

JULY/AUGUST 2021

KANSAS INDEPENDENT OIL & GAS ASSOCIATION

KIOGA

THE VOICE OF THE KANSAS INDEPENDENT PETROLEUM INDUSTRY



**BIDEN ADMINISTRATION
PROPOSES TO LIST
LESSER PRAIRIE-CHICKEN
AS THREATENED/ENDANGERED**

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KIOGA 2021 Annual Convention

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Finding Signal Through the Noise

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Protecting Our Independence

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DAVID BLEAKLEY
KIOGA CHAIRMAN

As my term of KIOGA Board Chairman comes to an end, my final Chairman's message to our membership is one of hope and optimism for our industry and for the future of KIOGA.

It has been a busy and transformative two years for KIOGA. With the help of many members, including the Strategic Planning Committee, Board of Directors and especially the Executive Committee working with KIOGA President/COO Ed Cross, we have accomplished goals that many members thought would not be possible just two short years ago. In the process, we have transformed KIOGA from top to bottom to take on the new challenges and threats that our industry now faces every day. In the 43 years I have been actively engaged in the oil and gas business, there have been many changes in our industry. Our biggest challenges used to be deciding where to lease land, finding the oil/gas, and producing it economically. Now, in addition to the aforementioned challenges, we face more and more new challenges from forces aligned against our industry and the products we produce in the form of certain agencies within the government (local, state and federal), presidential executive orders, academic institutions, wildlife as endangered species acts, air pollution charges, water pollution claims,

THE ABCs AND KIOGA'S VISION 2020 WITH HOPE FOR THE FUTURE

and organized climate change groups in the U.S. and around the world, just to name a few.

To address these issues, we ALL have our job to do in pushing back as an industry and as members of KIOGA to take on these challenges we face straight up, without guilt, and to resist these forces aligned against our industry. In other words, we need to stand up for our industry, our way of life and ourselves so we will not be run out of business and "cancelled." In all that we do and everywhere we go, we need to tell the story of how our industry and fossil fuels have changed the world from horse and buggy to the modern-day world we live in, and how the citizens of the world cannot live without the life-changing and lifesaving products produced from oil and natural gas. Most people in the world do not even realize that oil and natural gas touch everything in their lives every day in a positive way. Our industry needs to adopt what Winston Churchill was quoted to have said during World War II: "Never give in—never, never, never, never, in nothing great or small, large or petty, never give in except to convictions of honour and good sense. Never yield to force, never yield to the apparently overwhelming might of the enemy." Unfortunately, this quote represents where our industry is in the world today. We have been pulled into a war that we must fight, and we must win even though the public does not understand all the consequences if we lose. We can debate climate change and its effects to

our world with the facts against the best of the climate change advocates, but they usually will not debate against the facts. Therefore, our part is to tell our story to as many people as we can every day. Even though the statement is cliché, we can and must turn public opinion one person at a time until the public and media cannot deny that renewable wind and solar power cannot meet the current energy demand because the powers-at-be have convinced the public that we all need to be driving electric vehicles to save the world from its certain demise due to fossil fuel. Please keep the faith and do your part to help change the public's mind, and **WE WILL PREVAIL. WE MUST CONTINUE THIS EDUCATION EFFORT UNTIL THE PUBLIC UNDERSTANDS THE TRUE FACTS AND CONSEQUENCES OF THE "FAIR WEATHER" RENEWABLE ENERGY SOURCES!**

The ABCs that I have continued to refer to since I took office are simply a variation on the old term ABCs that have forever referred to the basics of anything from A to Z. The old ABC phrase just happened to work, is easy to remember, and I believe symbolizes what KIOGA is all about. Advocacy—advocate for our industry and members on a local, state and federal level to promote and fight for our industry, Business—conduct the business of our association and industry that must be conducted by the Board and the Executive Committee, and Camaraderie—getting together to share our experiences and friendship under the common bond of the oil and gas industry.

Vision 2020

As Chairman Elect, I could see KIOGA was in need of some drastic changes to counter the financial results for the preceding five years. Ken White (Chairman at the time) sounded the alarm by looking at the association from the outside in and addressing the revenue side with an increase in dues. I knew I had to take the next step to look at the expenses and the structure of the organization from the inside out. Upon looking at the accounting, investment account, bylaws, duplicate office situation, outdated website and newsletter, I knew it was going to take a large effort to achieve these goals and possibly a few others. That is when I restarted the Executive Committee, which had always been in the bylaws but had not been used recently to conduct business between Board meetings and to study issues for making recommendations to the Board. I was fortunate to have a very strong group of officers already determined (according to the bylaws) and voted by the Board to their positions: Alan Banta, South Central Vice-Chair (Trans Pacific Oil Corporation), Ed Nemnich, Northwest-Vice Chair (K&N Petroleum, Inc.), Charles Wilson, Southwest Vice-Chair (Berexco, LLC), Barry Hill, East Vice-Chair (Vess Oil Corporation), Jeff Bloomer, Secretary (Sunrise Oilfield Supply, LLC), Scott Fraizer, Treasurer (Woolsey Companies, Inc.) and Ken White, Chairman of the Nominating Committee (White Exploration, Inc.). I then named three at-large members who were willing to accept my invitation to join the Executive Committee: Jeff Kennedy (Martin Pringle), Andrea Krauss (John O. Farmer, Inc.) and Dan Schippers (DaMar Resources, Inc.), along with KIOGA President/COO Ed Cross as an Ex Officio nonvoting member.

This group of KIOGA members graciously listened to my lofty goals and ideals for the organization. During

the next two years, each committee member worked hard to develop Vision 2020, and these plans have now been realized. Without their help and support along with other Board and Committee members, Vision 2020 would not have become reality and KIOGA would not be in the position it is today—financially on solid ground with current restated bylaws, a consolidation of the Wichita office into the Topeka office, a new website, a new newsletter, a new accountant, a new auditor, a new logo currently being designed, a new Mission Statement adopted and the hiring of a new Administrative Assistant, Holly McGinnis. These all point to a new future direction with greater transparency, member involvement and participation which focuses on what our members want and need to be represented across the local, state and federal levels.

I will forever be grateful to this group for their dedication and willingness to sacrifice their time and work hard to see the completion of Vision 2020. I am also incredibly grateful and want to thank my own employer, Colt Energy, Inc., as well as all the other companies and employers for allowing these members to put in the many hours of time and effort to make a difference in this organization. The support by all the member companies of KIOGA, both small and large, does make a difference and will continue to do so if member companies continue to allow their employees to volunteer to make this organization the best association it can be—one our members are all proud of when they say they are active members of the Kansas Independent Oil and Gas Association.

I want to personally thank Ed Cross for his tireless work for this association and the oil and gas industry. He is so well-respected across the country for his excellent writing and understanding

of the issues our industry faces. Many other associations across the country and legislators, both state and federal, ask for industry position papers that Ed has written. As Chairman, I have worked closely with Ed and have seen the “behind the scenes” commitment he makes every day for KIOGA that most members never see. I have also had the opportunity to work closely with our new Administrative Assistant, Holly McGinnis over the last six months. She has exceeded our expectations, has fit seamlessly into her new position, and could not be a better fit for our organization.

Finally, I want to say thank you to all the members for your encouragement over the past two years. While the world was shutting down because of COVID, KIOGA continued moving forward with a clear vision plan. As we all know, change is never easy, but change was necessary and inevitable. I think, with the help of many, we were able to move the football down the field toward our goals. With everything you do in life, moving toward your goal is exactly what you hope to achieve. We were able to accomplish much and there is still more to do to continue this momentum, but I know that KIOGA will be in good hands with our new Chair, Andrea Krauss at the helm. With Andrea’s extensive involvement on our Executive Committee over the past two years, Andrea is well-versed on all KIOGA issues. I wish Andrea the best of luck during her term and again express my sincere thanks to the Board for electing me to serve as Chairman of KIOGA. It has been a true honor and my pleasure to serve this association as KIOGA Chairman for the past two years. ✍

All the best,

David P. Bleakley
KIOGA Chairman



EDWARD CROSS
KIOGA PRESIDENT

REASONS TO CELEBRATE

As we approach the 2021 KIOGA Annual Convention, we have many reasons to celebrate. The last one and a half years have been very challenging for everyone. Our state, nation, business owners, and employees had their world turned upside-down because of a virus. It has been impressive to me to see how oil and gas producers have responded to challenging times and adversity. It is an honor to work for this association and the members that make the Kansas oil and gas industry so special. I am lucky to be able to work on things I like to work on, but even more lucky to get to work with the men and women that make up this great industry. Thank you for what you do!

Looking back at the challenges Kansas independent oil and gas producers have faced over the past 84 years and the multitude of political barriers we have overcome, ours is the ultimate story of blood, sweat, tears, willpower, unity, and passion. As independents, we know the oil and natural gas business is fraught with tremendous risk and carries extreme geological, commercial, and financial exposure. These very challenges have defined the generations of Kansas independent oil and gas producers who have

played and continue to play a vital role in meeting our nation's energy needs. And it is time to celebrate the industry's accomplishments.

