

Conservation Division  
266 N. Main St., Ste. 220  
Wichita, KS 67202-1513



Phone: 316-337-6200  
Fax: 316-337-6211  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
19-CONS-3233-CPEN

January 17, 2019

Robert W. Bowers  
Millennium Oil & Gas, Inc.  
PO Box 70  
Dexter, KS 67038-0070

This is a notice of a penalty assessment for violation(s) of Kansas Oil and Gas Conservation Statutes, Rules, and Regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$500 penalty. You have 30 days from the service date of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission and mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding. Payment by credit card may be made by calling the Conservation Division at 316-337-6200.

**IF YOU CONTEST THE PENALTY:**

You have the right to request a hearing. A written request for hearing must be made within 30 days after service of the Penalty Order setting forth the specific grounds upon which relief is sought. Respondent must submit the request to the Commission, at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The Commission shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request. K.S.A. 55-164; K.S.A. 77-542; K.A.R. 82-1-215.

**IF YOU FAIL TO ACT:**

Failure to pay the fine amount, or in the alternative, provide a written request for a hearing, within thirty (30) days of service of the Penalty Order, will result in the attached Penalty Order becoming a Final Order and may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained. K.S.A. 55-164; K.S.A. 77-537.

Respectfully,

Lauren N. Wright  
Litigation Counsel  
316-337-6200

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

Before Commissioners:            Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the matter of the failure of Millennium Oil    )    Docket No.: 19-CONS-3233-CPEN  
& Gas, Inc. (“Operator”) to comply with        )  
K.A.R. 82-3-111 at the Sybrant #1, Simons        )    CONSERVATION DIVISION  
#1, Simons #2-A, Barnett #1 and Barnett #2-    )  
A in Cowley County, Kansas.                    )    License No.: 32563

**PENALTY ORDER**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

1.        The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.<sup>1</sup> The Commission has jurisdiction to regulate the “construction, operation, and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well.”<sup>2</sup> Every operator conducting oil and gas activity in Kansas must be licensed by the Commission.<sup>3</sup>

2.        The Commission has the authority to issue a Penalty Order for violation of any provision of K.S.A. 55-101 *et seq.*, rule, regulation, or order of the Commission.<sup>4</sup> The Commission shall take appropriate action which may include, but not be limited to, imposing a monetary penalty “not to exceed \$10,000, which shall constitute an actual and substantial

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

<sup>2</sup> K.S.A. 55-152.

<sup>3</sup> K.S.A. 55-155.

<sup>4</sup> K.S.A. 55-162; K.S.A. 55-164.

economic deterrent to the violation for which the penalty is assessed.”<sup>5</sup> “In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.”<sup>6</sup>

3. Within 90 days after operations cease on any well drilled for the purpose of exploration, discovery, service, or production of oil, gas, or other minerals, the operator of that well shall: (1) plug the well, (2) return the well to service, or (3) file an application with the Conservation Division requesting temporary abandonment (“TA”) authority, on a form prescribed by the Conservation Division.<sup>7</sup> No well shall be temporarily abandoned unless first approved by the Conservation Division.<sup>8</sup> A well shall not be eligible for 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>9</sup> The failure to file a notice of temporary abandonment shall be punishable by a \$100 penalty,<sup>10</sup> and the failure to obtain approval of temporary abandonment status shall subject the Operator to additional administrative action.<sup>11</sup>

4. K.A.R. 82-3-111(e) provides an exemption for certain wells that are (1) fully equipped for production of oil or gas or for injection; (2) capable of immediately resuming production of oil or gas or of injection; (3) subject to a valid continuing oil and gas lease; when (4) the cessation period for the well is less than 365 days; and (5) the well is otherwise in full compliance with all of the Commission’s regulations.

## II. FINDINGS OF FACT

5. The Operator conducts oil and gas activities in Kansas under active license number 32563.

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<sup>5</sup> K.S.A. 55-164.

<sup>6</sup> *Id.*

<sup>7</sup> *See* K.A.R. 82-3-111(a).

<sup>8</sup> K.A.R. 82-3-111(b).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> K.S.A. 55-164; K.A.R. 82-3-111(b).

6. The Operator is responsible for the care and control of the following wells, all located in Section 23, Township 34 South, Range 6 East, Cowley County, Kansas.

