

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

In the matter of Jason Nickell’s responsibility for ) Docket No.: 25-CONS-3307-CMSC  
an abandoned well pursuant to K.S.A. 55-179. )  
 ) CONSERVATION DIVISION  
 )  
 ) License No.: N/A

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**MOTION FOR THE DESIGNATION OF A PRESIDING OFFICER AND  
REQUEST FOR HEARING**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) moves for the designation of a presiding officer and the scheduling of a prehearing conference in this matter. In support of its motion, Staff states the following:

1. On April 4, 2024, Staff conducted a lease inspection of the Nickell lease located in Section 21, Township 20 South, Range 22 East, Linn County, Kansas.<sup>1</sup> Staff’s inspection was based on an abandoned bore hole which was located while Mr. Nickell was conducting dirt work for a shop he was building. The abandoned well was given an API number and named the Nickell #OW-1, API #15-107-02051. In discussing the bore hole with Mr. Nickell, Staff learned that Mr. Nickell had scheduled to pour concrete for the building later that day. After some discussion with the operator of the lease and Mr. Nickell, Staff instructed Mr. Nickell to place a 5-gallon bucket over the wellbore, so that Mr. Nickell could pour concrete while still allowing Staff the ability to access the wellbore to pull fluid samples and set surface casing.

2. After Staff left the lease, Staff received a message from Mr. Nickell on Saturday April 6, 2024. In the message, Mr. Nickell indicated that he did not want the floor broke up or messed with until the well was to be plugged. It was at this time that Staff also learned that the bucket had been reset where it was an inch or two below cement level and that the concrete floor had been finished over the bucket against Staff’s direction.

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<sup>1</sup> Exhibit A *see* Field Report

3. On January 31, 2025, Staff sent a letter to the operator of the lease, JTC Oil, Inc., and to Mr. Nickell.<sup>2</sup> The letter required JTC Oil to temporarily reduce its rate and pressure to 0 barrels per day and 0 psi. The letter also stated that if the threat posed by the abandoned well was not remediated by March 3, 2025, then Staff would revoke the injection authority to 13 injection wells within a quarter mile of the abandoned well. JTC Oil subsequently requested and received an extension to that deadline. Further, the letter indicated that Commission Staff had found Mr. Nickell to be a potentially responsible party for plugging the well pursuant to K.S.A. 55-179(b)(6) for intentionally destroying, burying, or damaging the well without Commission authorization, or alternatively, altering the physical status of the well in a manner that will result in a more than de minimus increase in plugging costs without Commission authorization. The letter provided Mr. Nickell a March 3, 2025, deadline to remediate the well. Staff has not heard from Mr. Nickell and the well remains unplugged.

WHEREFORE, for the reasons described above, Staff moves for the designation of a presiding officer and the scheduling of a prehearing conference in this matter that will allow further development of a procedural schedule in anticipation of a hearing regarding Mr. Nickell's responsibility for the Nickel #OW-1 well.

Respectfully submitted,

/s/ Kelcey Marsh  
Kelcey A. Marsh #28300  
Litigation Counsel | Kansas Corporation Commission  
266 N. Main, Suite 220 | Wichita, Kansas 67202  
Phone: 316-337-6200 | Email: Kelcey.Marsh@ks.gov

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<sup>2</sup> Exhibit A.

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

January 31, 2025

Tom Cain  
JTC Oil, Inc.  
7553 W 295<sup>th</sup> St.  
Louisburg, KS 66053

Jason Nickell  
6679 W 1900 Road  
Parker, KS 66072

**Re: Nickell #OW-1, API #15-107-02051, Section 21, Township 20 South, Range 22 East,  
Linn County, Kansas**

Mr. Cain and Mr. Nickell:

This letter is in regard to the abandoned, unplugged well that was located beneath a building on the referenced location. I have attached a copy of Staff's field report to this letter for both of your reference.

Mr. Cain, it appears that the Nickell #OW-1 is located within a quarter mile of 13 authorized injection wells belonging to JTC Oil. Staff is temporarily reducing the injection rate and pressure of those 13 injection wells. A list of the injection wells is included on page 7 of the attached field report. **The new injection rate and pressure for these wells is 0 barrels per day and 0 psi.** Failure to reduce the rate and pressure of these wells to the new limit within 10 days from the date of this letter (February 10, 2025) will result in Staff recommending an administrative penalty to the Commission and shut-in order for the wells. Additionally, if the threat posed by the Nickell #OW-1 well is not remediated by (March 3, 2025), then Staff will revoke the injection authority for the 13 wells for just cause pursuant to K.A.R. 82-3-408.

