

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter the Application of IGWT,)	Docket No: 18-CONS-3383-CWLE
Inc., for the assignment of and a location)	
exemption for the Varner Farms #1 located)	CONSERVATION DIVISION
990' FNL and 1500' FWL of Section 33,)	
Township 25 South, Range 4 East, Butler)	License No: 3167
County, Kansas.)	

**APPLICANT'S RESPONSE TO PROTESTER'S FIRST
DATA REQUEST TO APPLICANT**

COMES NOW Applicant for makes its response to Protester's First Data Request to Applicant:

1. Furnish all documents, including any topographic maps, surveys, studies, and photographs, depicting and describing the alleged "draw", "surface contour", and "drainage" allegedly encountered on the Subject Lease.

Response: Furnished as Exhibits to prefiled testimony of Kenton L. Hupp and Kenton L. Hupp II. Also see attached Exhibits 1A, 1B, 1C 1D and 1E.

2. Describe in detail the alleged surface contour and drainage issues encountered on the Subject Lease, including the measured grade and contour of any natural and manmade features on the land covered by the Subject Lease.

Response: See Response No. 1.

3. Describe in detail how You would go about drilling the Subject Well at the Legal Location.

Response: Extensive dirt work would be required but the location would still remain in the main waterway.

4. Describe in detail any and all efforts You have made to obtain a permit to drill the Subject Well at the Legal Location.

Response: The legal location was staked. This identified that the location was in a draw and this led to the exception application. No intent to drill was sought for the Legal Location.

5. Describe in detail Your evaluations to drill the Subject Well at the Legal Location.

Response: See prefiled testimony of Kenton L. Hupp, Kenton L. Hupp II and Bill Jackson

6. Provide all documents demonstrating Your efforts to attempt to drill the Subject Well at the Legal Location, including all notices of intents to drill, surface pit applications, bids to prepare the land and to drill at the Legal Location, and correspondence with Kansas Corporation Commission staff concerning the same.

Response: No attempt was made to drill a well at the Legal Location. The location was staked, see Response No. 4. Staking plats were obtained (see attached Exhibits 6A and 6B).

7. Provide all documents, bids and contracts provided by third-party vendors and contractors related to the drilling of the Subject Well at the location proposed in the application, including drilling bids and contracts, dirt work bids and contracts, and staking plats and surveys.

Response: See Response No. 6. Also see Exhibit 7A.

8. Admit that the Varner #1 well, APO No. 15-015-01504, was drilled within the same alleged "draw", "surface contour", and "drainage" described in Your application and prefiled testimony.

Response: The Varner #1 appears to be on a similar elevation to that of the requested location exception.

9. If You deny data request #8, explain in detail the basis for Your denial.

Response: N/A

10. Admit that the Edmiston #6 well (W2 NW SE NW Section 33-T25S-R4E) was drilled within the same alleged "draw", "surface contour", and "drainage" described in Your application and prefiled testimony.

Response: The Edmiston #6 appears to be on a similar elevation to that of the requested location exception.

11. If You deny data request #10, explain in detail the basis for Your denial.

Response: N/A

12. Explain in detail Bill Jackson's economic relationship to IGWT, Inc., including the fee schedule and compensation paid to Bill Jackson for his testimony in this docket, any interest he owns or will own in the Subject Well or Subject Lease, and his ownership and management interest in IGWT, Inc.

Response: Mr. Jackson is hired as a geologic consultant. He charges \$125/hr for his time testifying. He does not own, and is not expected to own, any interest in the Subject Well or Subject Lease. He has no ownership or management interest in IGWT, Inc.

13. Explain in detail Kenton L. Hupp's economic relationship to IGWT, Inc., including the fee schedule and compensation paid to Kenton L. Hupp for his testimony in this docket, any interest he owns or will own in the Subject Well or Subject Lease, and his ownership and management interest in IGWT, Inc.

Response: President of IGWT, Inc. Owns 80% working interest in the Subject Lease. Not compensated for testimony.

14. Explain in detail Kenton L. Hupp II's economic relationship to IGWT, Inc., including the fee schedule and compensation paid to Kenton L. Hupp II for his testimony in this docket, any interest he owns or will own in the Subject Well or Subject Lease, and his ownership and management interest in IGWT, Inc.

