

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

In the matter of the Application of Quito, Inc.)	Docket No. 25-CONS-3245-CMSC
(Applicant) for an Operator's License.)	
)	CONSERVATION DIVISION
)	
)	License No. N/A

PRE-FILED REBUTTAL TESTIMONY OF

DUANE SIMS

ON BEHALF OF COMMISSION STAFF

JULY 14, 2025

1 **Q. What is your name and business address**

2 A. Duane Sims, 137 E. 21st Street, Chanute, Kansas 66720.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Conservation Division of the Kansas Corporation Commission (KCC
5 or Commission), District #3 Office, as Manager for the Underground Injection Control (UIC)
6 Program, and as an Environmental Compliance and Regulatory Specialist (ECRS).

7 **Q. Would you please briefly describe your background and work experience?**

8 A. I started working for the Conservation Division's District #3 Office as an ECRS in December
9 2007. In December 2019, I was promoted to UIC Program Manager. As an ECRS, I was
10 primarily responsible for the witnessing and monitoring of oil and gas related activities in
11 Chautauqua, Elk, and the west half of Montgomery counties, Kansas. My responsibilities
12 included the witnessing and verification of the drilling and completion of oil, gas, injection,
13 and disposal wells. I investigated spills and complaints directly related to current and
14 historical oil and gas activities in those areas. I also witnessed mechanical integrity tests
15 (MITs) and casing integrity tests (CITs), wells being plugged, and well casing repairs.

16 Now, in addition to my role as UIC Program Manager, I fill in for other ECRSs within
17 District #3 as needed. This generally includes conducting GPS surveys on new and abandoned
18 wells to verify the exact location and the status of wells on operators' well inventories.
19 Further, I work with District Staff and Central Office Staff to complete various projects and
20 requests.

21 **Q. What are your duties as the UIC Program Manager?**

22 A. As UIC Program Manager, I track and monitor approximately 9,500 injection and disposal
23 wells in District #3. I have oversight of the witnessing of routine and non-routine MIT tests.

1 Additionally, I witness UIC wells being plugged or repaired. I provide technical support
2 directly to industry, field, and administrative Staff, in order to implement the District's UIC
3 program. This process involves both the direct review and oversight of District Staff by
4 checking documentation in permits to ensure that KOLAR forms are processed in adherence
5 with the associated permits when MITs are conducted. My position also entails generating
6 written notifications specifying testing deadlines within current tracking cycles on subject
7 wells. I am also responsible for generating the 14-day Notice of Violation (NOV) letters and
8 the failed MIT NOV letters for District #3, and tracking those deadlines to ensure compliance.
9 Finally, I work directly with field Staff to train them on their daily activities and to give them
10 a better understanding of the rules and regulations of the Commission.

11 **Q. Have you previously testified before the Commission?**

12 A. Yes.

13 **Q. What is the purpose of your testimony in this matter?**

14 A. The purpose of my testimony is to discuss certain testimony provided by Mr. Mark McCann
15 on behalf of Quito, Inc. (Applicant).

16 **Q. On Page 5 lines 3 through 5 of his testimony, Mr. McCann references a conversation**
17 **that he alleges that he had with you regarding the wells on Mc C Oil Company's license.**

18 **Do you recall having such a conversation with Mr. McCann?**

19 A. No. I do not recall having such a conversation with Mr. McCann.

20 **Q. Have you previously inspected the wells associated with Mc C Oil Company's license?**

21 A. Yes. In June 2019, I inspected the wells associated with that license. I was able to locate and
22 photograph three wells, the Casement Flo #6, API #15-019-25043; McElroy #4, API
23 #15-019-40979; and the Sears #4, API #15-019-40987. I have attached a copy of these

1 inspection reports to my testimony as ***Exhibit DS-1***. There is no indication that the wells have
2 been plugged since that inspection. I was unable to locate and photograph two wells, the
3 Austin #10, API #15-019-19590; and Focht Andy #A 1, API #15-019-20590. The two wells
4 were located on leases which were plugged out as part of a Fee Fund Project in 2008. I believe
5 these two wells were likely plugged during that time. I have attached a copy of these
6 inspection reports to my testimony as ***Exhibit DS-2***.

7 **Q. Would Mc C Oil Company be responsible for reimbursing Staff for any wells on its**
8 **license that are plugged using state funds?**

9 A. That determination would be made by the KCC Legal Department, but Staff will seek to be
10 reimbursed if there is a potentially responsible party for a well plugged using state funds.

11 **Q. Applicant has submitted an affidavit from Mr. Joe Harper in this docket regarding the**
12 **Mechanical Integrity Test (MIT) status of injection wells included in four of the dockets**
13 **in which Applicant is currently suspended. What is the current status of the wells**
14 **included in those penalty orders?**

15 A. In Docket 25-CONS-3168-CPEN, the wells at issue are the Bever #1, API #15-019-20554;
16 M and M Kirchner #4, API #15-019-24035; Smith-Lolly #2, API #15-019-20614; and
17 Solomon #61, API #15-019-24306. Staff's records indicate that the Bever #1 and Solomon
18 #61 wells are still out of compliance with the penalty order. The M and M Kirchner #4 and
19 Smith-Lolly #2 had satisfactory MITs conducted on November 13, 2024.

20 In Docket 25-CONS-3200-CPEN, the wells at issue are the Flossie White #14, API
21 #15-019-20902; McFarlane-Delong #7, API #15-019-20551; and Morton #3, API #15-019-
22 19567. Staff's records indicate that the Flossie White #14 and Morton #3 are still out of
23 compliance with the penalty order. The McFarlane-Delong #7 had a satisfactory MIT

1 conducted on February 17, 2025. A MIT test was scheduled for the Morton #3 well; however,
2 that test was cancelled by Staff due to Applicant's injection authorization being revoked for
3 all of the wells on its license. If Applicant wishes to obtain compliance with the penalty order,
4 then it will need to communicate with KCC Legal Staff about what steps need to be taken.

5 In Docket 25-CONS-3230-CPEN, the well at issue is the Smith-Lolly #5, API #15-019-
6 20633. Staff's records indicate the Smith-Lolly #5 had a satisfactory MIT conducted February
7 24, 2025.

8 In Docket 25-CONS-3267-CPEN, the well at issue is the Tom Appleby #3, API #15-019-
9 24117. That well remains out of compliance with the penalty order.

10 **Q. Does this conclude your testimony?**

11 A. Yes.

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 06/13/2019 District: 3 Incident Number: 6504

☒ New Situation ☒ Lease Inspection
☒ Response to Request ☐ Complaint
☐ Follow-up ☒ Field Report

Operator License No: 31411 API: 15-019-25043-00-01 Q3: NE Q2: NE Q1: NW

Operator Name: MC C Oil SEC 7 TWP 34 RGE 11 RGEDIR: E

Address: 120 N. Sherman FSL: 4804

City: Sedan FEL: 3142

State: KS Zip Code: 67360 Lease: Floyd Casement Well No.: 6

Phone contact: 620-725-5100 County: CQ

Reason for Investigation:

Request Central Office in Wichita

Problem:

Wells on inactive license with responsible party.

Persons contacted:

District #3 Staff

Findings:

On June 13, 2019 I went to the above mentioned well location. I found an abandoned injection well. The docket for this well was E-25772. The well is shut in with a swage and valve. I gps'd the well and corrected the well location on RBDMS accordingly. I also took picture a of the well. Picture report is attached.

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

Forward information to John Almond, District #3 Compliance Officer for review.

Photo's Taken:

1

☒ RBDMS ☒ KGS ☐ TA DB **Report Prepared By:** Duane A. Sims
☐ T1 DBF ☒ District Files ☐ Courthouse **Position:** E.C.R.S.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: MC C Oil Company, Inc.

