

KANSAS CORPORATION COMMISSION  
OIL & GAS CONSERVATION DIVISION

Form ACO-4  
Form must be typed  
July 2006

APPLICATION FOR COMMINGLING OF  
PRODUCTION (K.A.R. 82-3-123) OR FLUIDS (K.A.R. 82-3-123a)

Commingling ID # CO 090702

Operator Information:

License #: 5363  
Name: Berexco, Inc.  
Address: PO Box 20380  
City/State/Zip: Wichita, KS 67208  
Contact Person: Jeremy Ensz  
Phone #: 316-265-3311

Well Information:

API #: 15 - 135-24474 -0000  
Lease Name: Ross Potter Well #: 5  
Spot: 100'E - NW - NW - NE Sec. 26 Twp. 17 S. R. 25  East  
County: Ness  West  
Feet from  North /  South Line of Section: 330  
Feet from  East /  West Line of Section: 2210

1. Name and upper and lower limit of each production interval to be commingled:

Formation: Mississippi (Perfs): 4432-36 (open hole)  
Formation: Fort Scott (Perfs): 4326-36, 4342-50 (proposed)  
Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_  
Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_  
Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_

2. Estimated amount of fluid production to be commingled from each interval:

Formation: Mississippi BOPD: 10 MCFPD: 0 BWPD: 15  
Formation: Fort Scott BOPD: 10 MCFPD: 0 BWPD: 10  
Formation: \_\_\_\_\_ BOPD: \_\_\_\_\_ MCFPD: \_\_\_\_\_ BWPD: \_\_\_\_\_  
Formation: \_\_\_\_\_ BOPD: \_\_\_\_\_ MCFPD: \_\_\_\_\_ BWPD: \_\_\_\_\_  
Formation: \_\_\_\_\_ BOPD: \_\_\_\_\_ MCFPD: \_\_\_\_\_ BWPD: \_\_\_\_\_

3. Plat map showing the location of the subject well, all other wells on the subject lease, and all wells on offsetting leases within a 1/2 mile radius of the subject well, and for each well the names and addresses of the lessee of record or operator.

4. Signed certificate showing service of the application and affidavit of publication as required in K.A.R. 82-3-135a.

For Commingling of PRODUCTION ONLY, include the following:

- 5. Wireline log of subject well.
- 6. Complete Form ACO-1 (Well Completion form) for the subject well.

For Commingling of FLUIDS ONLY, include the following:

- 5. Well construction diagram of subject well.
- 6. Any available water chemistry data demonstrating the compatibility of the fluids to be commingled.

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KANSAS CORPORATION COMMISSION

SEP 17 2007

CONSERVATION DIVISION  
WICHITA, KS

State of Kansas )  
 )  
County of Sedgwick ) ss:

VERIFICATION: I hereby certify that to the best of my current information, knowledge and personal belief, this request for commingling is true and proper and I have no information or knowledge, which is inconsistent with the information supplied in this application.

Signature: [Signature]  
Printed Name: Jeremy Ensz  
Title: District Engineer  
Subscribed & sworn to before me this 10th day of Aug, 20 07  
Notary Public: [Signature]  
My Commission Expires: Aug 10, 2011

