

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Berexco)	Docket No. 19-CONS-3158-CEXC
LLC for an exception to the 10-year time)	
limitation of K.A.R. 82-3-111 for its Horace)	CONSERVATION DIVISION
Fink #5 Injection Well located in the NE SE)	
of Sec 16, T14S, R14W, Russell County,)	License No. 34318
Kansas.)	

ORDER GRANTING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

I. JURISDICTION

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹
2. K.A.R. 82-3-111 provides that wells having been shut-in for more than 10 years shall not be approved for TA status without Commission approval of an application for an exception.
3. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

¹ K.S.A. 74-623

II. FINDINGS OF FACT

4. Berexco LLC (Operator) conducts oil and gas activities in Kansas under active license number 34318.
5. Operator filed an application requesting an exception to the 10-year limit on TA status for the Horace Fink #5 well, API #15-167-06882-00-01.
6. Operator has verified that notice was properly served and published, as required under K.A.R. 82-3-135a, at least 15 days before the issuance of this Order.
7. No protest was filed under K.A.R. 82-3-135b.
8. On October 22, 2018, Operator successfully tested the subject well for mechanical integrity.
9. The Commission finds the application and the mechanical integrity test sufficient to support the administrative grant of this application.

III. CONCLUSIONS OF LAW

10. The Commission finds and concludes that it has jurisdiction over Operator and this matter.
11. The Commission finds and concludes that the Operator's application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.
12. The Commission finds and concludes that notice was properly served and published.
13. Based on the above facts, the Commission finds and concludes that the application should be granted to prevent waste and protect correlative rights, because Operator

has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

THEREFORE, THE COMMISSION ORDERS:

A. Operator's application for an exception to the 10-year limit on TA status for the subject well is granted for three years, calculated from the date the application was filed. Operator must file an annual TA form for the subject well. The first TA form shall be filed within 30 days.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Date: 01/08/2019



Lynn M. Retz
Secretary to the Commission

Date Mailed: 01/09/2019

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² K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-CONS-3158-CEXC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 01/08/2019.

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/S/ DeeAnn Shupe
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