

November 4, 2018

Mr. Rene Stucky
Kansas Corporation Commission
Conservation Division
266 N. Main Street, Suite 220
Wichita, Kansas 87202-1513

Dear Mr. Stucky:

We hereby express our protest for the issuance of a permit to TDR Construction, Inc., to inject saltwater in the McCoy Lease into wells 4AW, 8W, and 9W. These wells are located in the northeast $\frac{1}{4}$ of section 32, Twp. 15S, Range 21 E, Franklin county Kansas.

My protest is based on these claims which I now state:

- a) A 1920's era oil and gas map of Franklin county, Kansas, which map Scott Yeargain procured from Franklin county cartographer, Mr. Roy Baker, shows 1 oil well in the southwest $\frac{1}{4}$ of section 32 (same twp, and range); 1 abandoned oil well in the western $\frac{1}{2}$ of section 33; section 33 lies just the east of section 32; 1 abandoned oil well on the section line between the northeast $\frac{1}{4}$ of section 32 and the southeast $\frac{1}{4}$ of section 29; section 29 lies just to the north of section 32;
- b) The old wells referenced above, in the presence of enhanced oil recovery operations, present risk to me and my assets by virtue of the possibility, even likelihood, that such old wells are not properly plugged;
- c) The watershed for the McCoy lease consists streams and draws which run generally southwest and which allow waters from said lease to enter the Marais des Cygnes river just above the town of Peoria, Kansas;
- d) The 2018 KCC abandoned well report to the Kansas legislature indicates the presence of 1 Priority 1, Level B well located in section 28, twp. 15S, Range 21E, which section is contiguous with section 32 and lies just to the northeast of this same section.
- e) The watershed for the McCoy lease allows waters to enter the Marais des Cygnes river above Peoria, Kansas and this proximity to the intake pipe for Franklin County Rural Water #6 presents contamination risk to this PWS;
- f) All of the above and, we own property in the Peoria township and are customers of water district 6 in Franklin county. We were under a water boil for a month that was just lifted two weeks ago. The state has determined that the discoloration of water is being caused by manganese. Although the state maintains that the levels we have are only aesthetic and present no health risk, there are studies that conclude that

high levels of manganese in the water can lead to lower IQ's in children. Even if the health risks are minimal or even false, the discoloration of our water has a significant impact on our property value(s). We do not have the resources to prove or disprove that the recent well injections that been carried out in the area caused the recent manganese issue, but we feel that the issue should be fully investigated before any new injections in this area are approved. The profits from these injections seem to hardly justify the risk of an entire community's water supply, and the water supply of communities down stream.

The Kansas Appellate court decision *Labette County Medical Center d/b/a Labette Health v. Kansas Department of Health and Environment*, 2017 WL3203383 at *8 (Kan App. July 28, 2017) (unpublished) does, I believe, mandate an evidential hearing, allowing cross examination and discovery, based on the statements I have made.

Cordially,

Paul and Lisa Jewell
3910 Labette terr
Ottawa, Kansas, 66067
785-242-1117

Cc: TDR Construction, Inc.
PO Box 339
Louisburg, Kansas 66053