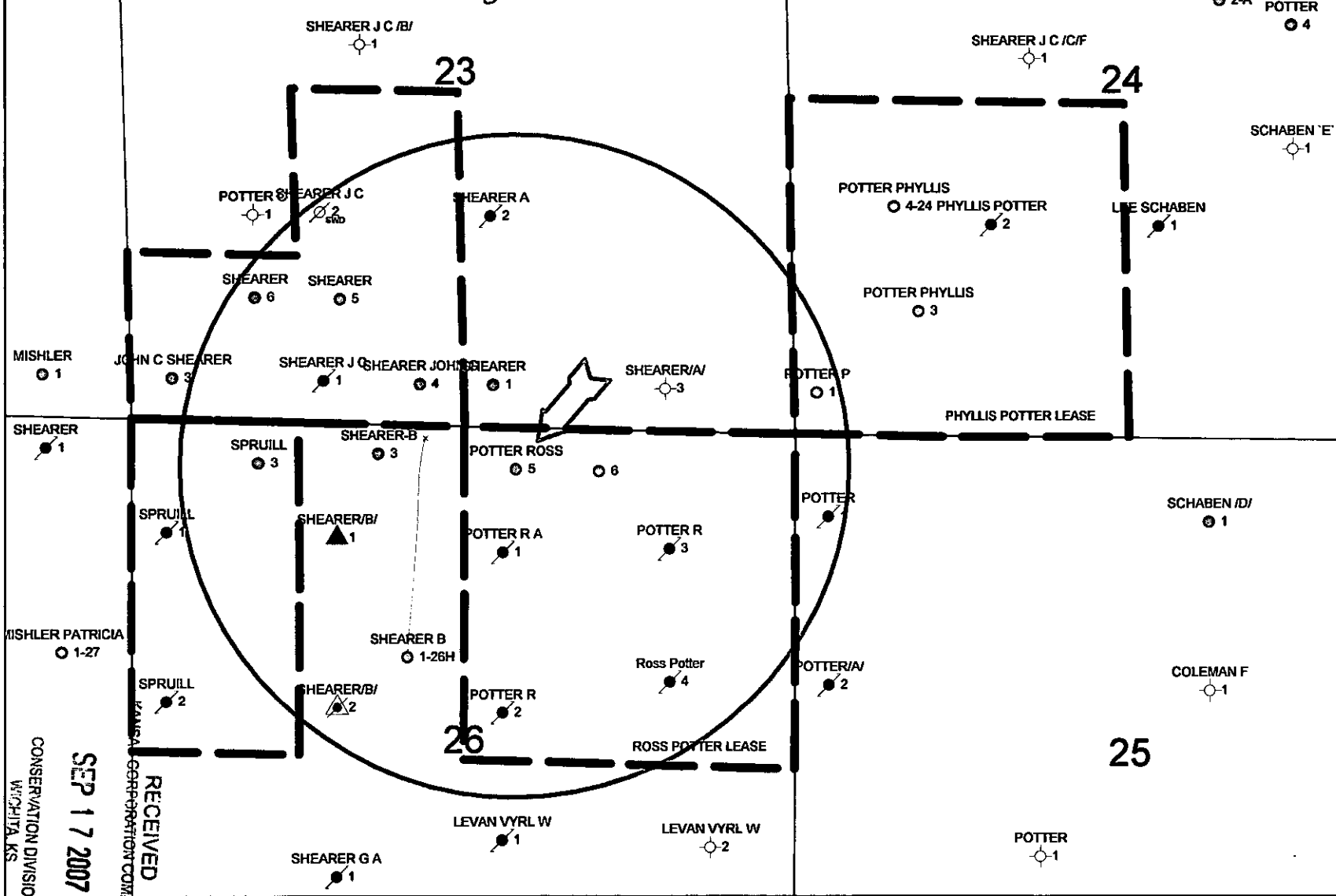
**KCC Office Use Only**  
 Denied  Approved  
KCC Date Received: \_\_\_\_\_ 15-Day Periods Ends: \_\_\_\_\_  
Approved By: 10-507 [Signature] Date: \_\_\_\_\_

Protests may be filed by any party having a valid interest in the application. Protests must be in writing and comply with K.A.R. 82-3-135b and must be filed within 15 days of publication of the notice of application.

Mail with all required attachments and files to: KCC - Conservation Division, 130 S. Market - Room 2078, Wichita, Kansas 67202

**DIANA E. BELL**  
Notary Public - State of Kansas  
My Appt. Expires 8-10-11

# 17s - 25w Ness County



<b>BEREXCO, INC.</b>	
Ross Potter #5	
Commingle Application	
26 - 17s - 25w	
Ness Co, Kansas	
POSTED WELL DATA	Well Number
POSTED IP TESTS	
POSTED FM TESTS	
WELL SYMBOLS	
○	Dry Hole
●	Oil Well
■	Plugged and Abandoned
▲	Injection Well
▲	Plugged Injection Well
□	Service Well
REMARKS	
Green Arrow	= Subject Well
Green Circle	= 1/2 Mi Radius
Red	= Unit Boundary
By: bl	
September 14, 2007 1:50 PM	

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 CONSERVATION DIVISION  
 WICHITA, KS  
 PETRA 9/14/2007 1:50:37 PM

**AFFIDAVIT**

STATE OF KANSAS \  
- SS.  
County of Sedgwick /

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Nicole Mandina, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for  1  issues - weeks, that the first publication of said notice was

made as aforesaid on the  24th  of

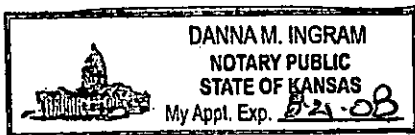
August  A.D.  2007 , with

subsequent publications being made on the following dates:

And affiant further says that she has personal knowledge of the statements above set forth and that they are true.

