

JUL 15 2019

CONSERVATION DIVISION
WICHITA, KS

2019-07-15 13:01:40
Kansas Corporation Commission
/s/ Lynn M. Retz

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

IN THE MATTER OF THE APPLICATION)
OF R & B OIL & GAS, INC., FOR AN) DOCKET NO. ²⁰19-CONS- 3022 -CEXC
EXTENSION TO THE PIT CLOSURE TIME)
REQUIREMENT OF K.A.R. 82-3-602 FOR) LICENSE NO. 31191
THE NEWMAN A1 SWD WELL LOCATED)
IN THE NW/4 OF SECTION 27-T32S-R11W,) CONSERVATION DIVISION
BARBER COUNTY, KANSAS)

APPLICATION

COMES NOW R & B Oil & Gas, Inc., ("Operator") in support of its application in the captioned matter states as follows:

1. Operator is a Kansas corporation licensed to do business in the State of Kansas.

Applicant's mailing address is PO Box 195, Attica, KS 67009.

2. Operator has been issued license no. 31191 by the Commission, which license expires on April 30, 2020.

3. Operator is the owner and operator of the Newman A1 SWD well, API # 15-007-24246-00-01, with Permit # D-32,588, which is located in the NW/4 of Section 27-T32S-R11W, Barber County, Kansas.

4. Pursuant to K.A.R. 82-3-601a, Operator constructed temporary reserve and working pits in order to contain the drilling fluids associated with the drilling of the Newman A1 SWD well. The pits were constructed in December of 2017.

5. On or about February 5, 2019 the Commission notified Operator that Operator may be in violation for failure to close the Newman A1 SWD drilling pits by the 365-day deadline of December 27, 2017. Operator contacted the Commission and requested an extension to the pit closure deadline. On February 14, 2019, Commission notified Operator that an extension was granted until May 14, 2019. On May 10, 2019, Operator requested a second extension to the pit

closure deadline. On May 13, 2019, the Commission granted a second extension to the Operator to extend the pit closure deadline to June 27, 2019. On June 27, 2019, Operator requested a third extension to the pit closure deadline. On June 28, 2019, Commission notified Operator that an extension to close the pit was unavailable, and that any exception to K.A.R. 82-3-602 must be applied for via formal application and publish notice under K.A.R. 82-3-100.

6. K.A.R. 82-3-602(a)- 1 sets a 365 day limit to close all pits associated with the drilling of a new wellbore. K.A.R. 82-3-602(a)- 2 allows for any extension of the pit closure by written request and approval of the director.

7. Operator requests this application be approved for the following reasons: a) It is the accepted best practice by industry and landowners alike not to close any pits until they have thoroughly dried out. Closing pits prior to thoroughly drying leads to future issues, such as collapse and erosion. The Newman A1 SWD pits are not dry as of the date of this application; b) the precipitation levels in south central Kansas has been extraordinarily high in 2018 and the first half of 2019, not allowing the subject pits to be filled, despite efforts to facilitate drying by the Operator, such as removing free fluids from the pits. Granting a nine-month extension to the deadline to fill the subject pits will likely allow the pits to dry and be filled during late summer and/or early fall of 2019, when usually there is more dry weather verses wet weather.

8. Based on the foregoing, Operator requests that the Commission grant an exception to the 365-day deadline and subsequent 180-day extension of K.A.R. 82-3-602, to allow the subject pits to remain open and properly dry before being filled. Operator requests this extension be for 270 days.

9. There is one oil and gas offsetting operator within a one-half mile radius of the

subject lands: White Pine Petroleum Corporation
224 E. Douglas Ave., Ste 300
Wichita, KS 67202-3414
316-262-5429

10. There are several un-leased mineral and landowners within a one-half mile radius of

the subject lands: Lukens Trust
c/o Kelly Kuhn
3251 N. 124th Court West
Wichita, KS 67223

Gary J. Donovan
2952 Penstemon Ct.
Wichita, KS 67226

Michuael Donovan
5791 SW Canema Rd
Medicine Lodge, KS 67104

Kimberly J. Newman Living Trust dtd 9/19/2012
919 Goodview Street
Medicine Lodge, KS 67104

