

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 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 I 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 dry hole and 4 oil wells in the southwest 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) 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