Our nation's 21st century oil and natural gas exploration and production success has made domestically produced oil and natural gas economical and abundant. This market-driven success has helped our nation achieve significant emission reductions. The oil and natural gas industry played a significant role in reducing U.S. energy-related CO₂ emissions by 140 million tons in 2019. That's more than any other country in 2019. Since 2005, U.S. greenhouse gas (GHG) emissions have fallen by 12%, total CO₂ emissions have fallen by 14%, methane emissions have fallen by 4%, and power sector CO₂ emissions have fallen by 33%. Over the same period, natural gas production was up 93%, natural gas consumption was up 41%, and natural gas-fired electric generation was up 108%.

Contrary to what many activists espouse, fossil fuels and environmental stewardship are not and never have been mutually exclusive. The fact is that responsible oil and natural gas development has been and will continue to be a key component to making the U.S. a world leader in emissions reductions.

The Kansas Independent Oil & Gas Association (KIOGA) was founded in 1937 by a small but determined group of pioneering producers. KIOGA has since grown into the lead state and national advocate for Kansas independent oil and natural gas producers. Over the years, independents got smarter too. They learned that organization, numbers, and votes gave them leverage in the government corridors of our state and nation. Today, KIOGA is driven and led by a robust membership of nearly 3,500 members. Successfully advocating on behalf of Kansas' independent oil and natural gas producers for 84 years, KIOGA continues to stand as the primary voice for Kansas independent oil and natural gas producers.

Kansas independent oil and gas producers have survived a past marked by increasingly frequent cycles of high and low prices and increasing public misunderstanding of their work and opposition to their activities. For the future, we can expect more of the same. But we will find the right ways to survive in the future as well.

Today's Kansas independent producers no longer peer out from under oil-soaked hard hats. They may have degrees in geology or petroleum en-

engineering hanging on the wall beside diplomas for business administration or finance. They can speak fluently in the language of bankers and analysts. If they don't have the knowledge to handle legal and regulatory tasks a thousand times more complex than those faced in the not-so-distant past, he or she may have staff or access to professionals that specialize in traversing the legal and financial pot-holes on the road to success.

Kansas independents will find the people, service support, and technology they need to meet ever-increasing demand for energy. They will use and invent better ways to produce oil and natural gas, and they will learn to produce at a lower cost. They will also do their jobs with continuing respect for

the environment as responsibility has, and will continue to be, an integral part of Kansas independents' operations.

Today, crude oil and natural gas market dynamics, federal and state policy issues, government regulation, and constant litigation by environmentalist opponents are fundamental challenges to independent producers. Yet, independents simply will not give up. They never have, despite the challenges, because risk-taking is a way of life.

Looking to the future, independents will continue to occupy the front lines, carrying hope, resourcefulness, and know-how to meet an increasing need for oil and natural gas.

I was recently asked by the media about the Kansas oil and gas indus-

try story, what it means, and what is important to know about the Kansas oil and gas industry. I told them the oil and gas industry is an exciting industry where innovation is a constant. I want people to know how hard the Kansas oil and gas industry works and how focused our industry is on performance and continuous improvement. Our industry never stops thinking about the next improvement, technology, or innovation that will improve our nation's energy security. But most importantly, I want people to know that the Kansas oil and gas industry isn't just working hard on what we learned. We are working hard to improve on what we can do in the future. *K*

Edward P. Cross

KIOGA President

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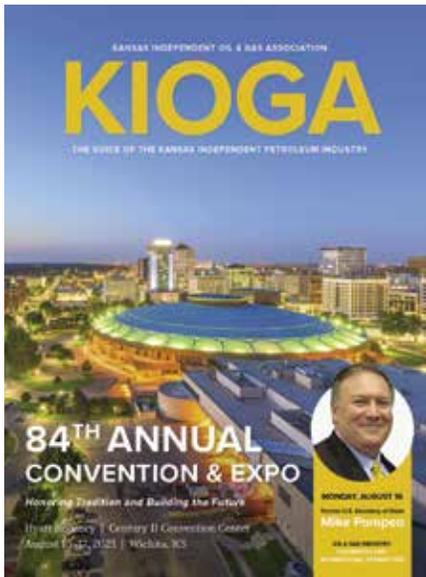
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HONORING TRADITION—
BUILDING THE FUTURE

KIOGA 2021 Annual Convention



In this challenging year, filled with anticipation over uncertain action toward regulations and legislation and uncertainty about oil prices, KIOGA invites you to attend our 2021 Annual Convention as we proudly enter our 84th year with a focus on *“Honoring Tradition and Building the Future.”* Each year, KIOGA’s Annual Convention brings together industry leaders, expert practitioners, and policymakers. This year’s convention is no exception, but in this challenging year, attending this year’s convention is more important than ever! We need to hear how these issues, concerns, and challenges affect you and your business. An outstanding program has been developed offering you excellent speakers and entertainment. Come join us on **August 15–17, 2021** at the **Hyatt Regency/Century II Performing Arts & Convention Center** in **Wichita, Kansas** for the Kansas Independent Oil & Gas Association (KIOGA) 84th Annual Convention. With a strong representation of exceptional speakers, panel discussions, seminars, and exhibitors, the KIOGA 2021 Annual Convention is gearing up to continue its reputation as the leading oil and gas event in Kansas. Whether you are an

industry veteran or just starting your career, the KIOGA 2021 Annual Convention is a can’t miss event! Register today and take advantage of all the convention has to offer.

Keynote Speaker



Former U.S. Secretary of State **Mike Pompeo** is the first American to have served in the Cabinet posts of U.S. Secretary of State and Director of the Central Intelligence Agency (CIA). His service was the culmination of four decades of a wide-ranging set of experiences that reflect our quintessentially American core values: hard work, risk-taking, free market competition, individual liberty, opportunity, national sovereignty and a strong faith in God. From serving in uniform as a young Army officer on freedom’s frontier on the communist boundary of the Iron Curtain, to spending days

manufacturing floors with hardworking machinists making American products for the companies he led, to sitting in the White House Situation Room at critical moments—Mike has collected worldwide relationships, unique memories, real achievements and powerful stories of the great Americans he has worked alongside.

Convention Opening Activities



KIOGA's 84th Annual Convention will kick off on Sunday afternoon, August 15 with the KIOGA Board of Directors and General Membership Meeting. KCC Chair Andrew French will be the special guest speaker.



Sunday evening is the Chairman's reception for all to enjoy and visit. Help us congratulate David Bleakley on a job well done as Chairman of KIOGA. In addition, you can enjoy the music of the **William Flynn Trio**.

For the 22nd year in a row, KIOGA is excited to host our two-day trade show and Expo on August 15 and 16. The trade show will be located in the Expo Hall. A cocktail mixer will kick off the trade show on Sunday, August 15 beginning at 4:00 p.m. Make sure you visit the exhibitor booths to see the latest products and services available to the oil and gas industry!

Buffet Breakfast in the Expo Hall

On Monday morning (August 16), we are excited to provide a buffet breakfast for all meeting registrants in the exhibitor area of Expo Hall. Come enjoy breakfast, stop by exhibitor booths, visit with other producers and friends, and enjoy yourself.

Morning Seminars



Following breakfast, the morning seminars include a Congressional Panel discussion of federal issues important for independent oil and natural gas producers. The panel discussion titled, **"The Changing Face of Energy Policy"** will look at environmental, energy, and natural resources policy issues in play with the 117th Congress and what may lie ahead in future energy policy. Panelists include **U.S. Senator Roger Marshall, M.D., Kansas 4th District Congressman Ron Estes, Kansas 2nd District Congressman Jake LaTurner, and Kansas 1st District Congressman Tracey Mann**. The panel discussion will be moderated by **Edward Cross**, KIOGA President. Audience members are encouraged to come prepared to ask questions of the panelists.



A concurrent morning session will see **Spencer Alef** and **Kevin Elledge** of Petro Power discuss how to reduce electric costs by gathering data and analyzing pump strokes in a presentation titled, **Stop Giving Co-ops Free Money; The Effects of Over Pumping and a Strategy to Combat it**.

Afternoon Seminars



Following the luncheon plenary session, the afternoon sessions will include two concurrent presentations.

Mike Thompson of Mike Thompson LLC will explain in a presentation titled, **The Weaponization of Climate Science** how following the current narrative on climate science has turned into a danger and a disaster for our society and our country. Thompson is a longtime meteorologist and weather forecaster currently serving as a member of the Kansas Senate.



A concurrent seminar titled, **Land and Legal Implications of Unitization for Enhanced Recovery Purposes** will see **Jon Schlatter** of the Law Office of Morris Laing and **Nathan Jiwani**, Legal Counsel & Land Manager of Trans Pacific Oil Corporation, explore the land and legal implications of executing enhanced recovery projects.

Monday Evening Events



Monday evening events begin with the **Kansas Strong Cocktail Party** in **The Gallery** from 5:00 p.m. to 7:00 p.m. Come join **Kansas Strong** for cocktails and appetizers along with other entertainment.

Join us for a **Live Auction** in the **Convention Hall** at 7:30 p.m. for 30 minutes of fun, and bid on some exciting items.



