

SEP 08 2016

CONSERVATION DIVISION
WICHITA, KS

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

2016-09-08 16:10:32
Kansas Corporation Commission
/s/ Amy L. Green

Before Commissioners: Jay Scott Emler, Chair
Shari Feist Albrecht
Pat Apple

In the Matter of the Application of Becker Oil) Docket No. 16-CONS-4132-CEXC
Corporation for exemption to the 10 year time)
limitation of K.A.R. 82-3-111 for its # 1 Durler) CONSERVATION DIVISION
well, API #15-083-21512-00-00, located in the)
NW/4 of Section 32, Township 32 South, Range) License No.: 31093
22 West, Hodgeman County, Kansas)

MOTION TO DISMISS

COMES NOW, Becker Oil Corporation ("Becker Oil"), by and through its counsel of record, and requests an Order from this Commission dismissing the Letter of Protest. In support of its Motion to Dismiss, Becker Oil submits the following:

1. This Application requests an exemption to the ten year time limitation of K.A.R. 82-3-111 for its #1 Durler Well in Hodgeman County, Kansas.
2. A Protest has been submitted by Rodney Durler, who apparently has a Power of Attorney for Edward Durler. No other mineral owner has filed a protest to this Application.
3. The undersigned represented Becker Oil in an earlier lawsuit that was filed by the mineral owners claiming that the well could not be held by shut-in royalty payments. That lawsuit has been dismissed.
4. The Protest filed in this docket, which is attached hereto as **Exhibit A**, makes no claim that the Application will violate the correlative rights of any party, will cause waste or pollute waters in and around the #1 Durler well. Those are the only grounds by which an appropriate Protest can be submitted, pursuant to K.A.R. 82-3-1356(a).

5. The Protest in this docket relates solely to Mr. Durler's claim that time and lawyer's fees have been spent trying to get this lease released by Becker Oil, which is certainly true for Becker Oil, but is not the basis for a Protest to this Application.

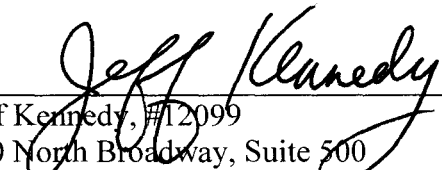
6. Becker Oil Corporation respectfully submits that there is no appropriate basis for this Protest, that it should be dismissed and that upon appropriate showing to the Commission, the exemption to K.A.R. 82-3-111 should be granted.

WHEREFORE, Becker Oil Corporation requests the relief requested in this Motion to Dismiss and for such additional relief as the Commission may find appropriate under the circumstances.

Respectfully submitted,

MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.

By: _____


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Wichita, KS 67202

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Attorneys for Becker Oil Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 8, 2016, a true and correct copy of the above and foregoing was filed with the Kansas Corporation Commission and mailed via U.S. Postal Service to:

Jonathan R. Myers
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513

Rodney Durler POA
On Behalf of Edward Durler
14503 SE 223 Road
Spearville, KS 67876



Jeff Kennedy, #12099

2016-07-14 14:38:12
Kansas Corporation Commission
/s/ Amy L. Green

Dear Kansas Corporation Commission,

This is a letter of protest in regards to the matter of the Application of Becker Oil Corporation for an exemption to the 10 year time limitation of K.A.R. 82-3-111 for its # 1 Durler well, API #15-083-21512-00-00, located in the NW/4 of Section 32, Township 32 South, Range 22 West, Hodgeman County, Kansas.

We received a copy of the letter from Becker Oil asking for a 3 year extension on this property. We want the commission to know that we are very much against the extension. Becker Oil had 10 years to produce this gas well and chose not to do anything. We believe it's time to give up.

The Docket No. is 16-CONS-4132-CEXC

We are writing this letter for Edward Durler who is now in a nursing home, and I Rodney Durler have power attorney for him. He spent many months and lawyer fees to get this released from Becker Oil. We believe time is up and an extension is not an option.

Thank you for your time,

Sincerely,



Rodney Durler POA for Edward Durler

RECEIVED
KANSAS CORPORATION COMMISSION
JUL 14 2016
LEGAL SECTION

EXHIBIT A