

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of a Compliance Agreement between )  
Steven A. Leis and Commission Staff regarding )  
bringing the twenty-eight wells in Woodson County )  
into compliance with K.A.R. 82-3-111 )

Docket No: 16-CONS-3876-CMSC

CONSERVATION DIVISION

License No. 33900

**RESPONSE TO MOTION FOR  
ADDITIONAL TIME OR RELEASE FROM OBLIGATION**

COMES NOW Cheryl and L.D. McCormick (“McCormicks”), Intervenor, by and through Robert J. Vincze and Charles C. Steincamp of Depew Gillen Rathbun & McInteer, LC, and hereby respond to the Motion for Additional Time or Release from Obligation by Steven A. Leis (“Leis”).

**I. BACKGROUND**

The McCormicks’ relationship with Leis is recounted in the administrative record culminating in the Commission’s December 6, 2016, Final Order. Please be advised that Leis and the McCormicks have a hearing set on April 20, 2017, before the District Court of Woodson County, Kansas, on their Cross Motions for Restraining Orders to resolve issues regarding reasonable conditions for access and insurance coverage for Leis to plug the wells under the Final Order. The McCormicks will advise the Commission of the outcome of this hearing.

The McCormicks desire for Leis to plug the wells in accordance with the time frames set forth in the Final Order, but access to the McCormicks' land must be reasonable. Leis must not be allowed to avoid his responsibilities to plug the wells by refusing to comply with reasonable conditions for access.

## **II. ARGUMENT**

In the Staff's Response to Operator's Motion for Additional Time or Release from Obligation, Staff "takes no position on whether there should be an additional hearing to determine whether Landowners should also be found jointly and severally responsible for the wells . . ." Such a hearing is not necessary in light of the District Court hearing set forth above to resolve access issues. Moreover, the McCormicks do not fall into the class of persons covered by Kan. Stat. Ann. §55-179(b) since they have not tampered with or removed any surface equipment or downhole equipment from an abandoned well. Lastly, "the person legally responsible for the proper care and control of an abandoned well shall not include the landowner or surface owner unless the landowner or surface owner has operated or produced the well, has deliberately altered or tampered with such well thereby causing the pollution or has assumed by written contract such responsibility." Kan. Stat. Ann. §55-179(e). The McCormicks have not acted in such a fashion nor have they assumed the responsibility to plug the wells by written contract. Therefore, the McCormicks should not be found jointly and severally liable for the subject wells.

WHEREFORE, the Commission should deny the Motion for Additional Time or Release from Obligation by Steven A. Leis and should not find the McCormicks jointly and severally responsible to plug the subject wells.

Respectfully submitted,

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By /s/Robert J. Vincze  
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L.D. McCormick and Cheryl McCormick

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing Response to Motion for Additional Time or Release from Obligation was served on the following by placing a copy of the same in the United States mail, postage prepaid, or sent via facsimile:

Original to:   Agency Head  
                  Kansas Corporation Commission  
                  Conservation Division  
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With copies to the following:

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this 12<sup>th</sup> day of April 2017.

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