- a. Sybrant #1, API #15-035-22233-00-01;
- b. Simons #1, API #15-035-24124-00-00;
- c. Simons #2-A, API #15-035-24225-00-00;
- d. Barnett #1, API #15-035-24126-00-00; and
- e. Barnett #2-A, API #15-035-24263-00-00.

7. On October 26, 2018, Commission records indicated that the subject wells had been inactive and unplugged for longer than the 90 days allowed by K.A.R. 82-3-111 and that the wells were not exempt pursuant to K.A.R. 82-3-111(e). The wells had also not been approved for temporary abandonment status. Thus, District Staff sent a letter to the Operator, requiring the Operator to bring the subject well into compliance with K.A.R. 82-3-111 by November 23, 2018.<sup>12</sup>

8. Because the deadline in the letter passed and the violation had not been resolved, on December 28, 2018, District Staff inspected the subject well, verifying that the well continued to be inactive and unplugged.<sup>13</sup>

### **III. CONCLUSIONS OF LAW**

9. The Commission finds and concludes that it has jurisdiction over the Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

10. The Commission finds and concludes the Operator committed five 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>14</sup>

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<sup>12</sup> Exhibit A.

<sup>13</sup> Exhibit B.

**THEREFORE, THE COMMISSION ORDERS:**

- A. The Operator shall pay a \$500 penalty.
- B. The Operator shall plug the subject wells, or return the wells to service, or obtain TA status for the wells if eligible. Obtaining TA status shall include application for, and Commission approval of, an exception to the 10-year limit on TA status if applicable.
- C. If no party requests a hearing, and the Operator is not in compliance with this Order within 30 days from the date of service of this Order, then the Operator's license shall be suspended without further notice. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.
- D. 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. The payment must include a reference to the docket number of this proceeding. Credit card payments may be made by calling the Conservation Division at 316-337-6200.
- E. Any party 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, setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Operator's right to a hearing.

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<sup>14</sup> K.S.A. 55-164; K.A.R. 82-3-111(b).

F. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>15</sup>

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 01/17/2019

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: 01/18/2019

LW

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<sup>15</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

STATE OF KANSAS

CORPORATION COMMISSION  
CONSERVATION DIVISION  
DISTRICT OFFICE No. 2  
3450 N. ROCK ROAD  
BUILDING 600, SUITE 601  
WICHITA, KS 67226



PHONE: 316-337-7400  
FAX: 316-630-4005  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

October 26, 2018

Robert Bowers  
Millennium Oil & Gas, Inc.  
20790 K 15 HWY  
PO BOX 70  
DEXTER, KS 67038

Re: Temporary Abandonment  
API 15-035-22233-00-01  
SYBRANT 1  
SE/4 Sec.23-34S-06E  
Cowley County, Kansas

Dear Robert Bowers:

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 by November 23, 2018.

If you wish to instead file an application for an exception to the 10-year limitation of K.A.R. 82-3-111, demonstrating why it is necessary to TA the well for more than 10 years, then you must file the application for an exception by November 23, 2018.

**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,  
Duane Krueger  
KCC DISTRICT 2

STATE OF KANSAS



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October 26, 2018

Robert Bowers  
Millennium Oil & Gas, Inc.  
20790 K 15 HWY  
PO BOX 70  
DEXTER, KS 67038

Re: Temporary Abandonment  
API 15-035-24124-00-00  
SIMONS 1  
SW/4 Sec.24-34S-06E  
Cowley County, Kansas

Dear Robert Bowers:

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 by November 23, 2018.

If you wish to instead file an application for an exception to the 10-year limitation of K.A.R. 82-3-111, demonstrating why it is necessary to TA the well for more than 10 years, then you must file the application for an exception by November 23, 2018.

**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,  
Duane Krueger  
KCC DISTRICT 2

STATE OF KANSAS



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October 26, 2018

Robert Bowers  
Millennium Oil & Gas, Inc.  
20790 K 15 HWY  
PO BOX 70  
DEXTER, KS 67038

Re: Temporary Abandonment  
API 15-035-24225-00-00  
SIMONS 2-A  
SW/4 Sec.24-34S-06E  
Cowley County, Kansas

Dear Robert Bowers:

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 by November 23, 2018.

If you wish to instead file an application for an exception to the 10-year limitation of K.A.R. 82-3-111, demonstrating why it is necessary to TA the well for more than 10 years, then you must file the application for an exception by November 23, 2018.