Lease: Floyd Casement

County: Chautauqua

Subject: #6

FSL: 4804

FEL: 3142

API#: 15-019-25043-00-01

Date: June 13, 2019

Staff: Duane A. Sims

KLN: 31411

Legal: 7-34-11E

PIC ID#: IMG 1045

PIC Orientation: Facing North

Latitude: 37.111523

Longitude: -96.246750

Time: 10:43AM

Additional Information: This is a picture of the Floyd Casement #6. The well is abandoned. I GPS'd the well and corrected the well location accordingly. The well is shut in with a swage and valve. This well was an injection well. The docket number for this well was E-25,772,

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 06/19/2019 District: 3 Incident Number: 6505

☒ New Situation ☒ Lease Inspection
☒ Response to Request ☐ Complaint
☐ Follow-up ☒ Field Report

Operator License No: 31411 API: 15-019-91981-00-00 Q3: SW Q2: SW Q1: SE
Operator Name: MC C Oil Company, Inc. SEC 7 TWP 35 RGE 12 RGEDIR: E
Address: 120 N. Sherman FSL: 615
City: Sedan FEL: 2067
State: KS Zip Code: 67360 Lease: McElroy Well No.: 4
Phone contact: 620-725-5100 County: CQ

Reason for Investigation:

Request from Central Office in Wichita.

Problem:

Wells on inactive license with responsible party.

Persons contacted:

District #3 Office

Findings:

On June 19, 2019 I went to the above mentioned well location. I found an abandoned well at this location. The well had 5 1/2" production casing. The well did not have any surface control on it. I gps'd the well and corrected the footages accordingly on RBDMS. The docket number for this well was E-21,318. I also took a picture of the well. Picture report will be attached.

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

Forward information to John Almond District #3 Compliance Officer for review.

Photo's Taken:

1

☒ RBDMS ☒ KGS ☐ TA DB Report Prepared By: Duane A. Sims
☐ T1 DBF ☒ District Files ☐ Courthouse Position: E.C.R.S.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: MC C Oil Company, Inc.	KLN: 31411
Lease: McElroy	Legal: 7-35-12E
County: Chautauqua	PIC ID#: IMG 1056
Subject: #4	PIC Orientation: Facing North
FSL: 615	Latitude: 37.012315
FEL: 2067	Longitude: -96.134397
API#: 15-019-91981-00-01	
Date: June 19, 2019	Time: 11:43AM
Staff: Duane A. Sims	

Additional Information: This is a picture of the McElroy #4. The well is abandoned. I GPS'd the well and corrected the well location accordingly. The well has no surface control. This well has 5 ½" production casing. This well was an injection well. The docket number for this well was E-21,318.

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 06/19/2019 District: 3 Incident Number: 6507

☒ New Situation ☒ Lease Inspection
☒ Response to Request ☐ Complaint
☐ Follow-up ☒ Field Report

Operator License No: 31411 API: 15-019-91986-00-00 Q3: Sw Q2: SW Q1: SW

Operator Name: MC C Oil Company, Inc. SEC 17 TWP 35 RGE 12 RGEDIR: E

Address: 120 N. Sherman FSL: 183

City: Sedan FEL: 4639

State: KS Zip Code: 67360 Lease: Sears Well No.: 4

Phone contact: 620-725-5100 County: CQ

Reason for Investigation:

Request from Central Office in Wichita.

Problem:

Wells on inactive license with responsible party.

Persons contacted:

District #3 Staff

Findings:

On June 19, 2019 I went to the above mentioned well. I found an abandoned injection well. The docket number for this well was E-25,880. The well had 8 5/8" surface casing and 4 1/2" production casing. The well was shut in with a swage and valve. I gps'd the well and corrected the footages accordingly on RBDMS. I took a picture of the well. A picture report will be attached to this field report.

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

Forward my findings to John Almond District #3 Compliance Officer for review.

Photo's Taken:

1

☒ RBDMS ☒ KGS ☐ TA DB Report Prepared By: Duane A. Sims

☐ T1 DBF ☒ District Files ☐ Courthouse Position: E.C.R.S.

KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: MC C Oil Company, Inc.

