

JAN 16 2018

CONSERVATION DIVISION  
WICHITA, KS

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

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

In the Matter of the Application of Evans Oil, Inc. (Operator) to authorize injection of saltwater into the Bartlesville formation at the R.E. Camp Lease #2-OE and the R.E. Camp Lease #7-OE wells located in Section 36; the R.E. Camp #20-OE, R.E. Camp #22-OE and the R.E. Camp #23-OE wells located in Section 25, all in Township 23 South, Range 21 East, Bourbon County, Kansas.	)	Docket No: 18-CONS-3210-CUIC
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	)	CONSERVATION DIVISION
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	)	License No: 6078
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**MOTION FOR PROPOSED DEFAULT ORDER  
DISMISSING CERTAIN PROTESTS**

COMES NOW the Applicant Evans Oil, Inc., by and through counsel Jacob T. Manbeck of Johnson Schowengerdt, PA, and moves for the issuance of a proposed default order dismissing the protest of Susan Royd-Sykes.

**BACKGROUND**

1. On September 22, 2017, Evans Oil, Inc. filed an application to authorize injection of saltwater into the Bartlesville formation at the R.E. Camp Lease #2-OE and the R.E. Camp Lease #7-OE wells located in Section 36; the R.E. Camp #20-OE, R.E. Camp #22-OE and the R.E. Camp #23-OE wells located in Section 25, all in Township 23 South, Range 21 East, Bourbon County, Kansas.
2. The original caption contained an error, whereas the R.E. Camp #20-OE and the

R.E. Camp #22-OE are located within Section 25 instead of Section 35.

3. On September 22, 2017, Proof of Publication was filed in the docket.
4. On October 16, 2017, a letter of protest with acknowledgement was filed by Susan Royd-Sykes. A letter requesting a hearing was filed by Susan Royd-Sykes on October 27, 2017.
5. The Commission ordered a Prehearing Conference to be held on Friday, January 5, 2018, by telephone. Within said order, the Commission included the conference call information. The order also states that “[a]ny party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA” pursuant to K.S.A. 77-506 and K.S.A. 77-516(c)(7)-(8).
6. The Commission mailed the Order to Susan Royd-Sykes on November 11, 2017, pursuant to the Order’s Certificate of Service.
7. A Prehearing Conference was held on January 5, 2018. Susan Royd-Sykes failed to appear or participate in the Prehearing Conference.

### **JURISDICTION**

8. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may serve notice of a proposed default order with a statement of the grounds. The party has seven days to file a written motion to vacate, stating the grounds relied upon. If a motion is not filed, the proposed

default order becomes effective automatically after seven calendar days. If a motion to vacate is failed, the Commission shall issue a subsequent order either vacating or issuing the default order. If the presiding officer issues a default order as proposed, then the order shall become effective upon service.

9. Susan Royd-Sykes failed to appear or participate in the Prehearing Conference on January 5, 2018, despite notice that any party not in attendance may be held in default. Her failure to attend indicates that she does not desire to participate in an evidentiary hearing.
10. Due to Susan Royd-Sykes' failure to appear in the Prehearing Conference on January 5, 2018, all further matters should be dismissed, including the status conference scheduled on February 2, 2018.
11. Further, Applicant hereby requests the Commission to allow staff to process Applicant's application administratively.

WHEREFORE, the Applicant requests that a proposed default order be issued, dismissing the protests of Susan Royd-Sykes, the status conference to be held on February 2, 2018 be dismissed, and the Commission allow staff to process the application administratively, and anything else the Commission deems just and equitable.

**JOHNSON SCHOWENGERDT, P.A.**

118 W. Madison

P.O. Box 866

Iola, Kansas 66749

jacob@jslaw.kscoxmail.com

By: 

Jacob T. Manbeck, #27684

**CERTIFICATE OF SERVICE**

I certify that on the 16<sup>th</sup> day of January, 2018, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Susan Royd-Sykes  
504 S. 6<sup>th</sup> Street  
Burlington, KS 66839

and personally delivered to:

Jonathan R. Myers, Litigation Counsel  
KCC Central Office  
j.myers@kcc.ks.gov

Samuel Feather, Deputy General Counsel  
KCC Topeka Office  
s.feather@kcc.ks.gov

Rene Stucky, Todd Bryant  
KCC Central Office

  
Jacob T. Manbeck, #27684