

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Darrah Oil)	Docket No. 25-CONS-3342-CWLE
Company, LLC for a well location exception)	
for its Drummond 1 Well, to be located in the)	CONSERVATION DIVISION
S/2 SE/4 of Section 26, Township 33 South,)	
Range 5 East, Cowley County, Kansas)	License No. 35615

DIRECT PREFILED TESTIMONY

OF

JAMES O. BROWN, PROTESTER

1 Q: Please state your name and address for the record.

2 A:: My name is James O. Brown. I reside at 11923 252nd Road, Winfield, Kansas 67156.

3 Q: Are you familiar with the Application of Darrah Oil Company, LLC (“Darrah”) in this

4 docket?

5 A: Yes.

6 Q: What is your interest in this proceeding?

7 A: As Trustee of two trusts, and individually, I jointly own, with the other Protesters, all surface

8 and mineral rights associated with the Northeast Quarter (NE/4) of Section 35, Township 33

9 South, Range 5 East, Cowley County, Kansas. This tract is identified as the “Offset Lease”

10 in Darrah’s Application, and as the “Brown Lease” herein. Each of the remaining Protesters

11 concur with this testimony.

12 Q: Have you and the other owners of surface and mineral rights in and to the Brown Lease filed

13 a protest of Darrah’s Application in this proceeding?

14 A. Yes.

15 Q: What is the basis of your protest?

16 A: K.A.R. 82-3-108(a) of the Commission’s Conservation Regulations requires an oil or gs well

17 in Cowley County, Kansas to be drilled not less than 330 feet from any lease or unit

18 boundary line. Darrah’s Application requests an exception to this requirement pursuant to

19 K.A.R. 82-3-108(c) for its Drummond 1 Well to be drilled on the Muret Lease offsetting the

20 Brown Lease to the North at a location 100 feet from the South line and 650 feet from the

21 East line (100 ft. FSL & 650 ft. FEL) of Section 26, Township 33 South, Range 5 East,

22 Cowley County, Kansas, or 100 feet from the North boundary of the Brown Lease.

1 Q: Do you believe that the location exception requested by Darrah is necessary to prevent waste
2 or protect correlative rights?

3 A: No, for several reasons. First, unitization rights have been deleted from the Brown Lease.
4 However, Protesters have offered Darrah the right to revise the Brown Lease as to the North
5 Half of the Northeast Quarter (N/2 NE/4) of said Section 35 in order to allow the formation
6 of a 40 acre unit (not 10 acres as stated in Darrah's Prefiled Direct Testimony of Mike
7 Atterbury) that would include Darrah's Drummond 1 well at its proposed location. Royalty
8 received by the Protesters on unit production should compensate them for any excessive
9 drainage or violation of correlative rights that will occur as the result of drilling the
10 Drummond 1 well at an illegal location. Darrah's Application will not achieve this result.
11 Despite the fact that our proposal would have allowed Darrah to drill its well at its proposed
12 site without the need for a well location exception, Darrah rejected it.

13 Second, according to Kansas Geological Survey records, the two wells previously drilled on
14 the North Half of the Northeast Quarter (N/2 NE/4) of Section 35, the Brown 1 and Brown
15 3, last produced and sold oil in 2010, and were plugged and abandoned in 2019 and 1995,
16 respectively. This lapse in production over a period of 15 years could result in termination
17 of Darrah's lease of the North Half of the Northeast Quarter (N/2 NE/4) of Section 35, which
18 further justifies revision of Darrah's lease in order to form the unit that Darrah seeks.

19 Third, assuming that Darrah's lease of the North Half of the Northeast Quarter (N/2 NE/4)
20 of Section 35 remains valid and that the balance of its Brown Lease continues to be held by
21 production of oil from the Brown 2 and 4 wells in the South Half of the Northeast Quarter
22 (S/2 NE/4) of Section 35, as Mr. Atterbury has testified, other opportunities exist for

1 development of the Mississippi Chert formation by Darrah on the Brown Lease as Jarred Leis
2 has stated in his Prefiled Direct Testimony for Darrah. Unlike Darrah's Application here,
3 development of the Brown Lease will not result in uncompensated drainage of Protesters'
4 land or waste from drilling of the Drummond 1 well. Mike Atterbury also acknowledges
5 Darrah's right to further development of the Brown Lease in his Prefiled Direct Testimony.
6 Given the numerous possibilities for exploration of the Mississippi Chert formation available
7 to Darrah on the Brown Lease, drilling of the Drummond 1 well too close the the Brown
8 Lease boundary on the Muret Lease is not only unnecessary, but will violate Protesters'
9 correlative rights and result in waste.

10 Q: Do you believe that Darrah's Application in this docket should be denied?

11 A: Yes. The Application does not meet the criteria for a well location exception set forth in
12 K.A.R. 82-3-108(c) because drilling of the Drummond 1 well at its proposed location will
13 violate Protesters' correlative rights and result in waste. As stated by Mike Atterbury in his
14 Prefiled Direct Testimony for Darrah, the Drummond 1 well location arose out of an
15 agreement reached by Darrah and Zenith Drilling, operator of the Muret Lease, for their
16 mutual benefit with no particular geologic advantage or concern for Protesters' rights to
17 Brown Lease reserves. By Darrah's own admission, alternatives are available to Darrah that
18 accomplish what it wants without violating Protesters' correlative rights or causing waste.
19 Darrah's Application is unnecessary and unfair, and should therefore be denied.

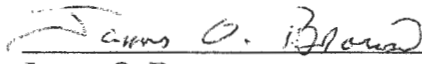
20 Q: Does this conclude your testimony?

21 A: Yes.

VERIFICATION

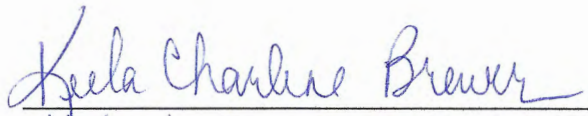
STATE OF KANSAS)
) SS.
COUNTY OF COWLEY)

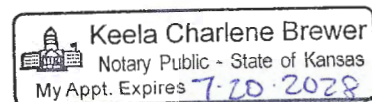
James O. Brown, of lawful age and being first duly sworn upon his oath, deposes and atates: That he is the testifying witness for the Protesters in the above-captioned action; that he has prepared and read the above and foregoing Direct Prefiled Testimony of James O. Brown, Protester, knows and understands the contents thereof, and states that the statements and allegations therein contained are true and correct according to his knowledge, information, and belief.


James O. Brown

SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 14 day of July, 2025.

My commission expires:


Keela Charlene Brewer Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 18th day of July, 2025 he caused the above and foregoing Direct Prefiled Testimony of James O. Brown, Protester to be filed with the Kansas Corporation Commission, Conservation Division electronically, and a copy thereof to be served in the same manner upon the following person at the email address indicated:

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Attorney for Applicant,
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/s/Thomas M. Rhoads

Thomas M. Rhoads