Lease: Sears

County: Chautauqua

Subject: #4

FSL: 183

FEL: 4639

API#: 15-019-91986-00-00

Date: June 19, 2019

Staff: Duane A. Sims

KLN: 31411

Legal: 17-35-12E

PIC ID#: IMG 1055

PIC Orientation: Facing South

Latitude: 36.999772

Longitude: -96.125168

Time: 11:10AM

Additional Information: This is a picture of the Sears #4. The well is abandoned. I GPS'd the well and corrected the well location accordingly. The well has a swage and valve on it. This well has 8 5/8" surface casing and 4 1/2" production casing. This well was an injection well. The docket number for this well was E-25,880.

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 06/13/2019 District: 3 Incident Number: 6508

- ☒ New Situation ☒ Lease Inspection
☒ Response to Request ☐ Complaint
☐ Follow-up ☒ Field Report

Operator License No: 31411 API: 15-019-91774-00-00 Q3: SE Q2: SE Q1: SW

Operator Name: MC C Oil Company, Inc. SEC 7 TWP 34 RGE 12 RGDIR: E

Address: 120 N. Sherman FSL: 50

City: Sedan FEL: 2790

State: KS Zip Code: 67360 Lease: Austin Well No.: 10

Phone contact: 620-725-5100 County: CQ

Reason for Investigation:

Request from Central Office in Wichita.

Problem:

Wells on inactive license with responsible party.

Persons contacted:

District #3 Staff

Findings:

On June 13, 2019 I went to the above mentioned lease. I could not find a well above ground or below ground at or near to this location. I checked with a metal detector. This lease was plugged out on a Fee Fund Project in 2008. I believe this well was plugged during this Fee Fund Project. I believe this well was plugged as the Holroyd #4 (api #15-019-19590-00-00) on July 22, 2008 under the Focht-Holroyd Lease Project under the Control #20070037-027. A copy of the CP2-3 will be attached to this field report. This well is very close to the footages of the Austin #10. It was assigned a new api number during the Fee Fund Project.

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

Forward my findings to John Almond District #3 Compliance Officer for review.

Photo's Taken:

0

☒ RBDMS ☒ KGS ☐ TA DB Report Prepared By: Duane A. Sims

☐ T1 DBF ☒ District Files ☒ Courthouse Position: E.C.R.S.

To:

STATE CORPORATION COMMISSION

Wichita State Office Bldg. - PLUGGING SECTION

130 S. Market, Room 2078

Wichita, Kansas 67202

API NUMBER 15-019-19590-00-00

SESESW Sec/Twp/Rge 7-34-12E

64 feet from south section line

3220 feet from east section line

TECHNICIAN'S PLUGGING REPORT

Operator License # 101

Lease/Well# Holroyd ~~25~~ # 04

County Chautauqua

Operator: State of Kansas Fee Fund

Well Total Depth 750 feet

Name & Focht-Holroyd Lease Project

Production Pipe: NA Size Feet NA

Address

Surface Casing: NA Size Feet NA

AB oil well Gas Well SWD Well Input Well

XXX D & A

Other well as hereinafter indicated:

E-06087

Plugging Contractor: Kepley Well Service, LLC

Lic. # 33749

Address: 19245 Ford Road, Chanute, Kansas 66720

Company to plug at: Hour: Day: 15 Month: 7 2008

Plugging proposal received from: Mike Kepley

Company Name: Kepley Well Service, LLC

Phone:

Were: Clean well to TD and cement from bottom to top.

Plugging Proposal Received by:

Duane A. Sims

Plugging attended by Agent: All XXX Part

TECHNICIAN

None

Operations Completed: Hour: Day: 22 Month: 7 2008

Actual Plugging Report: Ran 1" inside 2" to 750' and outside 2" to 600' and cemented well with all

the cement they had. They pulled 1" out. They came back the next day and ran back in with 1" and topped

well off. A total of 283 sacks were used to cement this well. Well was cut off and location restored.

