

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

|   |                            |   |
|---|----------------------------|---|
| In the matter of the Application of Benjamin<br>M. Giles for an Exception to the 10-year time<br>limitation of K.A.R. 82-3-111 for his Whipple<br>#2 well located in Section 7, Township 26<br><u>South, Range 5 East, Butler County, Kansas.</u> | )<br>)<br>)<br>)<br>)<br>) | Docket No.: 17-CONS-3443-CEXC<br><br>CONSERVATION DIVISION<br><br>License No.: 5446 |
|---|----------------------------|---|

**MOTION TO DISMISS APPLICATION & CLOSE DOCKET**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this *Motion to Dismiss Application & Close Docket*. In support of its Motion, Staff states as follows:

**I. Background**

1. On January 13, 2017, Operator filed an application requesting an exception to the 10-year limit on temporary abandonment status for the Whipple #2, API #15-015-19480.

2. On April 5, 2017 and April 10, 2017, Operator provided affidavits of publication of notice in the Wichita Eagle and Butler County Times-Gazette, respectively.

3. On July 11, 2017, Staff filed a motion to designate a prehearing officer and schedule a prehearing conference, noting that Staff opposed the application because Operator had not performed a successful mechanical integrity test.

4. On August 22, 2017, the Commission issued an order setting a prehearing conference for October 2, 2017, which was subsequently continued to November 3, 2017. At the moment, no prehearing conference is scheduled and no procedural schedule has been issued.

**II. Argument**

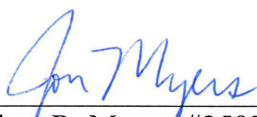
5. As demonstrated by a Transfer of Operator (T-1) form filed with the Commission September 20, 2017, and approved October 9, 2017, the Whipple #2 well was transferred from

Operator to Jordan Oil Management Inc., KCC License #34303, effective September 1, 2017.<sup>1</sup>

Since Operator does not own the Whipple #2, it has no need for, or legal right to, the granting of its application.<sup>2</sup>

WHEREFORE, Staff moves for Operator's application to be dismissed and for this docket to be closed.

Respectfully submitted,



---

Jonathan R. Myers, #25975  
Litigation Counsel, Kansas Corporation Commission  
266 N. Main, Suite 220, Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

---

<sup>1</sup> Exhibit A.

<sup>2</sup> See K.A.R. 82-3-111, which requires the *operator* of a well to comply with temporary abandonment requirements. Jordan Oil Management, having accepted responsibility for the well as demonstrated by the T-1 Form, is now the operator of the well.

KANSAS CORPORATION COMMISSION  
OIL & GAS CONSERVATION DIVISION

1367811

Form T-1  
July 2014

Form must be Typed  
Form must be Signed  
All blanks must be Filled

**REQUEST FOR CHANGE OF OPERATOR  
TRANSFER OF INJECTION OR SURFACE PIT PERMIT**

Form KSONA-1, Certification of Compliance with the Kansas Surface Owner Notification Act,  
MUST be submitted with this form.

Check Applicable Boxes:

- ☒ Oil Lease: No. of Oil Wells 6 \*\*
- ☐ Gas Lease: No. of Gas Wells \_\_\_\_\_ \*\*
- ☐ Gas Gathering System: \_\_\_\_\_
- ☐ Saltwater Disposal Well - Permit No.: \_\_\_\_\_
- Spot Location: \_\_\_\_\_ feet from ☐ N / ☐ S Line  
\_\_\_\_\_ feet from ☐ E / ☐ W Line
- ☐ Enhanced Recovery Project Permit No.: \_\_\_\_\_
- Entire Project: ☐ Yes ☐ No
- Number of Injection Wells \_\_\_\_\_ \*\*

Field Name: EL DORADO

**\*\* Side Two Must Be Completed.**

Effective Date of Transfer: 09/01/2017

KS Dept of Revenue Lease No.: 101725

Lease Name: WHIPPLE

\_\_\_\_\_ NE Sec. 7 Twp. 26 R. 5 ☒ E ☐ W

Legal Description of Lease:

**NE/4 SEC 7-26S-5E BUTLER COUNTY,  
KANSAS**

County: Butler

Production Zone(s): ARBUCKLE & LANSING-KANSAS CITY

Injection Zone(s): \_\_\_\_\_

Surface Pit Permit No.: \_\_\_\_\_  
(API No. if Drill Pit, WO or Haul)

\_\_\_\_\_ feet from ☐ N / ☐ S Line of Section

\_\_\_\_\_ feet from ☐ E / ☐ W Line of Section

Type of Pit: ☐ Emergency ☐ Burn ☐ Settling ☐ Haul-Off ☐ Workover ☐ Drilling

Past Operator's License No. 5446

Contact Person: BEN GILES

Past Operator's Name & Address: Giles, Benjamin M.  
346 S. LULU WICHITA, KS 67211

Phone: (316)265-1992

Date: 09/20/2017

Title: OPERATOR

Signature: Tauni Raney

New Operator's License No. 34303

Contact Person: JASON BRUNS

New Operator's Name & Address: Jordan Oil Management Inc.  
PO BOX 642 WELLINGTON, KS 67152

Phone: (620)440-0170

Oil / Gas Purchaser: MACLASKEY

Date: 09/20/2017

Title: OPERATOR

Signature: Jason Bruns

**Acknowledgment of Transfer:** The above request for transfer of injection authorization, surface pit permit # \_\_\_\_\_ has been noted, approved and duly recorded in the records of the Kansas Corporation Commission. This acknowledgment of transfer pertains to Kansas Corporation Commission records only and does not convey any ownership interest in the above injection well(s) or pit permit.

