

Thank you to Representative Eileen Horn for her work on HB2727 and to all of you for giving me the opportunity to be heard.

The last 5 years have been a true struggle as it relates to the impact of oil production on our property. I've met with state, county and local officials regarding the lack of specific protection of surface owners in KS as it relates to oil and gas production. I've testified in hearings with the KCC, I've worked with senators and state representatives. I've spoken with and written to the governor and I've spoken to aids in US Congress offices.

I am in support of bill 2727 as it certainly contains verbiage that would, if included in real estate title paperwork, provide warning associated with the risks of purchasing properties. However, I'd like you to consider additional verbiage so that a purchaser can be assured of how to determine if the mentioned risk is truly applicable to the land or not.

Throughout the bill, the verbiage states, "Buyer is advised to consult independent legal advice."

My neighbors and I have over \$200,000 worth of legal advice on the properties we own. The 100 year old leases associated with the properties we own, states, "It is agreed that this lease shall remain in force for a term of five years from this date (April 2, 2018), and as long thereafter as oil or gas, or either of them, is produced from said land by the lessee. There is no record of any oil and gas activity from 2018-2023. In fact, the first record found in the archived records of the KCC was from 1939 when well #1 was drilled and reported as a dry hole.

KSA 55-205 states: **When an oil, gas or mineral lease is hereafter given on land situated within the state of Kansas, the recording thereof in the office of the register of deeds of the county in which the land is located shall impart notice to the public of the validity and continuance of said lease for the definite term therein expressed, but no longer. Provided, That, if such lease contains the statement of any contingency upon the happening of which the term of any such lease may be extended (such as "and as much longer as oil and gas or either are produced in paying quantities"), the owner of said lease may at any time before the expiration of the definite term of said lease file with the said register of deeds an affidavit setting forth the description of the lease, that the affiant is the owner thereof and the facts showing that the required contingency has happened. This affidavit shall be recorded in full by the register of deeds, and such record together with that of the lease shall be due notice to the public of the existence and continuing validity of said lease, until the same shall be forfeited, canceled, set aside or surrendered according to law.**

There is no affidavit of production in the public record associated with the properties we purchased.

Additionally, when we purchased our property we read the provisions in the lease from 1918. It states "no oil well shall be drilled nearer than 200 feet to the house or barn now on said premises." Knowing that we were building our home in the middle of a 5 acre track, zoned as residential, 660' deep X 330' wide, that this measure would protect the area around our homes. However, we have been told by our operator that this one measure of protection for our home is specific only to the home and barn existing when the lease was signed nearly 100 years ago and that the provision does not apply to any new structures.

A warning is great, but outlining the recourse one can take is even better. I encourage you to continue considering the setback requirements outlined in HB2189. If residential properties had a confirmed and legal provision of protection, it would be a MUCH MORE CLEAR message to the citizens of KS who, like us, just wanted to buy land and build their dream home. There is a lot of farmland for sale in our state. Individual families are being negatively impacted by the actions allowed by our state. Our only current recourse is a civil suit where the costs for any one family to contest the matter, is paralyzing, financially crippling. It is an injustice. The most basic function of our law is to protect people, right?

Did you know that there are no provisions or protections in our state for homeowners (surface owners) against having oil wells drilled in close proximity to their homes, barns, water wells and septic systems? Did you know that this drilling allowance is without ANY consideration of the homes on a given oil and gas lease unless specific provisions are outlined in the lease for current AND future structures? Did you know that proof of the validity of a lease isn't required for drilling to be approved?

Please consider your part in truly helping my family, my neighbors and other KS families like ours.
THE OIL INDUSTRY GAINS SHOULD NOT CONSTITUTE MY LOSSES.

Thank you