

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the matter of the failure of Novy Oil & )    Docket No.: 25-CONS-3054-CPEN  
Gas, Inc. (Operator) to comply with K.A.R. )  
82-3-111 at the Howard #1 well in Reno )    CONSERVATION DIVISION  
County, Kansas.                                    )  
\_\_\_\_\_ )    License No.: 31714

**PENALTY ORDER**

The Commission finds Operator violated K.A.R. 82-3-111 regarding the captioned well, assesses a \$100 penalty, directs Operator to come into compliance, and further rules as more fully described below.

**I. JURISDICTION**

1.        K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.S.A. 55-152 provides the Commission with jurisdiction to regulate the construction, operation, and abandonment of any well, and also the protection of the usable water of this state from any actual or potential pollution from any well. The Commission has licensing authority under K.S.A. 55-155.

2.        K.S.A. 55-162 and K.S.A. 55-164 provide the Commission authority to issue penalty orders for violations of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. Under K.S.A. 55-164, a penalty order may include a monetary penalty of up to \$10,000, the penalty must constitute a substantial and actual economic deterrent to the violation, and each day of a continuing violation constitutes a separate violation.

3.        K.A.R. 82-3-111 provides that within 90 days after operations cease on any well, the operator of that well shall plug the well, return the well to service, or file an application with

the Conservation Division requesting temporary abandonment (TA) status. If not plugged or returned to service, the operator must obtain TA approval; TA status may be denied by the Conservation Division if necessary to prevent pollution. A well shut-in for 10 years or more cannot be granted TA status without the operator filing an application for an exception pursuant to K.A.R. 82-3-100 and approval from the Commission. K.A.R. 82-3-111(e) provides a TA exemption for certain wells fully equipped and capable of production.

## **II. FINDINGS OF FACT**

4. Operator is licensed to conduct oil and gas activities in Kansas and is responsible for the Howard #1 well (Subject Well), API #15-155-21683-00-00, located in Section 15, Township 23 South, Range 10 West, Reno County, Kansas.

5. On April 30, 2024, Commission records indicated the Subject Well had been inactive and unplugged for longer than the 90 days allowed by K.A.R. 82-3-111, that the well was not exempt pursuant to K.A.R. 82-3-111(e), and that the well was not approved for TA status. Thus, Commission Staff sent a letter to Operator, requiring Operator to bring the Subject Well into compliance with K.A.R. 82-3-111 by May 30, 2024.<sup>1</sup>

6. On June 13, 2024, Commission Staff inspected the Subject Well, because the deadline in the letter had passed and the violation had not been resolved, verifying that the well continued to be inactive and unplugged.<sup>2</sup>

## **III. CONCLUSIONS OF LAW**

7. The Commission has jurisdiction over Operator and this matter under K.S.A. 74-623 and K.S.A. 55-152.

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<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B.

8. Operator has committed one violation of K.A.R. 82-3-111 because the Subject Well has been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for TA status.<sup>3</sup>

**THEREFORE, THE COMMISSION ORDERS:**

A. Operator shall pay a \$100 penalty.

B. Operator shall plug the Subject Well, or return the well to service, or obtain TA status for the well if eligible.

C. Commission Staff may require Staff-witnessed static fluid level measurements before a Subject Well is returned to service. A Subject Well may not be returned to service if (1) any measurement has shown fluid in the wellbore at or above the appropriate minimum surface casing requirement described in Table I of the Commission's August 1, 1991, Order in Docket 34,780, (2) any measurement has shown fluid in the wellbore at or above any salt formation or other corrosive formation, or (3) in the opinion of Staff, variation in measurements indicates the possibility of a casing leak. Provided, however, a Subject Well may be returned to service upon (a) passing a casing integrity test after issuance of this Penalty Order to the satisfaction of Staff, or (b) Staff providing written, well-specific authorization after issuance of this Penalty Order.

D. Operator may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. A request for hearing must comply with K.A.R. 82-1-219.

E. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing. If no party timely requests a hearing, then this Order shall become final.

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<sup>3</sup> K.S.A. 55-164; K.A.R. 82-3-111(b).

F. If Operator is not in compliance with this Order and the Order is final, then Operator's license shall be suspended without further notice and shall remain suspended until Operator complies. If a Subject Well has been inactive for more than 10 years and Operator applies for an exception to the 10-year limit on TA status for the Subject Well prior to this Order becoming final, and Operator would be in compliance with this Order if the application were approved, then suspension shall not be enforced unless: (1) the application is denied, and (2) 30 days have elapsed since the denial. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension.