Subscribed and sworn to before me this

24th  day of  August ,  2007

  
Notary Public Sedgwick County, Kansas

Printers Fee:  \$74.00

**LEGAL PUBLICATION**  
First Published in The Wichita Eagle on August 24, 2007 (2716842)  
BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS  
**NOTICE OF FILING APPLICATION**  
RE: BEREXCO, INC. - Application for a permit to commingle production at the Ross Potter #5, located in Ness, County, Kansas.  
TO: All Oil & Gas Producers, Unleased Mineral Interest Owners, Landowners, and all persons whomsoever concerned.  
You, and each of you, are hereby notified that Berexco, Inc. has filed an application to commingle production from the Marmaton (Forl. Scott) and Mississippi sources of supply at the Ross Potter #5, located 330 feet from south section line and 2210 feet from east section line, NW NW NE of section 26-17s-25w, Ness County, Kansas.  
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 fifteen (15) days from the date of this publication. These protests shall be filed pursuant to Commission regulations and must state specific reasons why the grant of 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.  
BEREXCO, INC.  
P.O. Box 20380  
Wichita, Kansas 67208  
316-265-3311

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SEP 17 2007

CONSERVATION DIVISION  
WICHITA, KS

(First Published in the Ness County News Thursday, August 23, 2007) -11

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS NOTICE OF FILING APPLICATION

RE: BEREXCO, INC. -- Application for a permit to commingle production at the Ross Potter #5, located in Ness, County, Kansas.

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

You, and each of you, are hereby notified that Berexco, Inc. has filed an application to commingle production from the Marmaton (Fort Scott) and Mississippi sources of supply at the Ross Potter #5, located 330 feet from south section line and 2210 feet from east section line, NW NW NE of section 26-17s-25w, Ness County, Kansas.

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 fifteen (15) days from the date of this publication. These protests shall be filed pursuant to Commission regulations and must state specific reasons why the grant of 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.

BEREXCO, INC. P.O. Box 20380 Wichita, Kansas, 67208 316-265-3311

STATE OF KANSAS, COUNTY OF NESS, ss:

Jerry Clarke, being first duly sworn, Deposes and says: that he is Publisher of The Ness County News, a weekly newspaper, published and printed in Ness City, State of Kansas, and published in and of general circulation in Ness County, Kansas, with a general paid circulation on a weekly basis in Ness County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Ness City, in said County as second class mail matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of August, 2007, with subsequent publications being made on the following dates:

\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_
\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_
\_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

Jerry Clarke, Jerry Clarke, editor

Subscribed and sworn to before me this 23rd day of August, 2007

NOTARY PUBLIC - State of Kansas AMANDA SCHWIEN My Appt. Exp. 07/21/2009

Amanda Schwien, Amanda Schwien, Notary Public.

Publication Fee \$ 25.08
Additional Copies @ \$
Total Publication Fees \$ 25.08

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
Attached Proof Of Publication approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
District Magistrate Judge

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
Clerk of the District Court.
Attached Proof Of Publication approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
Judge Twenty-fourth Judicial District.

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# BEREXCO, INC.

19 September 2007

Rick Hestermann  
UIC Department  
Kansas Corporation Commission  
130 S. Market, Room 2078  
Wichita, KS 67202

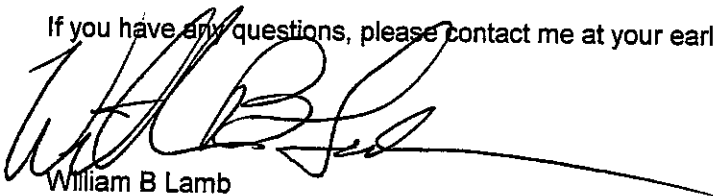
**SUBJECT: Application for Commingle Production of Mississippi and Fort Scott**

Ross Potter #5 ✓  
NW NW NE  
26-17s-25w  
Ness County  
API # 15-135-24474

Phyllis Potter #4-24  
E2 NW SW  
24-17s-25w  
Ness County  
API # 15-135-24492

The attached list of offset operators, unleased mineral owners and landowners acreage for both subject wells. Letters were mailed on September 18, 2007 to this list.

