

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the matter of the Application of John O.) Docket No. 20-CONS-3175-CEXC
Farmer, Inc. for an exception to the pit closure)
time limitation of K.A.R. 82-3-602 at its) CONSERVATION DIVISION
Preston Unit #1A located in the NE/4 of)
Section 24, Township 15 South, Range 11) License No. 5135
East, Lyon County, Kansas.)

ORDER GRANTING APPLICATION

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

I. JURISDICTION

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹
2. K.A.R. 82-3-602(a)(2) limits pit permit extensions to two, three-month extensions.
3. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

II. FINDINGS OF FACT

4. John O. Farmer, Inc. (Operator) conducts oil and gas activities in Kansas under active license number 5135.

¹ K.S.A. 74-623.

5. On December 17, 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 Preston Unit #1-A well, API #15-111-20539 (“subject pit(s)").²

6. Operator has already received the two extensions allowed by K.A.R. 82-3-602(a)(2), and an additional 90-day extension in Docket 20-CONS-3084-CEXC, but pursuant to K.A.R. 82-3-100(b) requests an additional 90-day extension due to intermittent but persistent rainfall at the drilling pit.³ Staff also recommends that Operator be granted a 90-day extension.

7. Operator states the extension of time to close the subject pit(s) will cause no environmental harm, and that the subject pit(s) have been emptied several times.⁴

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

9. No protest was filed under K.A.R. 82-3-135b.

III. CONCLUSIONS OF LAW

10. The Commission concludes that it has jurisdiction over Operator in this matter.

11. The Commission concludes the Application 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.

12. The Commission concludes that notice was properly served and published.

13. Based on the above facts, the Commission concludes that the Application should be granted.

² Application, ¶3, (Dec. 17, 2019). *See also* Application Caption.

³ *See id.*, at ¶7.

⁴ *See id.* at ¶6.

THEREFORE, THE COMMISSION ORDERS:

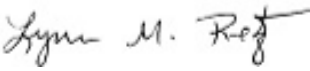
A. Operator's Application is granted. Operator shall have until March 10, 2020, to close the subject pit(s).

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁵

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen; Commissioner

Dated: 02/13/2020



Lynn M. Retz
Executive Director

Mailed Date: 02/13/2020

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⁵ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-CONS-3175-CEXC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 02/13/2020.

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/S/ DeeAnn Shupe

DeeAnn Shupe