G. A party may petition for reconsideration of a final order pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>4</sup>

H. Credit card payments may be made by calling the Conservation Division at 316-337-6200. Checks and money orders shall be payable to the Kansas Corporation Commission. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. Payments must reference the docket number of this proceeding.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 08/13/2024

  
\_\_\_\_\_  
Lynn M. Retz  
Executive Director

Mailed Date: 08/13/2024

TSK

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<sup>4</sup> See K.S.A. 55-162; K.S.A. 55-164; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

Conservation Division  
District Office No. 2  
3450 N. Rock Road  
Building 600, Suite 601  
Wichita, KS 67226



Phone: 316-337-7400  
<http://kcc.ks.gov/>

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

04/30/2024

Michael Novy  
Novy Oil & Gas, Inc.  
PO BOX 559  
GODDARD, KS 67052-0559

Re: Temporary Abandonment  
API 15-155-21683-00-00  
HOWARD 1  
NW/4 Sec.15-23S-10W  
Reno County, Kansas

Dear Michael Novy:

Your application for Temporary Abandonment (TA) for the above-listed well is denied for the following reasons(s):

**Lack of Lease**

Pursuant to K.A.R. 82-3-111, the well must be plugged, or returned to service, or obtain temporary abandonment status by 05/30/2024.

**This deadline does NOT override any compliance deadline given to you in any Commission Order.**

You may contact me if you have any questions.

Sincerely,  
Jeff Klock, District Supervisor  
KCC DISTRICT 2

# KCC OIL/GAS REGULATORY OFFICES

Date: 04/17/24

District: 2

Case #: \_\_\_\_\_

New Situation

Lease Inspection

Response to Request

Complaint

Follow-Up

Field Report

Operator License No: 31714

API Well Number: 15-155-21683-0000

Op Name: Novy Oil & Gas, Inc.

Spot: SW-NE-NW Sec 15 Twp 23 S Rng 10  E /  W

Address 1: PO Box 559

3974 Feet from  N /  S Line of Section

Address 2: \_\_\_\_\_

3849 Feet from  E /  W Line of Section

City: Goddard

GPS: Lat: 38.05321 Long: 98.41319 Date: 4/17/24

State: KS Zip Code: 67052 -0559

Lease Name: Howard Well #: 1

Operator Phone #: (316) 794-7200

County: RN

**Reason for Investigation:**

Routine lease inspection.

**Problem:**

INACTIVE oil well, NO CP-111 on file.

**Persons Contacted:**

\_\_\_\_\_

**Findings:**

INACTIVE oil well - NO lease activities indicated. Last recorded KGS oil production in 4-2023. Propane tank gauge shows propane in tank, but tank sounds bone dry. No lease road travel to well or at tank battery. Weeds & grass all grown up at tank battery. Have been watching this well & dated & marked polish rod on 11-7-2023. Marks & date are still present.

**Action/Recommendations:**

Follow Up Required  Yes  No

Date: \_\_\_\_\_

Will send the TA - N.O.V. letter. Operator did submit a TA that was DENIED by Jeff Klock - Dist. 2 Supervisor due to Lack of O & G Lease, giving a POR date of 5-30-2024. RE-CK'D ON 6-13-2024 - WELL STATUS UNCHANGED. I RECOMMEND MONETARY OF \$100 PER K.A.R. 82-3-111 FOR FAILURE TO COMPLY.

**Verification Sources:**

Photos Taken: 3

<input checked="" type="checkbox"/> RBDMS	<input checked="" type="checkbox"/> KGS	<input type="checkbox"/> TA Program
<input type="checkbox"/> T-I Database	<input type="checkbox"/> District Files	<input type="checkbox"/> Courthouse
<input type="checkbox"/> Other: _____		

By: Virgil Clothier  
ECRS

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division



Howard #1, API#15-155-21683-00-00.  
Inactive well located in the NW/4 of 15-23S-10W. RN. Co. Operated by Novy Oil & Gas, Inc. Lic. #31714.



Well is fully equipped but has failed to operate.



Photos were taken by Virgil Clothier-ECRS/UIC Officer on June 13, 2024.

**CERTIFICATE OF SERVICE**

25-CONS-3054-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 08/13/2024.

DANIEL FOX, COMPLIANCE OFFICER, KCC DISTRICT 2  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 2  
3450 N. ROCK RD BLDG 600 STE 601  
WICHITA, KS 67226  
dan.fox@ks.gov

TRISTAN KIMBRELL, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
tristan.kimbrell@ks.gov

MICHAEL NOVY  
NOVY OIL & GAS, INC.  
PO Box 559  
Goddard, KS 67052-0559  
novyoil@aol.com

/S/ KCC Docket Room  
KCC Docket Room