BOONE'S BACKYARD PARTY (Convention Hall)

“Boone’s Backyard Party” is the theme for KIOGA’s 84th Annual Convention Monday evening function held in the Convention Hall from 7:00 p.m.–9:30 p.m. There’s nothing better in the summer than hanging out in your backyard with your closest friends, having a cold one, and playing some games! Well, we’re all invited to **Boone’s Backyard Party** to do just that! Come join us in the Convention Hall to kick back, relax, and enjoy yourself! A great way to wrap-up the 84th Annual Convention and network with friends and colleagues.



SHADY CREEK SPORTING CLAYS
COME TO THE CREEK. ENJOY THE LAUGH. PLEASE ENJOY THE REST OF THE DAY.

**Golf ~ Sporting Clays ~
Gin Rummy ~ Bingo**

The Annual Golf Tournament will begin Tuesday, August 17. The tournament will be held at the **Crestview Country Club** using both the **North and South Course**.

Dress code for the courses requires collared shirts, no jeans or jean shorts, and no metal spikes. For non-golfers, **a sporting clays tournament** will be held at **Shady Creek Sporting Clays** in Wichita, Kansas. A gin rummy tournament will also take place on Tuesday, August 17 in the **Crestview Country Club** following the golf tournament. Come and enjoy fun prizes at Tuesday’s **Bingo Bash** auxiliary event at the **Hyatt Regency Riverview Room** at 11:00 a.m.

Register Today!

Registering for the KIOGA Annual Convention in Wichita is one of many steps you can take to build your relationship with KIOGA. For 84 years, KIOGA has been recognized as the “Voice of the Kansas Independent Petroleum Industry” and has been your govern-

ment relations branch in Topeka and Washington. There is no better way to hear first-hand about the latest efforts KIOGA has been involved in to help build your business than by attending the KIOGA Annual Convention in Wichita on August 15–17. The KIOGA Annual Convention offers an ideal forum to meet with KIOGA and other industry leaders and discuss the issues that impact you the most.

Our 84th Annual Convention will unite independent producers and oil and gas industry representatives to share ideas, network with peers, participate in thought-provoking sessions, and hear updates on KIOGA’s activities. Make plans to join us on August 15–17 to visit exhibitor booths, listen to speakers and seminars, visit with other producers and friends, and just enjoy yourself! Register today and let KIOGA help you build your future and your business. We look forward to seeing you there! ⚡

KIOGA 2021 ANNUAL CONVENTION

HONORING TRADITION.
BUILDING THE FUTURE.

August 15–17, 2021, Wichita, Kansas



Industry Insights

Gain unparalleled insights and join compelling energy conversations.

Business Opportunities

Maximize your company exposure with a sponsorship!

Annual Golf Tournament or Sporting Clays

Register Today!

Get the latest details including registration incentives, confirmed speakers, networking events, and more at www.kioga.org or call at 785-232-7772!

KIOGA 84TH ANNUAL CONVENTION 2021

KANSAS INDEPENDENT OIL & GAS ASSOCIATION

Advance Registration for the 84th Annual Expo & Convention

Hyatt Regency / Century II Convention Center • August 15–17, 2021

Please print information as it should appear on name badge. **One registrant and guest per form.**

Registrant: _____ Guest: _____

Company: _____

Address: _____

Phone: _____ Email: _____ Social Media: _____

Mail-in registration and corresponding payments must be received in office by August 6, 2021. Online registration accepted up to day of event. No refunds for cancellations after August 6.

Registration packets will be ready for pick up at the KIOGA Registration desk after 12:00 p.m. on August 15, 2021.

REGISTRATION FEES per registrant	BEFORE JULY 15		AFTER JULY 15	
	Member	Non-Member	Member	Non-Member
Please indicate number attending to help with head count.				
ALL-INCLUSIVE REGISTRATION <i>(Includes Chairman's Reception, Breakfast, Lunch, Dinner)</i>	___ \$350	___ \$400	___ \$400	___ \$450
SPOUSE/SIGNIFICANT OTHER <i>(Includes all of the above)</i>	___ \$200	___ \$300	___ \$300	___ \$400
AUXILIARY EVENT REGISTRATION				
Bingo - Tuesday 11:00 a.m.	___ \$50	___ \$60	___ \$60	___ \$70
REGISTRATION TOTAL (THIS PAGE) \$	_____			

HOTEL INFORMATION (Mention KIOGA for special room rates. Cut-off date to reserve rooms is July 24, 2021.)

Hyatt Regency
400 West Waterman Street
Wichita, KS 67202
316.293.1234
Special Rate: \$127

Fairfield By Marriott
525 South Main Street
Wichita, KS 67202
316.201.1400 option 0
Special Rate: \$133

KIOGA 84TH ANNUAL CONVENTION 2021

KANSAS INDEPENDENT OIL & GAS ASSOCIATION

Advance Registration for the 84th Annual Expo & Convention

Hyatt Regency / Century II Convention Center • August 15–17, 2021

REGISTRATION FEES	BEFORE JULY 15		AFTER JULY 15	
	Member	Non-Member	Member	Non-Member
Registration Fees				
GIN RUMMY	___ \$30	___ \$40	___ \$40	___ \$50
SPORTING CLAYS (LIMIT 50)	___ \$90	___ \$95	___ \$95	___ \$100
GOLF	___ \$150	___ \$175	___ \$150	___ \$175
SPORTING EVENT REGISTRATION TOTAL \$	_____			

GOLF TOURNAMENT—CRESTVIEW COUNTRY CLUB (Limited to 220 Players)

Your Name: _____ Average Score: _____ or Handicap: _____
Average score or handicap must be provided!

If requesting a team, golfer names required by August 6.

Teammate: _____ Average Score: _____ or Handicap: _____

Teammate: _____ Average Score: _____ or Handicap: _____

Teammate: _____ Average Score: _____ or Handicap: _____

REGISTRATION TOTAL FROM PAGE 1 + PAGE 2 = TOTAL ENCLOSED \$ _____

Name on Card _____

Card # _____ Exp _____ CVV _____ Zip _____

BREAKOUT SEMINARS ARE INCLUDED IN YOUR REGISTRATION (Please indicate which sessions you plan to attend.)

___ 10:00–11:00 a.m. KS Congressional Delegation Panel ___ 10:00–11:00 a.m. Well Optimization

___ 12:30–2:00 p.m. Annual Luncheon—Keynote speaker Former U.S. Secretary of State Mike Pompeo

___ 3:00–4:00 p.m. The Weaponization of Climate Science

___ 3:00–4:00 p.m. Land & Legal Side of Enhanced Recovery Units

SPONSORSHIP FORM



2021 Annual Convention

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Individual/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Cell Phone: _____

Email: _____

LEVELS OF SPONSORSHIP

Wildcatter Sponsor | \$15,000+ \$ _____

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Silver Sponsor | \$2,500+ \$ _____

Bronze Sponsor | \$1,000+ \$ _____

General Sponsor | \$500+ \$ _____

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CVV: _____ Exp. Date: _____

Name on card: _____

Zip Code: _____

WILDCATTER SPONSOR - \$15,000 +

- Company logo included on convention brochure along with any KIOGA Express email newsletter regarding convention
- Company logo on exclusive signage
- Reserved VIP table for all events
- Four full convention registrations, including sporting activities
- 10 X 20 booth in KIOGA Trade Show

BLACK GOLD SPONSOR - \$10,000 +

- Company logo included on convention brochure along with any KIOGA Express email newsletter regarding convention
- Company logo on exclusive signage
- Reserved VIP table for all events
- Two full registrations, including sporting activities
- 10 X 10 booth in KIOGA Trade Show

PLATINUM SPONSOR - \$7,500 +

- Special seating at luncheon
- Two full registrations
- Company name on event signs and print materials

GOLD SPONSOR - \$5,000 +

- Special seating at luncheon
- One full registration
- Company name on event signs and print materials

SILVER SPONSOR - \$2,500 +

- Company name on event signs and print materials
- One full registration

BRONZE SPONSOR - \$1,000 +

- Company name on event signs and print materials

GENERAL SPONSOR - \$500 +

- Company name on Chairman's Reception sign and event brochure

PLEASE MAIL PAYMENT TO:

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holly@kioga.org

EXHIBIT APPLICATION

KIOGA

2021 Annual Convention

Hyatt Regency / Century II Convention Center • August 15–17, 2021

BOOTH # of Booth Space(s) _____ Booth Location - First Choice _____ Second Choice _____

\$1,500 (KIOGA MEMBER) \$2,000 (NON-MEMBER)

HEAVY EQUIPMENT Size of Display/Space Needed _____

\$1,500 (KIOGA MEMBER) \$2,000 (NON-MEMBER)

COMBINED BOOTH AND EQUIPMENT

\$2,500 (KIOGA MEMBER) \$3,000 (NON-MEMBER)

Name of Lessee _____

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Booth Contact *(if different)* _____

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COMPLETE AND RETURN TO: *(Keep a copy for your records)*

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Topeka, KS 66612-1216

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holly@kioga.org

Website _____

MAKE CHECKS PAYABLE TO: KIOGA

***IMPORTANT**

If this section is not completed, your booth sign will be imprinted with the name you provided in the "Name of Lessee" section above.

