

**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 Hayes Oil & )    Docket No.: 25-CONS-3305-CPEN  
Gas, LLC (Operator) to comply with K.A.R. )  
82-3-111 at the Ryan #6 (4) well in Harper )    CONSERVATION DIVISION  
County, Kansas.                                    )  
\_\_\_\_\_ )    License No.: 5429

**PENALTY ORDER**

The Commission finds Operator has violated K.A.R. 82-3-111 regarding the captioned well, assesses a \$100 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 Ryan #6 (4) well (Subject Well), API #15-077-00819-00-00, located in Section 13, Township 31 South, Range 9 West, Harper County, Kansas.

5. On December 11, 2024, Commission records indicated the Subject Well had been inactive and unplugged for longer than the 90 days allowed by K.A.R. 82-3-111, that the well was not exempt pursuant to K.A.R. 82-3-111(e), and that the well was not approved for TA status. Thus, Commission Staff sent a letter to Operator, requiring Operator to bring the Subject Well into compliance with K.A.R. 82-3-111 by January 8, 2025.<sup>1</sup>

6. On February 26, 2025, Commission Staff inspected the Subject Well, because the deadline in the letter had passed and the violation had not been resolved, verifying that the well continued to be inactive and unplugged.<sup>2</sup>

## **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.

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<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B.

8. Operator has committed one violation of K.A.R. 82-3-111 because the Subject Well has 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 \$100 penalty.

B. Operator shall plug the Subject Well, or return the well to service, or obtain TA status for the well 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.

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.

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

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).



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

Corporation Commission

Laura Kelly, Governor

**NOTICE OF VIOLATION**

December 11, 2024

KCC Lic.-5429

HAYES OIL & GAS LLC  
1081 W HWY 160  
PO BOX 108  
ATTICA KS 67009-0108

RE: **TEMPORARY ABANDONMENT**  
API Well No. 15-077-00819-00-00  
RYAN 6 (4)  
13-31S-9W, SWNESW  
HARPER County, Kansas

Operator:

On December 11, 2024, a file review documented a probable violation of the following regulation at the referenced well:

- K.A.R. 82-3-111. Within 90 days after operations cease on a well, the operator must return the well to service, plug the well, or obtain approval for temporary abandonment status.

**Failure to remedy this violation  
by JANUARY 08, 2025  
shall be punishable by a \$100 penalty.**

You may contact me if you have any questions.

Sincerely,

NEIL LAKE  
KCC District # 2

lat 37.35202° , lon -98.252536°

# KCC OIL/GAS REGULATORY OFFICES

Date: 02/26/25

District: 02

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

New Situation

Lease Inspection

Response to Request

Complaint

Follow-Up

Field Report

Operator License No: 5429

API Well Number: 15-077-00819-00-00

Op Name: Hayes Oil & Gas, LLC

Spot: SW NE SW Sec 13 Twp 31 S Rng 9  E /  W

Address 1: 1081 W HWY 160

1560 Feet from  N /  S Line of Section

Address 2: PO BOX 108

3630 Feet from  E /  W Line of Section

City: Attica

GPS: Lat: 37.35202 Long: 98.25254 Date: \_\_\_\_\_

State: KS Zip Code: 67009 -0108

Lease Name: Ryan Well #: 6 (4)

Operator Phone #: (620) 254-7204

County: Harper

**Reason for Investigation:**

Follow up lease Inspection

**Problem:**

Plugging Application past due

**Persons Contacted:**

Shayne Hayes

**Findings:**

Hayes Oil & Gas, LLC had an approved for plugging application on 4/17/2024. The plugging application is void after 6 months. Operator failed to communicate any further about intentions for well.

TA NOV letter was sent out 12/11/2024 with a deadline of 1/8/2025.

Staff investigated lease on 2/26/2025 to find that the well with no pumping unit, tubing laid out.

**Action/Recommendations:**

Follow Up Required  Yes  No

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

Staff recommends a Commission Order for failure to meet the requirements under K.A.R. 82-3-111 Temporary Abandonment.

**Verification Sources:**

Photos Taken: 1

RBDMS  KGS  TA Program  
 T-I Database  District Files  Courthouse  
 Other: Walter's Digital, Google Earth, Earth Explorer

By: Neil Lake-ECRS

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division



**CERTIFICATE OF SERVICE**

25-CONS-3305-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.

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

SHAYNE HAYES  
HAYES OIL & GAS LLC  
PO BOX 108  
ATTICA, KS 67009-0108  
shayne@hayesoilandgas.com

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