

November 4, 2018

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

Dear Mr. Stucky:

I hereby express my protest for the issuance of a permit to TDR Construction, Inc., to inject saltwater in the Superior Lease into well I-1. This well is located in the northeast $\frac{1}{4}$ of section 10, Twp. 16S, 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 I procured from Franklin county cartographer, Mr. Roy Baker, shows 12 oil producing wells in the NE $\frac{1}{4}$ of sec. 10, 1 oil producing well and 3 gas wells in the NW $\frac{1}{4}$ of sec. 10, 4 oil producing wells in the SE $\frac{1}{4}$ of sec. 10, 5 oil producing wells and 2 gas wells in the SW $\frac{1}{4}$ of sec 10, 1 abandoned well just north of section 10 section line, in the SE $\frac{1}{4}$ of section 3; 1 abandoned well in the extreme NE corner of the SE $\frac{1}{4}$ of section 10;
- 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 Superior lease consists streams and draws which run generally southwest and which allow waters from said lease appear to enter the Marais des Cygnes river just above the town of Peoria, Kansas; the large creek which appears to take water from this lease is Hickory creek;
- d) The 2018 KCC abandoned well report to the Kansas legislature indicates the presence of 5 Priority 1, Level B wells located in section 10, twp. 16S, Range 21E.
- e) The watershed for the Superior 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) I own rental property located at 3332 Rock Creek Road, Ottawa, Kansas 66067; this property produces gross rents of approximately \$18K/year; tenants of my property have in the past chosen to enroll their children in Central Heights School, USD 288; Central Heights is supplied water by Rural Water #6 and any contamination of waters supplied to this school by Rural Water #6 presents a threat to my rental property by making such property less appealing to prospective renters;
- g) Many of my good friends and neighbors are consumers of Rural Water #6 waters by virtue of being patrons of same;

- h) My wife and I own two canoes, sometimes float the Marais des Cygnes river between Ottawa, Kansas and Rantoul, Kansas; any additional contamination of this river by EOR operations in the environs threaten our floats by presenting health risks to us, our grandchildren, our children, and the species of birds, fish, and mammals, well, the fauna and flora, which make such floats valuable to us

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,

Scott Yeargain, PhD
2263 Nevada Road
Ottawa, Kansas 66067
785-418-7615

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