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Sincerely,  
Duane Krueger  
KCC DISTRICT 2

STATE OF KANSAS



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October 26, 2018

Robert Bowers  
Millennium Oil & Gas, Inc.  
20790 K 15 HWY  
PO BOX 70  
DEXTER, KS 67038

Re: Temporary Abandonment  
API 15-035-24126-00-00  
BARNETT 1  
SW/4 Sec.24-34S-06E  
Cowley County, Kansas

Dear Robert Bowers:

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 by November 23, 2018.

If you wish to instead file an application for an exception to the 10-year limitation of K.A.R. 82-3-111, demonstrating why it is necessary to TA the well for more than 10 years, then you must file the application for an exception by November 23, 2018.

**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,  
Duane Krueger  
KCC DISTRICT 2

STATE OF KANSAS



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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

October 26, 2018

Robert Bowers  
Millennium Oil & Gas, Inc.  
20790 K 15 HWY  
PO BOX 70  
DEXTER, KS 67038

Re: Temporary Abandonment  
API 15-035-24263-00-00  
BARNETT 2-A  
SW/4 Sec.24-34S-06E  
Cowley County, Kansas

Dear Robert Bowers:

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 by November 23, 2018.

If you wish to instead file an application for an exception to the 10-year limitation of K.A.R. 82-3-111, demonstrating why it is necessary to TA the well for more than 10 years, then you must file the application for an exception by November 23, 2018.

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You may contact me if you have any questions.

Sincerely,  
Duane Krueger  
KCC DISTRICT 2

# KCC OIL/GAS REGULATORY OFFICES

Date: 12/28/18

District: 02

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

- New Situation
- Response to Request
- Follow-Up

- Lease Inspection
- Complaint
- Field Report

Operator License No: 32563

API Well Number: \_\_\_\_\_

Op Name: MILLENNIUM OIL & GAS INC

Spot: SW Sec 24 Twp 34 S Rng 6  E  W

Address 1: 20790 K 15 HWY

Feet from  N  S Line of Section

Address 2: PO BOX 70

Feet from  E  W Line of Section

City: DEXTER

GPS: Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Date: \_\_\_\_\_

State: KS Zip Code: 67038 -

Lease Name: BARNETT, SIMONS, SYBRANT Well #: \_\_\_\_\_

Operator Phone #: (620) 876-3441

County: Cowley

Reason for Investigation:

CHECK WELL STATUS

Problem:

All 5 wells owned by Millennium Oil & Gas have been inactive for over 10 years. Operator has been made aware that the wells need plugged, returned to service or file for a 10 YR TA exception.

Persons Contacted:

Findings:

THESE WELLS WERE NOT IN OPERATION. ALL WELLS SHUT DOWN. OPERATOR HAS NOT BROUGHT WELLS INTO COMPLIANCE BY EITHER PLUGGING OR PRODUCING OR FILING PROPER PAPERWORK.

1. BARNETT #1, 15-035-24126-00-00, SE NW SW, 24-34-6E CL.
2. BARNETT #2-A, 15-035-24263-00-00, NE SW SW, 24-34-6E CL.
3. SIMONS #1, 15-035-24124-00-00, W/2 NE SW, 24-34-6E CL.
4. SIMONS #2-A, 15-035-24225-00-00, NW NE NE SW 24-34-6E CL.
5. SYBRANT #1, 15-035-22233-00-01, NW NE NE SE 23-34-6E CL.

Action/Recommendations:

Follow Up Required  Yes  No

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

RECOMMEND \$100.00 PENALTY PER WELL (TOTAL \$500.00) FOR FAILURE TO BRING WELLS INTO COMPLIANCE PER K.A.R.82-3-111.

Operators license also expired on 12/30/2018.

Verification Sources:

Photos Taken: NO

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

- TA Program
- Courthouse

By: DUANE KRUEGER

Retain 1 Copy District Office  
Send 1 Copy to Conservation Division

**CERTIFICATE OF SERVICE**

19-CONS-3233-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 01/17/2019.

ROBERT W. BOWERS  
MILLENNIUM OIL & GAS, INC.  
PO BOX 70  
DEXTER, KS 67038

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  
Fax: 316-630-4005  
d.fox@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
l.wright@kcc.ks.gov

/S/ DeeAnn Shupe  
DeeAnn Shupe