

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Petition of Somerset )  
Energy, Inc., to Open a Docket Pursuant to ) Docket No. 25-CONS-3195-CMSC  
K.S.A. 55-605(a) )

**MOTION FOR PRELIMINARY ORDER AUTHORIZING  
APPLICANT TO CONTINUE TO OPERATE EXISTING WELLS  
DURING THE PENDENCY OF THIS DOCKET**

Somerset Energy, Inc., ("Somerset"), by and through its counsel, Keith A. Brock, Anderson & Byrd, LLP, hereby moves the Kansas Corporation Commission ("Commission") for a preliminary order authorizing Somerset to continue to operate the wells identified below (the, "Existing Wells") while this Docket is pending. In support of this Motion, Somerset states as follows:

1. Somerset currently operates several production and injection wells on the Nevius and Barkis Leases located in Section 17, Township 16 South, Range 24 East, Miami County, Kansas. Said leases are being operated as an active water flood under Permit #: E31866 and have been operated in such manner since at least 2015 with no new wells being drilled thereon or any amendments to the injection authority being granted or requested.

2. KCC Staff located an orphaned well during a field inspection which has been designated as the Nevius #OW-6 well. Said well has not broken out, flowed or caused pollution in any manner and has existed for the entire time that this water flood has been in operation with no incident or even.

3. Because Somerset is not legally responsible for the Nevius #OW-6 well pursuant to K.S.A. 55-179, Somerset has refused KCC Staff's demands that Somerset add the Nevius #OW-6 well to its well inventory and accept legal responsibility for said well.

4. In retaliation against Somerset for its refusal to accept legal responsibility for the

Nevius #OW-6, KCC Staff has now attempted to unilaterally reduce the injection rate and pressure of the following wells to 0 barrels per day and 0 psi.

Well Name	API #	Docket #	Field Report #8707
Barkis #AI-40	15-121-31020	E-31,866	
Barkis #CW-2	15-121-29608	E-31,866	
Barkis #BW-2	15-121-27397	E-31,866	
Barkis #AW-2	15-121-27398	E-31,866	
Barkis #AW-4	15-121-26389	E-31,866	
Nevius #3-AW	15-121-26388	E-31,866	
Nevius #AI-12	15-121-31011	E-31,866	
Nevius #AI-14	15-121-31005	E-31,866	
Issues			
Nevius #OW-6	15-121-02901		

(the "Existing Wells").

5. KCC Staff has further threatened that if the Somerset does not cease injecting into the Existing Wells within 10 days from the date of KCC Staff's letter, i.e. December 12, 2024, KCC Staff will recommend a Shut-In Order for the wells together with a \$10,000 penalty.

6. Somerset has filed a Petition Opening Docket Pursuant to K.S.A. 55-606(a) simultaneously herewith in order to have the matter determined by the Commission and to enforce K.S.A. 55-601 which prohibits waste.

7. The Existing Wells are being operated as part of a waterflood operation that was implemented upon the above referenced leases nearly a decade ago (i.e. since at least 2015), and said wells have not caused the Nevius #OW-6 well to break out or flow, or caused any other issues or concerns.

8. If the Existing Wells are shut in, the oil bank which has been formed as a result of the aforesaid water flooding operations will dissipate, and will result in permanent underground waste of oil that was previously recoverable. **Town, 2:15 - 3:18.**

9. The Kansas Legislature has placed the following statutory duties upon the Commission

which are relevant to the subject mater of this Docket, 1) prevent waste, and 2) protect correlative rights. *See* K.S.A. 55-601, K.S.A. 55-602, K.S.A. 55-603, K.S.A. 55-604.

10. The prefiled testimony of Lance Town filed in support of this Motion clearly establishes that permanent underground waste will occur if the Existing Wells are shut down during the pendency of this proceeding. **Town, 2:15 - 3:18.**

11. By granting this motion the Commission will be fulfilling its statutory duty to prevent waste. **Town, 2:15 - 3:18.**

12. All other oil and gas leases in the area of the Nevius and Barkis leases are not being required to shut in their water flood operations, therefore it would violate Somerset's correlative rights and potentially subject Somerset to uncompensated drainage if Somerset is forced to shut down the Existing Wells while this docket is pending.

13. By granting this motion the Commission will be fulfilling its statutory duty to protect correlative rights.

WHEREFORE, Somerset prays for an order, allowing Somerset to operate and inject into the Existing Wells at the same rate and pressure it has been doing so since 2015 without incident or event, while this Docket is pending before the Commission.



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STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

Keith A. Brock, of lawful age, being first duly sworn on oath, states: That he is the attorney for Somerset Energy, Inc. and is duly authorized to make this affidavit; that he has read the foregoing Motion for Preliminary Order Authorizing Applicant to Continue to Operate Existing Wells During the Pendency of this Docket, knows the contents thereof; and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.



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Keith A. Brock

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of December, 2024.



\_\_\_\_\_  
Notary Public

Appointment/Commission Expires:

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 13<sup>th</sup> day of December, 2024, addressed to:

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Keith A. Brock