Response: Employee of IGWT, Inc. Owns 5% working interest in the Subject Lease. Not compensated for testimony.

15. Provide all correspondence with the landowner of the Varner Farms lease regarding the alleged "water way and drainage".

Response: None.

16. Explain the possible detrimental impact on a future producing well site if the Subject Well were located at the Legal Location.

Response: Legal Location is subject to excessive water flow in the event of heavy rain.

17. Provide a depiction and description of the width of the alleged drainage area.

Response: Provided, see Kenton L. Hupp prefiled testimony Exhibit A

18. Identify the "draw", "surface contour", and "drainage" on the map attached as Exhibit 2 to Your application and the map attached to the draft notice of intent to drill attached to Your application.

Response: The draw is depicted by the contour lines shown on the application, Exhibit 2, directly East of the proposed location.

19. Provide a list of the shareholders, directors and officers of IGWT, Inc.

Response: Kenton L. Hupp, 50%
Alma Hupp (wife of Kenton L. Hupp), 50%

20. Identify the persons who responded or participated in responding to each Data Request, and specify the portion of each response that is attributable to each person.

Response: Kenton L. Hupp, all

21. Provide all Documents and Communications You referenced or relied upon in responding to any of the foregoing Data Requests, or that in any way support or provide the basis for Your responses to the foregoing Data Requests.

Response: Provided, either as Exhibits to prefiled testimony of Kenton L. Hupp, Kenton L. Hupp II or Bill Jackson, or in response to foregoing requests and attached hereto.

Respectfully submitted,


Kenton L. Hupp

VERIFICATION OF RESPONSE

STATE OF KANSAS)
)ss:
COUNTY OF BUTLER)

I, Kenton L. Hupp, being of lawful age and being first duly sworn upon his oath, deposes and says:

That I am the President of IGWT, Inc., that I have reviewed the foregoing data requests and responses thereto, and find the responses to be true, accurate, full and complete, and contain no material misrepresentation or omissions to the best of my knowledge and belief; and will disclose to counsel for Benjamin M. Giles, any matter subsequently discovered which affects the accuracy or completeness of the responses to these data requests.

Kenton Hupp

SUBSCRIBED AND SWORN to before me this 4th day of September, 2018.



My appointment expires:

Patricia L. Hudson
Notary Public *PATRICIA L. HUDSON*

CERTIFICATE OF SERVICE

I, the undersigned, certify that the true copy of the attached has been served to the following parties by means of first class mail and electronic service on September 6, 2018.

Dustin Kirk, Deputy General Counsel
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604
Email: d.kirk@kcc.ks.gov

Lauren Wright, Litigation Counsel
Kansas Corporation Commission
Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
Email: l.wright@kcc.ks.gov

Jonathan A. Schlatter
Morris Laing Evans Brock & Kennedy Chtd.
300 N. Mead, #200
Wichita, KS 67202
jschlatter@morrislaing.com

