

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

IN THE MATTER OF THE APPLICATION)	
OF MERIT ENERGY COMPANY, LLC,)	
FOR AN EXCEPTION TO THE 10-YEAR)	DOCKET NO. 19-CONS- <u>3397</u> -CEXC
TIME LIMITATION OF K.A.R. 82-3-111)	
FOR ITS MILBURN 5-N28-31-39 WELL IN)	
THE CENTER OF THE NORTHWEST)	CONSERVATION DIVISION
QUARTER OF THE NORTHEAST)	
QUARTER OF THE SOUTHEAST)	
QUARTER OF THE SOUTHWEST)	LICENSE NO. 32446
QUARTER OF SECTION 28, TOWNSHIP)	
31 SOUTH, RANGE 39 WEST, MORTON)	
COUNTY, KANSAS.)	

APPLICATION

COMES NOW, Merit Energy Company ("Merit"), by and through its attorney, Stanford J. Smith, Jr., and in support of its Application in the above captioned matter states as follows:

1. Merit is authorized to do business in the State of Kansas, and has a street address of 13727 Noel Road, Suite 1200, Dallas, Texas, 75240.
2. The Kansas Corporation Commission has issued Merit operator's license 32446, which expires on May 30, 2020.
3. Merit is the owner and operator of the Milburn 5-N28-31-39 well, which is located in the Center of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 28, Township 31 South, Range 39 West, Morton County, Kansas, API # 15-129-21797-00. The subject well is located on an active oil and gas lease or unit comprising the following lands:

Section 28, Township 31 South, Range 39 West, Morton County, Kansas.

4. The Milburn 5-N28-31-39 was originally perforated in the Morrow Formation but was not actively produced and was shut-in as inactive.

5. Pursuant to K.A.R. 82-3-111, Merit sought and obtained temporary abandonment status for said well on or about April 7, 2009.

6. On or about May 7, 2019, the Kansas Corporation Commission notified Merit of the KCC's denial of renewal of temporary abandonment status for the well due to the limitation period of ten (10) years imposed by K.A.R. 82-3-111.

7. K.A.R. 82-3-111 imposes a 10-year limitation on the amount of time during which wells may be temporarily abandoned, but an exception to the 10-year limitation may be obtained pursuant to said regulation through an Application filed with the Commission pursuant to K.A.R. 82-3-100. Applicant seeks such an exception.

8. Merit wishes to continue temporary abandonment status for the subject well because Merit intends to complete up hole zones (Morrow HZ3 as the primary target) when economic at a higher commodity price. It is estimated recovery is 650 MMSCF at 65 mcf/d average. Based on offset production, the new zone Merit intends to attempt production is the Morrow HZ3 (perfs 5450-5500). If the Morrow HZ3 proves to be unproductive, then a recompletion in the Marmaton and Swope will be considered.

9. A Commission Staff-witnessed mechanical integrity test of the casing between the surface and a point within fifty (50) feet above the uppermost perforations is pending.

10. In order to recomplete the Milburn 5-N28-31-39 well in the zones indicated, it would cost approximately Eighty Thousand Dollars (\$80,000.00) based on

current prices. It would cost an estimate of Six Hundred Thousand Dollars (\$600,000.00) based on current prices to drill and complete a replacement well.

11. Merit has included a plat map, attached as Exhibit A, showing the locations of all producing, injection, temporarily abandoned, abandoned and plugged wells located on the same lease premises as the subject well.

12. Based on the foregoing, Merit requests the Commission grant an exception to the 10-year limitation, specifically to allow the Milburn 5-N28-31-39 well to remain eligible for temporary abandonment status for three (3) years following the expiration of 10-year limitation. Merit understands that the exception would be valid for three (3) years, but Merit would still need to apply annually to the Conservation Division District Office for approval of an Application for temporary abandonment status.