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EXHIBIT CONTRACT

KIOGA

- I. The undersigned (Lessee) hereby applies for commercial rate exhibit space at the 2021 Meeting of the Kansas Independent Oil & Gas Association (KIOGA), to be held at the Hyatt Regency Wichita, Kansas August 15–17, 2021. The meeting is conducted by the Kansas Independent Oil & Gas Association. All payments, correspondence, notifications and other communications to KIOGA concerning the subject matter of this application and contract shall be sent to Holly McGinnis at holly@kioga.org or KIOGA, Attn: Holly McGinnis, 800 SW Jackson Street, Suite #1400, Topeka, KS 66612.
- II. Lessee payments must be made in full. Please email holly@kioga.org to receive advance invoice.
- III. 60 days prior to August 15, 2021, KIOGA will send to the Lessee a copy of the 2021 KIOGA Annual Meeting Official Exhibitor Service Manual with enclosures entitled:
- Display rules and regulations
 - Floor plan with booth locations
 - General Information
 - Important deadlines and dates
 - Important information
 - Registration form
 - Work authorization and request form

The enclosed documents (Additional Contract Provisions) are specially made terms of this contract. The Lessee agrees that, upon receipt of manual, they will read through the provisions and, if any provision is not acceptable, the Lessee will send written notification by certified mail to KIOGA. If such written notice is not received by KIOGA within 30 days from the receipt of the contract provisions by the Lessee, this contract shall become irrevocable and shall be in full force and effect, except as set forth in Paragraph 5, below. In the event the Lessee notifies KIOGA of any unacceptable provision in the Additional Contract Provisions within the time provided for herein, then this contract shall be terminated, and KIOGA shall immediately refund all sums paid by the Lessee pursuant to this contract.

IV. Notwithstanding anything to the contrary contained herein, if this application and contract, signed by the Lessee, is received by KIOGA less than 60 days prior to August 15, 2021, then, in such event, the Lessee shall be deemed to have agreed, by the execution of this application and contract, to all of the terms of the Additional Contract Provisions, although the Lessee may not be familiar with or aware of any or all of the Additional Contract Provisions. In such event, none of the provisions concerning termination of this agreement after submis-

sion of the original application and contract to KIOGA, shall be irrevocable, except as set forth in Paragraph 5, below, and all exhibit space rental fees shall be paid with the submission of this application and contract.

- V. This contract may be cancelled by either party without penalty on or before June 16, 2021, by giving notice in writing to the other. KIOGA reserves the right to cancel or terminate this contract at any time and to withhold possession of exhibit space if the Lessee fails to perform on any condition of this contract or refuses to abide by the Additional Contract Provisions. In the event of cancellation by either party on or before June 16, 2021, this agreement shall become null and void, and any rental fees paid will be refunded only if the cancelled space(s) can be resold and all other booth space on the final floor plan is sold for the exhibition. A cancellation fee of 20% of the total cost of the space requested will be assessed on all refunds resulting from the cancellation after June 16, 2021.
- VI. This contract shall be governed by the laws of the State of Kansas, USA.

IMPORTANT INFORMATION

Installation and Dismantling of Exhibits: Move-in may begin at 3:00 p.m. Saturday, August 14, 2021. All large crates must be removed from the exhibit area by 2:00 p.m. Sunday, August 15. Dismantling of exhibits may begin at 4:00 p.m. on Monday, August 16, 2021.

Exhibits will officially open to registrants on Sunday, August 15, and will close on Monday, August 16, 2021. The hours are as follows:

Sunday, August 15 4:00 p.m.–7:00 p.m.
Monday, August 16 9:00 a.m.–4:00 p.m.

Facility Limitations: All freight should be shipped to Henry Helgerson Co. Century II has garage doors for all equipment to be inside EXPO Hall. There will be a fork lift available. The hours of the fork lift to be determined later.

Booth Design and Furnishings: All booths are 10 feet wide and 10 feet deep and are shown to scale on exhibit space floor plan. KIOGA will furnish each exhibitor with back and side drapes, an identification sign, 6-foot table, chair and wastebasket.

Deductibility of Fees: Space rental and sponsorship monies paid to KIOGA may be deductible as ordinary and necessary business expenses. They are not deductible as contributions or gifts for federal income tax purposes.

Subletting of Space: No Lessee shall assign, sublet, or apportion any part of the space assigned or have representatives, equipment, or material from other firms other than its own in their booth unless approved in advance in writing by KIOGA.

Americans With Disabilities Act: Lessee represents and warrants that any exhibit booth or other contrivance placed in the exhibit space by the Lessee will at all times pertinent hereto be in compliance with all applicable laws and regulations, including without limitation, the Americans With Disabilities Act (Public Law 101–336), as it may be amended from time to time and all regulations issues thereunder.

Exhibitors' Services:

The official service contractor is:
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Century II will handle all electric and other necessary materials and services. There will be forms to follow. Lessee agrees to use show-appointed contractors for any additional services and equipment. The Lessee may appoint other contractors provided requests are made in writing in advance to KIOGA and proposed contractors qualify in accordance with the published procedures and requirements contained in the Exhibitor Services Manual.

Additional information: Not less than 60 days before the general move-in date of the meeting, KIOGA will send to the Lessee the Exhibitor Service Manual containing order forms for booth furnishings, additional draping and accessories, custom signs, telephone services, utility services and skilled labor.

INCLUDED IN YOUR CONTRACT

Two registrations consisting of all meals and speaker events. Any events outside of the above mentioned must be paid for. Any additional registrants must send in an Advance Registration Form (to be sent out at a later date) with payment.

Please type or print information of the person(s) who will be attending as the included registrant(s).

Registrant One _____ Registrant Two _____

Company Name (to appear on badge) _____ Contact Phone Number _____

Please check box of event to be attended: Breakfast Lunch Monday Dinner Chairman's Reception



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MEMBERSHIP APPLICATION

THANK YOU FOR YOUR COMMITMENT TO KIOGA.

Please indicate your desired membership level and return this form, along with payment to:

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You may also join online at www.kioga.org.

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How do you prefer to receive communication from KIOGA? Email Mail

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Find my check enclosed



HOW DOES KIOGA HELP YOU?

FOR OVER 84 YEARS, KIOGA HAS HELPED THE KANSAS INDEPENDENT OIL AND GAS INDUSTRY PROSPER THROUGH ALL KINDS OF MARKET CONDITIONS!

The geopolitics of oil and gas are serious business. New competition keeps cropping up. Public perceptions create problems. Unsound policies and regulations threaten profit and growth opportunities. The risks seem to be increasing both in number and complexity. Companies wanting to stay in the game need the best and latest advocacy efforts.

Which is exactly why you need KIOGA!

KIOGA identifies and interprets public policies and regulations that are fundamental to your success—the **who, what, where, how, and why behind oil and gas legislation, policy, regulation, and public relations**. KIOGA is the government relations branch for your company. Our quick analyses and evaluation of issues and concerns facing the Kansas oil and gas industry result in significant arbitrage value for you and your company who benefit from our substantial first-mover advantages. Our personal and frequent contacts with key policymakers and governmental decision-makers effectively influence public policy on behalf of KIOGA members. Our cooperative partnerships with other state and national associations means your concerns are heard in Topeka and Washington, D.C.

KIOGA has developed programs that meet your business development needs and offers you opportunities to participate in meaningful ways. These efforts differentiate KIOGA from other advocacy groups. You receive analyses and publications that help keep your business competitive and current on industry trends and issues. KIOGA's communications and publications don't just cover the Kansas oil and gas industry. We understand that credible analyses and information is crucial to your success in today's market. We understand your need for

cost-effective operating strategies, enhancing access to capital, and improved efficiencies. So, KIOGA's communications and publications deliver practical information about national and state policy discussions, regulatory issues, public relations activities, business strategies, and important emerging trends affecting **your** business.

KIOGA has always believed that the key to building an outstanding organization was in developing proactive programs that met the needs of our members. At the same time, we have never forgotten that our primary priority is to advocate for the Kansas oil and gas industry. We understand the difficulties you face during hard times and the patient caution taken during not so bad times. KIOGA continues to develop a strong voice through our membership growth and has created a government relations program second to none. Our track record reflects our emphasis on results.

After 84-plus years, KIOGA continues to be a determined advocate committed to defending our industry against anti-oil and natural gas sentiment and onerous policies focused on weakening this important industry. KIOGA takes our charge seriously and pursues excellence on your behalf each day. KIOGA is an investment in our energy future.

The bottom line is that unsound policies threaten the profit and growth opportunities of every company in the oil and gas industry. KIOGA will not lose focus of this fact. We are committed to protecting the interests of the Kansas oil and gas industry.

You know you can succeed in the oil and gas industry.

Let KIOGA make your job a little easier.

If you are not a member of KIOGA, we encourage you to join. Through KIOGA you can play a significant role in our efforts to win the political battles in Topeka and Washington, D.C., and the public relations battle in the court of public opinion. Join us today. Your membership does make a difference! *K*

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Member Appreciation & New Member Barbeque

KIOGA HELD A MEMBER APPRECIATION and new member barbeque on June 4 in Hays, Kansas. Special thanks goes to **Paul & Tina Simpson of Trilobite Testing, Inc.** for hosting the event. A special thank you also to **Dan Schippers, Andrea Krauss, and Holly McGinnis** for organizing the event.

