

Conservation Division  
266 N. Main St., Ste. 220  
Wichita, KS 67202-1513



2014.10.03 13:29:41  
Kansas Corporation Commission  
/S/ Thomas A. Day

Phone: 316-337-6200  
Fax: 316-337-6211  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

15-CONS-269-CPEN

This is a notice of a penalty assessment for violation of Kansas oil and gas conservation statutes, rules, and regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

The Penalty Order may include the assessment of a monetary penalty. You have 30 days from the service date of this Penalty Order to pay \$500. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Conservation Division at 316-337-6200.

The Penalty Order may require you to perform certain actions by deadlines stated therein. Compliance must be obtained by the applicable deadlines to avoid further compliance actions. If you have any questions about how compliance can be obtained, you may contact the legal department or the appropriate department or district office.

### IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven copies of the request to the Commission's Executive Director at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days, plus three days to account for the mail, from the mailed date on the last page of the Penalty Order. K.A.R. 82-1-215.

### IF YOU FAIL TO ACT:

Failure to either comply with the penalty order or request a hearing will result in the attached Penalty Order becoming a Final Order. Failure to comply or request a hearing by the deadlines in the Penalty Order may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained.

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

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

In the matter of the failure of American	)	Docket No.: 15-CONS-269-CPEN
Warrior, Inc. ("Operator") to comply with	)	
K.A.R. 82-3-602 at the Buckley-Doll #1-18	)	CONSERVATION DIVISION
and Buckley-Doll #2-18 Restake wells in Rice	)	
<u>County, Kansas.</u>	)	License No.: 4058

**PENALTY ORDER**

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

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

2.        K.S.A. 55-162 and K.S.A. 55-164 provide the Commission with authority to issue a Penalty Order regarding a violation of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. A Penalty Order may include a monetary penalty of up to \$10,000, and each day of a continuing violation constitutes a separate violation.

3.        K.A.R. 82-3-602(a) provides that unless otherwise specified in writing by the Commission, each operator shall close drilling pits within 365 calendar days after the spud date

of a well. Failure to close a pit within the prescribed time limit shall be punishable by a \$250 penalty.

4. K.A.R. 82-3-602(c) provides that each operator of a pit shall file a pit closure form prescribed by the Commission within 30 days after the closure of the pit. Failure to file the pit closure form shall be punishable by a \$100 penalty.

## **II. FINDINGS OF FACT**

5. Operator conducts oil and gas activities in Kansas under license number 4058.

6. Operator is responsible for the care and control of the Buckley-Doll #1-18, API #15-159-22720-00-00, and the Buckley-Doll #2-18 Restake, API #15-159-22739-00-00, (collectively “the subject wells”) both located in Section 18, Township 19 South, Range 9 West, Rice County, Kansas.

7. On December 6, 2012, Operator filed an Application for Surface Pit (“CDP-1”) form along with Operator’s Intent to Drill for the Buckley Doll #1-18. The CDP-1 requested permission to construct a drilling pit at the Buckley Doll #1-18. The CDP-1 also requested permission to use one working pit. The CDP-1 was approved. The Buckley Doll #1-18 was spudded on December 31, 2012.

8. On May 6, 2013, Operator filed Application for Surface Pit (CDP-1) form along with Operator’s Intent to Drill for the Buckley Doll #2-18 Restake. The CDP-1 requested permission to construct a drilling pit at the Buckley Doll #2-18 Restake. The CDP-1 also requested permission to use one working pit. The CDP-1 was approved. The Buckley Doll #2-18 was spudded on May 17, 2013.

9. On March 4, 2014, Operator filed a Closure of Surface Pit (“CDP-4”) form for the pits associated with the Buckley Doll #1-18. Operator stated that the pits associated with the

Buckley Doll #1-18 had been closed by allowing them to dry, backfilling the pits, and replacing the topsoil.

10. On July 8, 2014, Operator filed a CDP-4 form for the pits associated with the Buckley Doll #2-18 Restake. Operator stated that the pits associated with the Buckley Doll #2-18 Restake had been closed by allowing them to dry, backfilling the pits, and replacing the topsoil.

11. On August 13, 2014, Commission District #2 Staff conducted an inspection and found that the pits associated with the subject the subject wells had not been closed. Staff took photographs of the open pits.

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

12. The Commission concludes that it has jurisdiction over the Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

13. The above findings of fact are sufficient evidence to support the conclusion that Operator committed two violations of K.A.R. 82-3-602 because Operator did not close the pits associated with the subject wells in a timely manner. The Commission notes that Operator filed CDP-4's stating that the drilling pit were closed, when in fact they were not closed.

#### **THEREFORE, THE COMMISSION ORDERS:**

- A. Operator shall pay a \$500 penalty.
- B. Operator shall close the pits associated with the subject wells.
- C. Operator shall submit complete, accurate CDP-4's for the pits associated with each of the subject wells.
- D. If the pits associated with the subject wells are not closed by October 30, 2014, or if complete, accurate CDP-4's have not been submitted by October 30, 2014, then Operator shall pay an additional \$5,000 penalty.

E. If no party requests a hearing, and Operator is not in compliance with this Order within 30 days, then Operator's license shall be suspended without further notice. The notice and opportunity for a hearing on this order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.

F. Checks and money orders shall be payable to the Kansas Corporation Commission. For credit card payments, include the type of card (Visa, MasterCard, Discover, or American Express), account number, and expiration date. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding.

G. Any party 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, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing.

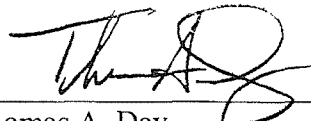
H. If a party requests a hearing, a corporation or similar entity shall not be permitted to enter an appearance except by its attorney. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Com.; Apple, Com.

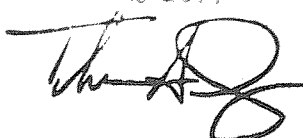
Dated: OCT 02 2014

  
\_\_\_\_\_  
Thomas A. Day  
Acting Executive Director

Mailed Date: 10/3/14

JRM

I CERTIFY THE ORIGINAL  
COPY IS ON FILE WITH  
The State Corporation Commission

OCT 02 2014  


**CERTIFICATE OF SERVICE**

I certify that on 10/3/14, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Aaron Zeller  
American Warrior, Inc.  
3118 Cummings Road  
PO Box 399  
Garden City, Kansas 67846

Dan Fox  
KCC District #2  
3450 N. Rock Road, Bldg. 600, Suite 601  
Wichita, Kansas 67226

And delivered by hand to:

Jonelle Rains  
Conservation Division Central Office

/s/ Jonathan R. Myers  
Jonathan R. Myers  
Litigation Counsel  
Kansas Corporation Commission