

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

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

| | |
|---|---------------------------------------|
| In the matter of the application of Berexco) | Docket No. 17-CONS- <u>3637</u> -CEXC |
| LLC for a second exception to the 10-year) | |
| time limitation of K.A.R. 82-3-111 for its) | |
| Garden City A #4-29 well located in the) | |
| SW NW NW of Sec 29, T22S, R33W, Finney) | CONSERVATION DIVISION |
| County, Kansas) | |
| _____) | License No.: 34318 |

APPLICATION

COMES NOW Berexco LLC ("Operator") for its application in the captioned matter states as follows:

1. Operator is a corporation authorized to do business in the State of Kansas. Operator's address is 2020 N. Bramblewood, Wichita, Kansas 67206.

2. Operator has been issued by the Kansas Corporation Commission Operator's License #34318, which expires on October 30, 2017.

3. Operator is the owner and operator of the Garden City A #4-29 well, API #15-055-21040-00-00 ("the subject well"), which is located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 29, Township 22 South, Range 33 West, Finney County, Kansas. The subject well comprises the following lands:

Northwest Quarter of Section 29, Township 22 South, Range 33 West, Finney County, Kansas, containing 160 acres, more or less ("leased premises").

4. Pursuant to K.A.R. 82-3-111, Operator obtained temporary abandonment status for the subject well on December 12th, 2001. The subject well has maintained such status from December, 2001, to the present date.

5. On or about September 25th, 2013, the Kansas Corporation Commission notified Operator that temporary abandonment status for the subject well would be denied because the subject well had been temporarily abandoned for more than ten (10) years. Operator filed for and received approval for an exception to K.A.R. 82-3-111 on April 29th, 2014.

6. On or about February 28th, 2017 the Kansas Corporation Commission notified Operator that the 3 year exception to K.A.R. 82-3-11 was expiring April 29th, 2017. K.A.R. 82-3-111 provides for an additional exception to be obtained through an application filed with the commission. Operator seeks such an exception.

7. The subject well demonstrates mechanical integrity as evidenced by a successful mechanical integrity test taken and witnessed by Kansas Corporation Commission staff on March 27th, 2017.

8. Operator is holding the subject well for use as a backup salt water disposal well for the Berexco Garden City D #2 salt water disposal system. Estimated cost to convert the subject well to disposal is estimated at \$75,000.

9. Operator has included a plat map showing the locations of all producing, injection, temporarily abandoned, abandoned, and plugged wells located on the same leased premises as the subject well.

10. Based on the foregoing, Operator requests the Commission grant an additional exception to the 10-year limitation, specifically to allow the subject well to remain eligible for temporary abandonment status for the three (3) years following the April 29th, 2017 expiration of

the first exception to the 10-year limitation, subject to yearly renewal with the appropriate Conservation Division District, but without further need to re-apply for a new exception each of the three (3) years prayed for in this application to the Commission.

11. Listed in the attached Exhibit "A" are the names and addresses of the following persons:

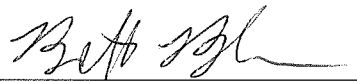
- A. Each operator of each oil and gas lease covering lands within one-half (1/2) mile radius of the subject well; and
- B. Each person who owns any mineral interest of record in and under any lands located within one-half (1/2) mile radius of the subject well (provided that such mineral interest is not covered by any oil and gas lease).

12. Notice of this application will be published pursuant to K.A.R. 82-3-135a. In addition, notice of the hearing to be held in this matter will be provided as prescribed by K.A.R. 82-3-135.

WHEREFORE, Operator prays that this matter be set for hearing, and upon hearing, that the Commission grant Operator's request for a second exception to the 10-year limitation during which wells may be temporarily abandoned pursuant to K.A.R. 82-3-111 so as to allow the subject well to remain temporarily abandoned for three (3) years following the April 29th, 2017 expiration of the exception to the 10-year limitation, subject to yearly renewal with the appropriate Conservation Division District, but without further need to re-apply for a new exception each of the three (3) years prayed for in this application.

Respectfully Submitted,

Brett Blazer
2020 N. Bramblewood
Wichita, KS 67206
316-265-3311
Fax #316-681-4722

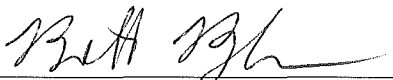
By: 
Signature of Submitter

VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SEDGWICK) ss:

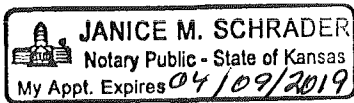
Brett Blazer, of lawful age, being first duly sworn, upon oath states:

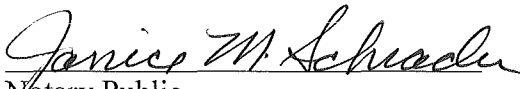
That he has the authority on behalf of Operator to file this application, has read the application, knows the contents, and knows all of the statements in the application are true and correct.