The event was well-attended with 130-plus folks enjoying good barbeque, drinks, and camaraderie. Attendees heard about the benefits of KIOGA membership and enjoyed the company of friends and colleagues.



THANK YOU TO THE SPONSORS OF THE EVENT:

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KIOGA WEBINAR ON “CURRENT STATE OF DOMESTIC ENERGY”



Harold Hamm

KIOGA WEBINAR ON “CURRENT STATE OF DOMESTIC ENERGY”—KIOGA held a webinar on June 9 when we heard **Harold Hamm**, Chairman of Continental Resources and Chairman of the Domestic Energy Producers Alliance (DEPA), provide his insights on the current state of domestic energy and what the future may hold for the domestic oil and gas industry. The webinar was well-attended with 97 folks listening. If you missed the webinar and would like to hear/see it, you can find it on the KIOGA website at www.kioga.org.

Lesli has been an invaluable resource to my company by finding ways to reduce costs and helping us stay current with ever-changing regulations.
 --Doug Evans, DE Explorations, Inc.--



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Lesli has a Bachelor's degree in Business and is a 3rd generation operator in Eastern Kansas. Lesli is a Board Member for KIOGA, EKOGA & Kansas Strong.

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BIDEN ADMINISTRATION PROPOSES TO LIST LESSER PRAIRIE-CHICKEN AS THREATENED/ENDANGERED

The U.S. Fish and Wildlife Service (USFWS) is looking to expand federal protections of two distinct population segments of the lesser prairie-chicken (LPC). Officials announced that after completing a 12-month court ordered review, USFWS will seek to list the Southern Distinct Population Segment (DPS) of the LPC as endangered under the ESA and also believe the Northern DPS of the bird warrants protection as a threatened species with a rule issued under section 4(d) of the ESA. The northern segment includes Kansas. If both subspecies receive final protections as proposed, then the two DPSs of the lesser prairie-chicken will be added to the List of Endangered and Threatened Wildlife and be covered by protections from the ESA. U.S. Senator Roger Marshall responded to the announcement by saying:

“The U.S. Fish and Wildlife Service’s announcement is disappointing and a reminder that this administration favors government overreach and heavy handed regulation over cooperation with those who have been working to protect the lesser prairie-chicken’s habitat and growing the bird’s population across the Midwest. Instead of working with landowners to promote continued voluntary efforts, the service is instead implementing a listing that limits landowner autonomy and opportunity. Today’s announcement will hurt our state’s economy, hinder our oil and gas independence, increase utility costs, and prevent the development of renewable energy in prime Western Kansas locations.”

The status of the LPC has long been a focus of environmental petitions and lawsuits, pursued the past 25 years by

environmental advocacy organizations, with heightened legal activity experienced over the past decade. Notably, in 2014, the USFWS issued a final rule listing the LPC as a threatened species under the ESA (79 FR 19973) and concurrently published a final 4(d) rule for the bird (79 FR 20073). However, on September 1, 2015, this final listing rule for the LPC was vacated by the United States District Court for the Western District of Texas, which also mooted the final 4(d) rule. On July 20, 2016, the USFWS published in the Federal Register a final rule that removed the LPC from the List of Endangered and Threatened Wildlife in accordance with the court decision (81 FR 47047).

KIOGA has long advocated that the best scientific and commercial information available demonstrates that the LPC does not meet the ESA’s definitions

of either a threatened or endangered species. KIOGA President Edward Cross met with the U.S. Department of Interior (DOI) following the filing of activists' lawsuits and told DOI that the LPC has rebounded from historic lows, and through a combination of public and private efforts, the LPC is now better protected than at any previous time. A listing of a threatened or endangered species will not provide any additional conservation benefits above what already exists.

USFWS is now accepting public comments until August 2, 2021, regarding the proposed rule to list two DPSs of the LPC. KIOGA will be preparing and submitting comprehensive comments. Comments may be submitted electronically using the Federal eRulemaking Portal, available at www.regulations.gov, and referencing docket number FWS-R2-ES-2021-0015. The

USFWS also will hold two virtual public hearings this summer to gather public comments on the listing proposal. The first public informational session is scheduled for July 8, 2021, from 5:00 p.m. to 6:00 p.m. Central Time, followed by a public hearing from 6:30 p.m. to 8:30 p.m. To register for this hearing, please visit: <https://bit.ly/2RJt676>. A second virtual public informational session is also planned for July 14, 2021, from 5:00 p.m. to 6:00 p.m. Central Time, followed by a public hearing scheduled for 6:30 p.m. to 8:30 p.m. To register for this hearing, visit: <https://bit.ly/2TWv3m3>. Other information concerning proposed action for the lesser prairie-chicken may be found at: www.fws.gov/southwest/es/LPC.html.

U.S. Department of Interior Takes Steps to Revoke Final Rule on Migratory Bird Treaty Act Incidental Take

On May 6, the U.S. Fish & Wildlife Service (USFWS) announced a proposed rule to revoke the January 7, 2021 final regulation that limited the scope of the Migratory Bird Treaty Act (MBTA). USFWS said they intend to return to implementing the MBTA as prohibiting incidental take and applying enforcement discretion.

The Biden administration's plan to revoke the January 7 final rule on MBTA incidental take is disappointing. Repealing this provision will not have the desired outcome of additional conservation but will, in fact, financially harm businesses who have an incidental take through no fault of their own. This is not a case of punishing 'bad actors' but rather a situation where companies are set up for failure. ❧

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Congressional Leaders Request EIA

Assess Biden's Emission Targets

At the start of June, U.S. Senator John Barrasso (R-WY), ranking member of the U.S. Senate Committee on Energy and Natural Resources, joined by U.S. Representative Cathy McMorris Rodgers (R-WA), ranking member of the U.S. House Committee on Energy and Commerce, sent a letter to Stephen Nalley, Acting Administrator of the U.S. Energy Information Administration (EIA), requesting an analysis be prepared for the consideration of Congress detailing the impact of the Biden administration's greenhouse gas emission targets. The need for a comprehensive assessment on the administration's emissions goals, federal lawmakers contend, comes after the president in April established new benchmarks that seek to reduce net U.S. greenhouse gas emissions by 50% from the 2005 level by 2030 with the aim of achieving net zero emissions by the year 2050. Officials, however, indicate they are concerned with how the aggressive emission limits would impact U.S. industries and the economy.

"When Congress and the public are presented with major, transformative policy proposals, it is important that we work to assess and understand their poten-



tial implications," Senator Barrasso and Representative McMorris Rodgers stated in their letter to Acting Administrator Nalley. "There are many regulatory and legislative policies being considered to meet these emissions goals. Congress is considering several proposals, most prominently the provisions of House Resolution 1512, which aims to reduce emissions economy-wide at a pace and scale matching the administration's targets."

The Congress members continued, "Given the uncertainty concerning

future policies, we request that you build on your existing Annual Energy Outlook 2020 and future forecasts and run side cases using increasing carbon fees sufficient to meet these emissions targets. These alternative cases would illustrate the impact of policies that place implicit or explicit fees on carbon emissions. Such an analysis could serve as an important starting point and baseline for further analyses as the Biden administration and Congress consider various proposals." ❧

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Dwight Keen

Electric Concerns— KIOGA continues to stay engaged on the electric rate issue. KIOGA has been researching the root cause and consequences of the February 2021 weather event. Specifically, we have been searching for why gas plants and pipelines in general shut down during the February 2021 weather event. Also, in May, Kansas Corporation Commission (KCC) Commissioner Dwight Keen sent a letter to Lanny Nickell, Executive Vice President and Chief Operating Officer of the Southwest Power Pool (SPP). The SPP is a 14-state regional electric transmission organization of which Kansas is a part. Commissioner Keen's letter requested more information regarding the root causes and consequences of the February 2021 weather event. Keen specifically requested more detailed information about the related natural gas shortage and the natural gas and electricity price spikes.

The Clear Energy Alliance developed and distributed a very good video about using alternative sources of energy to generate electricity. The video exposes many myths about electricity generation and provides some much-needed factual information. KIOGA has shared this video with many state and federal policymakers. You can access the video on KIOGA's website at www.kioga.org.

KIOGA Engaged in KCC Regulatory Revision Considerations—KIOGA continues to engage in Kansas Corporation Commission (KCC) proposed regulatory revisions considerations. Former KIOGA Chairman Ken White is the official KIOGA representative on the KCC Oil & Gas Advisory Committee. Ken is working with several KIOGA members to engage the KCC on regulatory concerns including proposals to revise GG-1 gas gathering forms, revise temporary abandonment regulations, induced seismicity issues, and more. ❧

Governor Kelly's COVID-19 Executive Order Expires

KIOGA Engaged in KCC Regulatory Revision Considerations

Kansas Republican state legislative leadership canceled a meeting on June 15 to consider Governor Laura Kelly's Executive Order to deal with the COVID-19 pandemic, essentially ending the Governor's Executive Order and other COVID-19-related orders.

