



KANSAS CORPORATION COMMISSION 1098895  
 OIL & GAS CONSERVATION DIVISION

Form ACO-4  
 Form must be typed  
 March 2009

APPLICATION FOR COMMINGLING OF **Commingling ID # CO101217**  
 PRODUCTION (K.A.R. 82-3-123) OR FLUIDS (K.A.R. 82-3-123a)

OPERATOR: License # 5447  
 Name: OXY USA Inc.  
 Address 1: 5 E GREENWAY PLZ  
 Address 2: PO BOX 27570  
 City: HOUSTON State: TX Zip: 77227 + 7570  
 Contact Person: LAURA BETH HICKERT  
 Phone: (620) 629-4253

API No. 15 - 15-129-20428-00-02  
 Spot Description: \_\_\_\_\_  
S2 NE Sec. 11 Twp. 35 S. R. 42  East  West  
1980 Feet from  North /  South Line of Section  
1320 Feet from  East /  West Line of Section  
 County: Morton  
 Lease Name: HORTON B Well #: 3

1. Name and upper and lower limit of each production interval to be commingled:  
 Formation: WABAUNSEE (Perfs): 2681-2805  
 Formation: TOPEKA (Perfs): 2899-3100  
 Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_  
 Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_  
 Formation: \_\_\_\_\_ (Perfs): \_\_\_\_\_

2. Estimated amount of fluid production to be commingled from each interval:  
 Formation: WABAUNSEE BOPD: 0 MCFPD: 51.5 BWPD: 9  
 Formation: TOPEKA BOPD: 0 MCFPD: 51.5 BWPD: 9  
 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. Previously Filed with ACO-1:  Yes  No
- 6. Complete Form ACO-1 (*Well Completion form*) for the subject well.

**For Commingling of FLUIDS ONLY, include the following:**

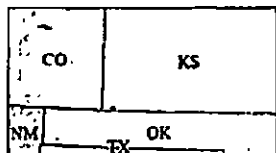
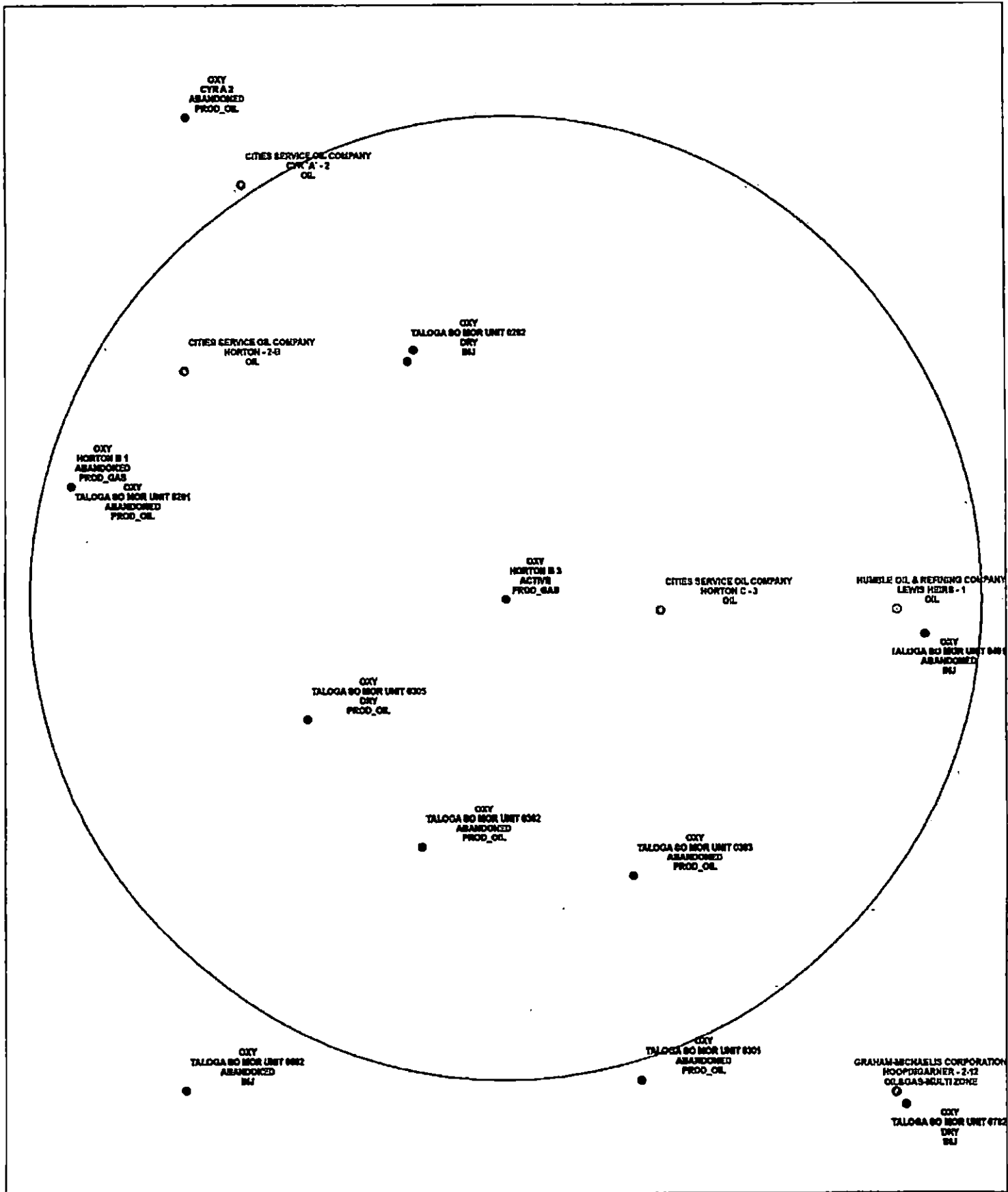
- 7. Well construction diagram of subject well.
- 8. Any available water chemistry data demonstrating the compatibility of the fluids to be commingled.