Signature of Submitter

Subscribed and sworn to before me this 28th day of April, 2017.





Notary Public

My appointment expires:

CERTIFICATE OF SERVICE

I hereby certify on this 28th day of April, 2017, true and correct copies of the above and foregoing Application and the Notice of Application were served by depositing copies of the same in the United States Mail, postage prepaid, and properly addressed to the landowner/s set forth in paragraph 11 of said Application and each party set forth in Exhibit "A" attached to said Application filed by Operator, and a digital scan of the application was delivered electronically to the Kansas Corporation Commission.

A handwritten signature in black ink, appearing to read "Beth Johnson", written over a horizontal line.

Name of Signed

EXHIBIT A

Garden City A #4-29

Linn Operating, LLC
600 Travis, Suite 1400
Houston, TX 77002

Atlas Operating LLC
15603 Kuykendahl, Ste 200
Houston, TX 77090

Continental Energy
P O Box 918
Garden City, KS 67846

Hartman Oil Co., Inc.
10500 E. Berkeley Square Pkwy
Suite 100
Wichita, KS 67206

BEREXCO LLC

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS NOTICE OF FILING APPLICATION

RE: BEREXCO LLC - - Application for a second exception to the 10 year time limitation of K.A.R. 82-3-111 for the Garden City A #4-29 well, located in Finney County, Kansas.

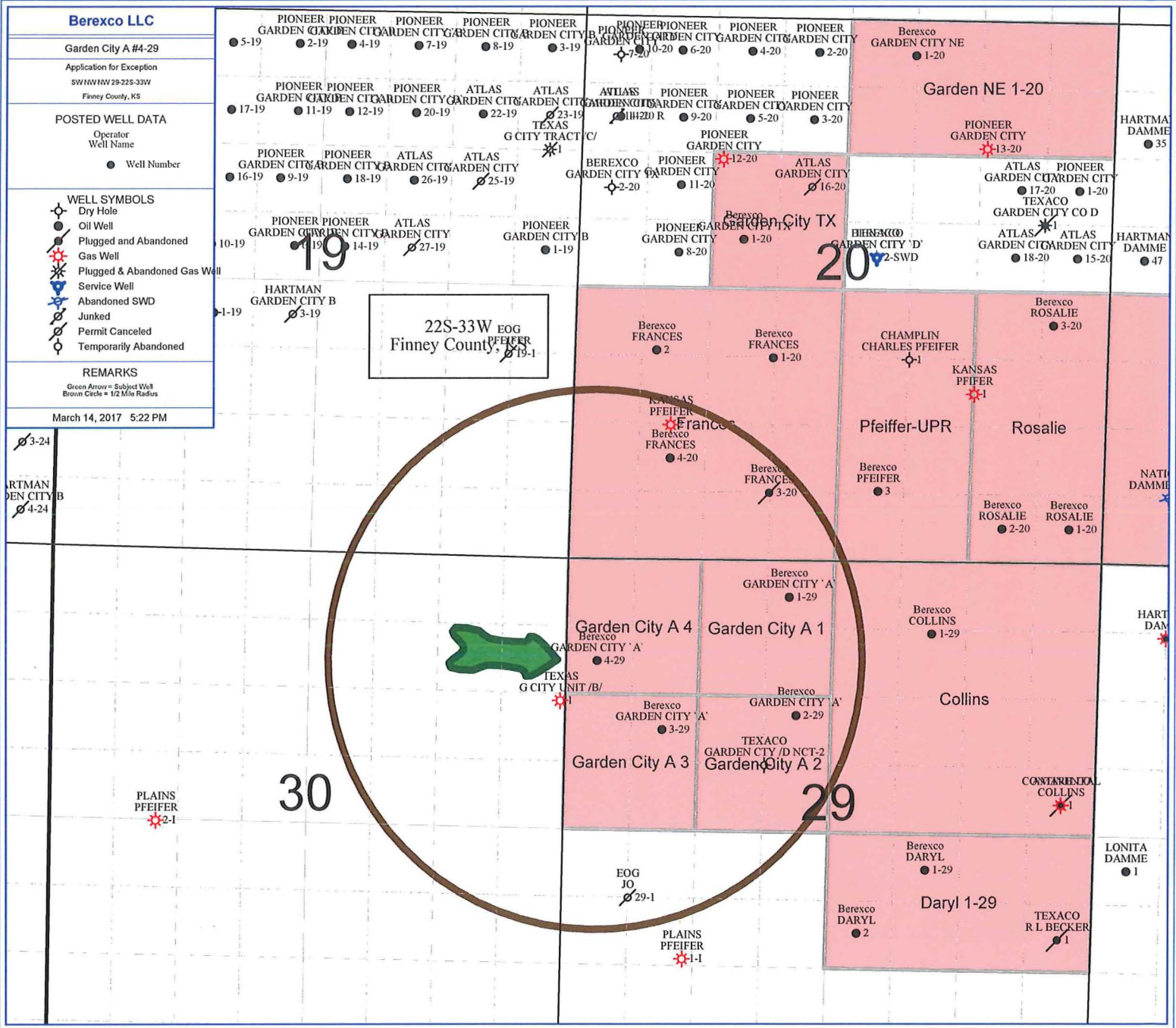
TO: All Oil & Gas Producers, Unleased Mineral Interest Owners, Landowners, and all persons whomever concerned.