If you have any questions, please contact me at your earliest convenience.



William B Lamb  
Petroleum Engineer  
BEREXCO, INC.  
316-337-8337  
[billl@berexco.com](mailto:billl@berexco.com)

Encl Phyllis Potter #4-25  
Ross Potter #5  
List of Offset Operators, Unleased Mineral Owners and Landowners acreage

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SEP 20 2007

CONSERVATION DIVISION  
WICHITA, KS

**Ross Potter #5 commingling application**

SEP 20 2007

**Offset Operators, Unleased Mineral Owners and Landowners acreage**

CONSERVATION DIVISION  
WICHITA, KS

Name	Legal Description of Leasehold
BEREXCO INC. P. O. Box 20380 Wichita, KS 67208	Operator – SW/4 Sec. 24, NE/4 Sec. 26-17S-25W
Mr. and Ms. Ross Potter, Trustees Ross A. Potter Trust u/a/d 7/26/00 Phyllis M. Potter Trust u/a/d 7/26/00 RR 1, Box 12 Arnold, KS 67515	Surface owner – SW/4 Sec. 24-17S-25W Unleased mineral owners – NE/4 Sec. 23, W 100 acres NW/4 Sec. 24, NW/4 Sec. 25-17S-25W
Patricia A. Mishler RR 1, Box 78 Ransom, KS 67572-9710	Unleased mineral owners – NE/4 Sec. 23, W 100 acres NW/4 Sec. 24, NW/4 Sec. 25-17S-25W
Marilyn Edwards 3734 19 <sup>th</sup> St. Great Bend, KS 67530-7409	Unleased mineral owners – NE/4 Sec. 23, W 100 acres NW/4 Sec. 24, NW/4 Sec. 25-17S-25W
Betty L. Theisen Trust 4938 E. Calle Ventura Phoenix, AZ 85018-4457	Unleased mineral owners – NE/4 Sec. 23, W 100 acres NW/4 Sec. 24, NW/4 Sec. 25-17S-25W
Veenker Resources, Inc. P. O. Box 14339 Oklahoma City, OK 73113	Operator – SE/4 Sec. 23-17S-25W

**I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief.**

*[Handwritten Signature]*  
Applicant or Duly Authorized Agent

Subscribed and sworn before me this 18 day of September, 2007

*[Handwritten Signature]*  
Notary Public



My Commission Expires: Aug 10, 2011



*Kathleen Sebelius, Governor  
Thomas E. Wright, Chairman  
Michael C. Moffet, Commissioner  
Joseph F. Harkins, Commissioner*

October 5, 2007

William Lamb  
Berexco, Inc.  
PO Box 20380  
Wichita, KS 67208

**RE: Approved Commingling CO090702  
Ross Potter #5, Sec. 26-T17S-R25W, Ness County, Kansas  
API No. 15-135-24474-0000**

Dear Mr. Lamb:

Your "Application for Commingling" (ACO-4) for the above described well has been technically reviewed and approved by the Kansas Corporation Commission (KCC) per **K.A.R. 82-3-123a**. Notice was examined and found to be proper per **K.A.R. 82-3-135a**. No protest had been filed within the 15-day protest period. This application, which was received by the KCC on **September 17, 2007** concerns approval to simultaneously produce from the following **two** sources of supply through the same tubing string in the same wellbore: the **Mississippi and Fort Scott** formations.

According to your application, the estimated current production from the **Mississippi** source of supply is **10 BOPD, 0 Mcfpd and 15 BWPD**. The estimated current production from the **Fort Scott** source of supply is **10 BOPD, 0 Mcfpd and 10 BWPD**. The total estimated current production from all sources of supply in the subject well is **20 BOPD, 0 Mcfpd and 25 BWPD**.

Based upon the depth of the **Mississippi** formation perforations, total oil production shall not exceed **200 BOPD** and total gas production shall not exceed **50%** of the absolute open flow (AOF).

Docket Number **CO090702** has been assigned to this approved application. Please use this number for well completion reports (ACO-1) and other correspondence that may concern this approved commingling.

Sincerely,

A handwritten signature in black ink that reads "Rick Hestermann".

Rick Hestermann  
Production Department