13. Listed in attached Exhibit B are the names and addresses of the following persons:

- A. Each operator of each oil and gas lease covering lands within one-half (1/2) mile radius of the subject well; and
- B. Each person who owns any mineral interest of record in and under any lands located within one-half (1/2) mile radius of the subject well if unleased.

14. That the Applicant has sent by regular mail a copy of this Application and Notice of Pending Application to all persons listed on the attached Exhibit B.

15. Notice of this Application will be published pursuant to K.A.R. 82-3-135a.

16. WHEREFORE, Merit prays that this matter be granted administratively without a hearing, or in the alternative be set for hearing, and upon hearing that the

Commission grant Merit's request for an exception to the K.A.R. 82-3-111 10-year limitation, to allow the subject well to remain temporarily abandoned for three (3) years, subject to annual approval by the Conservation Division District Office of an application for temporary abandonment status.

Respectfully submitted,

MARTIN, PRINGLE, OLIVER, WALLACE
& BAUER, L.L.P.

By



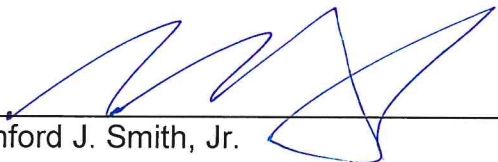
Stanford J. Smith, Jr.
100 North Broadway, Suite 500
Wichita, KS 67202
(316) 265-9311
Attorney for Merit Energy Company

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

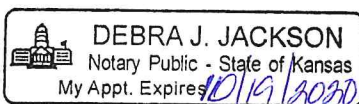
STANFORD J. SMITH, JR., of lawful age, being first duly sworn, upon oath states:

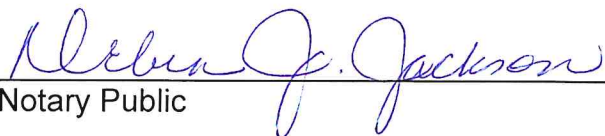
That he is the attorney for Merit Energy Company, applicant herein; that he has read the above and foregoing Application of Merit Energy Company and is familiar with the contents thereof; and, that the statements made therein are true and correct to the best of his knowledge and belief.



Stanford J. Smith, Jr.

SUBSCRIBED and sworn to before me this 3rd day of June, 2019.