\_\_\_\_\_ is acknowledged as  
the new operator and may continue to inject fluids as authorized by  
Permit No.: \_\_\_\_\_ . Recommended action: \_\_\_\_\_

Date: \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_ is acknowledged as  
the new operator of the above named lease containing the surface pit  
permitted by No.: \_\_\_\_\_ .

Date: \_\_\_\_\_  
Authorized Signature

DISTRICT \_\_\_\_\_ EPR 10/09/2017 PRODUCTION \_\_\_\_\_ UIC \_\_\_\_\_

***Must Be Filed For All Wells***

KDOR Lease No.: 101725

\* Lease Name: WHIPPLE \* Location: 07-26S-05E

[illegible]

*A separate sheet may be attached if necessary*

\* When transferring a unit which consists of more than one lease please file a separate side two for each lease. If a lease covers more than one section please indicate which section each well is located.

# CERTIFICATION OF COMPLIANCE WITH THE KANSAS SURFACE OWNER NOTIFICATION ACT

*This form must be submitted with all Forms C-1 (Notice of Intent to Drill); CB-1 (Cathodic Protection Borehole Intent); T-1 (Request for Change of Operator Transfer of Injection or Surface Pit Permit); and CP-1 (Well Plugging Application). Any such form submitted without an accompanying Form KSONA-1 will be returned.*

Select the corresponding form being filed: ☐ C-1 (Intent) ☐ CB-1 (Cathodic Protection Borehole Intent) ☒ T-1 (Transfer) ☐ CP-1 (Plugging Application)

OPERATOR: License # 5446  
Name: Giles, Benjamin M.  
Address 1: 346 S. LULU  
Address 2: \_\_\_\_\_  
City: WICHITA State: KS Zip: 67211 + \_\_\_\_\_  
Contact Person: BEN GILES  
Phone: ( 316 ) 265-1992 Fax: ( \_\_\_\_\_ ) \_\_\_\_\_  
Email Address: tauni@bengiles.kscoxmail.com

Well Location:  
\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-NE Sec. 7 Twp. 26 S. R. 5 ☒ East ☐ West  
County: Butler  
Lease Name: WHIPPLE Well #: See T1 Side Two

*If filing a Form T-1 for multiple wells on a lease, enter the legal description of the lease below:*

**NE/4 SEC 7-26S-5E BUTLER COUNTY,  
KANSAS**

## Surface Owner Information:

Name: AUSTIN WILLIAM LOWRY  
Address 1: 401 N ATCHINSON  
Address 2: \_\_\_\_\_  
City: EL DORADO State: KS Zip: 67042 + 67042

*When filing a Form T-1 involving multiple surface owners, attach an additional sheet listing all of the information to the left for each surface owner. Surface owner information can be found in the records of the register of deeds for the county, and in the real estate property tax records of the county treasurer.*

*If this form is being submitted with a Form C-1 (Intent) or CB-1 (Cathodic Protection Borehole Intent), you must supply the surface owners and the KCC with a plat showing the predicted locations of lease roads, tank batteries, pipelines, and electrical lines. The locations shown on the plat are preliminary non-binding estimates. The locations may be entered on the Form C-1 plat, Form CB-1 plat, or a separate plat may be submitted.*

## Select one of the following:

- ☒ I certify that, pursuant to the Kansas Surface Owner Notice Act (House Bill 2032), I have provided the following to the surface owner(s) of the land upon which the subject well is or will be located: 1) a copy of the Form C-1, Form CB-1, Form T-1, or Form CP-1 that I am filing in connection with this form; 2) if the form being filed is a Form C-1 or Form CB-1, the plat(s) required by this form; and 3) my operator name, address, phone number, fax, and email address.
- ☐ I have not provided this information to the surface owner(s). I acknowledge that, because I have not provided this information, the KCC will be required to send this information to the surface owner(s). To mitigate the additional cost of the KCC performing this task, I acknowledge that I must provide the name and address of the surface owner by filling out the top section of this form and that I am being charged a \$30.00 handling fee, payable to the KCC, which is enclosed with this form.

*If choosing the second option, submit payment of the \$30.00 handling fee with this form. If the fee is not received with this form, the KSONA-1 form and the associated Form C-1, Form CB-1, Form T-1, or Form CP-1 will be returned.*

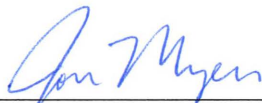
I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief.

Date: 09/20/2017 Signature of Operator or Agent: BEN GILES Title: OPERATOR

**VERIFICATION**

STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SEDGWICK            )

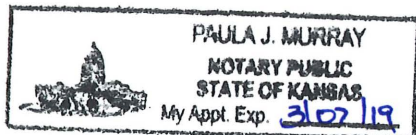
Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Jonathan R. Myers, S. Ct. #25975  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2 day of Apr, 2018.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 3/07/19



**CERTIFICATE OF SERVICE**

17-CONS-3443-CEXC

I, the undersigned, certify that the true copy of the attached Motion has been served to the following parties by means of first class mail and electronic service on 4/2/18.

SAMUEL FEATHER, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
s.feather@kcc.ks.gov

JONATHAN R. MYERS, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
j.myers@kcc.ks.gov

JONATHAN A. SCHLATTER, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY CHTD  
300 N MEAD STE 200  
WICHITA, KS 67202-2745  
Fax: 316-262-6226  
jschlatter@morrislaing.com

/S/ Paula J. Murray  
\_\_\_\_\_  
Paula J. Murray