

**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 application of Beren    ) Docket No. 25-CONS-3125-CEXC  
Corporation for the second exception to the    )  
10-year time limitation of K.A.R. 82-3-111    ) CONSERVATION DIVISION  
for its Lois #5 well located in the SW NW SW    )  
NW of Sec 9, T35S, R12W, Barber Kansas.    ) License No. 5364

**ORDER GRANTING APPLICATION**

The Commission rules as follows:

**I. JURISDICTION**

1.        K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice, and after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution.

2.        K.A.R. 82-3-111 requires wells that are inactive for more than 90 days, or in some circumstances more than 364 days, to be plugged or approved for temporary abandonment (TA) status. Under K.A.R. 82-3-111(b), a well shall not be eligible TA status if it has been shut-in for ten or more years, unless the Commission has granted an application for a regulatory exception.

**II. FINDINGS OF FACT**

3.        Beren Corporation (Operator) is licensed to conduct oil and gas activities in Kansas and is responsible for the Lois #5 well (Subject Well), API #15-007-20870.

4.        On October 4, 2024, Operator filed an Application requesting an exception to the 10-year limit on TA status for the Subject Well.

5.        On October 1, 2024, Operator successfully tested the Subject Well for mechanical integrity, indicating there is not a present threat to fresh and usable water.

6. Operator served and published notice at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a. No protest was filed under K.A.R. 82-3-135b.

7. The reasons articulated in Operator's Application and the results of the mechanical integrity test are sufficient to support the administrative grant of Operator's Application.

### III. CONCLUSIONS OF LAW

8. The Commission has jurisdiction over Operator and Operator's Application. Operator's Application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes. Operator properly served and published notice.

9. Based on the above facts, Operator's Application should be granted. Operator has demonstrated a potential future use for the Subject Well that is preventative of waste. There is no apparent present pollution threat, and correlative rights will not be affected.

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

A. Operator's Application for an exception to the 10-year limit on TA status for the Subject Well is granted for three years, calculated from the date the Application was filed.

B. Operator must file an annual TA form for the Subject Well. The first TA form shall be filed within 30 days.

C. Operator's Application is being granted via summary proceedings; thus, this Order does not take effect until after the time for requesting a hearing has expired.<sup>1</sup> Any party may request a hearing on the above issues by submitting a written request setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 15 days from the date of service of this Order.<sup>2</sup> If a hearing is not requested, then this Order shall become effective upon expiration of the time for requesting

---

<sup>1</sup> See K.S.A. 77-537.

<sup>2</sup> See K.S.A. 77-542.

hearing.<sup>3</sup> If this Order becomes effective, then any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>4</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Date: 11/21/2024



\_\_\_\_\_  
Lynn M. Retz  
Executive Director

Date Mailed: 11/21/2024

KAM

---

<sup>3</sup> See K.S.A. 77-537.

<sup>4</sup> See K.S.A. 55-606; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

25-CONS-3125-CEXC

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 11/21/2024.

MICHAEL MAIER  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
michael.maier@ks.gov

KELCEY MARSH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
kelcey.marsh@ks.gov

ROBYN STALKFLEET, ADMINISTRATIVE SPECIALIST  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
robyn.stalkfleet@ks.gov

KENNY SULLIVAN, DISTRICT #1 SUPERVISOR  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
kenny.sullivan@ks.gov

TYLER WALTERS  
BEREXCO LLC  
2020 N. BRAMBLEWOOD  
WICHITA, KS 67206-1094  
walterst@berexco.com

PAULA WHITE  
BEREXCO LLC  
2020 N. BRAMBLEWOOD  
WICHITA, KS 67206-1094  
paulaw@berexco.com

/S/ KCC Docket Room  
KCC Docket Room