

SEP 27 2017

CONSERVATION DIVISION
WICHITA, KS

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

BEFORE COMMISSIONERS: Pat Apple, Chair
Jay Scott Emler, Commissioner
Shari Feist Albrecht, Commissioner

In the Matter of the Application of Cross Bar Energy,) Docket No. 17-CONS-3689-CUIC
LLC for a Permit to Authorize the Injection of Saltwater)
Into the Vigle VW-6 Well Located in Greenwood County) CONSERVATION DIVISION
Kansas, and an Amendment to the Injection Permit to)
change the Authorized Injection Rate and Pressure.) License NO. 33245

**PROTESTANT'S RESPONSE TO AND MOTION TO DENY
APPLICANT'S MOTION FOR DEFAULT AND DISMISSAL OF THE PROTESTS
FILED by APPLICANT on Sept. 14, 2017**

COMES NOW, Protestant Susan Royd-Sykes in respectful reply to the above referenced Applicant's Motion and moves the Commission for an Order denying the Applicant's said Motion for Default and Dismissal of the Protests Filed Herein which was filed by the Applicant on Sept. 14, 2017. In support of Protestant's Response and Motion, she states:

1) No objections to the facts set out in Paragraphs No. 1, No. 2, No. 3, No. 4 or No. 5 in Applicants referenced Motion.

2) However, Protestant does take issue with Applicant's Paragraph No. 6 which states "Additionally, the Applicant respectfully moves the Commission for an Order dismissing those Protestants listed in Paragraph 4 (*i.e. the ten Protestants who WERE on the pre-hearing conference call: Cindy Hoedel, Daniel Copp, Joyce L. Young, Karla Jo Grimmer, Kathy Dowell, Kitty Frank, Leila Coester, Nancy Hainey, Paula Haas, Susan Royd-Sykes*) for the reason that they lack standing to protest the Application in this Docket..... because Applicant has determined that none of the ten reside within any reasonable proximity to the proposed Vigle VW-6 UIC pressure maintenance well. Nor have these Protestants demonstrated a direct nexus to the Applicant's operations of the Vigle VW-6.... (and that all ten reside between) some 22.5 miles to 94.5 miles from the subject well.

3) While the Protestant does not take issue with the Applicant's calculated residential distances from the Vigle VW-6 UIC well for the ten Protestants, Protestant Royd-Sykes does take issue with the fact that these relatively short residential distances from the Vigle VW-6 UIC well site should create a disqualifying factor for the ten Protestants who were on the pre-hearing conference call.

In support of her position, Protestant states:

1) In her letter of Protest in this specific Application process, Protestant stated that in addition to hazardous, toxic polluting effects on ecosystems and waterways, "such (*injection well*) operations have also been linked to increased local earthquakes. According to Earthquake Track, in the previous two days that Protestant has been working on this Response and Motion, in Kansas 4 earthquakes have occurred in the past 24 hours (M 2.5, 2.6, 2.7 near Harper and M 1.7 near Caldwell), 12 earthquakes have occurred over the past 7 days, with 71 earthquakes in the past 30 days and 835 earthquakes in the past 365 days. Exhibit 1.

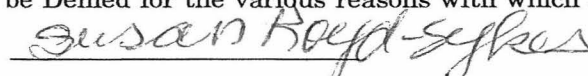
2) Additionally, the site of the Vigle VW-6 UIC well in question is located approximately 50 to 60 miles directly east of major edges of the Nemaha Ridge and Humboldt Fault Zones which makes the area a likely place for increased oil industry-related earth tremors and quakes. Exhibit 2.

3) With regard to the issue of distance and proximity, Protestant further states that her residence is located approximately 189 miles or about 3 ¼ hours north of the site 14 miles NW of Pawnee, Oklahoma where the M 5.8 earthquake originated on Sept.3, 2016 and that earthquake cause her curio cabinet to shift out from the wall about 1 ½ inches and also cause a seam in the sheetrock of her home's living room's south wall and ceiling to begin to pull apart.

Further, Protestant states that her residence is located approximately 205 miles or about 3 ½ hours from Cushing, Oklahoma, the site of the M 5.3 earthquake that occurred the following Nov. 6, 2016. That earthquake rattled the Protestant's home and property to the extent that it caused statuary in her garden to tumble over, dishes in her kitchen cabinet to rattle and slide on the shelves, and caused the crack in the living wall-ceiling meet line to open further. See Exhibits 3 and 4.