Governor Kelly's office responded by saying, "There is no good reason to end this emergency order. It will make it difficult to vaccinate children before they return to school, and it will also sharply reduce the health checks at nursing homes and other facilities where it is important."

Kansas House Republican leaders said, "Today marks 460 days since the governor's declaration of a disaster related to COVID-19. It is time for the declared di-

aster to end and recovery to begin. We asked the governor for a detailed plan to justify the need for a further extension and the winding down of our state's emergency response. What we received was an acknowledgement that nearly all executive orders could end immediately, and nearly all mission assignments could be closed today. The governor has failed to make a case for continuing the extraordinary measures that come with a declared disaster. The remaining goal to make vaccines available to all Kansans who want them is one that our state can achieve without emergency measures and executive orders. There are adequate medical personnel to meet the current demand for vaccines, and the regular authority available to the governor under the laws of our state is sufficient to meet these needs."

BIDEN ADMINISTRATION INITIATES BIG REGULATORY CHANGES FOR ENDANGERED SPECIES ACT



In early June, the Biden administration announced new efforts to reverse several regulations finalized by the previous administration pertaining to the Endangered Species Act (ESA). The regulatory push to strengthen protections for endangered and threatened species under the ESA follows Executive Order 13990, signed by President Joe Biden in January directing all federal agencies to review and address agency actions during the last four years that stand in conflict with Biden-Harris administration objectives. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) said on June 4, that specifically, five ESA rules will be targeted, including the following policies:

- **Rescission of regulations that revised USFWS' process for considering exclusions from critical habitat designations:** On December 17, 2020, the USFWS revised the process they would follow when considering whether to exclude areas from critical habitat designation under section 4(b)(2) of the ESA. Now, the government is expected to propose to rescind this regulation (85 FR 82376) in its entirety and revert to implementation of the joint USFWS/NMFS regulations at 50 CFR 424.19 and the joint 2016 policy on 4(b)(2) exclusions.
- **Rescission of the updated regulatory definition of habitat:** The Services also note that they will propose to

rescind the final rule that redefined the term “habitat” for the purposes of critical habitat designation (85 FR 81411; December 16, 2020). A regulatory definition is not required for the Services to designate critical habitat in compliance with a 2018 Supreme Court decision, said regulatory leaders.

- **Revision of regulations for listing species and designating critical habitat:** The Services will propose revising the final rule (84 FR 45020; August 27, 2019) to reinstate prior language affirming that listing determinations are made “without reference to possible economic or other impacts of such determination,” along with other potential revisions also under discussion.
- **Revision of regulations for inter-agency cooperation:** The Services will propose revisions to the final rule (84 FR 44976; August 27, 2019) which revised the regulations governing Section 7 consultation. The Services will propose to revise the definition of “effects of the action” and associated provisions to that portion of the rule, with other potential revisions also under discussion.
- **And, reinstatement of protections for species listed as threatened under ESA:** The USFWS will propose to reinstate its “blanket 4(d) rule,” withdrawn by the Trump administration (84 Fed. Reg. 44753; August 27,

2019), which establishes the default of automatically extending protections provided to endangered species to those listed as threatened, unless the Service adopts a species-specific 4(d) rule.

“The USFWS is committed to working with diverse federal, Tribal, state and industry partners to not only protect and recover America’s imperiled wildlife but to ensure cornerstone laws like the ESA are helping us meet 21st century challenges,” said USFWS Principal Deputy Director Martha Williams in a statement. “We look forward to continuing these conservation collaborations and to ensuring our efforts are fully transparent and inclusive.”

When the rules were finalized by officials under the Trump administration, federal officials held that ESA reforms were necessary to ensure regulatory consistency, provide greater clarification on regulatory implementation of the ESA and avoid political abuse in decision-making with regard to endangered species issues that before allowed unnecessary listings to present serious economic consequences.

Given that ESA reform has long been debated by federal leaders in D.C., congressional members on Capitol Hill reacted strongly to the proposed changes for ESA regulations from the executive branch. U.S. House Committee on Natural Resources Ranking Member Bruce Westerman (R-Arkansas) criticized the Biden White House for being “out of touch” with the needs of Americans who

would be impacted most by such policy actions. “Many of the reforms put in place under President Trump were born out of input from local communities and the men and women most affected by the policies created in Washington. Yet, by reinstating burdensome regulations, this administration has once again opened the door for environmental groups to weaponize the ESA and use it to delay critical projects across the country. These changes will result in greater inefficiency in the federal permitting process and reduce incentives for proactive conservation that helps save species. Weaponization was never the purpose of the ESA, and we must bring it back to its original intent: protecting wildlife that’s most at risk. Anything beyond that, including these proposed regulations, is nothing more than bureaucratic overreach and a give-away to radical environmental interests.

I urge the administration to abandon these actions and instead meaningfully engage with local governments and stakeholders to build upon the work done in the previous administration to modernize and reform the ESA.”

Democrats meanwhile quickly hailed the administration’s decision to reverse the endangered species rollbacks from the Trump administration. Congressman Raúl M. Grijalva (D-Arizona), Chairman of the U.S. House Committee on Natural Resources, called moves from USFWS and NMFS “a critical step in protecting biodiversity and returning public confidence in our ability to prevent the extinction of threatened and endangered species.” In addition to the rule changes that have been announced by the service agencies, Chairman Grijalva also has encouraged the NMFS to follow USFWS’ lead in enhancing its internal regulations

applicable to ESA’s 4(d) rule, which directs agencies to provide full rather than partial protection to threatened species even before they are listed as fully endangered. He advises that such regulatory amendments should be made by NMFS so that ESA protections extend to all species threatened with extinction.

According to USFWS and NMFS, each of the recommended actions on ESA rules will undergo a rigorous and transparent rulemaking process over the months to come that will include a public comment period, allowing stakeholders to provide input before any regulatory actions and rules are finalized by the Biden administration. KIOGA will continue to keep members advised of pertinent developments regarding ESA regulatory changes. To learn more about the proposed ESA regulatory updates, please visit: <https://bit.ly/3gjoIZL> ⚡



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Finding Signal Through the Noise

KIOGA Stays Vigilant and Engaged on Federal Regulatory Challenges

KIOGA'S ADVOCACY EFFORTS on federal regulatory challenges facing the Kansas oil and gas industry continue. KIOGA is actively engaged and vigilant in staying on top of federal regulatory concerns impacting Kansas oil and gas producers and reporting to membership. KIOGA continues to work with our allies at Domestic Energy Producers Alliance (DEPA), Independent Petroleum Association of America (IPAA), Liaison Committee of Cooperating Oil & Gas Associations, National Stripper Well Association (NSWA), and others to engage not only in advocacy on the regulatory front, but also in legal challenges. Since there is not room to include an in-depth look into all of KIOGA's efforts in every issue of our newsletter, please check our website at www.kioga.org for the latest information on KIOGA's efforts on behalf of the Kansas independent oil and gas industry.

Federal Methane Update

Federal methane regulatory policy is an important issue. On April 28, the U.S. Senate voted to approve a measure to rescind the Trump Environmental Protection Agency (EPA) rule that removed methane from regulation as a pollutant. Democratic Senate Majority Leader Chuck Schumer called this move a “big deal” in fighting climate change. The U.S. Senate approved the measure in a 52–42 vote. Senator Schumer, along with fellow Democratic Senators Martin Heinrich (D-NM) and Ed Markey (D-MA) and Independent Senator Angus King (I-ME), introduced their resolution in the U.S. Senate under the Congressional Review Act (CRA), a 1996 law that allows Congress to reverse federal rules implemented in the last days of a past administration with a simple majority. Three Republican senators,

Senator Susan Collins (R-ME), Senator Lindsay Graham (R-SC), and Senator Rob Portman (R-OH), also voted for the measure. This action essentially reinstates the 2012 and 2016 New Source Performance Standards (NSPS) for oil and natural gas under Subpart OOOO and OOOOa of the Clean Air Act.

The Trump EPA rule to remove methane as the targeted emission not only followed the text of the Clean Air Act, but also significantly reduced regulatory burden to the industry and streamlined other requirements. Under the Trump rule, protection of human health and the environment would have continued through controls for volatile organic compounds (VOCs) for the production and processing segments of the industry, reducing methane at the same time. The same technology

that manages methane also manages VOCs. However, changing the targeted emission to be regulated from VOCs to methane opens a pathway to the regulation of one million existing facilities (“existing sources”), 750,000 of which are small business operations.

The CRA action on this rule represents another of the Biden administration’s measures to eliminate fossil fuels under the Green New Deal.

KIOGA Engages EPA on Oil & Gas Methane Rule—In mid-June, the U.S. Environmental Protection Agency (EPA) held listening sessions to gather input for a proposed new rule to regulate methane from new and existing sources in the oil and natural gas industry.