/s/ John G. Pike
John G. Pike

KLH CONSULTING

VARNER FARMS #1
SEC 33-25S-4E
990' FNL & 1500' FWL OF SEC.
NAD83 COORDINATES

Legend

 37.836948 -97.000290

NW 10th St

NW River Valley Rd

 37.836948 -97.000290

EXHIBIT

1A

tables



1000 ft


Google Earth

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KLH Consulting


VARNER FARMS #1
SEC 33-25s-4e
990' FNL & 1650' FWL OF SEC.
BUTLER CO. KS

Legend

 37.83700 -96.99979

St

NW River Valley Rd

 37.83700 -96.99979

Google Earth

© 2018 Google

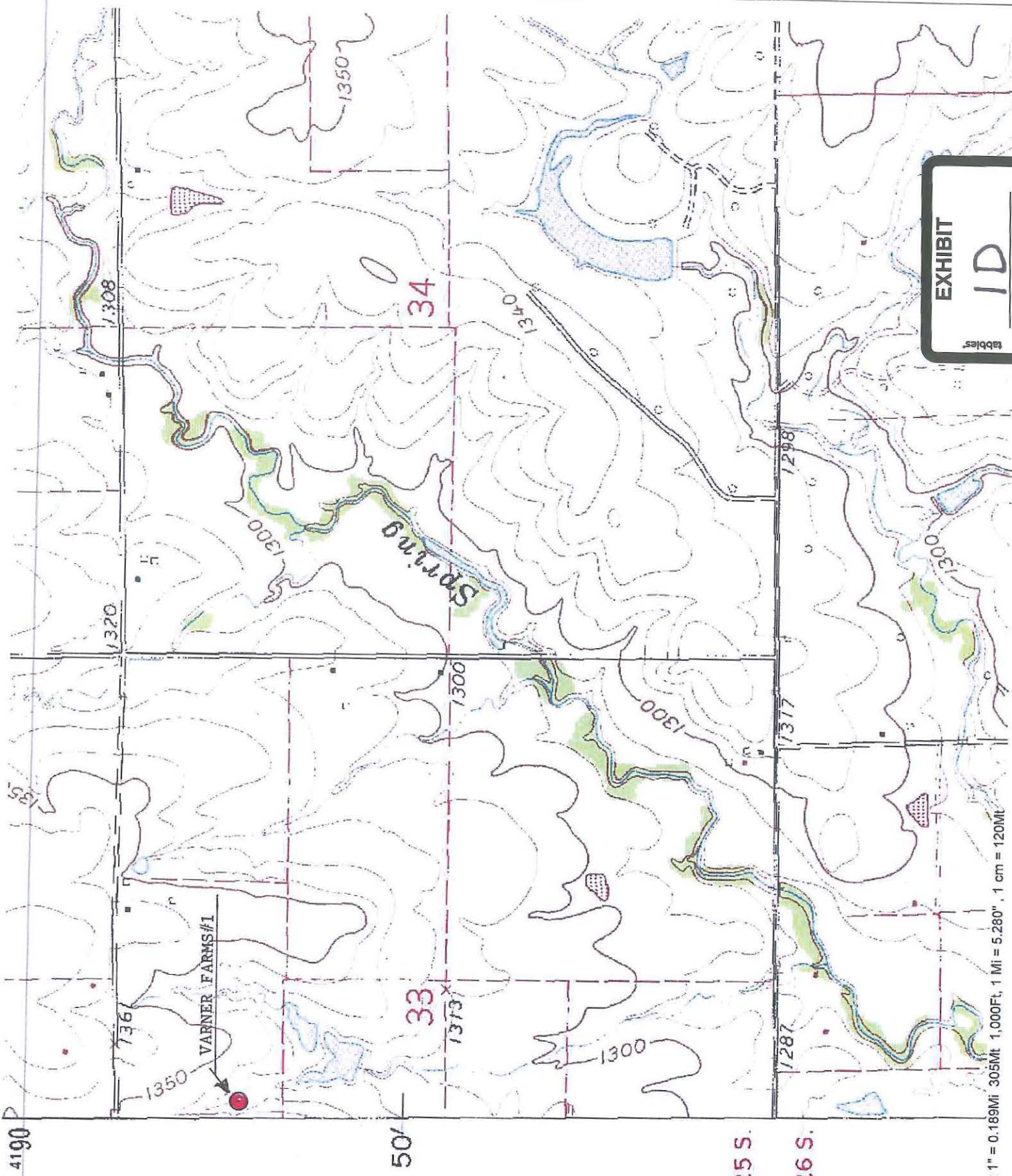
EXHIBIT

1B

N

1000 ft

4190



T. 25 S.

T. 26 S.

EXHIBIT
ID

El Dorado SW, KS' Scale: 1" = 0.189Mi 305Mt 1,000Ft, 1 Mi = 5,280', 1 cm = 120Mt

VARNER FARMS #1

4190

50'

