" type="checkbox"/> Tank Battery Condition Condition: <input type="checkbox"/> Good <input checked="" type="checkbox"/> Questionable <input type="checkbox"/> Overflowing	<input type="checkbox"/>
<input type="checkbox"/> Pits, Injection Site Fluid Depth: _____ ft; Approx. Size: _____ ft. x _____ ft.	
<input type="checkbox"/> Oil Spill Evidence	
<input type="checkbox"/> Abandoned Well Potential Pollution Problem <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>
<input type="checkbox"/> Lease Cleanliness <input type="checkbox"/> Very Good <input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Poor <input type="checkbox"/> Very Bad	<input type="checkbox"/>

Gas Venting <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>
<input type="checkbox"/> Pits Fluid Depth: _____ ft; Approx. Size: _____ ft. x _____ ft.	
<input type="checkbox"/> Saltwater Pipelines Leaks Visible: <input type="checkbox"/> Y <input type="checkbox"/> N Tested for Leaks: <input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/>
<input type="checkbox"/> Flowing Holes	
<input type="checkbox"/> TA Wells	
<input type="checkbox"/> Monitoring Records	

SWD/ER Injection Well ☐ Yes ☐ No ☐Gauge Connections ☐ Yes ☐ No ☐

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

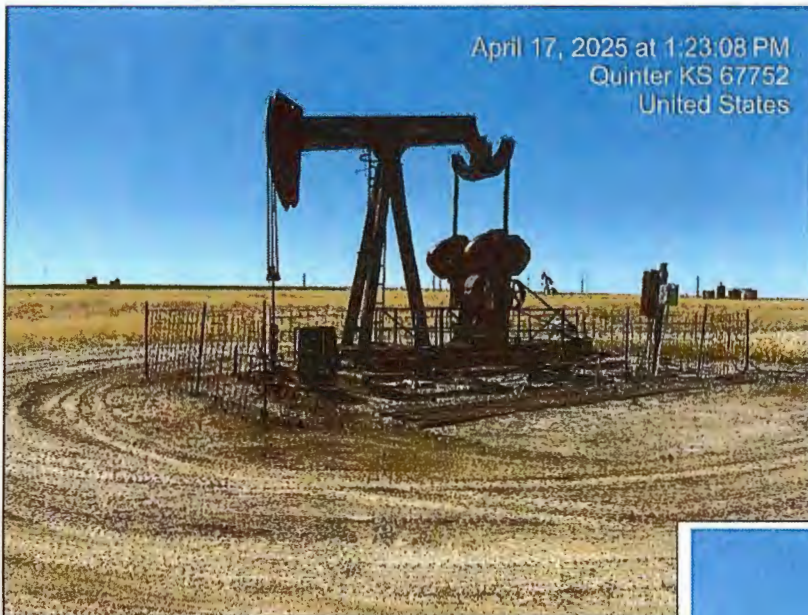
Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

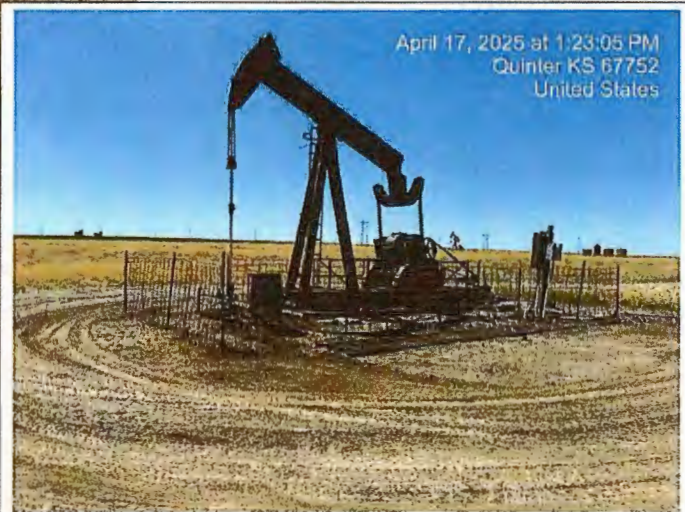
Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

API Number	Footages	Spot Location	GPS	Well Number	Well Status
15-063-21064-00-00	3069' NSL & 4912' WEL	NW SW NW NW 27-15-26W	38.72078, -100.20769	Horchem 1-A	Inactive during inspection, on a time clock
15-063-21160-00-00	3249' NSL & 4435' WEL	NW SE SW NW 27-15-26W	38.72127, -100.20600	Horchem A-2	Active during inspection
Horchem Tank Battery	3170' NSL & 5166' WEL	NW SW SW NW 27-15-26W	38.72106, -100.20857		In use



**Horchem 2-A**  
API# 15-063-21160-00-00  
GPS: 38.72127, -100.20600  
3249' NSL & 4435' WEL  
NW SE SW NW 27-15-26W  
Gove Co., KS  
**Barracuda Operating Co. 33593**  
*(Actively producing, Operator  
suspended)*



