

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

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the matter of the application of Berexco ) Docket No. 20-CONS-3198-CEXC  
LLC for an exception to the 10-year time )  
limitation of K.A.R. 82-3-111 for its Lottie ) CONSERVATION DIVISION  
#2 well located in the NE SW NE SW of )  
Sec 1, T16S, R30W Lane County, Kansas. ) License No. 34318

**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.<sup>1</sup>

2. A well shall not be eligible for temporary abandonment (TA) status if the well has been shut in for 10 years or more without an application for an exception pursuant to K.A.R. 82-3-100 and approval by the Commission.<sup>2</sup> An exception may be granted by the Commission, after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution. Each party requesting an exception shall file an application with the conservation division.<sup>3</sup>

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<sup>1</sup> K.S.A. 74-623.

<sup>2</sup> K.A.R. 82-3-111(b).

<sup>3</sup> K.A.R. 82-3-100(b).

## **II. FINDINGS OF FACT**

3. Berexco LLC (Operator) conducts oil and gas activities in Kansas under active license number 34318.

4. On January 9, 2020, Operator filed an application requesting an exception to the 10-year limit on TA status for the Lottie #2 well (subject well), API #15-101-20979. On February 11, 2020, Operator filed an amended application.

5. Operator has verified that notice was properly served and published at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a.

6. No protest was filed under K.A.R. 82-3-135b.

7. On December 12, 2019, Operator successfully tested the subject well for mechanical integrity, indicating there is not a present threat to fresh and usable water.

8. The Commission finds the reasons articulated in the amended application and the results of the mechanical integrity test sufficient to support the administrative grant of the application.

## **III. CONCLUSIONS OF LAW**

9. The Commission concludes that it has jurisdiction over Operator and this matter.<sup>4</sup>

10. The Commission concludes that Operator's amended application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.

11. The Commission concludes that notice was properly served and published.

12. Based on the above facts, the Commission concludes that the amended application should be granted to prevent waste and protect correlative rights, because Operator has

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<sup>4</sup> K.S.A. 74-623(a).

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

**THEREFORE, THE COMMISSION ORDERS:**

A. Operator's amended 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.

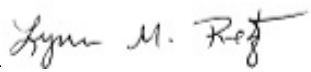
B. Operator must file an annual TA form for the subject well. The first TA form shall be filed within thirty (30) days.

C. 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).<sup>5</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Date: 02/20/2020

  
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Lynn M. Retz  
Executive Director

Date Mailed: 02/20/2020

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<sup>5</sup> 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**

20-CONS-3198-CEXC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 02/20/2020.

SCOTT ALBERG, DISTRICT #1 SUPERVISOR  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
Fax: 785-271-3354  
s.alberg@kcc.ks.gov

JONATHAN HAYWARD  
BEREXCO LLC  
2020 N. BRAMBLEWOOD  
WICHITA, KS 67206-1094

KELCEY MARSH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
k.marsh@kcc.ks.gov

MICHELE PENNINGTON  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
Fax: 785-271-3354  
m.pennington@kcc.ks.gov

/S/ DeeAnn Shupe  
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DeeAnn Shupe