

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.
GPS Location: Lat, Long
Datum: NAD27, NAD83, WGS84
County: Elevation:
Lease Name: Well #:
Well Type: 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 for District Office #1, #2, #3, #4.

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the matter of the application of Merit Energy ) Docket No: 23-CONS-3202-CEXC  
Company for an exception to the 10 year time )  
limitation of K.A.R. 82-3-111 for its Frey ) CONSERVATION DIVISION  
Morrow Unit #301 well in the SE/4 of the NW/4 )  
of the NE/4 of Section 25, Township 27 South, ) License No: 35523  
Range 34 West, Haskell County, Kansas. )

**ORDER GRANTING APPLICATION**

The Commission rules as follows:

**I. JURISDICTION**

1. K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice, and after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution.

2. K.A.R. 82-3-111 requires wells that are inactive for more than 90 days, or in some circumstances more than 364 days, to be plugged or approved for temporary abandonment (TA) status. Under K.A.R. 82-3-111(b), a well shall not be eligible TA status if it has been shut-in for ten or more years, unless the Commission has granted an application for a regulatory exception.

**II. FINDINGS OF FACT**

3. Merit Energy Company, LLC (Operator) is licensed to conduct oil and gas activities in Kansas and is responsible for the Frey Morrow Unit #301 well (Subject Well), API #15-081-21340.<sup>1</sup> On February 10, 2023, Operator filed an Application requesting an exception to

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<sup>1</sup> In its Application, Operator calls the Subject Well the FMU 301, but the API number and location listed in the Application describe what is known in Commission databases as the Frey Morrow Unit #301. Based upon the contents of the Application, there is no doubt Operator requests approval for the Frey Morrow Unit #301.

the 10-year limit on TA status for the Subject Well. On April 18, 2023, Commission Staff motioned for the designation of a presiding officer and the setting of a prehearing conference, citing the lack of a casing integrity test for the Subject Well. On May 4, 2023, the Commission granted Staff's motion. On May 10, 2023, Staff filed a recommendation that Operator's application be granted, stating Operator has now demonstrated casing integrity.

4. The Commission finds that Operator served and published notice of its Application at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a, and that no protest was filed under K.A.R. 82-3-135b. The Commission further finds that the reasons articulated in Operator's Application and the results of the casing integrity test are sufficient to support the administrative grant of Operator's Application.

### **III. CONCLUSIONS OF LAW**

5. The Commission has jurisdiction over Operator and Operator's Application. Operator's Application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes. Operator properly served and published notice.

6. Based on the above facts, Operator's Application should be granted. Operator has demonstrated a potential future use for the Subject Well that is preventative of waste. There is no apparent present pollution threat, and correlative rights will not be affected.

#### **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.

B. Operator must file an annual TA form for the Subject Well. The first TA form shall be filed within 30 days.


C. The May 18, 2023, prehearing conference is cancelled.

D. Operator's Application is being granted via summary proceedings; thus, this Order does not take effect until after the time for requesting a hearing has expired.<sup>2</sup> Any party may request a hearing on the above issues by submitting a written request setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 15 days from the date of service of this Order.<sup>3</sup> If a hearing is not requested, then this Order shall become effective upon expiration of the time for requesting hearing.<sup>4</sup> If this Order becomes effective, then 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).<sup>5</sup>

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

Duffy, Chair; Keen, Commissioner; French, Commissioner

Date: 05/16/2023

  
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Lynn M. Retz  
Executive Director

Date Mailed: 05/16/2023

JRM

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<sup>2</sup> See K.S.A. 77-537.

<sup>3</sup> See K.S.A. 77-542.

<sup>4</sup> See K.S.A. 77-537.

<sup>5</sup> See K.S.A. 55-606; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

23-CONS-3202-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 05/16/2023.

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/S/ KCC Docket Room  
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KCC Docket Room

May 17, 2023

Katherine McClurkan  
Merit Energy Company, LLC  
13727 Noel Road, Suite 1200  
Dallas, TX 75240-7362

Re: Temporary Abandonment  
API 15-081-21340-00-01  
FMU (Frey Morrow Unit) 301  
NE/4 Sec.25-27S-34W  
Haskell County, Kansas

Dear Katherine McClurkan:

Your temporary abandonment (TA) application for the well listed above has been approved. In accordance with K.A.R. 82-3-111 the TA status of this well will expire 02/10/2024.

Your exception application expires on 02/10/2026.

- \* If you return this well to service or plug it, please notify the District Office.
- \* If you sell this well you are required to file a Transfer of Operator form, T-1.
- \* If the well will remain temporarily abandoned, you must submit a new TA application, CP-111, before 02/10/2024.

You may contact me at the number above if you have questions.

Very truly yours,

Michael Maier