

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

IN THE MATTER OF THE APPLICATION OF
ATLAS OPERATING, LLC, FOR A PERMIT TO DOCKET NO. 20-CONS-3284-CUIC
AUTHORIZE THE DISPOSAL OF SALTWATER OPERATOR NO. 34357
INTO THE LLOYD WELLS #5-17 LOCATED IN CONSERVATION DIVISION
THE S/2 S/2 SECTION 17, T30S, R8W, KINGMAN
COUNTY, KANSAS.

**PROTEST OF MESSENGER PETROLEUM, INC., JOHO LLC, JON F. MESSENGER,
LYNDON M. MESSENGER, BRIAN BAIRD AND QUENTIN DON CLARK TO
APPLICATION**

Messenger Petroleum, Inc., JoHo LLC, Jon F. Messenger, Lyndon M. Messenger, Brian Baird and Quentin Don Clark (“Protestants”) protest the Application filed by Atlas Operating, LLC (“Atlas”) for the following reasons:

1. Protestants learned of this Application through the publication that appeared in the Kingman Leader-Courier on April 23, 2020.
2. Protestants attempted to obtain a copy of the actual Application filed by Atlas by contacting the Conservation Division of KCC, only to be informed that no Application had actually been filed.
3. Protestants have not had the opportunity to actually review the substance of the Application because the Application has not been filed.
4. Protestants Jon F. Messenger and Lyndon M. Messenger are unleased mineral owners in all of Section 18-30S-8W, Kingman County, Kansas, which directly offsets Section 17 to the west. They did not receive any mail notice of this Application even though they are within one-half mile of the proposed location of the Lloyd Wells #5-17, located in the S/2 S/2 of Section 17, T30S, R8W, Kingman County, Kansas.
5. Brian Baird and Quentin Don Clark own the surface of the S/2 S/2 of Section 17,

T30S, R8W, Kingman County, Kansas. They did not receive any mailed notice of this proposed saltwater disposal well even though they own the surface.

6. Protestant Messenger Petroleum, Inc. ("MPI") is an offset operator of the Nicholas SWD well located in the NE/4 of 20-30S-8W. MPI on May 14, 2020 received a mailed notice, but it does not conform to the published notice. The mailed notice states that Atlas requests an 1800# maximum injection pressure, but in the newspaper notice states Atlas is requesting a 1500# maximum injection pressure. Atlas also mis-spotted the proposed SWD well, shortened its 1/2-mile radius and has identified Westlake Energy Consultants as an operator on MPI's lease.

7. JoHo LLC is an unleased mineral owner in the E/2 NE/4, Section 20, T30, R8W, Kingman County, Kansas. It did not receive any written notice of the Application filed by Atlas.

8. Based on the published notice, Atlas proposes to inject in the Swope and Hertha formation (which are in the lower Kansas City formation), which are formations that potentially contain hydrocarbons.

9. Based on the published notice, it appears that Atlas is requesting 1,500 psi of injection pressure into the Swope and Hertha formations. These two formations in most locations do not have 1,500 psi of virgin formation pressure. It appears that Atlas wishes to use a 1,500 psi surface injection pressure which, when added to the height of the water column of 3,850 feet, approximately, Atlas will have a pressure of approximately 3,450 psi in the proposed injection zones in the Swope and Hertha formations.

10. The proposed injection pressure into the Swope and Hertha formations could potentially harm the recovery of hydrocarbons from those zones because the proposed injection pressure would damage both of those formations and the rights of unleased mineral owners to recover hydrocarbons from both zones.

11. The publication notice does not disclose which wells would likely use the proposed disposal well, the volume of saltwater from that well, and whether any of these wells would be located off of the lease held by Atlas.

12. Protestants request that this Application be denied because Atlas did not even file an Application at the time it published notice.

13. Protestants request that this Application be denied because Atlas did not provide written notice to offset operators and unleased mineral owners located within one-half mile of the proposed location of the Lloyd Wells #5-17 well.

14. Protestants further request that the Application be denied because Atlas proposes injection pressures that would damage the Swope and Hertha formations which potentially contain hydrocarbons.

15. Protestants further request that the Application be denied because the specific wells that will use the proposed disposal well, saltwater volumes from each well and the location of each of these wells have not been disclosed.

16. Protestants further request the Application be denied because the published notice and the mailed notice are materially inconsistent.

WHEREFORE, Protestants request that this Application be denied in its entirety.

SUBMITTED BY

WITHERS, GOUGH, PIKE, & PFAFF LLC
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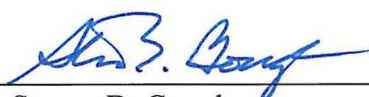


Steven D. Gough, #09016
Attorneys for Protestants

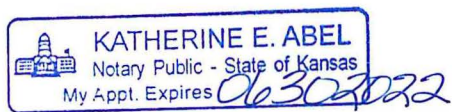
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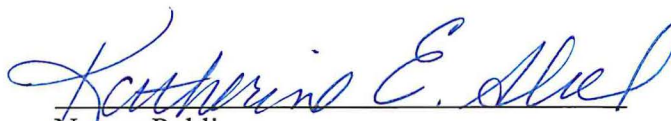
STATE OF KANSAS }
 }
 } ss.
COUNTY OF SEDGWICK }

Steven D. Gough, of lawful age, and being first duly sworn upon oath, deposes and says that he is an attorney for **Protestants**; that he has read the within and foregoing, and the statements and contents thereof are true to the best of his knowledge and belief.

By: 
Steven D. Gough

Subscribed and sworn to before me on May 15, 2020.




Notary Public

My Commission Expires:

June 30, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 15, 2020, I have caused to be served a true and accurate copy of the foregoing *Protest of Messenger Petroleum, Inc., Joho LLC, Jon F. Messenger, Lyndon M. Messenger Brian Baird and Quentin Don Clark to Application* to:

ATLAS OPERATING, LLC
1900 St. James Place, Suite 800
Houston TX 77056

Via Certified Mail

Kelcey Marsh
Kansas Corporation Commission
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 /s/ Steven D. Gough
Steven D. Gough