

KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION

TEMPORARY ABANDONMENT WELL APPLICATION

OPERATOR: License# \_\_\_\_\_
Name: \_\_\_\_\_
Address 1: \_\_\_\_\_
Address 2: \_\_\_\_\_
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ + \_\_\_\_\_
Contact Person: \_\_\_\_\_
Phone:( \_\_\_\_\_ ) \_\_\_\_\_
Contact Person Email: \_\_\_\_\_
Field Contact Person: \_\_\_\_\_
Field Contact Person Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

API No. 15- \_\_\_\_\_
Spot Description: \_\_\_\_\_
Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ S. R. \_\_\_\_\_ E W
feet from N S Line of Section
feet from E W Line of Section
GPS Location: Lat: \_\_\_\_\_, Long: \_\_\_\_\_
Datum: NAD27 NAD83 WGS84
County: \_\_\_\_\_ Elevation: \_\_\_\_\_ GL KB
Lease Name: \_\_\_\_\_ Well #: \_\_\_\_\_
Well Type: (check one) Oil Gas OG WSW Other:
SWD Permit #: ENHR Permit #:
Gas Storage Permit #:
Spud Date: \_\_\_\_\_ Date Shut-In: \_\_\_\_\_

Table with 7 columns: Conductor, Surface, Production, Intermediate, Liner, Tubing. Rows include Size, Setting Depth, Amount of Cement, Top of Cement, Bottom of Cement.

Casing Fluid Level from Surface: \_\_\_\_\_ How Determined? \_\_\_\_\_ Date: \_\_\_\_\_
Casing Squeeze(s): \_\_\_\_\_ to \_\_\_\_\_ w / \_\_\_\_\_ sacks of cement, \_\_\_\_\_ to \_\_\_\_\_ w / \_\_\_\_\_ sacks of cement. Date: \_\_\_\_\_
Do you have a valid Oil & Gas Lease? Yes No
Depth and Type: Junk in Hole at Tools in Hole at Casing Leaks: Yes No Depth of casing leak(s):
Type Completion: ALT. I ALT. II Depth of: DV Tool: w / sacks of cement Port Collar: w / sack of cement
Packer Type: Size: Inch Set at: Feet
Total Depth: Plug Back Depth: Plug Back Method:

Geological Date:

Table with 4 columns: Formation Name, Formation Top, Formation Base, Completion Information. Rows 1 and 2.

UNDER PENALTY OF PERJURY I HEREBY ATTEST THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Submitted Electronically

Do NOT Write in This Space - KCC USE ONLY
Date Tested: Results: Date Plugged: Date Repaired: Date Put Back in Service:
Review Completed by: Comments:
TA Approved: Yes Denied Date:

Mail to the Appropriate KCC Conservation Office:

Table with 3 columns: District Office #, Address, Phone. Rows 1-4.

**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 application of Merit Energy    ) Docket No. 18-CONS-3358-CEXC  
Company for an exception to the 10-year time        )  
limitation of K.A.R. 82-3-111 for its Garden        ) CONSERVATION DIVISION  
City H-8 well in the north half of the south half    )  
of the northwest quarter of the northeast quarter ) License No. 32446  
of Section 23, Township 23 South, Range 34        )  
West, Finney County, Kansas.                            )

**ORDER GRANTING APPLICATION**

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

**I. JURISDICTION**

1. K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities, with licensing authority under K.S.A. 55-155.
2. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.
3. K.A.R. 82-3-111 requires wells that are inactive for more than 90 days be plugged or approved for temporary abandonment (“TA”) status. The regulation provides that wells having been shut-in for more than 10 years shall not be approved for TA status without Commission approval of an application for an exception pursuant to K.A.R. 82-3-100.

## II. FINDINGS OF FACT

4. Commission records indicate Merit Energy Company, LLC (“Operator”) is currently licensed to conduct oil and gas activities in Kansas under K.S.A. 55-155.

5. Operator filed an application requesting an exception to the 10-year limit on TA status for the Garden City H #08 well, API #15-055-21178.<sup>1</sup>

6. Operator has verified that notice was properly served and published, as required under K.A.R. 82-3-135a, at least 15 days before the issuance of this Order.

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

8. On March 21, 2018, Operator successfully tested the subject well for mechanical integrity.

9. The Commission finds the application and the mechanical integrity test sufficient to support the administrative grant of this application.

## III. CONCLUSIONS OF LAW

10. The Commission has jurisdiction over Operator and this matter.

11. Operator’s application was filed in accordance with the rules and regulations of the Commission and Kansas statutes.

12. Notice was properly served and published.

13. Based on the available facts, the Commission finds that the application should be granted to prevent waste and protect correlative rights, because Operator has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

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<sup>1</sup> In its application, Operator refers to the well as the Garden City H-8 well, with an API extension of 00-01. In Commission databases, the well is known as the Garden City H #08, with an API extension of 00-02. There is no doubt, however, as to the physical identity of the well in question.

**THEREFORE, THE COMMISSION ORDERS:**

A. Operator’s application for an exception to the 10-year limit on TA status for the subject well is granted for three years, calculated from the date the application was filed. Operator must file an annual TA form for the subject well. The first TA form shall be filed within 30 days.

B. This Order is a summary proceeding pursuant to K.S.A. 77-537, which provides in paragraph (b)(4) that summary proceedings are not effective until the time for requesting a hearing has expired. K.S.A. 77-542 provides that a request for hearing shall be filed within 15 days of any agency notice resulting in a right to request a hearing. If service of this Order is by mail, three days are added to the deadline.

C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order. If service of this Order is by mail, three days are added to the deadline. The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202. Pursuant to K.S.A. 55-606 and K.S.A. 77-529(a), reconsideration is prerequisite for judicial review of this Order. Any party taking an action permitted by this summary proceeding before the deadline for a petition for reconsideration does so at their own risk of further proceedings.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Date: 06/12/2018



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

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

JRM

**CERTIFICATE OF SERVICE**

18-CONS-3358-CEXC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 06/12/2018.

SCOTT ALBERG, DISTRICT #1 SUPERVISOR  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 1  
210 E. FRONTVIEW SUITE A  
DODGE CITY, KS 67801  
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s.alberg@kcc.ks.gov

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sjsmith@martinpringle.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

June 30, 2021

Katherine McClurkan  
Merit Energy Company, LLC  
13727 NOEL RD STE 1200  
DALLAS, TX 75240

Re: Temporary Abandonment  
API 15-055-21178-00-02  
Garden City H 08  
NE/4 Sec.23-23S-34W  
Finney County, Kansas

Dear Katherine McClurkan:

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 07/30/2021.

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 07/30/2021.

**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,  
Kenny Sullivan  
KCC DISTRICT 1