## KCC OIL/GAS REGULATORY OFFICES

Date: 04/17/25

District: 04

Case #: \_\_\_\_\_

- ☐ New Situation  
☐ Response to Request  
☒ Follow-Up

- ☐ Lease Inspection  
☐ Complaint  
☐ Field Report

Operator License No: 33593

API Well Number: \_\_\_\_\_

Op Name: Barracuda Operating Company

Spot: SE Sec 24 Twp 14 S Rng 28 ☐ E ☒ W

Address 1: PO Box 405

Feet from ☐ N ☒ S Line of Section

Address 2: \_\_\_\_\_

Feet from ☒ E ☐ W Line of Section

City: Ness City

GPS: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date: 4/17/25

State: KS Zip Code: 67560 -0405

Lease Name: Robertson Well #: \_\_\_\_\_

Operator Phone #: (785) 798-3122

County: Gove

### Reason for Investigation:

follow up on suspended Operator

### Problem:

Operator is actively operating under a suspended KLN

### Persons Contacted:

KCC legal staff confirmed Operator's suspension

### Findings:

Follow up inspection found the Robertson Lse was actively operating and producing. The tank battery shows signs of recent activity and where looks like a hose leaked while picking up saltwater from tank battery. The Robertson 1-24 is the only well on the lease and it was actively pumping and producing at time of inspection.

### Action/Recommendations:

Follow Up Required ☒ Yes ☐ No ☐

Date: \_\_\_\_\_

I will forward to Compliance for further review and recommendations.

### Verification Sources:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> RBDMS               | <input checked="" type="checkbox"/> KGS            | <input checked="" type="checkbox"/> TA Program |
| <input checked="" type="checkbox"/> T-I Database        | <input checked="" type="checkbox"/> District Files | <input type="checkbox"/> Courthouse            |
| <input checked="" type="checkbox"/> Other: <u>KOLAR</u> |  |  |

By: 

Photos Taken: Yes

M Shane Jones

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division

Form: \_\_\_\_\_

Date: 04/17/25District: 04License #: 33593Op Name: 33593Spot: SE Sec 24 Twp 14 S Rng 28 ☐ E ☒ WCounty: GoveLease Name: Robertson Well #: \_\_\_\_\_

I.D. Sign <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <span style="float: right;"><input type="checkbox"/></span>
<input checked="" type="checkbox"/> Tank Battery Condition Condition: <input type="checkbox"/> Good <input checked="" type="checkbox"/> Questionable <input type="checkbox"/> Overflowing <span style="float: right;"><input type="checkbox"/></span> looks like hose from truck leaked while loading saltwater from the tank battery
<input type="checkbox"/> Pits, Injection Site Fluid Depth: _____ ft; Approx. Size: _____ ft. x _____ ft.
<input type="checkbox"/> Oil Spill Evidence
<input type="checkbox"/> Abandoned Well Potential Pollution Problem <input type="checkbox"/> Yes <input type="checkbox"/> No <span style="float: right;"><input type="checkbox"/></span>
<input type="checkbox"/> Lease Cleanliness <span style="float: right;"><input type="checkbox"/></span> <input type="checkbox"/> Very Good <input type="checkbox"/> Satisfactory <input checked="" type="checkbox"/> Poor <input type="checkbox"/> Very Bad

Gas Venting <input type="checkbox"/> Yes <input type="checkbox"/> No <span style="float: right;"><input type="checkbox"/></span>
<input type="checkbox"/> Pits Fluid Depth: _____ ft; Approx. Size: _____ ft. x _____ ft.
<input type="checkbox"/> Saltwater Pipelines <span style="float: right;"><input type="checkbox"/></span> <span style="float: right;"><input type="checkbox"/></span> Leaks Visible: <input type="checkbox"/> Y <input type="checkbox"/> N Tested for Leaks: <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Flowing Holes
<input type="checkbox"/> TA Wells
<input type="checkbox"/> Monitoring Records

SWD/ER Injection Well ☐ Yes ☐ No ☐Gauge Connections ☐ Yes ☐ No ☐

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

Permit #: \_\_\_\_\_ Pressure – Actual: \_\_\_\_\_ psi; Authorized: \_\_\_\_\_ psi

Tubing: \_\_\_\_\_; T/C Annulus: \_\_\_\_\_; C/SP Annulus: \_\_\_\_\_

API Number	Footages	Spot Location	GPS	Well Number	Well Status
15-063-20735-00-00	341' NSL & 1334' WEL	NE SE SW SE 24-14-28W	38.81596, -100.37807	Robertson 1-24	Active
Robertson Tank Battery	49' NSL & 85' WEL	SE SE SE SE 24-14-28W	38.81518, -100.37370		In use



April 17, 2025 at 12:41:16 PM  
Gove KS 67736  
United States



**Robertson 1-24**

API# 15-063-20735-00-00

GPS: 38.81596, -100.37807

341' NSL & 1334' WEL

NE SE SW SE 24-14-28W

Gove Co., KS

**Barracuda Operating Co. 33593**

*(Active, Barracuda Operating Co. is  
operating under a suspended KLN)*

April 17, 2025 at 12:41:10 PM  
Gove KS 67736  
United States



## **CERTIFICATE OF SERVICE**

25-CONS-3360-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 05/08/2025.

BRIAN GABEL  
BARRACUDA OPERATING COMPANY  
PO BOX 405  
NESS CITY, KS 67560-0405  
bgabel@gbta.net

TRISTAN KIMBRELL, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
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KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 4  
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HAYS, KS 67601-2654  
richard.williams@ks.gov

/S/ KCC Docket Room  
\_\_\_\_\_  
KCC Docket Room