You, and each of you, are hereby notified that Berexco LLC has filed an application for a second exception to the 10 year time limitation of K.A.R. 82-3-111 for the Garden City A #4-29, located in the SW NW NW of Section 29-22S-33W, Finney County, Kansas.

Any persons who object to or protest this application shall be required to file their objections or protest with the Conservation Division of the State Corporation Commission of the State of Kansas within fifteen (15) days from the date of this publication. These protests shall be filed pursuant to Commission regulations and must state specific reasons why the grant of the application may cause waste, violate correlative rights or pollute the natural resources of the State of Kansas.

All persons interested or concerned shall take notice of the foregoing and shall govern themselves accordingly.

BEREXCO LLC
2020 N. Bramblewood
Wichita, Kansas 67206
316-265-3311





LEGAL PROOF OF PUBLICATION

| Account # | Ad Number | Identification | PO | Amount | Cols | Lines |
|-----------|------------|--|----|----------|------|-------|
| 455429 | 0002967586 | Published in the Wichita Eagle March 10, 2017 (2 | | \$159.60 | 1 | 44 |

Attention: brett blazer

BEREXCO LLC
2020 NO. BRAMBLEWOOD
WICHITA, KS 67206

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 03/10/2017

Ending issue of: 03/10/2017

STATE OF KANSAS)

.SS

County of Sedgwick)

LEGAL PUBLICATION

Published in the Wichita Eagle
March 10, 2017 (2967586)

BEREXCO LLC

BEFORE THE STATE CORPORATION
COMMISSION OF THE STATE OF KANSAS
NOTICE OF FILING APPLICATION

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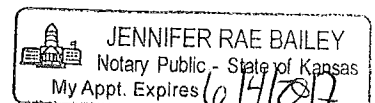
Dale Seiwert, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 3/10/2017 to 03/10/2017.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)

DATED: 3/13/2017

Notary Public Sedgwick County, Kansas



Proof of Publication

State of Kansas — Finney County

Dena A. Sattler, being first duly sworn, deposes and says that she is publisher of *The Garden City Telegram*, a weekly newspaper printed in the State of Kansas and published in and of general circulation in Finney County, Kansas, on a weekly basis in Finney County, Kansas, and that said newspaper is not a trade, religious, or fraternal publication.

THAT said newspaper is daily published at least weekly fifty (50) times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five (5) years prior to the first publication of said notice.

THAT the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days /weeks. The first (1st) publication thereof being made as aforesaid on the 9 day of March, 2017.

WITH subsequent publications being made on the following dates:

2nd Publication made on the day of , 20
3rd Publication made on the day of , 20
4th Publication made on the day of , 20

Publication Fee: \$ 52.63

Affidavits (Additional Copies @ \$5 each) \$

Total Publication Fee: \$ 52.63

Sign. DAS

Witness my hand this 9th day of March, 2017.

SUBSCRIBED AND SWORN before me this 9th day of March, 2017.

(Notary Public) [Signature]

My commission expires. 11-25-17

NOTARY PUBLIC-State of Kansas

NANCY MILLER



My Appt. Exp. 11-25-17

(Published in The Garden City Telegram Thursday March 9, 2017.)

BEREXCO LLC

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COMMISSION OF THE STATE OF KANSAS
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BEREXCO, INC.
2020 N. Bramblewood
Wichita, Kansas 67206
316-265-3311

252225

Legal Invoice #

252225