**AFFIDAVIT:** I am the affiant and 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.

Submitted Electronically

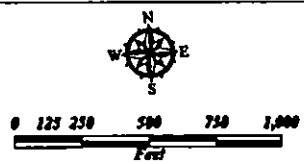
<b>KCC Office Use Only</b>	
<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Approved
15-Day Periods Ends: <u>11/10/2012</u>	
Approved By: <u>Rick Hestermann</u>	Date: <u>11/13/2012</u>

*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.*



**Legend**

- CITY WELL
- CITIES SERVICE
- ◐ GRAHAM-MICHAELS
- ◐ HUMBLE OIL & REFINING
- 1/2 Mile Buffer



**Mid-Continent**

RELIEF MAP  
 HORTON B 3 82  
 11-282-CW  
 1987 FAL  
 1307 FAL

**AFFIDAVIT OF NOTICE SERVED**

RE: Application for: OXY USA Inc.

Well Name: Horton B-3 Legal Location: S2 NE S-11 T-35S R-42W

The undersigned hereby certifies that he/she is a duly authorized agent for the applicant, and that on the 26th day of October, 2012, a true and correct copy of the application referenced above was delivered or mailed to the following parties:

NOTE: A copy of this affidavit must be served as a part of the application.

<u>Name</u>	<u>Address (attach additional sheets if necessary.)</u>
Ben L. Pate and Barbara J. Pate Living Trust	P.O. Box 370, Elkhart, KS 67950
Oxy USA, Inc.	P.O. Box 2528, Liberal, KS 67905

Signed this 26th day of October, 2012.



Laura Beth Hickert  
 Laura Beth Hickert  
 Applicant or Duly Authorized Agent

Subscribed and sworn to before me this 26 day of October, 2012

Anita Peterson  
 Anita Peterson  
 Notary Public

My Commission Expires: Oct. 1, 2013

*Protests may be filed by any party having a valid interest in the application. Petitions for protests shall be in writing and shall clearly identify the name and address of the Protestant and the title of the application. The petition shall include a clear and concise statement of the direct and substantial interest of the Protestant in the proceedings, including the manner in which the Protestant may be affected, and the nature, extent, character and grounds of the protest. Protestants shall serve the protests upon the applicant by mail or personal service at the same time or before the Protestant files the protest with the Conservation Division.*

**Proof of Publication**

*Notice of Filing Application*  
*Horton B-3*

**Legal Notice**

(First Published in The Elkhart Tri-State News, Elkhart, Kansas, on Thursday, July 26th, 2012.)

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

RE: OXY USA Inc. Application for order to commingle Topeka and Wabaunsee sources of supply in Horton B-3 well, located in Sec. 11 Twp 35S R 42W, Morton County, Kansas.

TO: All Oil and Gas Producers, Unleased Minerals Interest Owners, Landowners, and all persons whosever concerned.

You, and each of you, are hereby notified that OXY USA Inc. has filed an application to commingle the production from the Topeka and Wabaunsee sources of supply in the Horton B-3 well, located in the NE/4 of Sec 11 Twp 35S R 42W in Morton County, Kansas

Any persons who object to or protest this application shall be required to file their objections or protests 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. If no protests are received, this application may be granted through a summary proceeding. If valid protests are received, this matter will be set for hearing.