The EPA actions are in response to President Biden’s Executive Order 13990. Executive Order 13990 called on EPA to consider issuing a proposed rule by September 2021 to strengthen standards for methane emissions from new, reconstructed, and modified oil and natural gas sources and to address methane emissions from existing sources. However, the U.S. Senate’s use of the CRA to rescind the Trump rule significantly complicates the EPA’s effort to issue a new methane rule in September 2021. The CRA requires that any new replacement regulation that would be passed cannot be “substantially similar” to the one already repealed under the CRA without explicit Congressional approval. A new strictly “methane” rule would not pass that test.

The EPA’s listening sessions were held June 15–17. The EPA heard from a multitude of concerned citizens. Each person received five minutes to make comments. Former KIOGA Chairman Nick Powell provided comments on June 16, and KIOGA President Edward Cross provided comments on June 17. Other oil and gas producers and groups from across the nation also made comments along with environmental activists and others. In general, industry comments focused on cost of compliance issues

and the need for the EPA to recognize the low production well emission profile.

EPA has also established a Small Business Advocacy Review (SBAR) panel to review oil and natural gas New Source Performance Standards (NSPS). KIOGA President Edward Cross participated as a “Small Entity Representative” in a meeting with the EPA on June 29.

KIOGA’s comments to the EPA during the listening session and SBAR meeting emphasized the Kansas oil and gas industry’s recognition of the importance of environmentally sound, cost-effective regulations to manage methane emissions. KIOGA encouraged EPA to find a regulatory pathway designed for the sources it regulates. Big new oil and natural gas wells and low producing older wells have differing emission profiles. KIOGA told the EPA that any regulatory actions should recognize the differences between these existing small operations and newly built large facilities.

The EPA is accepting written comments on the proposal through July 30. KIOGA will be submitting comprehensive written comments during the public comment period.

EPA Rescinds Trump Rule on Cost/Benefit Analyses



Michael Regan

The U.S. Environmental Protection Agency (EPA) rescinded a Trump-era rule in mid-May on how the agency conducts cost/benefit analyses. The cost/benefit analysis is used to justify regulations put forward. The Trump administration rule only allowed the EPA to consider the benefits of reducing a targeted pollutant. Former EPA Administrator Andrew Wheeler said that the Trump-era rule held EPA accountable to a standardized process and guaranteed the public could see how those cost/benefit calculations informed decisions. But the Biden administration took issue with the approach. President Biden’s EPA wants to also include

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benefits of reducing additional pollutants besides the one specifically targeted by a regulation in the cost/benefit analysis. Such a scheme makes it easier for the EPA to justify an avalanche of costly, job-killing regulations. Current EPA Administrator Michael Regan said, “. . . we will move forward aggressively to deliver on President Biden’s clear commitment to protect public health and the environment.”

KIOGA Engaged on Federal Gas Gathering Line Proposal



The Pipeline and Hazardous Materials Safety Administration (PHMSA) mission

is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. Under the Biden administration, PHMSA has placed greater emphasis on protecting the environment. KIOGA has focused its efforts on operation of the smaller-diameter, lower-pressure gathering lines and farm taps to encourage reasonable risk-based oversight and to ensure that PHMSA does not attempt to expand its jurisdiction to production facilities. KIOGA also works for continued reliance on API’s Recommended Practice 80, governing the Definition of Onshore Gas Gathering Lines.

A final rule on the Safety of Natural Gas Gathering Lines remains at PHMSA, after a lengthy review that began in 2011 with an Advanced Notice of Proposed Rulemaking. Based on recommendations from PHMSA’s Gas Pipeline Advisory Committee (GPAC), PHMSA is expected to expand its definition of regulated gathering to include lines 8 inches in nominal diameter, with maximum allowable operating pressure of more than 125 psig for non-metallic pipe and more than 20% SMYS for metallic pipe. In June 2019, GPAC recommended continued reliance on existing RP80. Pipeline safety and environmental group representatives on GPAC also recommended that PHMSA consider

requiring leak detection and mediation for the newly regulated gathering lines.

While PHMSA continues to review the final rule, Congress took control of the issue of natural gas leak detection with passage of pipeline safety reauthorization legislation in December 2020—"Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020" (PIPES Act). While the self-executing provisions apply only to gathering lines currently regulated by PHMSA, operators of gathering lines must update by December 27, 2021, their inspection and maintenance plans to address eliminating hazardous leaks and minimizing releases of natural gas (including intentional venting during normal operations). Operators must also revise their plans to address the replacement or remediation of legacy problem pipelines. While PHMSA will formulate its own rule for leak detection, the provisions of the PIPES Act operate separately and became effective upon passage.

KIOGA maintains its involvement with PHMSA to educate regulators about

independent producers and advocate for our members, highlighting the importance of independent producers to our nation's energy production and economy.



Tristan Brown

Acting PHMSA Administrator Tristan Brown spoke of the safety hazards posed by leaking pipelines.

According to Brown, these PHMSA actions are the first time that PHMSA is taking climate change into account in its safety regulations. The directive takes effect before PHMSA completes a rulemaking on leak detection and mitigation. When asked by a representative of the Plumbers and Pipefitters union, Brown clarified that the bulletin will be part of the rulemaking but that PHMSA is not waiting. If operators do not take the bulletin directive seriously, Brown stated that PHMSA will "have to see what we can do" to carry out the congressional directive contained in the PIPES Act. He noted that Congress envisioned plans being put in place this year to be part of a system's annual cycle. Brown also stated that the plans must not just

reduce methane emissions but minimize emissions, which include both intentional and unintentional.

Carl Weimer of the Pipeline Safety Trust posed the question of whether PHMSA plans to "rope in" gathering lines, with "as many miles of totally unregulated pipeline as transmission and distribution." Brown said that there are more than 400,000 miles of gathering lines "unregulated at the federal level." He updated the status of the gas gathering safety rule and said that PHMSA is "close to getting the safety rule ready to move up the chain." According to the last Unified Agenda, published by OMB's Office of Information and Regulatory Affairs (OIRA) in Fall 2020, the rule was slated for OIRA publication in April 2021. However, the rule has not been reported out of PHMSA, which makes the Unified Agenda estimated Federal Register publication of November 30, 2021 appear unachievable.

Several KIOGA members (David Bleakley, Steve Dillard, Emma Richmond, Ken White, and Edward Cross) engaged the Governmental Accounting Office (GAO) on April 20 in an interview. The GAO asked questions to learn more about rural gathering lines in Kansas.

EPA Announces Intent to Revise WOTUS Rule

On June 9, the U.S. Environmental Protection Agency (EPA) announced their intent to revise the definition of Waters of the United States (WOTUS). The Department of Justice is filing a motion to remand the rule. EPA stated their intent to initiate a new rulemaking process that restores the regulations in place prior to the 2015 WOTUS implementation and anticipates developing a new rule that defines WOTUS. Further details of the EPA's plans, including opportunity for public participation, will be conveyed in a forthcoming action. ❧

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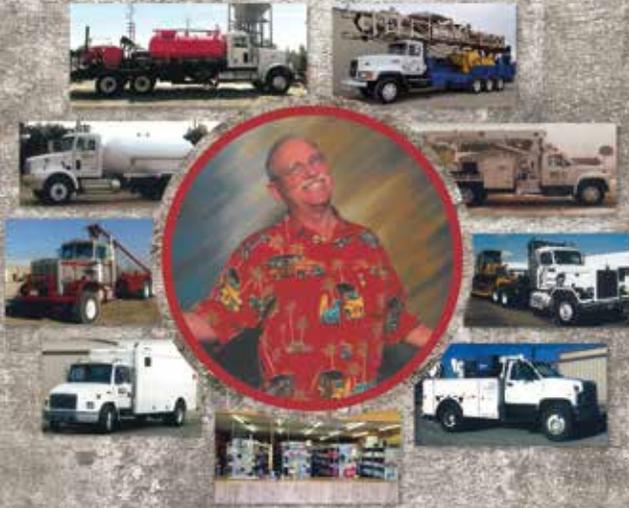
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BIDEN BUDGET PROPOSAL REPEALS INDUSTRY TAX PROVISIONS

KIOGA Meets with U.S. Senator Manchin

President Biden issued his first full budget proposal on June 4, a 1,700-page plan detailing a dramatic increase in the size and scope of the federal government with more than \$6 trillion in spending over the coming fiscal year. Vast new spending would be paired with significant tax increases on corporations and the wealthy. The budget includes the same changes to oil and natural gas industry tax provisions discussed in the U.S. Senate Finance Committee in late May. Among the provisions proposed to be repealed are percentage depletion for oil and natural gas wells and expensing of intangible drilling costs.

Like most presidential budgets, the documents will be largely aspirational. Congress controls the government's purse strings, and with Republicans almost uniformly opposed to most of President Biden's spending and all of his tax increases, he and allied Democrats face difficulty enacting any of it into law. Lawmakers from both sides have made clear they're unlikely to adopt President Biden's proposals in full.

KIOGA Meets with Senator Manchin and Members of the U.S. Senate Finance Committee

In mid-May, U.S. Senate Finance Committee Chairman Ron Wyden (D-OR) announced his plans to hold a hearing on the Clean Energy for America Act in the U.S. Senate Finance Committee. Among other things, Senator Wyden's bill proposes to eliminate the percentage depletion allowance and the expensing of intangible drilling costs (IDCs).

