

APR 28 2008

CONSERVATION DIVISION  
WICHITA, KS

BEFORE THE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION )  
OF DAYSTAR PETROLEUM, INC., FOR A )  
BASIC PRORATION ORDER FOR THE HOSS )  
LAKE CHESTER OIL AND GAS POOL IN )  
THE SOUTHEAST QUARTER OF SECTION 8, )  
THE EAST HALF OF SECTIONS 17, 20, 29 )  
AND 32, THE SOUTH HALF OF SECTIONS ) DOCKET NO. 08-CONS-164-CBPO  
9 AND 10, AND ALL OF SECTIONS 16, 15, 21, )  
22, 28, 27, 33 AND 34 IN TOWNSHIP 31 SOUTH, )  
RANGE 30 WEST, AND THE NORTHEAST ) CONSERVATION DIVISION  
QUARTER OF SECTION 5 AND THE NORTH )  
HALF OF SECTIONS 3 AND 4 IN TOWNSHIP )  
32 SOUTH, RANGE 30 WEST, MEADE )  
COUNTY, KANSAS )  
\_\_\_\_\_ )

**MOTION TO REVOKE APPROVAL OF DRILLING INTENTS**  
**AND FOR EXPEDITED HEARING**

COMES NOW Keith F. Walker Oil & Gas Co., LLC, and moves the Commission for an Order revoking approval of certain drilling intents previously filed by the Applicant in this docket, Daystar Petroleum, Inc. (Daystar), and for expedited hearing on this Motion.

In support of this Motion, Movant shows to the Commission as follows:

1. On April 10, 2008, Daystar filed Intent to Drill forms with the Commission for the following wells:
  - a. Mustang A, API No. 119-21206-0000, located in the NE/4 NE/4 NE/4 of Section 20-T31S-R30W, Meade County, Kansas.
  - b. Land A, API No. 119-21207-0000, located in the SW/4 SW/4 NE/4 of Section 21-T31S-R30W, Meade County, Kansas.
  - c. Cayuse A., API No. 119-21208-0000, located in the NW/4 NE/4 of Section 21-T31S-R30W, Meade County, Kansas.

2. On April 11, 2008, Daystar filed an Intent to Drill form with the Commission for the following well:

- a. Stallion A, API No. 119-21205-0000, located in the SE/4 SE/4 NE/4 of Section 17-T31S-R30W, Meade County, Kansas.

3. All of the above drilling intents were approved by the Commission on April 15, 2008.

4. Daystar filed its application in this docket for a spacing and proration order on April 16, 2008. The date of verification of the application by Daystar's counsel, April 14, 2008, shows that the application was in fact prepared in advance of the approval of said intents by the Commission.

5. Notice of the application in this docket has been given.

6. Drilling has not commenced on any of the above-described wells; however, two of said wells indicate intended spud dates in May, 2008.

7. All of the above proposed wells would be in violation of the most restrictive location provisions sought in this pending docket. The Land A, the Mustang A and the Stallion A are less than 660 feet from the nearest lease line. The Cayuse A and Land A wells are both described in their respective intent form as gas/oil wells but both are proposed for the NE/4 of Section 21, in violation of the proposed well density restrictions.

8. K. A. R. 82-3-109(d) states: "Drilling Prohibited. Once notice of the hearing has been provided, any drilling of wells within an area sought to be spaced or prorated under the provisions of this regulation and before commission approval of the well spacing proposal shall be prohibited unless the intended well location conforms to the most restrictive location provision sought in the pending application or applications."

9. Notwithstanding approval of said drilling intents, commencement of drilling of any of said wells during the pendency of this docket would be in direct violation of the provisions of K. A. R. 82-3-109. The above chronology indicates a deliberate manipulation by the applicant of the Commission's process and practice in an effort to permit the applicant to drill wells at locations that the applicant is attempting to deny to other operators in the field.

10. Movant further requests that the Commission set this motion for expedited hearing so as to prevent commencement of drilling on any of said wells prior to hearing on this motion.

WHEREFORE, Movant prays for an Order from the Commission withdrawing approval of the above-described Intents to Drill, during the pendency of this spacing and proration application docket; for expedited hearing on this Motion in order that the same may be conducted before drilling operations can commence on any of said wells; and for such other relief as the Commission may find proper.

Respectfully submitted,

By 

John G. Pike

**WITHERS, GOUGH, PIKE,  
PFAFF & PETERSON, LLC.**

200 Douglas, Suite 1010

Wichita, KS 67202

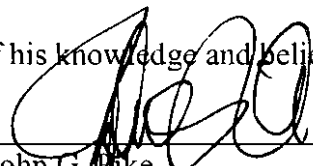
Ph 316-267-1562

Fx 316-303-1018

Attorneys for Movant

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SEDGWICK    )

John G. Pike, of lawful age, and being first duly sworn upon oath, deposes and says:  
He is an attorney for Keith F. Walker Oil & Gas Co., LLC; he has read the within and foregoing;  
and the statements and contents thereof are true to the best of his knowledge and belief.

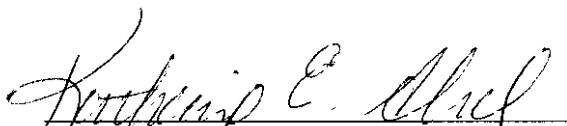
By:   
John G. Pike

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 2008.

My Commission Expires:

June 30, 2010




  
Katherine E. Abel  
Notary Public

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28th day of April, 2008, a true and correct copy of the above and foregoing *Motion to Revoke Approval of Drilling Intents and for Expedited Hearing* was mailed, postage prepaid and properly addressed, to:

Stanford J. Smith, Jr.  
Martin, Pringle, Oliver, Wallace & Bauer, LLP  
100 N. Broadway, Ste. 500  
Wichita, KS 67202

  
John G. Pike