

**DECISION SHEET
OF THE OIL & GAS APPELLATE REFEREE**

<u>APPLICANT:</u>	T.P. HARRIS, JR.)	
)	
)	
<u>RELIEF SOUGHT:</u>	DISPOSAL WELL -)	CAUSE PD NO.
	WILSON-GLASS #1-B SWD)	201200068
)	
)	APPLICATION
)	NO.
)	1204390049
<u>LEGAL DESCRIPTION:</u>	SE/4 NE/4 NW/4 OF SECTION)	
	21,)	
	TOWNSHIP 16 NORTH, RANGE)	
	9 EAST, CREEK COUNTY,)	
	OKLAHOMA)	

FILED
JUL 30 2012

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

EXCEPTIONS TO THE REPORT OF THE ADMINISTRATIVE LAW
JUDGE ISSUED JUNE 12, 2012

This cause came on for hearing before **David D. Leavitt**, Administrative Law Judge ("ALJ"), for the Oklahoma Corporation Commission, pursuant to proper notice, on the 18th day of April, 2012 in the Commission's Courtroom, Jim Thorpe Building, Oklahoma City, Oklahoma.

APPEARANCES: **Richard Gore**, attorney, appeared for applicant, T.P. Harris, Jr. ("Harris") ; **Richard A. Root** appeared Pro Se ("Root"); **Keith Thomas**, Assistant General Counsel, appeared on behalf of the Oklahoma Corporation Commission; and **Jim Hamilton**, Assistant General Counsel for the Conservation Division, filed notice of appearance.

The ALJ issued his Report of the ALJ on the 12th day of June, 2012 to which Exceptions were timely filed and proper notice given of the setting of the Exceptions.

The Oral Arguments on the Exceptions were referred to Patricia D. MacGuigan, Oil and Gas Appellate Referee ("Referee"), on the 27th day of July,.

2012. After considering the arguments of counsel and the record contained within this Cause, the Referee finds as follows:

The reason for the ALJ's denial of the present application is that there wasn't enough surface casing below the base of the treatable water. OCC-OAC 165:10-3-4(c)(1) requires that as a minimum, suitable and sufficient surface casing shall be run and cemented from the surface to at least 50' below the base of the treatable water. OCC-OAC 165:10-3-4-(c)(1) states:

(c) Surface casing and cementing requirements for wells listed in (a)(2) of this section: (1) **Minimum surface casing requirements.** Unless an alternate casing program is authorized by the Conservation Division or by an order of the Commission, suitable and sufficient surface casing shall be run and cemented from bottom to top with a minimum setting depth which is the greater of: (A) Ninety feet below the surface, or (B) Fifty feet below the base of treatable water.

The application of Harris contained an error in that it stated the base of the treatable water was located at 400 feet. Harris apparently just gave an estimate as to the base of the treatable water whereas the base of the treatable water at the location of the Wilson-Glass #1-B well is actually 380 feet. See e-mail from the Corporation Commission to Richard J. Gore on Tuesday, June 19, 2012, attached as Exhibit "A" to Harris' Exceptions to the Report of the ALJ filed on June 21, 2012. See also Affidavit of Fletcher Lewis dated June 19, 2012, Exhibit "B" attached to Harris' Exceptions to the Report of the ALJ on June 21, 2012. The surface casing in the well is set to 434 feet which gives the well 54 feet of surface casing below the base of the treatable water which is more than the applicable Commission rules require. The Underground Injection Control department of the Commission reviewed the application and the exhibits in this case and had no objections to its approval. Apparently the issue of the lack of surface casing was not addressed at the hearing of this case, but was addressed by the ALJ in his Report and was the reason for the ALJ's denial of Harris' application to convert Wilson-Glass #1-B well into a noncommercial saltwater disposal ("SWD") well. Harris therefore requested that the appeal be withdrawn and the case be remanded back to the ALJ to present additional evidence concerning where the surface casing is set and where the base of the treatable water is.

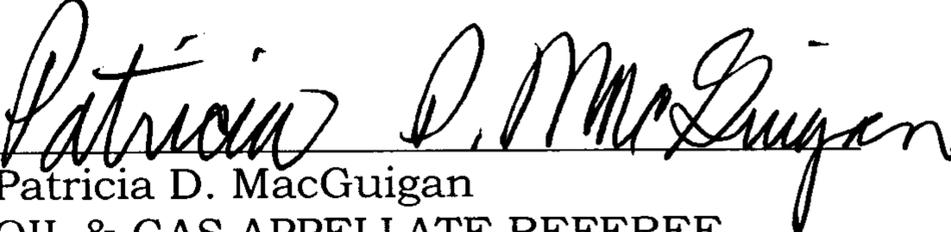
ALJ David Leavitt stated the reason for his determination was the applicable law and rules regarding the protecting of treatable water and the surface casing location in the Wilson-Glass #1-B well. He understands now that there is new evidence that can be corroborated concerning the treatable water and the location of the surface casing in the Wilson-Glass #1-B well. It would therefore

be appropriate, in light of the new evidence, to remand the cause to ALJ Leavitt wherein he can reconsider his recommendation.

DECISION OF THE OIL & GAS APPELLATE REFEREE

The Referee finds that the ALJ's request that the matter be remanded to the ALJ for further testimony concerning the location of the surface casing and the location of the treatable water in the Wilson-Glass #1-B well should be granted. The Appellate Referee therefore will withdraw the present appeal/exceptions filed by Harris on June 21, 2012 to the Report of the ALJ.

RESPECTFULLY SUBMITTED THIS 30th day of July, 2012.


Patricia D. MacGuigan
OIL & GAS APPELLATE REFEREE

PM:ac

xc: Commissioner Murphy
Commissioner Anthony
Commissioner Douglas
Jim Hamilton
Richard A. Root
Richard Gore
Keith Thomas
Michael L. Decker, OAP Director
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