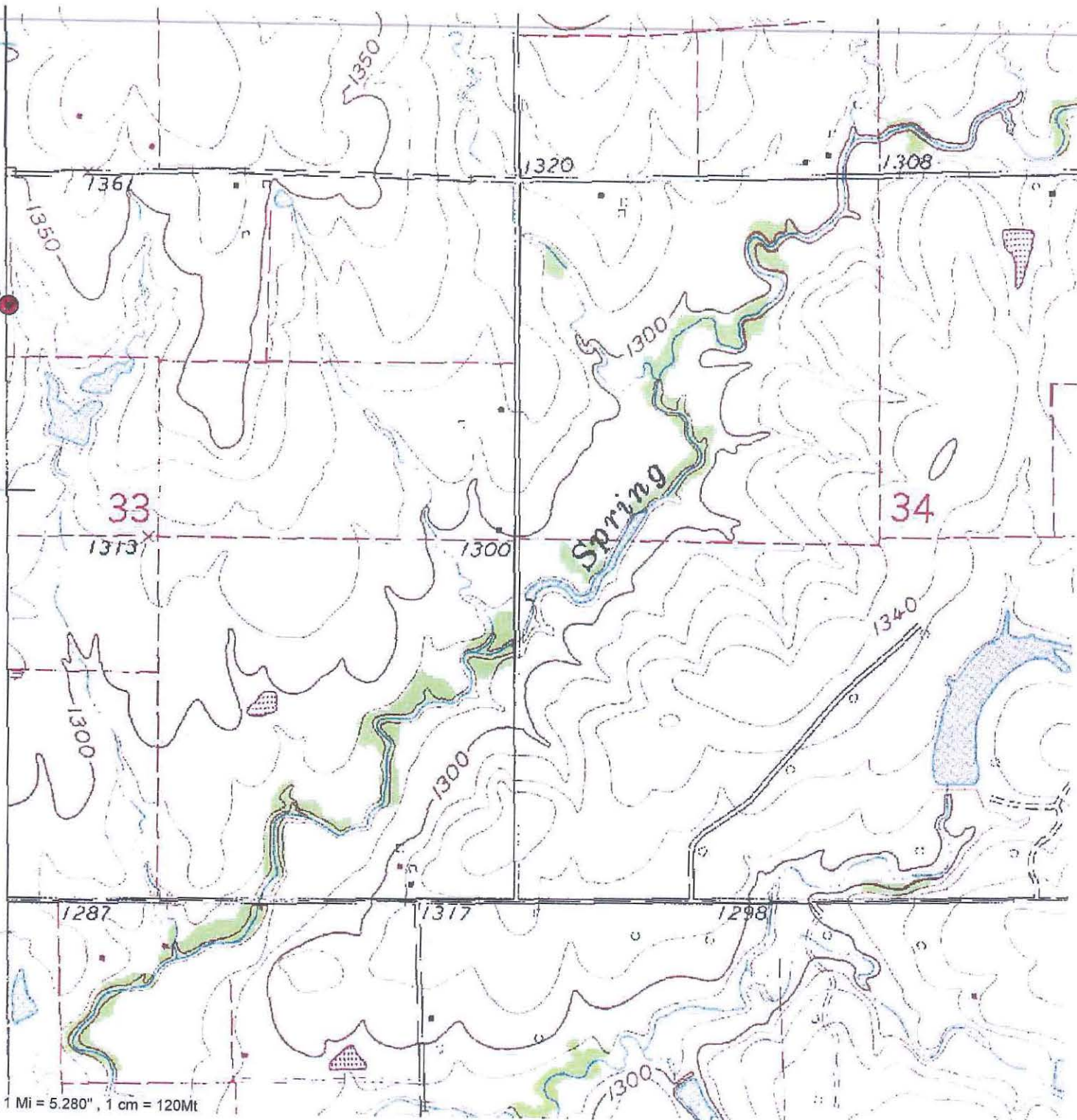
T. 25 S.

T. 26 S.

EXHIBIT

1E

'El Dorado SW; KS' Scale: 1" = 0.189Mi 305Mt 1,000Ft, 1 Mi = 5.280" , 1 cm = 120Mt





OIL FIELD SURVEYORS

BOX 8604 - PRATT, KS 67124
(620) 672-6491

522181

INVOICE NO.

KLH CONSULTING

OPERATOR

1

NO.

VARNER FARMS

FARM

BUTLER

COUNTY

33

S

25s

T

4e

R

990' FNL & 1500' FWL of Sec.