RECEIVED
KANSAS CORPORATION COMMISSION

APR 02 2009

CONSERVATION DIVISION
WICHITA, KS

Remarks: Control #20070037-027

(If additional description is necessary, use BACK of this form.)

I did observe this plugging.

Signed:

TECHNICIAN

KCC OIL/GAS REGULATORY OFFICES

Inspection Date: 06/13/2019 District: 3 Incident Number: 6509

☒ New Situation ☒ Lease Inspection
☒ Response to Request ☐ Complaint
☐ Follow-up ☒ Field Report

Operator License No: 31411 API: 15-019-20590-00-01 Q3: SW Q2: SW Q1: SW

Operator Name: MC C Oil Company, Inc. SEC 21 TWP 33 RGE 12 RGEDIR: E

Address: 120 N. Sherman FSL: 330

City: Sedan FEL: 4950

State: KS Zip Code: 67360 Lease: Focht Andy Well No.: A1

Phone contact: 620-725-5100 County: CQ

Reason for Investigation:

Request from Central Office in Wichita.

Problem:

Wells on inactive license with responsible party.

Persons contacted:

District #3 Staff

Findings:

On June 13, 2019 I went to the above mentioned lease. I could not find a well above ground or below ground at or near this location. I checked with a metal detector. This lease was plugged out on a Fee Fund Project in 2008. I believe this well was plugged during this Fee Fund Project. I believe this well was plugged as the Focht #14 (api #15-019-19637-00-00) on November 24, 2008 under the Focht-Holroyd Lease Project under the Control #20070037-011. A copy of the CP2-3 will be attached to this field report. This well is very close to the footages of the Focht Andy #A1. It was assigned a new api number during the Fee Fund Project.

Actions / Recommendations

Follow-up Required ☐

Deadline Date:

Forward my findings to John Almond District #3 Compliance Officer for review.

Photo's Taken:

0

☒ RBDMS ☒ KGS ☐ TA DB Report Prepared By: Duane A. Sims

☐ T1 DBF ☒ District Files ☐ Courthouse Position: E.C.R.S.

To:
STATE CORPORATION COMMISSION
Wichita State Office Bldg. - PLUGGING SECTION
130 S. Market, Room 2078
Wichita, Kansas 67202

API NUMBER 15-019 - 19637-00-00
SWSWSW Sec/Twp/Rge 21-33-12E
339 feet from south section line
4745 feet from east section line

TECHNICIAN'S PLUGGING REPORT

Operator License # 101Lease/Well# Focht ~~223~~ #14County ChautauquaOperator: State of Kansas Fee FundWell Total Depth 1000 (est) feetName & Focht-Holroyd Lease ProjectProduction Pipe: 4.5 Size Feet 1000

Address _____

Surface Casing: NA Size Feet _____AB oil well _____ Gas Well _____ SWD Well (Input Well) XXX D & A _____

Other well as hereinafter indicated: _____

Plugging Contractor: Kepley Well Service, LLC Lic. # 33749Address: 19245 Ford Road, Chanute, Kansas 66720Company to plug at: Hour: _____ Day: 24 Month: 11 2008Plugging proposal received from: Mike KepleyCompany Name: Kepley Well Service, LLC Phone: _____Were: Clean well to TD and cement from bottom to top.Plugging Proposal Received by: Duane A. SimsPlugging attended by Agent: All _____ Part _____ TECHNICIAN None XXXOperations Completed: Hour: _____ Day: 24 Month: 11 2008

Actual Plugging Report: Perforated hole at 500', 350' and 150'. Ran 1" to 1000'. Circulated cement to top. Pulled 1" and topped well off. A total of 111 sacks of cement were used to cement this well. Well was dug up and cut off. Location was restored to original.

Remarks: Control #20070037-011

(If additional description is necessary, use BACK of this form.)

I did not observe this plugging.

Signed:


TECHNICIAN

RECEIVED

MAY 26 2009

KCC WICHITA

CERTIFICATE OF SERVICE

25-CONS-3245-CMSC

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on July 14, 2025.

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/s/ Paula J. Murray

Paula J. Murray