

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

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

In the matter of the Application of John O.) Docket No: 20-CONS-3167-CEXC
Farmer, Inc. for an exception to the Pit Closure)
time limitation of K.A.R. 82-3-602 at its Denton) CONSERVATION DIVISION
#1 located in the NE/4 of Section 13, Township)
17 South, Range 11 East, Lyon County, Kansas.) License No: 5135

ORDER GRANTING APPLICATION

John O. Farmer, Inc. (Operator) seeks more time to close its drilling pit associated with the Denton #1 well. For the following reasons, Operator's Application is granted.

I. PROCEDURAL BACKGROUND

1. On December 10, 2019, Operator filed an Application seeking "an additional extension of ninety days" to close its drilling pit associated with the Denton #1 well.¹

2. On January 6, 2020, Tammy Denton, Trustee of the Tammy J. Denton Revocable Trust, filed a protest, but the protest was withdrawn on February 19, 2020.² Also on February 19, 2020, Commission Staff recommended that "Operator be given a 90-day extension from the date of application which will create a new deadline of March 9, 2020."³

II. FINDINGS OF FACT

3. Under K.A.R. 82-3-602(a)(1), drilling pits must be closed within 365 days after the spud date of a well. Commission regulations indicate the Denton #1 was spud on May 22, 2018.⁴ Thus, if K.A.R. 82-3-602(a)(1) were the only regulation at issue, the drilling pit was to be closed

¹ See Application at ¶¶ 3, 5, Prayer (Dec. 10, 2019). The Denton #1 has been assigned API #15-111-20538.

² See Notice of Withdrawal of Objection to Application (Feb. 19, 2020).

³ See Staff Recommendation on Application (Feb. 19, 2020).

⁴ See K.A.R. 82-1-230(h).

by May 22, 2019. Under K.A.R. 82-3-602(a)(2), however, an operator may obtain extensions of up to six months after the original deadline. Commission records indicate Operator received such extensions, meaning K.A.R. 82-3-602(a)(2) allowed Operator until November 18, 2019, to close the drilling pit associated with the Denton #1.⁵

4. Under K.A.R. 82-3-100(b), an exception to Commission regulations may be granted by the Commission after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution. Operator's Application seeks an exception to K.A.R. 82-3-602, to give Operator more time to close the drilling pit associated with the Denton #1.⁶

5. The Commission finds that notice of the Application was properly served and published, as required under K.A.R. 82-3-100(b) and K.A.R. 82-3-135a, and that no protests remain pending regarding this matter.

6. Operator alleges that intermittent but persistent rainfall has required additional time to close the drilling pit, that an extension of time will cause no environmental harm, and that Operator has closed those portions of the pit dry enough to close.⁷ Commission Staff are satisfied that granting Operator's Application would comply with applicable statutory and regulatory requirements, will prevent waste, not affect correlative rights, and will prevent pollution.⁸ Based upon the record before it, the Commission agrees with Staff's analysis.

III. CONCLUSIONS OF LAW

7. The Commission concludes it should issue an order in accordance with its findings.

⁵ See *id.*

⁶ See Application, ¶¶ 4-5.

⁷ See *id.*, ¶¶ 5-7.

⁸ See Staff Recommendation on Application, ¶ 5, Conclusion.

THEREFORE, THE COMMISSION ORDERS:

A. Operator's Application is granted. Operator shall have until March 9, 2020, to close the subject pit.

B. This order does not take effect until after the time for requesting a hearing has expired.⁹ Any party may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 77-537 and K.S.A. 77-542, setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 15 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of the right to a hearing.

C. If this order takes effect, 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).¹⁰

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 03/05/2020



Lynn M. Retz
Executive Director

Mailed Date: 03/05/2020

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⁹ See K.S.A. 77-537.

¹⁰ See K.S.A. 77-529; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 55-1314; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-CONS-3167-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 03/05/2020.

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