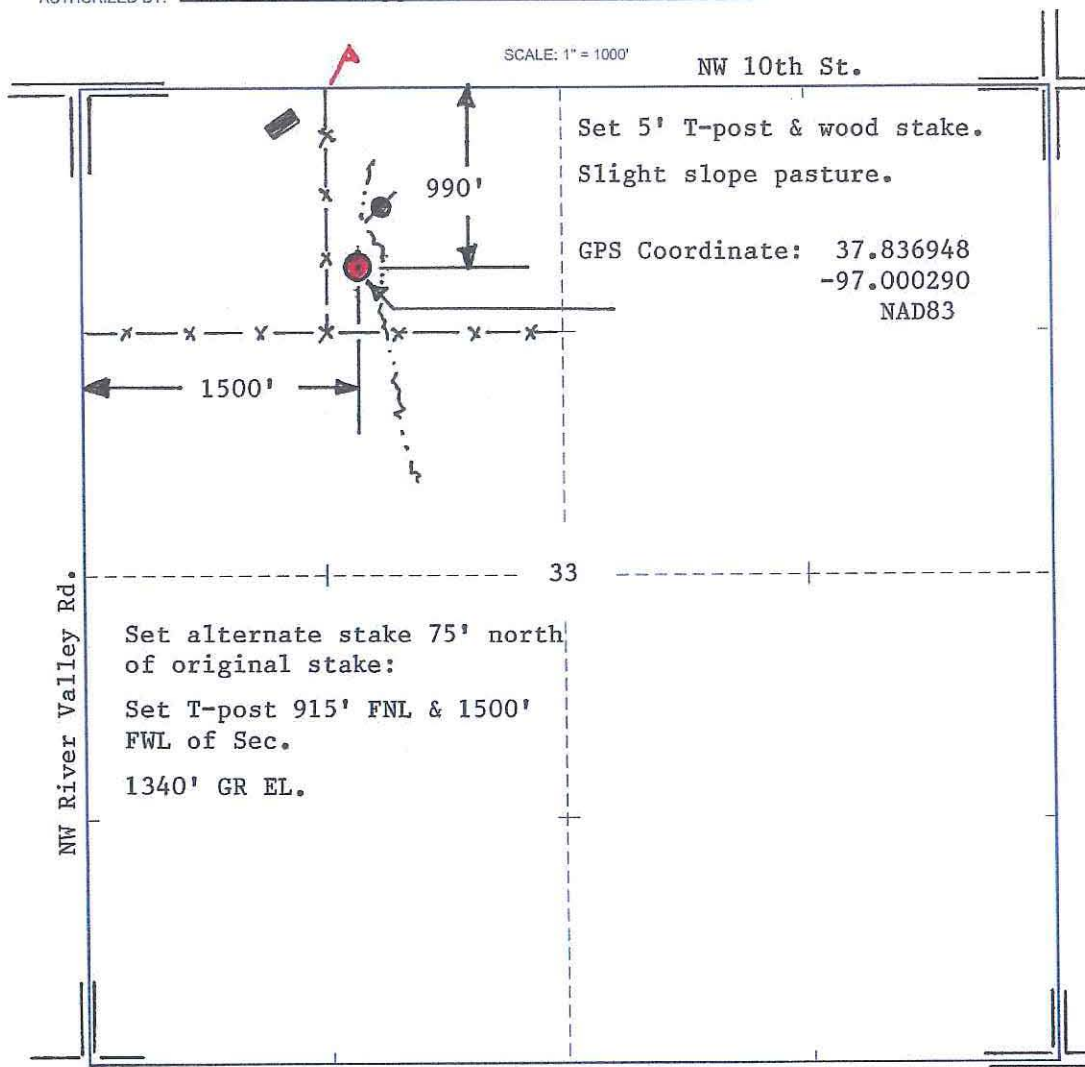
LOCATION

ELEVATION: 1340' GR

■ Kenton L. Hupp II
KLH CONSULTING
P.O. Box 550
Rose Hill, KS 67133



AUTHORIZED BY: Kenton L. Hupp II



EXHIBIT

DATE STAKED: 5/23/18

tabbles

6A



OIL FIELD SURVEYORS

BOX 8604 - PRATT, KS 67124
(620) 672-6491

424181

INVOICE NO.

KLH CONSULTING

OPERATOR

1

NO.

VARNER FARMS

FARM

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COUNTY

33

S

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R

990' FNL & 1650' FWL of Sec.