Mr. Nickell, Commission Staff have determined that you appear to be a responsible party for the Nickell #OW-1 well. Pursuant to K.S.A. 55-179(b)(6) you appear to be responsible for the referenced well for intentionally destroying, burying, or damaging the well without Commission authorization, or alternatively, altering the physical status of the well in a manner that will result in more than a de minimus increase in plugging costs without Commission authorization. I have attached a copy of the statute to this letter for your reference. Please ensure that the referenced well is remediated by (March 3, 2025). Failure to address the well by this deadline shall result in Staff filing a motion with the Commission requesting a presiding officer be assigned and a prehearing conference set in anticipation of a formal hearing, where you will be required to appear before the Commission to show why you are not responsible for remediating the well.

Please contact me if either of you have any questions.

Sincerely,

Kelcey Marsh  
Litigation Counsel

cc: Todd Bryant, Troy Russell, Duane Sims, District #3

**KCC OIL/GAS REGULATORY OFFICES**

Inspection Date: 04/04/2024 District: 3 Incident Number: 8682

- New Situation  Lease Inspection
- Response to Request  Complaint
- Follow-up  Field Report

Operator License No: 32834 API: 15-107-02051-00-00 Q3: NE Q2: NW Q1: NE

Operator Name: JTC Oil, Inc. SEC 21 TWP 20 RGE 22 RGEDIR: E

Address: 7553 W. 295th ST. FSL: 4864

City: Louisburg FEL: 1930

State: Kansas Zip Code: 66053 Lease: Nickell Well No.: OW-1

Phone contact: (913)208-7914 County: LN

Reason for Investigation:

Request from Operator, JTC Oil, LLC

Problem:

Landowner building a shop located a borehole while doing dirt work.

Persons contacted:

Landowner: Jason Nickell (785)448-4498, Lease Operator: Tom Cain (913)208-7914, KCC Staff

Findings:

I received a phone call from Tom Cain on April 2, 2024, asking me to come down to the Ralph Nickell Sr. lease located in Sec. 21-20-22E in Linn County. Mr. Cain stated that the landowner had contacted him about finding a bore hole while doing dirt work to pour cement inside the shop he was building. I arrived on the lease on April 4, 2024, and found a 10" bore hole with no pipe in it. While talking with the landowner Jason Nickell I discovered that he was planning on pouring concrete for the floor at noon that day. His plan was to have a plug and board over the well bore and to cement over the top of the well. And then coming back in later to cut out the floor in the area of the well so that operator could take care of well. After many attempts to explain that he would not be able to cement over the well and that doing so may make him responsible for the well bore. Mr. Nickell informed me that he had reached out to Tom Cain a month in advance about the location of the well bore and that we have had a month to do something with it. And that if we need to do something we need to get it figured out because he had cement coming at noon and they were going to pour the floor. (Continue in Additional Findings)

Actions / Recommendations Follow-up Required  Deadline Date:

I will refer this field report to District #3 compliance Officer Ryan Duling for review. I would recommend sending this field report to Legal staff for recommendation on responsible party.

Photo's Taken: 4

RBDMS  KGS  KOLAR Report Prepared By: Ryan Hermreck

District Files  Courthouse Position: E.C.R.S.

## KCC OIL/GAS REGULATORY OFFICES

### Additional Findings:

(Cont.) I was informed that I would need to contact Mr. Cain due to disagreements between them. I reached out to Mr. Cain to see how much area he would need if he was found to be the responsible party and needed to plug the well. I was told to do whatever the landowner wanted to do because he wouldn't listen to Mr. Cain's recommendations anyways. So after discussing with KCC Staff, we decided that if Mr. Nickell was to set a five gallon bucket over the well bore, that he should be able to pour concrete and finish it up to the bucket without covering the bucket, and that we would be able to remove the bucket to pull fluid samples and to set surface casing. Mr. Nickell cut a five gallon bucket and he was able to set it on the well bore and put some rock in and around it for him to pour his floor. I then told Mr. Nickell that I would return the following Monday to try to find fluid level again and to try to get a fluid sample.

