

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Z & L Oil)
LLC (Operator) for a Permit to Authorize the)
Injection of Saltwater into the Pfhrem #3A Well)
Located in the NW/4 of Section 18, Township 31)
South, Range 10 East, Elk County, Kansas.) Docket No. 24-CONS-3009-CUIC

**MOTION TO DETERMINE
SUFFICIENCY OF PUBLICATION NOTICE**

COMES NOW Z & L Oil, LLC and in support of its motion to determine sufficiency of publication notice, states:

1. The protest filed in this docket has alleged that the publication notice which was given by Z & L in this docket is inadequate.

2. Z & L strongly believes that the topographical error in its publication notice is a mere palpable irregularity which cannot be regarded as a fatal defect. Thus, Z & L has elected to file this motion in order to determine the sufficiency of the subject publication notice.

3. Deciding this issue now will narrow the issues presented at the hearing to be held in this docket and create administrative efficiency. In addition, ruling upon this issue now would enable Z & L to republish notice of its application prior to the hearing and by doing so remedy any defect which may have existed, if the notice of Z & L's application is found to be inadequate.

4. The publication notice which was made in this docket is set forth in its entirety below, and the typographical error therein is circled:

PUBLIC NOTICE

Published in the Prairie Star on June 22, 2023

Z & L Oil, LLC
P.O. Box 318
Longton, KS 67352
(785-341-2983)

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

NOTICE OF FILING APPLICATION

RE: Z & L Oil, LLC, P.O. Box 318, Longton, KS 67352 (KCC License #35610)
— Application for a permit to authorize the enhanced recovery of saltwater into the Pihrem #3A well, located in Elk County, Kansas.

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

You, and each of you, are hereby notified that Z & L Oil, LLC has filed an application with the Kansas Corporation Commission (KCC) to commence the enhanced recovery of saltwater into the Mississippi formation at the Pihrem #3A well, located in the SE NW NW (4826' FSL, 4638' FEL) of Section 18- T31S – R10E, Chautauqua County, Kansas, with a maximum operating pressure of 700# and a maximum injection rate of 1,000 barrels per day.

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.

Z & L Oil, LLC
P.O. Box 318
Longton, KS 67352
(785-341-2983)
KCC License #35610

5. The well which is the subject of this Docket is located in Elk County, Kansas. The notice correctly states that said well was located in Elk County, Kansas in the third line from the top, and such notice was published in the news paper authorized to publish legal publications in Elk County Kansas. The notice also recites the correct Section, Township and Range the subject well is located in. The only error is that one of the two references to the county in which the well is located mistakenly says Chautauqua County, Kansas rather than Elk County, Kansas.

6. Since the subject legal notice was published in the news paper for Elk County, Kansas and correctly recited the Section, Township and Range the well was located in, no reasonable person

could have concluded that the subject well was actually located in Chautauqua County, Kansas since the Section, Township and Range listed in the legal publication is located in Elk County, Kansas and not Chautauqua.

7. It has long been held that "palpable irregularit[ies in a publication notice] cannot be regarded as a fatal defect." *Dumback v. Tarkowski*, 195 Kan. 26, 28 (1965).

8. Based on the totality of the circumstances, i.e. 1) the notice was published in Elk County, Kansas; 2) the notice stated that the well was located in Elk County, Kansas in one instance; and 3) the Section, Township and Range listed in the notice were located in Elk County, Kansas; no reasonable person could have been confused as to the county in which the subject well was actually located as a result of the single typographical error circled above.

WHEREFORE, Z & L moves the Commission for an order determining that the publication notice of Z & L's application which was given in this Docket is legally sufficient and that Protester's arguments concerning the sufficiency of such notice are denied.



Keith A. Brock, #24130
ANDERSON & BYRD, LLP
216 S. Hickory ~ P.O. Box 17
Ottawa, Kansas 66067
(785) 242-1234, telephone
(785) 242-1279, facsimile
kbrock@andersonbyrd.com
Attorneys for Z & L Oil, LLC

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

Keith A. Brock, of lawful age, being first duly sworn on oath, states: That he is the attorney for Z & L Oil, LLC, and is duly authorized to make this affidavit; that he has read the foregoing Motion to Determine Sufficiency of Publication Notice, knows the contents thereof; and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.



Keith A. Brock

SUBSCRIBED AND SWORN to before me this 1st day of September, 2023.



Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 1st day of September, 2023, addressed to:

FRANK L. WILSON
fwilson1952@hotmail.com

KELCEY MARSH
k.marsh@kcc.ks.gov

TODD BRYANT
t.bryant@kcc.ks.gov

JONATHAN R. MYERS
j.myers@kcc.ks.gov

RYAN COX
r.cox@kcc.ks.gov



Keith A. Brock