

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

In the matter of the Application of Canaday Oil Corporation for an Order Authorizing the Unitization and Unit Operation of the Irons Morrow Sand Unit in Clark County, Kansas	)	Docket No: 24-CONS-3103-CUNI
	)	
	)	CONSERVATION DIVISION
	)	
	)	License No: 5303

**PROTEST OF APPLICATION OF CANADAY OIL CORPORATION FOR AN ORDER AUTHORIZING THE UNITIZATION AND UNIT OPERATION OF THE IRONS MORROW SAND UNIT IN CLARK COUNTY, KANSAS**

**COMES NOW**, Karen Lee Byerley, Trustee of the Karen Lee Byerley Revocable Trust dated July 1, 2019 and Louise Ann West (“Protestors”), by and through Robert Eisenhower of Johnston, Eisenhower, Eisenhower & Lynch, LLC. Pratt, Kansas, and pursuant to K.A.R. §82-135b hereby submits to the State Corporation Commission (“Commission”) their protest against the granting of the Application of Canaday Oil Corporation for the authorization of the unitization and unit operation of the Irons Morrow Sand Unit in Clark County, Kansas with respect to the Northwest Quarter (NW/4) of Section 17, Township 30 South, Range 24 West of the 6<sup>th</sup> P.M., Clark County, Kansas.

In support of this protest, Protestors state and allege as follows:

1. Protestors own an undivided 100% of the mineral interest in and under the Northwest Quarter (NW/4) of Section 17, Township 30 South, Range 24 West of the 6<sup>th</sup> P.M., Clark County, Kansas.

2. Protestors have filed an Affidavit of Non-Production with regard to the prior lease owned in part by Canaday Oil Corporation by reason of the fact that said well known as the Byerley 1-17 well has not produced oil and/or gas in paying quantities for years. Accordingly, Canaday Oil Corporation does not have a valid lease covering the Northwest Quarter (NW/4) of Section 17, Township 30 South, Range 24 West of the 6<sup>th</sup> P.M., Clark County, Kansas.

3. The Application filed herein by Canaday Oil Corporation attempts to unitize the Irons Morrow Sand Formation in and under Protestors' property without a valid oil and gas lease being owned by Canaday Oil Corporation. As the Applicant and the Commission are well aware, there is no forced pooling in the state of Kansas. Accordingly, Applicant does not have the right to include non-leased minerals in Applicant's proposed unit without the consent of the Protestors.

4. The Protestors have no objection to the unitization of the other land set forth in the Applicant's Application filed herein. This Protest is simply limited to the mineral interest owned by Protestors in and under the Northwest Quarter (NW/4) of Section 17, Township 30 South, Range 24 West of the 6<sup>th</sup> P.M., Clark County, Kansas.

5. Based on prior operations of Canaday Oil Corporation, Protestors would certainly not agree to being working interest owners as set forth under paragraph 13 of Applicant's Application nor do Protestors wish to be any part of a unitization agreement which includes their mineral interest.

6. It is Protestors' position that in the event Applicant's Application is granted by the Commission, such action would result in the unlawful taking of Protestors' mineral interest without due process and in violation of the Kansas case law regarding forced pooling.

WHEREFORE, Protestors, Karen Lee Byerley, Trustee of the Karen Lee Byerley Revocable Trust dated July 1, 2019 and Louise Ann West pray that the Application and this Protest be set for hearing before the Commission; that upon receipt of testimony and other evidence presented at a hearing, the Commission deny the Applicant's Application; and for such other and further relief as the Commission believes is proper and authorized by Kansas law.

Respectfully submitted,

JOHNSTON, EISENHAUER, EISENHAUER  
& LYNCH, LLC.

By: /s/ Robert Eisenhower  
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VERIFICATION

STATE OF NC

ss:

COUNTY OF Wake

Karen Lee Byerley, Trustee of the Karen Lee Byerley Revocable Trust dated July 1, 2019, of lawful age, being first duly sworn, upon oath states: She is a Protestor in the foregoing Protest Application of Canaday Oil Corporation; she has read the foregoing Protest, knows of its contents and knows that the statements made therein are true.

Karen Lee Byerley Revocable Trust dated July 1, 2019

Karen Lee Byerley  
Karen Lee Byerley, Trustee

Subscribed and sworn to before me on this 19<sup>th</sup> day of October, 2023.

AMANDA HUBERT  
NOTARY PUBLIC  
JOHNSTON COUNTY, NC  
My Commission Expires 08-11-2027

Amanda Hubert  
Notary Public

My commission expires: 08-11-2027

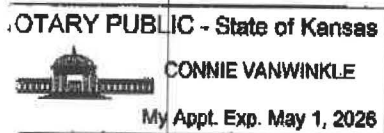
VERIFICATION

STATE OF Kansas,  
COUNTY OF Clare, ss:

Louise Ann West, of lawful age, being first duly sworn, upon oath states: She is a  
Protestor in the foregoing Protest Application of Canaday Oil Corporation; she has read the  
foregoing Protest, knows of its contents and knows that the statements made therein are true.

Louise Ann West  
Louise Ann West

Subscribed and sworn to before me on this 19<sup>th</sup> day of October, 2023.



Connie VanWinkle  
Notary Public

**CERTIFICATE OF SERVICE**

24-CONS-3103-CUNI

I, the undersigned, certify that a true copy of the attached Protest has been served to the following by means of first class mail and/or electronic service on October 19, 2023.

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By: /s/ Robert Eisenhower  
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