

**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 Application of Daystar)	Docket No.: 15-CONS-232-CUIC
Petroleum, Inc. to authorize the injection of)	
salt water into the Lansing Kansas City)	CONSERVATION DIVISION
Formation at the Adams #13 Well located in)	
the E/2 SW NE of Section 17, Township 28)	License No.: 30931
South, Range 11 East, Greenwood County,)	
Kansas.)	

DEFAULT 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. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. The party has seven days to file a written motion to vacate, stating the grounds relied upon.

II. FINDINGS OF FACT

2. On May 2, 2014, Daystar filed an application to increase the injection pressure and the injection rate at the Adams #13 well. Between August 11, 2014, and August 20, 2014, Roger Baumgartel, Gene Brown, Gary Whittaker, and Larry Dean & Patricia C. Wilson filed timely objections to the application.

3. On September 18, 2014, the Commission issued a two-page order setting a prehearing conference, which stated, in underlined text, "Any party that fails to attend or

participate in the Prehearing Conference, hearing, or other stage of this proceeding shall be held in default under the KAPA.”

4. On October 9, 2014, the prehearing conference was held as scheduled. Roger Baumgartel, Gene Brown, and Larry Dean & Patricia C. Wilson failed to attend.

5. On October 10, 2014, Staff motioned for a default order against the parties that failed to attend the prehearing conference. No parties have filed a response.

III. CONCLUSIONS OF LAW

6. Staff’s motion for a default order should be granted.

THEREFORE, THE COMMISSION ORDERS:

A. Staff’s motion for a default order is granted. Roger Baumgartel, Gene Brown, and Larry Dean & Patricia C. Wilson are dismissed from all further proceedings in this docket.

B. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order. An additional three additional days shall be added to this deadline to account for service by mail.

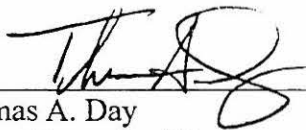
C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). Parties have 15 days, plus 3 days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration.

D. The Commission retains jurisdiction of the subject matter and the parties and may enter additional orders as it deems appropriate.

BY THE COMMISSION IT IS SO ORDERED.

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

Dated: OCT 28 2014

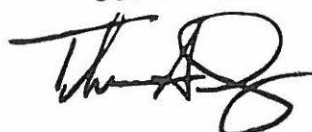


Thomas A. Day
Acting Executive Director

Mailed Date: 10/29/2014

JRM

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

OCT 28 2014


CERTIFICATE OF SERVICE

I certify that on 10/29/2014, 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:

Stanford J. Smith, Jr.
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Attorneys for Daystar Petroleum, Inc.

Roger Baumgartel
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Severy, Kansas 67137

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1698 10th Street
Severy, Kansas 67317

Gary Whittaker
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Severy, Kansas 67317

Larry Dean & Patricia C. Wilson
251 SW Old Spanish Road
Fort White, Florida 32038

And delivered by hand to:

Lane Palmateer
Alan Snider
Jerry Knobel
Conservation Division Central Office

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