

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

In the matter of the application of Murfin)	Docket No.: 20-CONS-3283-CUIC
Drilling Co., Inc., to authorize the disposal of)	
Saltwater into the Mississippi Formation at the)	CONSERVATION DIVISION
Culwell 'J' #2 well, located in the NE/4 of)	
Section 19, Township 2 South, Range 37 West)	License No.: 30606
<u>Cheyenne County, Kansas.</u>)	

MOTION FOR DEFAULT ORDER

Murfin Drilling Co., Inc. ("Applicant") moves the Commission for the entry of a default order against Darren and Tana Dale, and Jeter and Nina Isely, and to summarily grant the application submitted in the captioned docket. In support of its motion, Applicant states as follows:

BACKGROUND

1. On April 28, 2020, Applicant filed with the Commission an Application for Injection Well ("Application") requesting a permit for injection authority pursuant to K.A.R. 82-3-400, *et seq.*, at its Culwell 'J' 2-19 well.
2. On April 20, 2020, the Commission docketed a letter of protest to the Application dated April 20, 2020, from Darren and Tana Dale ("Dale").
3. On May 12, 2020, the Commission docketed a letter of protest to the Application dated May 8, 2020, from Jeter and Nina Isely, who apparently do business as Y Knot Farm & Ranch ("Y-Knot"). This letter of protest was not timely submitted pursuant K.A.R. 82-3-135a(e).
4. Dale and Y-Knot shall hereinafter collectively be referred to as "Protesters."
5. On May 19, 2020, the Commission entered an Order Designating Prehearing Officer and Setting Prehearing Conference ("Prehearing Order"). The Prehearing Order scheduled a prehearing conference by phone for Thursday, June 4, 2020, at 4:00 p.m. The Prehearing Order

was served on Protesters by first class mail and email according to the Certificate of Service attached thereto.

6. The Prehearing Conference took place as scheduled on June 4, 2020, at 4:00 p.m., with the following parties in attendance:

- a) Jonathan R. Myers, Prehearing Officer,
- b) Kelcey Marsh, Commission Staff litigation counsel, and
- c) the undersigned counsel for Applicant.

The Protesters did not appear at the Prehearing Conference.

7. Paragraph D of the Prehearing Order provides that “[a]ny party that fails to attend or participate in the Prehearing Conference . . . may be held in default under the KAPA.” K.S.A. 77-520 similarly provides that, “[i]f any part fails to attend or participate in a prehearing conference . . . the presiding officer may serve upon all parties written notice of a proposed default order . . .”

8. The Protesters were properly notified of the prehearing conference, and were afforded an opportunity to attend and participate. The Protesters failed and refused to attend and participate in the prehearing conference. The Commission’s Prehearing Order clearly advised the Protesters of the consequences of failing to attend the prehearing conference, which consequences are also authorized by Kansas statutes. Applicant, therefore, requests that a default order be entered against the Protesters, dismissing the protests they filed in this docket.

9. Moreover, in compliance with the requirements of K.A.R. 82-3-135a(c) and (d), more than 30 days ago notice of the Application was provided to all unleased mineral owners and operators or lessees of record within one-half mile from the captioned well, and was published in *The Saint Francis Herald*, an official newspaper for Cheyenne County, Kansas. The protest period has passed, and no other protests have been docketed. K.A.R. 82-3-135a(e). As such, the

Application will be ripe for granting upon the issuance of the requested default order. Applicant, therefore, also requests that the Commission enter an order summarily granting the Application, without incurring the time and cost of an evidentiary hearing.

WHEREFORE, in consideration of the foregoing, Applicant requests that the Commission enter the requested default order dismissing the protests filed by Protesters, enter an order granting the Application, and to afford such other and further relief as the Commission deems necessary and proper.

Respectfully submitted,

MORRIS, LAING, EVANS, BROCK
& KENNEDY, CHARTERED

By: 

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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

Jonathan A. Schlatter, being of lawful age and being first duly sworn upon his oath, deposes and says:

That he is the attorney for Murfin Drilling Co., Inc.; he has read the above and forgoing Motion for Default Order, and is familiar with its contents, and that the statements made therein are true and correct to the best of his knowledge and belief.


Jonathan A. Schlatter

SIGNED AND SWORN to before me this 5th day of June, 2020.



My Appointment expires: 10/12/20


Notary Public

CERTIFICATE OF SERVICE

I, Jonathan A. Schlatter, hereby certify that on this 5th day of June, 2020, I caused the original of the foregoing **Motion for Default Order** to be electronically filed with the Conservation Division of the State Corporation Commission of the State of Kansas, and caused true and correct copies of the same to be emailed to the following individuals:

Jonathan R. Myers, Assistant General Counsel
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and true and correct copies mailed by U.S.P.S., regular mail, postage prepaid, to

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Jonathan A. Schlatter