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

OXY USA Inc.  
P.O. Box 2528  
Liberal, KS 67905  
(620)-629-4200

*Oxy USA Inc.*

Publication Fee \$ 44.80

**Karen L. Brady**

Being first duly sworn, deposes and says: that she is the Publisher of the ELKHART TRI-STATE NEWS, a weekly newspaper published in the State of Kansas, with a general paid circulation on a weekly basis in Morton 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; and has been so published continuously and uninterrupted 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 Elkhart in said County as second class matter. That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper, publications thereof being made as aforesaid on the following dates:

<i>July 26 2012</i>	20
20	20
20	20
20	20

*Karen Brady*

Subscribed and Sworn to before me this

*26* day of *July*, 20*12*

*Daren R. Coen*



Approved \_\_\_\_\_ 20\_\_\_\_\_

Clerk or Judge

**AFFIDAVIT**

STATE OF KANSAS \  
- SS.  
County of Sedgwick /

Mark Fletchall, of lawful age, being first duly sworn, deposeth and saith: That he 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, that the first publication of said notice was

made as aforesaid on the 26th of

July A.D. 2012, with

subsequent publications being made on the following dates:

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

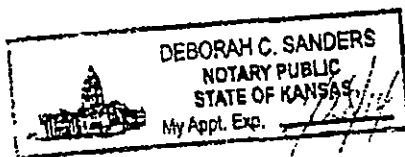
*Mark Fletchall*

Subscribed and sworn to before me this

26th day of July, 2012

*Deborah C. Sanders*  
Notary Public Sedgwick County, Kansas

Printer's Fee : \$110.80



**LEGAL PUBLICATION**

PUBLISHED IN THE WICHITA EAGLE  
JULY 26, 2012 (3192004)  
BEFORE THE STATE CORPORATION  
COMMISSION OF THE STATE OF KANSAS  
**NOTICE OF FILING APPLICATION**  
RE: OXY USA Inc. Application for order to commingle Topeka and Wabaunsee sources of supply in Horton B-3 well, located in Sec. 11 Twp 35S R 42W, Morton County, Kansas.  
TO: All Oil and Gas Producers, Unleased Minerals Interest Owners, Landowners, and all persons whatsoever concerned.  
You, and each of you, are hereby notified that OXY USA Inc. has filed an application to commingle the production from the Topeka and Wabaunsee sources of supply in the Horton B-3 well, located in the NE 1/4 of Sec 11 Twp 35S R 42W in Morton County, Kansas. Any persons who object to or protest this application shall be required to file their objections or protests 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. If no protests are received, this application may be granted through a summary proceeding. If valid protests are received, this matter will be set for hearing.  
All persons interested or concerned shall take notice of the foregoing and shall govern themselves accordingly.

OXY USA Inc.  
P.O. Box 2578  
Liberal, KS 67905  
(620)-629-4200

Conservation Division  
Finney State Office Building  
130 S. Market, Rm. 2078  
Wichita, KS 67202-3802



Phone: 316-337-6200  
Fax: 316-337-6211  
<http://kcc.ks.gov/>

Mark Sievers, Chairman  
Thomas E. Wright, Commissioner  
Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

November 13, 2012

Laura Beth Hickert  
OXY USA, Inc.  
5 E Greenway Plz  
Houston, TX 77227-7570

RE: Approved Commingling CO101217  
Horton B 3, Sec.11-T35S-R42W, Morton County  
API No. 15-129-20428-00-02

Dear Ms. Hickert:

Your Application for Commingling (ACO-4) for the above described well has been reviewed and approved by the Kansas Corporation Commission (KCC) per K.A.R. 82-3-123. 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 October 26, 2012, concerns approval to simultaneously produce from the following sources of supply through the same tubing string in the same wellbore:

Source of Supply	Estimated Current Production			Perf Depth
	BOPD	MCFPD	BWPD	
Wabaunsee	0.0	51.5	0.0	2681-2805
Topeka	0.0	51.5	0.0	2899-3100
Total Estimated Current Production	0.0	103.0	0.0	

Based upon the depth of the Topeka formation perforations, total oil production shall not exceed 100 BOPD and total gas production shall not exceed 50% of the absolute open flow (AOF).

Commingling ID number CO101217 has been assigned to this approved application. Use this number for well completion reports (ACO-1) and other correspondence that may concern this approved commingling.

Sincerely,

Rick Hestermann  
Production Department