The USGS, Emporia State, and multiple news sources have documented and reported that both of those quakes were felt as far away as Texas, Colorado, Kansas City, Nebraska, Iowa and Illinois. *These affected locations are hundreds of miles away from both Pawnee and Cushing, Oklahoma, and are located from two to more than five times further away in distance than Protestant's residence is from the Vigle VW-6 UIC well in question in this Application protest.* Exhibits 5 and 6.

WHEREFORE, and in light of the earth quake-related information and evidence presented by Protestant herein against the Applicant's use of residential distance proximity to dismiss the ten Protestants that were on the pre-hearing conference call, Protestant Susan Royd-Sykes states that Applicant cannot knowingly or surely prove that the ten Protestants who were on the pre-hearing conference call will not ever sustain proximate effects of environmental or property damage related to an approval of the Vigle VW-6 UIC well and, therefore, respectfully requests that Applicant's Motion for Default and Dismissal of the Protests Filed by the ten Protestants who were on the prehearing conference call in this Docket be Denied for the various reasons with which she has responded and stated in this filing.

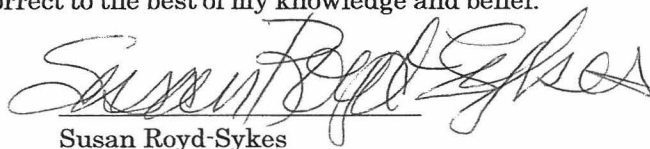


Susan Royd-Sykes, Protestant, 504 S. 6th St., Burlington, KS 66839

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF COFFEY)

Susan Royd-Sykes, of lawful age, being first duly sworn upon oath state: I am one of the Protestants in the matter of the Application of Cross Bar Energy, LLC for a Permit to Authorize the Injection of Saltwater Into the Vigle Vw-6 Well Located in Greenwood County, Kansas, and an Amendment to the Injection Permit to Change the Authorized Injection Rate and Pressure, Docket No. 17-CONS-3689-CUIC, and that I have read the above Response and Motion, know the contents, and know that the statements made within are true and correct to the best of my knowledge and belief.


Susan Royd-Sykes

SUBSCRIBED AND SWORN to before me on this 27th Day of September, 2017.


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2017, the above **Protestant's Response to the Sept. 14, 2017 Applicant's Motion for Default and Dismissal of the Protests Filed Herein:**
was electronically served on:

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Attnys. for Cross Bar Energy, LLC

With copies mailed to the following:

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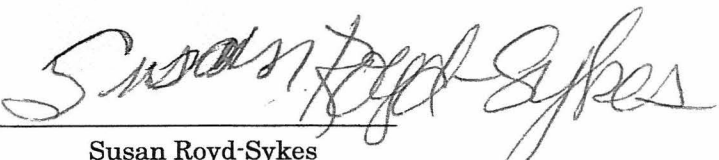
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Cottonwood Falls, KS 66845


Susan Royd-Sykes

Recent Earthquakes Near Kansas, United States as of 5:49am 9/27/2017

Source: <https://earthquaketrack.com/p/united-states/kansas/recent>

Kansas, United States has had: (M1.5 or greater)

- 2 earthquakes in the past 24 hours
- 12 earthquakes in the past 7 days
- 71 earthquakes in the past 30 days
- 836 earthquakes in the past 365 days

The largest earthquake in Kansas, United States:

- today: [2.7](#) in [Harper, Kansas, United States](#)
- this week: [3.8](#) in [Perry, Oklahoma, United States](#)
- this month: [4.3](#) in [Medford, Oklahoma, United States](#)
- this year: [4.5](#) in [Pawnee, Oklahoma, United States](#)

The most recent:

- [about 8 hours ago](#) [2.7](#) magnitude, [2 km](#) depth
[Harper, Kansas, United States](#)
- [about 15 hours ago](#) [2.6](#) magnitude, [7 km](#) depth
[Harper, Kansas, United States](#)
- [a day ago](#) [1.7](#) magnitude, [4 km](#) depth
[Caldwell, Kansas, United States](#)
- [a day ago](#) [2.5](#) magnitude, [2 km](#) depth
[Harper, Kansas, United States](#)
- [2 days ago](#) [2.0](#) magnitude, [5 km](#) depth
[Harper, Kansas, United States](#)
- [3 days ago](#) [3.8](#) magnitude, [2 km](#) depth
[Perry, Oklahoma, United States](#)
- [5 days ago](#) [2.4](#) magnitude, [4 km](#) depth
[Enid, Oklahoma, United States](#)
- [5 days ago](#) [2.6](#) magnitude, [7 km](#) depth
[Cherokee, Oklahoma, United States](#)
- [5 days ago](#) [1.8](#) magnitude, [4 km](#) depth
[Caldwell, Kansas, United States](#)
- [6 days ago](#) [2.5](#) magnitude, [6 km](#) depth
[Anthony, Kansas, United States](#)