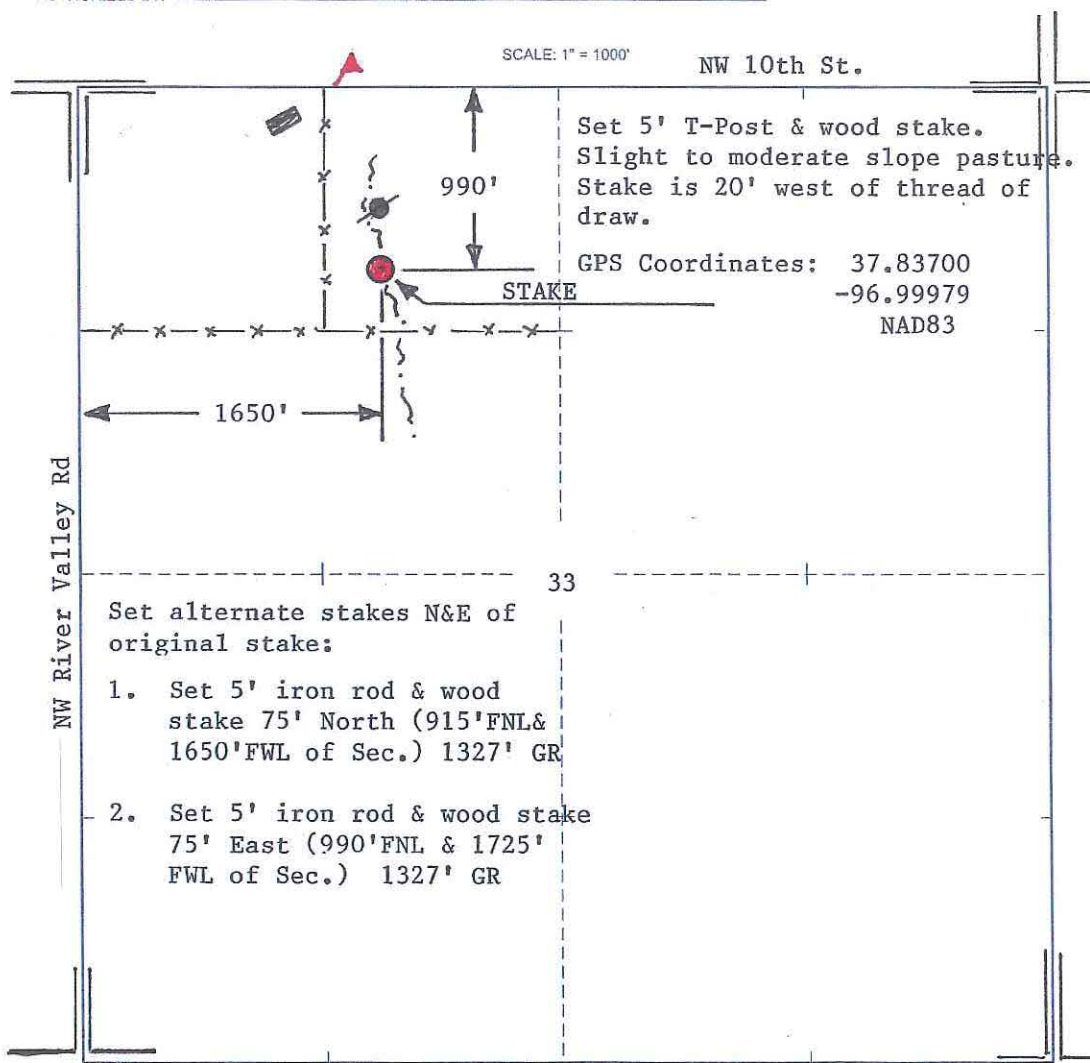
LOCATION

ELEVATION: 1325' GR



Kenton L. Hupp II
KLH CONSULTING
P.O. Box 550
Rose Hill, KS 67133

AUTHORIZED BY: Kenton L. Hupp II



EXHIBIT

DATE STAKED: 4/26/18

tabbles

6B

**P. O. Box 8604
10168 S. Hwy 281
Pratt, KS 67124**

DATE	INVOICE #
6/4/2018	522181

KLH Consulting
Kenton L. Hupp II
P.O. Box 550
Rose Hill, Kansas 67133

TERMS	PROJECT
Due Upon Receipt	

DESCRIPTION	AMOUNT
Re-Staking of Varner Farms #1 in Section 33-25s-4e, 990' FNL & 1,500' FWL NW /4 in Butler County, Kansas	500.00
Set alternate stake as requested 75' N or original stake	0.00
Total	\$500.00

EXHIBIT

rabbits.

7A