

**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 application of Z & L Oil, LLC) Docket No: 24-CONS-3009-CUIC
(Operator) for a permit to authorize the injection of)
saltwater into its Pfhrem #3A well located in the) CONSERVATION DIVISION
NW/4 of Section 18, Township 31 South, Range 10)
East, Elk County, Kansas.) License No: 35610

ORDER REGARDING SUFFICIENCY OF NOTICE

Operator seeks a determination that its published notice of application was sufficient under Commission regulations. Commission Staff agrees with Operator that notice was sufficient; Frank L. Wilson (Protester) argues that it was not. The Commission rules as follows:

1. On May 24, 2023, Operator filed an application for injection authority at the well described in the above caption. On July 24, 2023, Frank L. Wilson (Protester) filed a protest.
2. K.A.R. 82-3-402(a) requires notice of injection applications to be published in at least one issue of the official county newspaper of the county in which the lands involved are located.¹
3. On June 22, 2023, Operator published in the Prairie Star, the official county newspaper of Elk County, a notice that read as follows:²

NOTICE OF FILING APPLICATION

[Operator's Contact Info]

RE: Z & L Oil, P.O. Box 318, Longton, KS 67352 (KCC License #35610) – Application for a permit to authorize the enhanced recovery of saltwater into the Pfhrem #3A well, located in Elk County Kansas.

TO: All Oil & Gas Producers, Unleased Mineral Interest Owners, Landowners, and all persons whomever concerned.

You, and each of you, are hereby notified that Z & L Oil, LLC has filed an application with the Kansas Corporation Commission (KCC) to commence the enhanced recovery of saltwater into the Mississippi formation at the Pfhrem #3A well,

¹ K.A.R. 82-3-402(b) allows area notice as an alternative; such mechanism was not used in this matter.

² See Affidavit of Publication – Prairie Star (filed Jul. 13, 2023).

located in the SE NW NW NW (4826' FSL, 4638' FEL) of Section 18-T31S-R10E, Chautauqua County, Kansas, with a maximum operating pressure of 700# and a maximum injection rate of 1,000 barrels per day.

Any persons who object to or protest this application shall be required to file their objections or protest with the Conservation Division of the State Corporation Commission of the State of Kansas within thirty (30) days from the date of this publication. These protests shall be filed pursuant to Commission regulations and must state specific reasons why granting the application may cause waste, violate correlative rights or pollute the natural resources of the State of Kansas.

All persons interested or concerned shall take notice of the foregoing and shall govern themselves accordingly.

[Operator's Contact Info]

4. On September 1, 2023, Operator filed a Motion to Determine Sufficiency of Publication of Notice. The issue raised by Operator is that the well in question is located in Elk County, but Paragraph 2 of Operator's notice states the well is located in Chautauqua County. Operator seeks a determination that its notice is nevertheless sufficient, or at a minimum a determination of some sort, so that it can correct any deficiency.

5. In defense of the proposition that notice was sufficient, Operator points out: (1) the publication was made in Elk County's official county newspaper, (2) Line 3 of the notice states the well is in Elk County, and (3) the identified section, township, and range only occur in Elk County. Operator posits that based on the totality of circumstances, no reasonable person could have been confused as to the county in which the subject well is located, and that its error was a mere palpable irregularity, not a fatal defect.³ Commission Staff agrees, adding that there is enough information in the notice to allow any interested person to further research the application. Protester, on the other hand, argues a person could reasonably conclude the well is in Chautauqua County, and such is a material error and fatal defect.

6. The Commission finds the misidentified county does not render Operator's published notice insufficient. The point of published notice is to allow potentially interested parties the

³ See *Dumback v. Tarkowski*, 195 Kan. 26, 28 (1965).

opportunity to look into the matter and determine whether they wish to lodge a protest. The totality of the published notice provides sufficient information to reasonably apprise interested parties. The Commission also notes Protester successfully lodged his protest; accordingly, he suffered no actual injury, nor does he have standing to assert the rights of others.

7. Operator's September 1, 2023, Motion to Determine Sufficiency of Publication of Notice and Protester's September 7, 2023, Motion to Deny Sufficiency of Publication are resolved as described above.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/12/2023



Lynn M. Retz
Executive Director

Mailed Date: 10/12/2023
JRM

CERTIFICATE OF SERVICE

24-CONS-3009-CUIC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 10/12/2023.

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/S/ KCC Docket Room

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