

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

In the matter of the Application of John O.) Docket No.: 20-CONS-3167-CEXC
Farmer, Inc. for an exception to the pit closure)
time limitation of K.A.R. 82-3-602 at its) CONSERVATION DIVISION
Denton #1 located in the NE/4 of Section 13,)
Township 17 South, Range 11 East, Lyon) License No.: 5135
County, Kansas.)

STAFF RECOMMENDATION ON APPLICATION

Comes now the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) moves the Commission Motion for Summary Proceedings. In support of Staff's response, Staff states the following:

1. On December 10, 2019, Operator filed an Application requesting an exception to the time limitations for pit closures set out in K.A.R. 82-3-602(a)(2) for the pit(s) associated with the Denton #1 well, API #15-111-20538 ("subject pit(s)").¹

2. Operator has already received the two extensions allowed by K.A.R. 82-3-602(a)(2), but pursuant to K.A.R. 82-3-100(b) requests an additional 90-day extension due to intermittent but persistent rainfall at the subject pit(s).² Staff recommends approving Operator's request.

3. Operator states the extension of time to close the subject pit(s) will cause no environmental harm.³

4. Operator has verified that notice has been properly served and published, as required under K.A.R. 82-3-135a.

¹ See Application, ¶¶3, 5, Prayer (Dec. 24, 2019).

² *Id.*, at ¶7.

³ See *Id.* at ¶6.

5. Staff has had the opportunity to completely review the Operator's Application in this matter. Staff is satisfied that the grant of such Application complies with the applicable statutory and regulatory requirements. Staff recommends the Operator be given a 90-day extension from the date of application which will create a new deadline of March 9, 2020.

In Conclusion, for the reasons described above, Staff recommends approval of Operator's Application as the extension will prevent waste, will not affect correlative rights, will prevent pollution, and was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas Statutes.

Respectfully submitted,



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VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

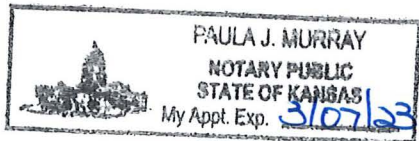
Kelcey A. Marsh, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Recommendation*, and attests that the statements therein are true to the best of his knowledge, information and belief.

Kelcey Marsh
Kelcey A. Marsh, S. Ct. #28300
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 19 day of Feb, 2020.

Paula J Murray
Notary Public

My Appointment Expires: 3/07/23



CERTIFICATE OF SERVICE

20-CONS-3167-CEXC

I, the undersigned, certify that a true copy of the attached Staff Recommendation on Application has been served to the following by means of first class mail and electronic service on February 19, 2020.

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/S/ Paula J. Murray

Paula J. Murray