

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

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

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

**OBJECTION TO APPLICATION**


COMES NOW Tammy Denton, Trustee of the Tammy J. Denton Revocable Trust, 1242 Road 310, Allen, Kansas 66833, (Landowner) and states her objection to the Application in the above-captioned matter for an exception to Pit Closure Time and state as follows:

1. The allegations of paragraphs 1, 2, 3 and 4 of the Application are admitted.
2. In response to paragraph 5, Landowner states that Applicant has already received two 3-month extensions, but Landowner reasonably believes that had Applicant been diligent, the closure would have been completed as scheduled.
3. In response to paragraph 6, this Landowner acknowledges that failure to close the pit would not cause environmental harm, but failure to close the pit may cause economic harm to this Landowner, as the Applicant will have to cross tillable soil, thereby disrupting and causing damage to this Landowner's crops.
4. In response to paragraph 7, Landowner denies that there has been persistent rainfall at this location. Further, Applicant has failed to attach proof of rainfall at this location for 2019.
5. The allegations of paragraph number 8 and 9 are admitted.

Wherefore, Landowner protests the Application and requests the Commission set this Application

for hearing, and in the event such application is granted, require a mechanism to compensate Landowner for damage to Landowner's growing crops.

Respectfully Submitted



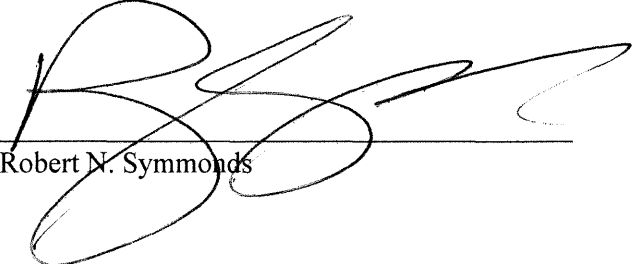
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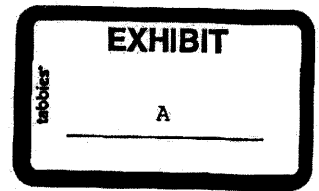
SYMMONDS & SYMMONDS, LLC  
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Email [info@symmondslaw.com](mailto:info@symmondslaw.com)  
Attorneys for Tammy J. Denton, Trustee

OBJECTION TO APPLICATION

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of January 2020, true and correct copies of the above and foregoing Objection to Application were served by depositing them in the United States Mail, first-class postage prepaid, and properly addressed to the applicant of the said Application and each of the unleased mineral owners and operators set forth in Exhibit "A" attached to said Application, and the original Objection to Application was electronically filed with the Kansas Corporation Commission via E-filing Express.

  
Robert N. Symmonds



UNLEASED MINERAL OWNERS  
(within 1/2 mile radius)  
TO JOHN O. FARMER, INC.

**Denton #1**  
500' FNL & 2345' FEL  
Sec. 13-17S-11E  
Lyon County, Kansas

Sec. 12-17S-11E  
SW/4

Glen and Ginger Wessel  
2721 Road M  
Emporia, KS 66801

SE/4

J.D. Wheat Revocable Living Trust and  
Marie M. Wheat Revocable Living Trust  
Attn: Michelle Wooderson  
1242 Road 320  
Allen, KS 66833

Sec. 7-17S-12E  
SW/4

Ben F. Whittredge Irrevocable Trust  
2605 Derenda Dr.  
Hutchinson, KS 67502

Sec. 18-17S-12E  
NW/4

Cathy J. Lewis Revocable Trust  
2016 Road M  
Emporia, KS 66801