Mr. Nickell messaged me on Saturday April 6, 2024, letting me know that he had been thinking about it and did not want the floor broke up or messed with till they were ready to plug the well. I called Mr. Nickell on Monday morning to let him know I received his message and that the concrete would probably not be messed with until they were ready to start setting up to run surface casing and/or plugging. He said ok and that he wasn't for sure what the process was and that I had stated about coming back out for samples, etc. When asked why I would need to break up the concrete to do that being we put a bucket there to remove for this reason, I was told that they cemented over the bucket. When he reset the bucket it was approximately an inch or two below cement level, and they finished the floor over the bucket.

Research did not find a well located in this location and nothing to match my session point with so I had to submit a request for a new API#. Research showed this well within a quarter mile Area of Review of thirteen (13) authorized injection wells. All thirteen (13) Authorized injection wells were found to be owned and operated by JTC Oil, Inc. License #32834, and also were permitted in Docket # E-29,014. Attached to this field report is a list of the thirteen (13) authorized injection wells. Also attached with this field report are photos of the well bore and building, Area of Review map, and a lease map.

### Well information is as follows:

Nickell #OW-1, API# 15-107-02051-00-00, 4864 FSL & 1930 FEL, Lat. 38.300908 & Long. -94.980018 NE NW NE. Nickell #OW-1 is an abandoned oil well that consists of a 10" bore hole with no pipe. . Running a string line I found fluid to be approximately 150' from surface. When I pulled my line out of the well it had oil on it. Researched showed no information about a well located in this location so a new API# had to be obtained. See attached photos.

# KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: N/A
Lease: Ralph Nickell Sr.
County: Linn
Subject: Nickell # OW-1
FSL: 4864
FEL: 1930
API#: 15-107-02051-00-00
Date: 4/4/2024
Staff: Ryan Hermreck

KLN: N/A
Legal: NE NW NE 21-20-22E
PIC ID#: RNS01
PIC Orientation: (L) Southwest, (R) South
Latitude: 38.300908
Longitude: -94.980018

Time: 10:12am
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Additional Information: Nickell # OW-1 is a 10" bore hole with no visible pipe. Running a string line I found fluid to be approximately 150' from surface. When I pulled my line out of the well it had oil on it. In these photos it also shows the plug and board Mr. Nickell was using to cover the well before gravelling over.

# KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: N/A
Lease: Ralph Nickell Sr.
County: Linn
Subject: Nickell # OW-1
FSL: 4864
FEL: 1930
API#: 15-107-02051-00-00
Date: 4/4/2024
Staff: Ryan Hermreck

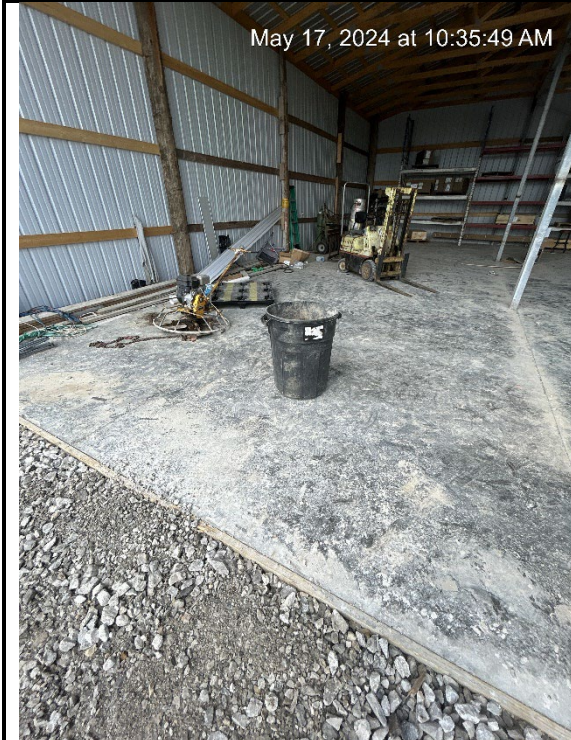
KLN: N/A
Legal: NE NW NE 21-20-22E
PIC ID#: RNS02
PIC Orientation: (L) Southwest, (R) South
Latitude: 38.300908
Longitude: -94.980018

Time: 10:53am
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Additional Information: Nickell # OW-1 is a 10" bore hole with no visible pipe. Running a string line I found fluid to be approximately 150' from surface. When I pulled my line out of the well it had oil on it. In these photos it also shows the plug and board Mr. Nickell was using to cover the well before gravelling over.

These photos show the bucket that was placed over the hole for Mr. Nickell to cement up to. The bucket was placed in the well bore with the idea of being able to remove it for access to the well bore for setting pipe and plugging.

# KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: N/A
Lease: Ralph Nickell Sr.
County: Linn
Subject: Nickell # OW-1
FSL: 4864
FEL: 1930
API#: 15-107-02051-00-00
Date: 5/17/2024
Staff: Ryan Hermreck

KLN: N/A
Legal: NE NW NE 21-20-22E
PIC ID#: RNS03
PIC Orientation: (L) Southwest, (R) Southeast
Latitude: 38.300908
Longitude: -94.980018

Time: 10:36am
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Additional Information: Nickell # OW-1 is a 10" bore hole with no visible pipe. Running a string line I found fluid to be approximately 150' from surface. When I pulled my line out of the well it had oil on it. In these photos it also shows the plug and board Mr. Nickell was using to cover the well before gravelling over.

These photos show a trash can in the approximate area of the bucket and bore hole after covered in cement.



# KCC DISTRICT III OFFICE FIELD REPORT PHOTO ID FORM



Operator: N/A
Lease: Ralph Nickell Sr.
County: Linn
Subject: Nickell # OW-1
FSL: 4864
FEL: 1930
API#: 15-107-02051-00-00
Date: 5/17/2024
Staff: Ryan Hermreck

KLN: N/A
Legal: NE NW NE 21-20-22E
PIC ID#: RNS04
PIC Orientation: (L) Southwest, (R) Southeast
Latitude: 38.300908
Longitude: -94.980018

Time: 10:36am

Additional Information: Nickell # OW-1 is a 10" bore hole with no visible pipe. Running a string line I found fluid to be approximately 150' from surface. When I pulled my line out of the well it had oil on it. In these photos it also shows the plug and board Mr. Nickell was using to cover the well before gravelling over.

These photos show a trash can in the approximate area of the bucket and bore hole after covered in cement, and where it is located in aspect to the building.

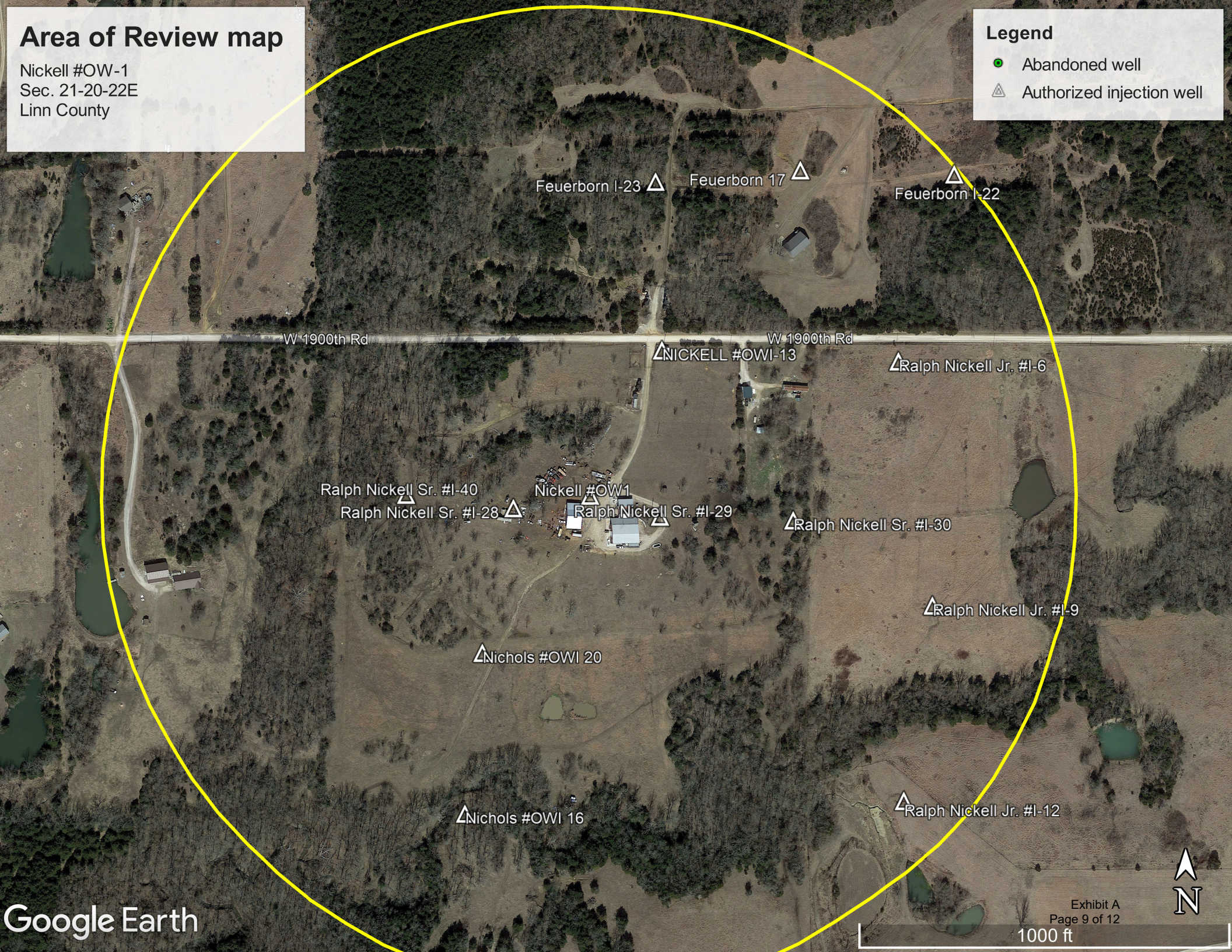
API WELL #	Well Name	Spot	Sec	Twp	N/S	Rng	W/E	Type	statu	TVD	Ftg	N/S	N/tg	E/M	E/A	WH LAT	WH LONG
15-107-21156-00-01	NICKELL OWI 13	NENWNE	21	20	S	22	E	EOR	AI	649	5258	S	1732	E		38.301988	-94.979333
15-107-22460-00-01	NICHOLS OWI 16	SWNWNE	21	20	S	22	E	EOR	AI	649	3987	S	2280	E		38.2985	-94.981227
15-107-22613-00-01	NICHOLS OWI 20	SWNWNE	21	20	S	22	E	EOR	AI	601	4431	S	2229	E		38.299719	-94.981055
15-107-24154-00-00	RALPH NICKELL JR I-6	NWNENE	21	20	S	22	E	EOR	AI	660	5229	S	1087	E		38.301908	-94.977085
15-107-24157-00-00	RALPH NICKELL JR I-9	SWNENE	21	20	S	22	E	EOR	AI	620	4562	S	985	E		38.300077	-94.976723
15-107-24160-00-00	RALPH NICKELL JR I-12	SWNENE	21	20	S	22	E	EOR	AI	620	4032	S	1074	E		38.29862	-94.977023
15-107-24162-00-00	RALPH NICKELL SR I-28	NWNWNE	21	20	S	22	E	EOR	AI	640	4830	S	2140	E		38.300814	-94.980749
15-107-24163-00-00	RALPH NICKELL SR I-29	NENWNE	21	20	S	22	E	EOR	AI	640	4807	S	1738	E		38.300752	-94.97935
15-107-24164-00-00	RALPH NICKELL SR I-30	NENWNE	21	20	S	22	E	EOR	AI	608	4797	S	1372	E		38.300722	-94.978075
15-107-24795-00-00	RALPH NICKELL SR I-40	NWNWNE	21	20	S	22	E	EOR	AI	620	4865	S	2437	E		38.300913	-94.981785
15-107-22466-00-02	FEUERBOR N 17	SESWSE	16	20	S	22	E	EOR	AS	645	438	S	1358	E		38.303324	-94.978027
15-107-24172-00-00	FEUERBOR N I-22	SWSESE	16	20	S	22	E	EOR	AI	640	431	S	937	E		38.303299	-94.976562
15-107-24173-00-00	FEUERBOR N I-23	SESWSE	16	20	S	22	E	EOR	AI	640	407	S	1749	E		38.303245	-94.979393

# Area of Review map

Nickell #OW-1  
Sec. 21-20-22E  
Linn County

## Legend

- Abandoned well
- △ Authorized injection well



# Ralph Nickell Sr lease. Sec.21-20-22E



## Oil and Gas Wells

- |                                       |  |                                |                                  |  |
|---------------------------------------|--|--------------------------------|----------------------------------|--|
| ● Coal Bed Methane                    | ⊗ Enhanced Oil Recovery, Plugged-Abandoned | ⊗ Injection, Plugged-Abandoned | ⊗ Oil and Gas, Plugged-Abandoned | ⊗ Other, Plugged-Abandoned               |
| ● Coal Bed Methane, Plugged-Abandoned | ⊗ Gas                                      | ○ Intent                       | ● Oil                            | ⊗ Salt Water Disposal                    |
| ⊗ Dry and Abandoned                   | ⊗ Gas, Plugged-Abandoned                   | ○ Location                     | ⊗ Oil, Plugged-Abandoned         | ⊗ Salt Water Disposal, Plugged-Abandoned |
| ⊗ Enhanced Oil Recovery               | ⊗ Injection                                | ⊗ Oil and Gas                  | ⊗ Other                          |  |

7/1/2024

<https://maps.kgs.ku.edu/oilgas>

## 2021 Kansas Statutes

55-179. **Same; responsibility for remedial actions; hearings; orders; plugging.** (a) If the commission determines that a well is an abandoned well and has reason to believe that any person is legally responsible for the proper care and control of such well, the commission shall cause any such person to come before the commission in accordance with the provisions of the Kansas administrative procedure act. If the commission finds that any person is, in fact, legally responsible for the proper care and control of such well, the commission may issue any orders obligating any such person to plug the well or to otherwise cause such well to be brought into compliance with all rules and regulations of the commission and may order any other remedies as may be just and reasonable. Proceedings for reconsideration and judicial review of any order shall be conducted in the manner provided pursuant to K.S.A. 55-606, and amendments thereto.

(b) A person that is legally responsible for the proper care and control of an abandoned well shall be limited to one or more of the following:

(1) Any person causing pollution or loss of usable water through the well, including any operator of an injection well, disposal well or pressure maintenance program;

(2) the most recent operator to produce from or inject or dispose into the well, but if no production or injection has occurred, the person that caused the well to be drilled. A person shall not be legally responsible for a well pursuant to this paragraph if: (A) Such person can demonstrate that the well was physically operating or was in compliance with temporary abandonment regulations immediately before such person transferred or assigned the well to an operator with an active operator's license; and (B) a completed report of transfer was filed pursuant to commission regulations if transferred or assigned after August 28, 1997;

(3) the person that most recently accepted responsibility for the well by accepting an assignment or by signing an agreement or other written document, between private parties, in which the person accepted responsibility. Accepting an assignment of a lease, obtaining a new lease or signing an agreement or any other written document between private parties shall not in and of itself create responsibility for a well located upon the land covered thereby unless such instrument adequately identifies the well and expressly transfers responsibility for such well;

(4) the operator that most recently filed a completed report of transfer with the commission in which such operator accepted responsibility for the well or, if no completed report of transfer has been filed, the operator that most recently filed a well inventory with the commission in which such operator accepted responsibility for the well. Any modification made by commission staff of any such documents shall not alter legal responsibility unless the operator was informed of such modification and approved of the modification in writing;

(5) the operator that most recently plugged the well, if no commission funds were used; and

(6) any person that does any of the following to an abandoned well without authorization from the commission: (A) Tamper with or removes surface or downhole equipment that was physically attached to the well or inside the well bore; (B) intentionally destroys, buries or damages the well; (C) intentionally alters the physical status of the well in a manner that will result in more than a de minimis increase in plugging costs; or (D) conducts any physical operations upon the well.

(c) If the commission determines that no person is legally responsible for the proper care and control of an abandoned well, or that each legally responsible person is dead, no longer in existence, insolvent or can no longer be found, then the commission shall cause such well

to be plugged as funds become available. The cost of such plugging shall be paid by the commission from the abandoned oil and gas well fund created pursuant to K.S.A. 55-192, and amendments thereto.

(d) The validity of any order issued by the commission prior to July 1, 2021, shall not be affected by the provisions of this section but shall apply to any determination of responsibility regarding any abandoned well.

(e) As used in this section, "abandoned well" means a well that is not claimed on an operator's license that is active with the commission and is unplugged, improperly plugged or no longer effectively plugged.

**History:** L. 1986, ch. 201, § 31; L. 1988, ch. 356, § 165; L. 1993, ch. 62, § 1; L. 1996, ch. 263, § 7; L. 2001, ch. 191, § 6; L. 2021, ch. 28, § 6; July 1.

**CERTIFICATE OF SERVICE**

25-CONS-3307-CMSC

I, the undersigned, certify that a true and correct copy of the attached Motion has been served to the following by means of first class mail and electronic service on March 12, 2025.

RYAN DULING  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 3  
137 E. 21ST STREET  
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/s/ Paula J. Murray  
Paula J. Murray

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