

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the matter of the application of Berexco)	Docket No. 20-CONS-3146-CEXC
LLC for an exception to the 10-year time)	
limitation of K.A.R. 82-3-111 for its Smith,)	CONSERVATION DIVISION
Dora #5 well located in the NW NW SE SE)	
of Sec 12, T09S. R17W Rooks County,)	License No. 34318
Kansas.)	

ORDER GRANTING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

I. JURISDICTION

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹

2. A well shall not be eligible for temporary abandonment (TA) status if the well has been shut in for 10 years or more without an application for an exception pursuant to K.A.R. 82-3-100 and approval by the Commission.² An exception may be granted by the Commission, after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution. Each party requesting an exception shall file an application with the conservation division.³

¹ K.S.A. 74-623.

² K.A.R. 82-3-111(b).

³ K.A.R. 82-3-100(b).

II. FINDINGS OF FACT

3. Berexco, LLC (Operator) conducts oil and gas activities in Kansas under active license number 34318.

4. On November 1, 2019, Operator filed an application requesting an exception to the 10-year limit on TA status for the Dora Smith #5 well (subject well), API #15-163-22673.⁴

5. On January 2, 2020, Operator filed an amended application.

6. Operator has verified that notice was properly served and published at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a.

7. No protest was filed under K.A.R. 82-3-135b.

8. On December 19, 2019, Operator successfully tested the subject well for mechanical integrity, indicating there is not a present threat to fresh and usable water.

9. The Commission finds the reasons articulated in the amended application and the results of the mechanical integrity test sufficient to support the administrative grant of the application.

III. CONCLUSIONS OF LAW

10. The Commission concludes that it has jurisdiction over Operator and this matter.⁵

11. The Commission concludes that Operator's amended application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.

12. The Commission concludes that notice was properly served and published.

⁴ In its application, Operator calls the subject well the Smith, Dora #5, but the API number and location listed in the application describe what is known in Commission databases as the Dora Smith #5. There is no doubt based upon its application that Operator requests approval for the Dora Smith #5.

⁵ K.S.A. 74-623(a).

13. Based on the above facts, the Commission concludes that the amended application should be granted to prevent waste and protect correlative rights, because Operator has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

THEREFORE, THE COMMISSION ORDERS:

A. Operator's amended 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 thirty (30) days.

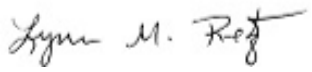
C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁶

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Date: 01/14/2020

Date Mailed: 01/14/2020



Lynn M. Retz
Executive Director

KAM

⁶ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-CONS-3146-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 01/14/2020.

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/S/ DeeAnn Shupe

DeeAnn Shupe