On May 24, KIOGA President Edward Cross met face-to-face with several U.S. Senate Finance Committee members to explain the importance of retaining critical oil and gas tax provisions like percentage depletion and IDCs. Cross met with U.S. Senators John Barrasso (R-WY), Todd Young (R-IN), and Mark Warner (D-VA) to emphasize that the oil and gas industry does not receive government subsidies, only standard tax deductions for business operations.

Cross also joined other industry leaders from the Domestic Energy Producers Alliance (DEPA) in a two-hour face-to-face meeting with U.S. Senator Joe Manchin (D-WV). Senator Manchin is Chair of the U.S. Energy Committee and is absolutely critical for many of our issues. The meeting was very productive. Senator Manchin was open to our concerns. Cross was able to establish good contacts with Senator Manchin's Chief of Staff and the head staffer for the U.S. Senate Energy Committee. KIOGA has updated our fact sheets and reference material. We provided copies to each of the policymakers and/or their staff that we meet with.



On June 2, Cross followed up the face-to-face meetings with written correspondence to the U.S. Senate Finance Committee and the U.S. Senate Energy Committee. KIOGA's correspondence stated our opposition to proposed changes to the Internal Revenue Code in the Clean Energy for America Act. The correspondence encourages the committees to:

... avoid using the tax code as a weapon to discriminate against any particular economic sector. The oil and natural gas industry should not be prevented from recovering costs that other industries are eligible to receive simply because they operate in a different economic sector. The U.S. tax code allows industries across the manufacturing sector to recover costs related to job creation and other operational investments. These common tax mechanisms allow these companies to create jobs, invest in our communities, and deliver the energy that working families rely on every day.

As tax discussions continue, percentage depletion remains a prime target. We will have to fight to justify percentage depletion, which is arguably the most important tax provision we have. The relationships KIOGA has built over the last 10-plus years with several key Democrat and Republican federal policymakers puts us in a unique position to educate federal policymakers.

KIOGA has prepared for these battles and is fully engaged. Face-to-face meetings are crucial to keeping our interests protected. We are assisting a number of U.S. Senate and House members with credible information to defend against efforts to eliminate critical oil and gas tax provisions, impose federal hydraulic fracturing oversight, address Endangered Species Act abuses, impose emissions regulations, and more.

Federal Orphan Well Plugging Bill Introduced—On June 1, U.S. Representatives Lizzie Fletcher (D-TX) and Kelly Armstrong (R-ND) introduced a House companion bill to the already introduced Senate bill (the REGROW Act). The legislation aims to plug every documented orphan well in the



country by investing funds toward cleaning up these sites. The REGROW Act was first introduced in the U.S. Senate by Senators Kevin Cramer (R-ND) and Ben Ray Lujan (D-NM). KIOGA President Edward Cross shared with Senator Joe Manchin (D-WV) and the Kansas congressional delegation that the Kansas oil and gas industry already pays into a state abandoned well plugging fund and that we are concerned that federal funds allocated to plug abandoned/orphaned wells could cause the state government to see these funds as a surrogate for the fee funds paid by Kansas oil and gas operators and then sweep the fee funds to use for something else. In essence, federal funds allocated to plug orphaned/abandoned wells could risk the fee funds the Kansas oil and gas industry have been paying for decades. ✂

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PROTECTING

OUR INDEPENDENCE

Editorial written by KIOGA President Edward Cross, appearing in the June 2021 Issue of *World Oil Magazine*

JULY IS A SPECIAL MONTH for many Americans. Most of us will eagerly take a break from our busy summer schedules to once again celebrate Independence Day. There will be much fanfare with fireworks, parades, picnics, and other patriotic events celebrating our country's independence from Great Britain in 1776. But when the festivities have ended, only a few will have reflected upon the true meaning of independence and the role it has played in shaping our nation's character.

Our founding fathers made it clear in the Declaration of Independence that all men were entitled to certain unalienable rights. Among those rights are life, liberty, and the pursuit of happiness. It is easy to take for granted those rights and freedoms we share as Americans. However, it is important that we understand and appreciate the hard work and sacrifice that our forefathers made in order for us to enjoy the luxury of freedom. Freedom and independence are cornerstones in the foundation of our country's heritage. The independent ideology of the American people is a fundamental element of our society and a key to our nation's prosperity. We must protect that independence at all cost.

One important freedom we must protect is our free enterprise system. American business, and certainly the oil and gas industry, was founded upon the ideology of independence and free-market principles. Those principles allow business to be governed by the laws of supply and demand without government interference and excessive regulation. The dynamic free market has led to innovation and wealth creation, and has established an economic environment where hard work is rewarded.

But now, it seems free-market capitalism and independence is under attack. Environmental activists work to obstruct energy development and infrastructure projects, reducing our energy options under a false belief that oil and natural gas production and use are incompatible with environmental progress.

Environmental activists' greatest strength has been their ability to define an issue as a problem ahead of actually defining the issue itself. Their vision is one of constrained energy choices, with less certainty and reliability, and with less assurance on affordable power.

The U.S. continues on a path toward one of the greatest self-inflicted wounds in history. President Biden has adopted liberal climate change priorities calling for an end to fossil fuel production and use and a restoration of the failed energy policies of the Obama-era. President Biden's anti-fossil fuel barrage will have no effect on the climate as global demand for fossil fuels will continue to increase for decades no matter what the U.S. does. Meantime, Russia, China, and Iran will take advantage of America's astonishing fossil-fuel retreat.



The Biden administration's energy policy errors are oblivious to the needs of low-income families who would be hurt the most by these misguided energy policies. President Biden's plans are out-of-touch with working people and the economy.

Inexpensive energy is necessary for economic advancement by the world's poor and for recovery from the staggering economic effects of COVID-19. Ideological opposition to fossil fuels is an anti-human stance that views ordinary people not as problem-solving sources of ingenuity, but only as mouths to feed producing environmental damage.

Three important tenets separate the U.S. from other nations around the world—Freedom, Rule of Law, and Energy. Today, we see all three of these important ideals under attack.

The U.S. decreased CO₂ emissions in 2019 by 140 million tonnes. That's more than any other country in 2019! Since 2005, U.S. greenhouse gas (GHG) emissions have fallen by 12%, total CO₂ emissions have fallen by 14%, methane emissions have fallen by 4% and power sector CO₂ emissions have fallen by 33%. The oil and natural gas industry has proven that over the long-term, it is possible to lead in energy production and in environmental stewardship.

What President Biden's anti-energy agenda combined with Democrat climate proposals like the Green New Deal do is concentrate more power in the hands of the federal government and central planners, which at the end of the day, is what they want. We should use our energy abundance to lift people up, which is a different philosophy than a zero-emissions world.



Contrary to claims from environmental activists, cutting U.S. oil and natural gas production would not magically reduce world energy demand. But it could raise costs significantly for American families and manufacturers, profoundly damage the U.S. economy, diminish our geopolitical influence and severely weaken our energy security. That's where environmental activists strategies lead, and it is not a path most Americans want to take.

We should set aside the acrimony and division that has marked too much of past national energy policy discussions and work together as one nation on a positive forward-looking energy future based on the understanding that our nation's best energy future can only be achieved through a true all-of-the-above energy strategy.

In his 1946 Independence Day speech, John F. Kennedy said, "Eternal vigilance is the price of liberty." Those words were never so true. Being mindful of the erosion of our independence and free-market system by misguided environmental activist ideologies cannot be over emphasized. We must, now more than ever, remain steadfast in our resolve to protect and preserve the precious independence that has molded our nation's character. ✍

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KIOGA CALENDAR

Event Name	Date	Location
KIOGA 2021 Annual Convention	August 15–17, 2021	Wichita, KS
NSWA 15 th Annual Energy Gala	August 20, 2021	Oklahoma City, OK
NAPE Summit (in-person)	August 18–20, 2021	Houston, TX
NAPE Summit (virtual)	August 9–September 3, 2021	
Kansas State Fair	September 10–19, 2021	Hutchinson, KS
Energy Workforce & Technology Council Annual Meeting	September 15–17, 2021	Santa Ana Pueblo, NM
EKOGA Annual Meeting	September 29–30, 2021	Mayetta, KS
AAPG/SEG 2021 Annual Meeting	September 26–October 1, 2021	Denver, CO
AAPG Midcontinent Section Meeting	October 5–8, 2021	Tulsa, OK
Kansas Economic Outlook Conference	October 12, 2021	Pittsburg, KS
Kansas Economic Outlook Conference	October 14, 2021	Salina, KS
Oklahoma Oil & Gas Expo	October 14, 2021	Oklahoma City, OK
Kansas Oil & Gas Museum Foundation Hall of Fame Induction Dinner & Ceremony	October 23, 2021	Great Bend, KS
IOGCC Annual Meeting	November 7–9, 2021	Santa Fe, NM
Governor's Conference on the Future of Water in Kansas	November 17–18, 2021	Manhattan, KS

The Kansas Independent Oil & Gas Association (KIOGA) believes in seeking common ground, through common sense solutions, to the challenges facing the Kansas oil and gas industry. Our bipartisan approach provides a uniquely powerful voice for our members at the state and national level. **Our work is critical. Your support is vital.**

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