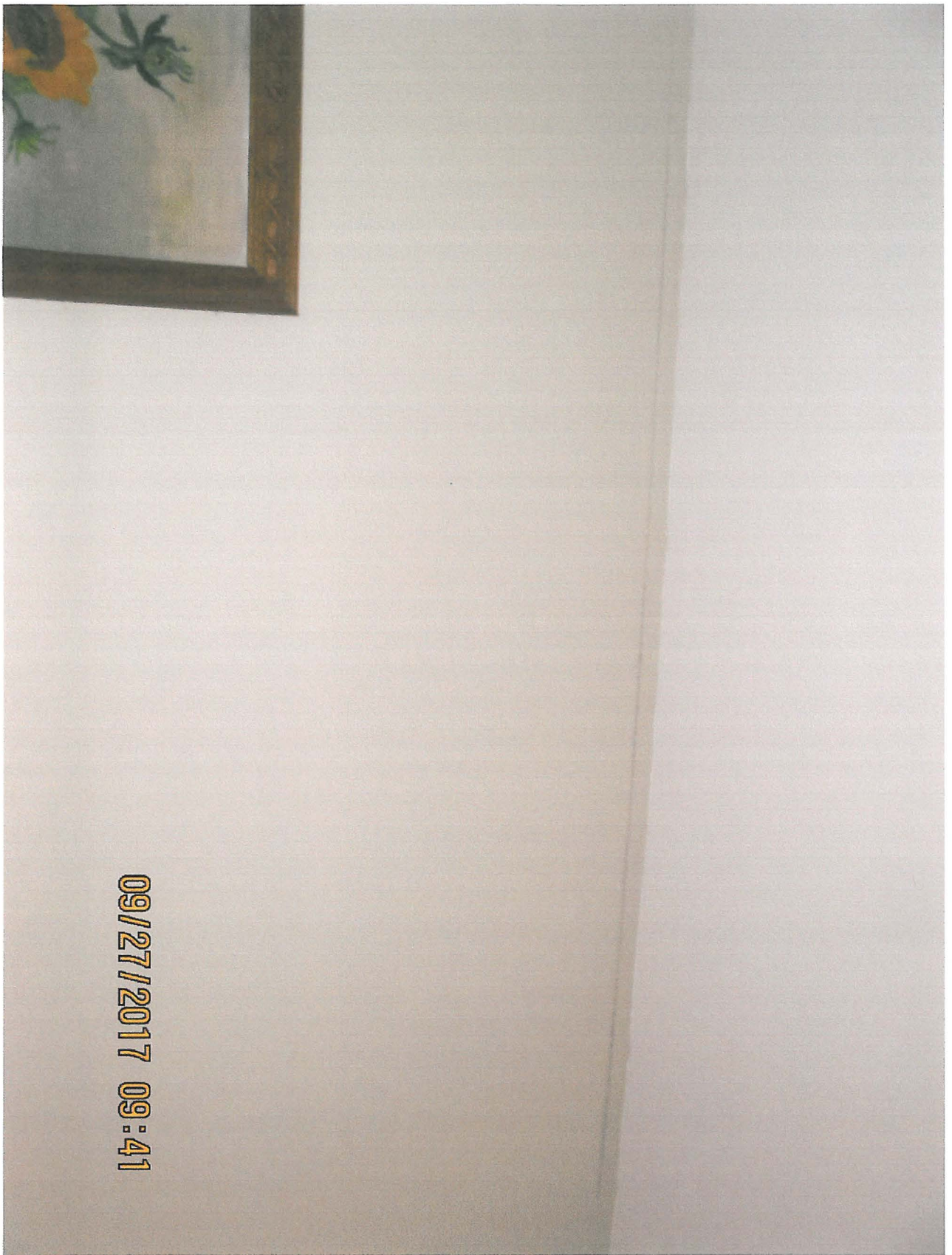


EXHIBIT 4

Felt reports received for M5.6 earthquake in OKLAHOMA
on 2016-09-03 12:02 UTC

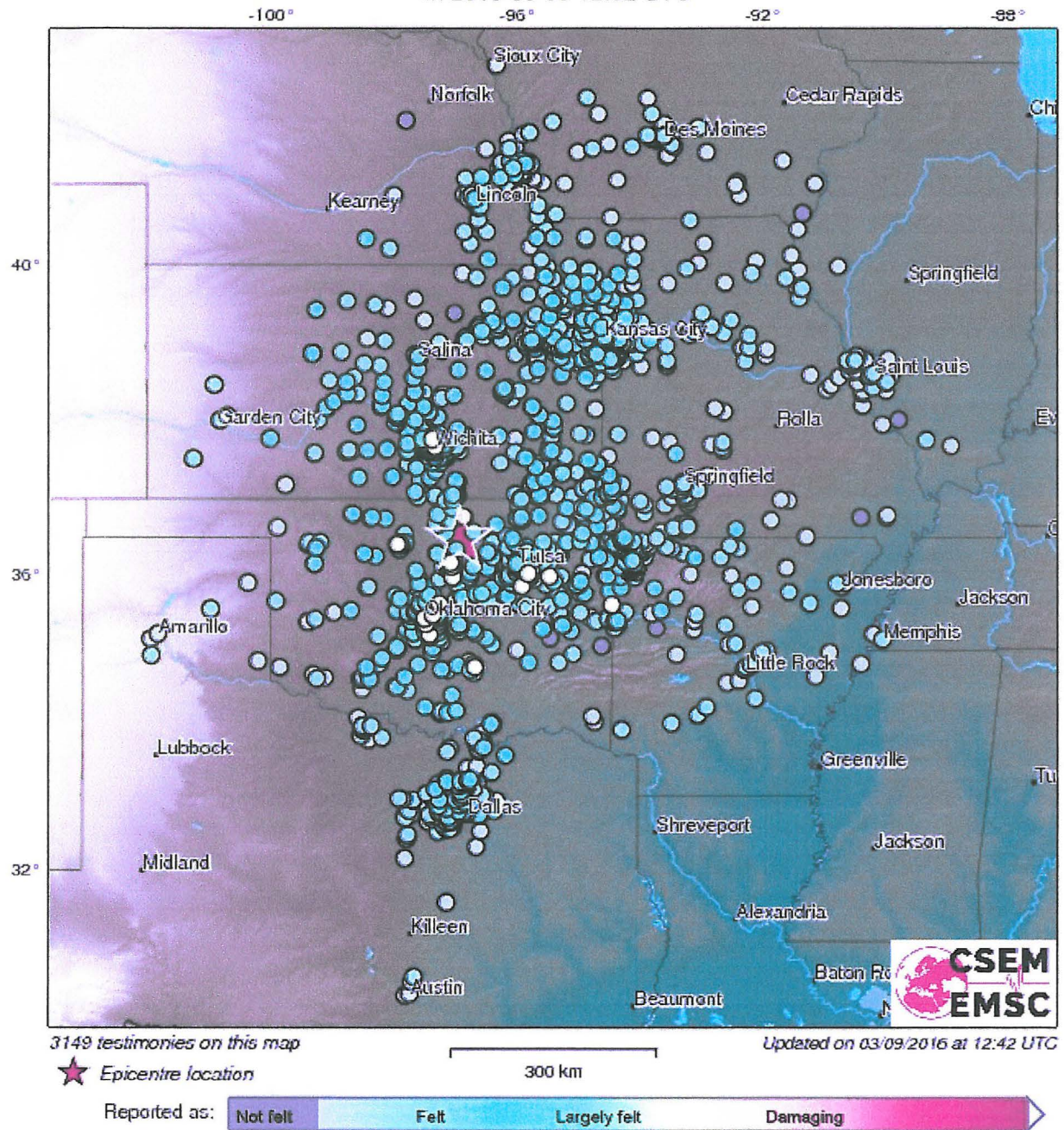


EXHIBIT 5

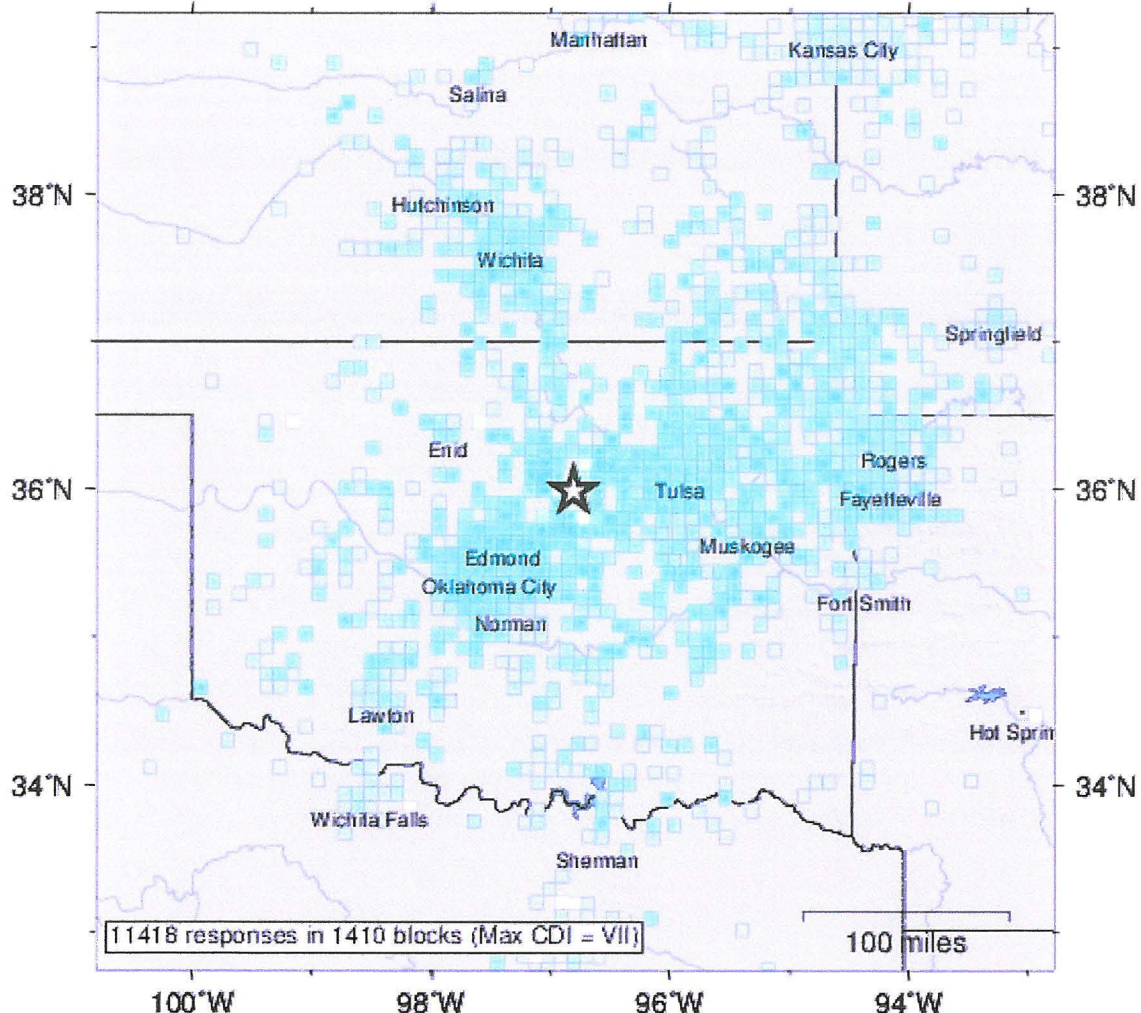
M 5.0 - 3km W of Cushing, Oklahoma

2016-11-07 01:44:24 UTC 35.991°N 96.803°W 4.4 km depth

USGS Community Internet Intensity Map

OKLAHOMA

Nov 7 2016 01:44:24 AM UTC 35.9907N 96.803W M5.0 Depth: 4 km ID:us100075y8



SHAKING	<i>Not felt</i>	<i>Weak</i>	<i>Light</i>	<i>Moderate</i>	<i>Strong</i>	<i>Very strong</i>	<i>Severe</i>	<i>Violent</i>	<i>Extreme</i>
DAMAGE	none	none	none	Very light	Light	Moderate	Moderate/Heavy	Heavy	Very Heavy
INTENSITY	I	II-III	IV	V	VI	VII	VIII	IX	X+

Processed: Fri Jul 14 13:57:43 2017 vmdy11