Cameron D. Angle
319 N. Walnut
Medicine Lodge, KS 67104

Michael Newman
5839 SE Pleasant Hill
Sharon, KS 67138

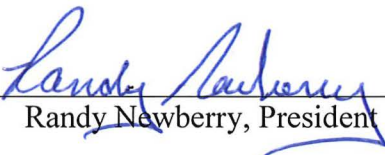
Robert & Lois Lenkner
4655 SE Northstar Rd
Medicine Lodge, KS 67104

The attached Exhibit "A" is a plat showing the pits location and grounds within a one-half mile radius.

11. Notice of this application and any required hearing will be published pursuant to K.A.R. 82-3-135a and K.A.R. 82-3-135.

WHEREFORE, Operator kindly requests that this matter be granted administratively without a hearing, or in the alternative be set for hearing, and upon hearing that the Commission grant Operator's request for a 270 day extension to the pit closure requirement set forth in K.A.R. 82-3-602.

Respectfully submitted,

By: 
Randy Newberry, President

R & B Oil & Gas, Inc.
124 N. Main
PO Box 195
Attica, KS 67009
620-254-7251

CERTIFICATE OF SERVICE

I hereby certify on this 11th day of July, 2019, true and correct copies of the above and foregoing Application were served by depositing copies of the same in the United State Mail, postage prepaid, and properly address to the following persons:

White Pine Petroleum Corporation
224 E. Douglas Ave., Ste 300
Wichita, KS 67202-3414

Lukens Trust
c/o Kelly Kuhn
3251 N. 124th Court West
Wichita, KS 67223

Gary J. Donovan
2952 Penstemon Ct.
Wichita, KS 67226

Michuael Donovan
5791 SW Canema Rd
Medicine Lodge, KS 67104

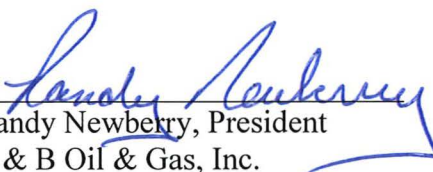
Kimberly J. Newman Living Trust dtd 9/19/2012
919 Goodview Street
Medicine Lodge, KS 67104

Cameron D. Angle
319 N. Walnut
Medicine Lodge, KS 67104

Michael Newman
5839 SE Pleasant Hill
Sharon, KS 67138

Robert & Lois Lenkner
4655 SE Northstar Rd
Medicine Lodge, KS 67104

And the original and seven (7) copies were mailed to the Kansas Corporation Commission.


Randy Newberry, President
R & B Oil & Gas, Inc.

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS
NOTICE OF FILING FORMAL APPLICATION FOR EXTENSION OF PIT CLOSURE

RE: R & B Oil & Gas, Inc. – Application for an extension of time for pit closure that was utilized for the drilling of the Newman A1 SWD, located in Barber County, Kansas

TO: All Oil & Gas Producers, Unleased Mineral Interest Owners, Landowners, and all persons whomever concerned.

You, and each of you, are hereby notified that R & B Oil & Gas, Inc. has filed a formal application requesting an extension of time for the closing of pit associated with the drilling of the Newman A1 SWD from December 2017. The location being in the NW/4 NW/4 NW/4 of Section 27, Township 32 South, Range 11 West, Barber County, Kansas. The amount of time requested is 270 days due to the extraordinarily high precipitation.

Any persons who object to or protest this application shall be required to file their objections or protest with the Conservation Division of the State Corporation Commission of the State of Kansas within thirty (30) days from the date of this publication. These protests shall be filed pursuant to Commission regulations and must state specific reasons why granting the application may cause waste, violate correlative rights or pollute the natural resources of the State of Kansas.

All persons interested or concerned shall take notice of the foregoing and shall govern themselves accordingly.

R & B Oil & Gas, Inc.
124 N. Main
PO Box 195
Attica, KS 67009
(620) 254-7251

* Sent to paper to publish on 7-11-2019

EXHIBIT "A"

Exception Application – Newman A1 SWD pit closure