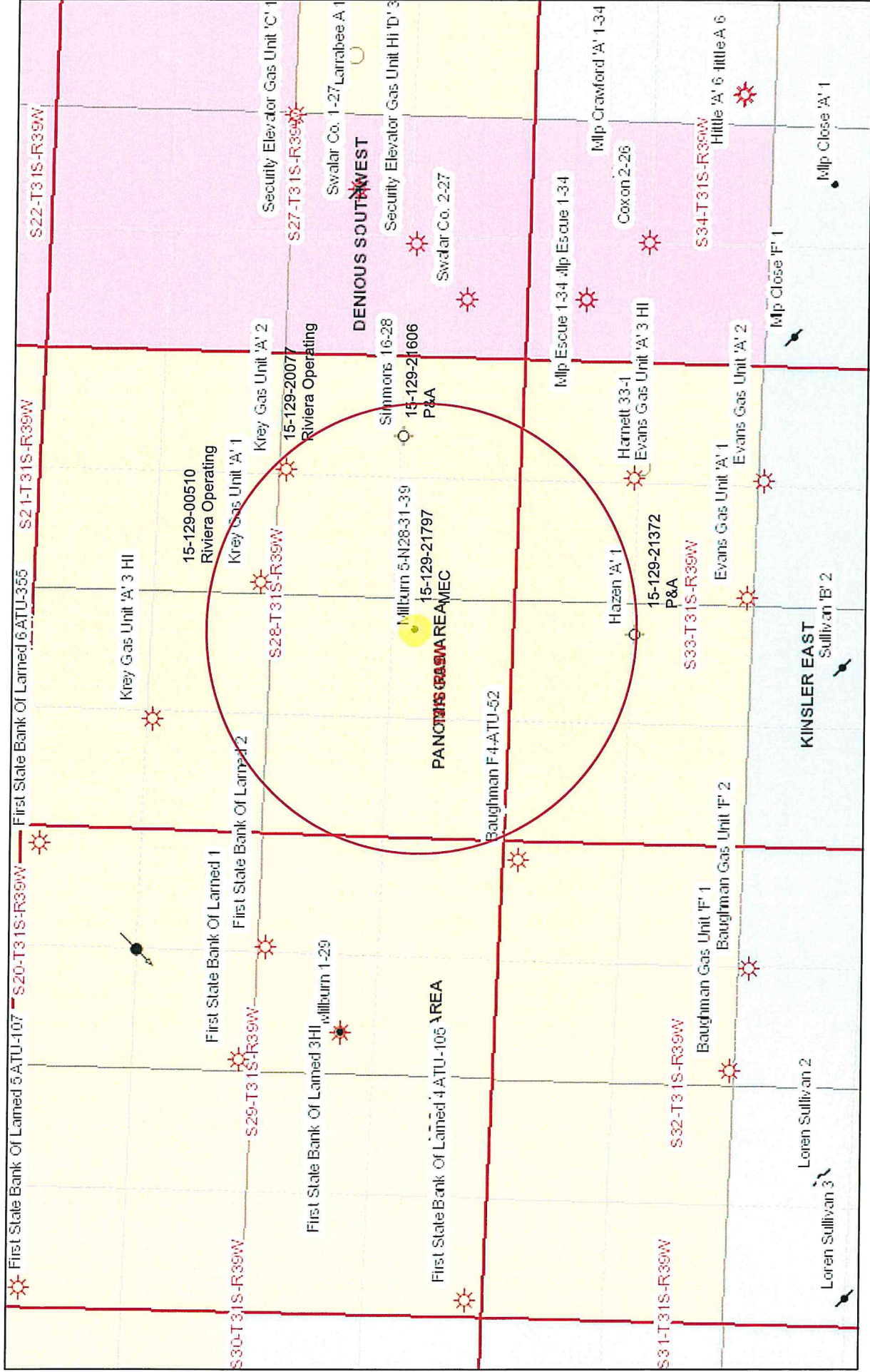




Notary Public

My Appointment Expires:
10/19/2020

Milburn 5-N28-31-39



May 30, 19

1:18,056
0 0.15 0.3 0.5 0.6 mi
0 0.25 0.5 1 km

Sources: Esri, HERE, Garmin, Intermap, P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

EXHIBIT A

EXHIBIT B

Riviera Operating, LLC
600 Travis, Suite 5100
Houston, TX 77002

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31 SOUTH, RANGE 39 WEST, MORTON)	
COUNTY, KANSAS.)	

NOTICE OF PENDING APPLICATION

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

TO: ALL OIL AND GAS PRODUCERS, UNLEASED MINERAL INTEREST OWNERS, LANDOWNERS, AND ALL PERSONS WHOMSOEVER CONCERNED:

YOU, and each of you, are hereby notified that Merit Energy Company has filed an Application for an exception to the ten-year time limitation of K.A.R. 82-3-111 for the Milburn 5-N28-31-39 well, located in the Center of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 28, Township 31 South, Range 39 West, Morton County, Kansas, API # 15-129-21797-00.

YOU are further notified that unless written protest is received by the State Corporation Commission within fifteen (15) days after publication of this Notice, the Application in this matter will be granted by administrative approval after said 15 day period. Any such protest should be mailed to the State Corporation Commission of the State of Kansas, Conservation Division, 266 North Main, Suite 220, Wichita, Kansas, 67202, and to the Applicant at the address shown.

All parties in any wise interested or concerned shall take notice of the foregoing and govern themselves accordingly.

Merit Energy Company.
By: Katherine McClurkan
Regulatory Analyst
13727 Noel Road, Suite 1200
Dallas, Texas 75240
(972) 628-1660