

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

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

In the Matter of the Application of Becker Oil Corporation for an Exception 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.)	Docket No. 16-CONS-4132-CEXC
)	
)	CONSERVATION DIVISION
)	
)	License No. 31093
)	

ORDER ON MOTION TO DISMISS

This matter comes before the State Corporation Commission of the State of Kansas (Commission) on the Motion to Dismiss filed by Becker Oil Corporation (Becker Oil). Having reviewed the pleadings and record, the Commission makes the following findings:

1. Becker Oil filed its application in this matter on June 24, 2016. The application seeks an exception to the ten year limitation on the temporary abandonment status of the #1 Durler Well under K.A.R. 82-3-111. The application states that Becker Oil is waiting for improved market conditions to produce natural gas from the well and connect it to the nearest pipeline connection.¹ The application also states that the well passed a mechanical integrity test on June 17, 2016.²

2. On July 14, 2016, Rodney Durler, on behalf of Edward Durler (Protestant), filed a protest to the application, stating that Becker Oil had ten years to produce the well, but failed to do so, and therefore opposes an extension of the well's temporary abandonment status.³

¹ Application at ¶ 8 (June 24, 2016).

² *Id.* at ¶ 7.

³ Letter of Protest (July 14, 2016).

3. On September 8, 2016, Becker Oil filed a Motion to Dismiss stating that the protest does not allege that the application will cause waste, violate correlative rights, or pollute water resources, which are the only grounds for an appropriate protest to the application under K.A.R. 82-3-135b.⁴

4. Commission Staff (Staff) filed a response to Becker Oil's Motion to Dismiss, joining in Becker Oil's request to dismiss the protest.⁵

5. The Protestant did not file a response to the motion to dismiss.

6. K.A.R. 82-3-135b requires that a protest to an application include a clear statement of the protester's substantial interest in the proceeding and include specific allegations how granting the application will cause "waste, violate correlative rights, or pollute the water resources of the state of Kansas."

7. The Commission agrees with Becker Oil and Staff. The Protestant does not allege that Becker Oil's application will cause waste, violate correlative rights, or pollute Kansas waters in accordance with K.A.R. 82-3-135b. Therefore, the Commission concludes that Mr. Durler's protest does not meet the requirements of K.A.R. 82-3-135b and should be dismissed.

THEREFORE, THE COMMISSION ORDERS:

A. Becker Oil's Motion to Dismiss is granted.

B. Staff's Motion to Continue the Prehearing Conference is therefore moot. The Prehearing Conference scheduled for November 2, 2016 at 1:30 p.m. is cancelled.

C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after

⁴ Motion to Dismiss at 1 (Sept. 8, 2016).

⁵ Response to Motion to Dismiss Protest at 1-2 (Sept. 14, 2016).

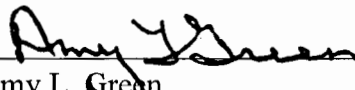
service of this Order and must state the specific grounds upon which relief is requested.⁶ The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 01 2016



Amy L. Green
Secretary to the Commission

DLK/amt

⁶ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

I certify that on November 1, 2016, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy
Martin, Pringle, Oliver, Wallace & Bauer, L.L.P.
100 North Broadway, Suite 500
Wichita, Kansas 67202
Attorney for Becker Oil Corporation

Clyde M. Becker, Jr.
Becker Oil Corporation
P.O. Box 1150
Ponca City, Oklahoma 74602

Rodney Durler
POA on behalf of Edward Durler
14503 SE 223 Road
Spearville, Kansas 67876

And delivered electronically to:

John McCannon
Conservation Division Central Office

/s/ Cynthia K. Maine
Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission