

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the matter of the failure of John Brickley )    Docket No.: 25-CONS-3301-CPEN  
dba B8 Investments (Operator) to comply )  
with K.A.R. 82-3-111 at the Moore C #3 and )    CONSERVATION DIVISION  
Moore C #4 wells in Butler County, Kansas. )  
\_\_\_\_\_ )    License No.: 7228

**PENALTY ORDER**

The Commission finds Operator has violated K.A.R. 82-3-111 regarding the captioned wells, assesses a \$200 penalty, directs Operator to come into compliance, and further rules as more fully described below.

**I. JURISDICTION**

1.        K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.S.A. 55-152 provides the Commission with jurisdiction to regulate the construction, operation, and abandonment of any well, and also the protection of the usable water of this state from any actual or potential pollution from any well. The Commission has licensing authority under K.S.A. 55-155.

2.        K.S.A. 55-162 and K.S.A. 55-164 provide the Commission authority to issue penalty orders for violations of Chapter 55 of the Kansas Statutes Annotated, or of any rule, regulation, or order of the Commission. Under K.S.A. 55-164, a penalty order may include a monetary penalty of up to \$10,000, the penalty must constitute a substantial and actual economic deterrent to the violation, and each day of a continuing violation constitutes a separate violation.

3.        K.A.R. 82-3-111 provides that within 90 days after operations cease on any well, the operator of that well shall plug the well, return the well to service, or file an application with

the Conservation Division requesting temporary abandonment (TA) status. If not plugged or returned to service, the operator must obtain TA approval; TA status may be denied by the Conservation Division if necessary to prevent pollution. A well shut-in for 10 years or more cannot be granted TA status without the operator filing an application for an exception pursuant to K.A.R. 82-3-100 and approval from the Commission. K.A.R. 82-3-111(e) provides a TA exemption for certain wells fully equipped and capable of production.

## II. FINDINGS OF FACT

4. Operator is licensed to conduct oil and gas activities in Kansas and is responsible for the following wells (Subject Wells), located in Section 1, Township 25 South, Range 3 East, Butler County, Kansas:

- a. Moore C #3, API #15-015-19365-00-00; and
- b. Moore C #4, API #15-015-19366-00-00.

5. On January 14, 2025, Commission records indicated the Subject Wells had been inactive and unplugged for longer than the 90 days allowed by K.A.R. 82-3-111, that the wells were not exempt pursuant to K.A.R. 82-3-111(e), and that the wells were not approved for TA status. Thus, Commission Staff sent letters to Operator, requiring Operator to bring the Subject Wells into compliance with K.A.R. 82-3-111 by February 13, 2025.<sup>1</sup>

6. On February 24, 2025, Commission Staff inspected the Subject Wells, because the deadline in the letters had passed and the violations had not been resolved, verifying that the wells continued to be inactive and unplugged.<sup>2</sup>

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<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B.

### III. CONCLUSIONS OF LAW

7. The Commission has jurisdiction over Operator and this matter under K.S.A. 74-623 and K.S.A. 55-152.

8. Operator has committed two violations of K.A.R. 82-3-111 because the Subject Wells have been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for TA status.<sup>3</sup>

#### **THEREFORE, THE COMMISSION ORDERS:**

A. Operator shall pay a \$200 penalty.

B. Operator shall plug the Subject Wells, or return the wells to service, or obtain TA status for the wells if eligible.

C. Commission Staff may require Staff-witnessed static fluid level measurements before a Subject Well is returned to service. A Subject Well may not be returned to service if (1) any measurement has shown fluid in the wellbore at or above the appropriate minimum surface casing requirement described in Table I of the Commission's August 1, 1991, Order in Docket 34,780, (2) any measurement has shown fluid in the wellbore at or above any salt formation or other corrosive formation, or (3) in the opinion of Staff, variation in measurements indicates the possibility of a casing leak. Provided, however, a Subject Well may be returned to service upon (a) passing a casing integrity test after issuance of this Penalty Order to the satisfaction of Staff, or (b) Staff providing written, well-specific authorization after issuance of this Penalty Order.

D. Operator may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. A request for hearing must comply with K.A.R. 82-1-219.

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<sup>3</sup> K.S.A. 55-164; K.A.R. 82-3-111(b).

E. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing. If no party timely requests a hearing, then this Order shall become final.

F. If Operator is not in compliance with this Order and the Order is final, then Operator's license shall be suspended without further notice and shall remain suspended until Operator complies. If a Subject Well has been inactive for more than 10 years and Operator applies for an exception to the 10-year limit on TA status for the Subject Well prior to this Order becoming final, and Operator would be in compliance with this Order if the application were approved, then suspension shall not be enforced unless: (1) the application is denied, and (2) 30 days have elapsed since the denial. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension.

G. A party may petition for reconsideration of a final order pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>4</sup>

H. Credit card payments may be made by calling the Conservation Division at 316-337-6200. Checks and money orders shall be payable to the Kansas Corporation Commission. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. Payments must reference the docket number of this proceeding.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/13/2025



Abigail D. Emery  
Acting Secretary to the Commission

Mailed Date: 03/13/2025

TSK

<sup>4</sup> See K.S.A. 55-162; K.S.A. 55-164; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

Conservation Division  
District Office No. 2  
3450 N. Rock Road  
Building 600, Suite 601  
Wichita, KS 67226



Phone: 316-337-7400  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

01/14/2025

John Brickley  
Brickley, John dba B8 Investments  
107 SE BLUESTEM RD.  
PO BOX 107  
EL DORADO, KS 67042-0107

Re: Temporary Abandonment  
API 15-015-19365-00-00  
MOORE C 3  
SE/4 Sec.01-25S-03E  
Butler County, Kansas

Dear John Brickley:

Your application for Temporary Abandonment (TA) for the above-listed well is denied for the following reasons(s):

**SURFACE CASING INCORRECT, NEED FLUID LEVEL TAPE**

Pursuant to K.A.R. 82-3-111, the well must be plugged, or returned to service, or obtain temporary abandonment status by 02/13/2025.

**This deadline does NOT override any compliance deadline given to you in any Commission Order.**

You may contact me if you have any questions.

Sincerely,  
NEAL RUPP ECRS  
KCC DISTRICT 2

Conservation Division  
District Office No. 2  
3450 N. Rock Road  
Building 600, Suite 601  
Wichita, KS 67226



Phone: 316-337-7400  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

01/14/2025

same

Brickley, John dba B8 Investments  
107 SE BLUESTEM RD.  
PO BOX 107  
EL DORADO, KS 67042-0107

Re: Temporary Abandonment  
API 15-015-19366-00-00  
MOORE C 4  
SE/4 Sec.01-25S-03E  
Butler County, Kansas

Dear same:

Your application for Temporary Abandonment (TA) for the above-listed well is denied for the following reasons(s):

**Shut-in Over 10 years**

Pursuant to K.A.R. 82-3-111, the well must be plugged, or returned to service, or obtain temporary abandonment status by 02/13/2025.

**This deadline does NOT override any compliance deadline given to you in any Commission Order.**

You may contact me if you have any questions.

Sincerely,  
NEAL RUPP ECRS  
KCC DISTRICT 2

# KCC OIL/GAS REGULATORY OFFICES

Date: 02/24/25

District: 02

Case #: \_\_\_\_\_

New Situation

Lease Inspection

Response to Request

Complaint

Follow-Up

Field Report

Operator License No: 7228

API Well Number: 15-015-19365-00-00/15-015-19366-00-00

Op Name: BRICKLEY, JOHN dba B8 INVESTMENTS

Spot: NE SW SE Sec 1 Twp 25 S Rng 3  E /  W

Address 1: PO BOX 107

990 Feet from  N /  S Line of Section

Address 2: \_\_\_\_\_

1650 Feet from  E /  W Line of Section

City: ELDORADO

GPS: Lat: 37.90040 Long: 97.05025 Date: 5/11/20

State: KANSAS Zip Code: 67042 -

Lease Name: MOORE C Well #: 3, 4

Operator Phone #: (316) 371-1898

County: Butler

## Reason for Investigation:

OUT OF COMPLIANCE, OVER 10 YEAR SHUT IN

## Problem:

## Persons Contacted:

JOHN BRICKLEY

## Findings:

CP-111 applications were denied on both the Moore C #3 and #4 on 1/14/2025. The compliance deadline was 2/13/2025. Both wells have been shut-in for over 10 years. The shut-in date reported on the Moore C #3 was 8/1/2018, but both wells have been shut-in since 8/1/2008, and this date is reflected on past CP-111 applications for the Moore C #3, so this appears to be a typo. Also the operator did not have the correct casing information on the application and provided no fluid level verification on either well.

Both of these wells were transferred from a compliance agreement with Sonoma Resources, LLC, KCC License No. 34569 under Docket 24-CONS-3137-CMSC.

As of 2/24/2025 there has been no change to the Moore C 3 & 4.

## Action/Recommendations:

Follow Up Required  Yes  No

Date: \_\_\_\_\_

Staff recommends a penalty under K.A.R. 82-3-111 for failure to bring the wells into compliance.

## Verification Sources:

RBDMS  KGS  TA Program  
 T-I Database  District Files  Courthouse  
 Other: \_\_\_\_\_

Photos Taken: \_\_\_\_\_

By: Neal Rupp  
Environmental Compliance and Regulatory Specialist

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division

Form: \_\_\_\_\_  
Exhibit B  
Page 1 of 2



Moore C 3  
SE/4 Sec. 1-25-3E, BU Co.  
API#15-015-19365-00-00.  
Photo taken on 2/24/25 by Neal Rupp-ECRS.



Moore C 4  
SE/4 Sec. 1-25-3E, BU Co.  
API#15-015-19366-00-00.  
Photo taken on 2/24/25 by Neal Rupp-ECRS.

**CERTIFICATE OF SERVICE**

25-CONS-3301-CPEN

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 03/13/2025.

JOHN BRICKLEY  
D/B/A B8 INVESTMENTS  
PO BOX 107  
EL DORADO, KS 67042-0107

DANIEL FOX, COMPLIANCE OFFICER, KCC DISTRICT 2  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 2  
3450 N. ROCK RD BLDG 600 STE 601  
WICHITA, KS 67226  
dan.fox@ks.gov

TRISTAN KIMBRELL, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
tristan.kimbrell@ks.gov

/S/ KCC Docket Room  
KCC Docket Room