

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

In the matter of the failure of Lawco Holdings,	)	Docket No. 20-CONS-3088-CPEN
LLC (“Operator”) to comply with K.A.R.	)	
82-3-400 at the Radcliff #7-5 well in Cowley	)	CONSERVATION DIVISION
County, Kansas.	)	
_____	)	License No. 34878

**PRE-FILED DIRECT TESTIMONY**

**OF**

**RENE STUCKY**

**ON BEHALF OF COMMISSION STAFF**

**FEBRUARY 7, 2020**

1   **Q. What is your name and business address?**

2   A. Rene Stucky, 266 North Main Suite 220, Wichita, Kansas 67202.

3   **Q. By whom are you employed and in what capacity?**

4   A. I am employed by the Conservation Division of the Kansas Corporation Commission, as  
5       Supervisor of the Underground Injection Control (UIC) Department and the Production  
6       Department.

7   **Q. Would you please briefly describe your educational background and work experience?**

8   A. I have a bachelor's degree in Geology from Wichita State University in Wichita, Kansas.  
9       After that I worked as a Petroleum Geologist in the industry for over 30 years. In 2006, I  
10       began my employment with the KCC as an Environmental Scientist in the UIC Department,  
11       where I reviewed and processed injection applications. In 2014, I was promoted to Supervisor  
12       of the Production Department and merged to supervise the UIC department in 2015.

13   **Q. Have you previously testified before this Commission?**

14   A. Yes. I have presented both pre-filed and live testimony in numerous Conservation Division  
15       dockets at the Commission.

16   **Q. What duties does your position with the Conservation Division involve?**

17   A. I manage the Conservation Division's UIC and Production Departments.

18   **Q. Are you familiar with this docket, 20-CONS-3088-CPEN?**

19   A. Yes, this docket involves failure to comply with K.A.R. 82-3-400, which requires an operator  
20       to seek and obtain Commission authority to inject at a well prior to making any injections. In  
21       this case, Operator was found to be using the Radcliff #7-5 as a disposal well before the  
22       Conservation Division issued a written permit granting Operator's application for injection  
23       authority.

1 **Q. Would you please explain the specific requirements of K.A.R. 82-3-400?**

2 A. Yes. Injection is authorized only after an operator has both: 1) filed an application for injection  
3 authority with the Conservation Division in accordance with K.A.R. 82-3-401, and provided  
4 notice in accordance with K.A.R. 82-3-402; and 2) the Conservation Division has issued a  
5 written permit granting the application.

6 **Q. What is the penalty for failure to comply with K.A.R. 82-3-400?**

7 A. The failure to obtain a written permit from the Conservation Division before beginning  
8 injection operations is punishable by a penalty of \$1,000 for first-time violators.

9 **Q. Can you briefly describe the process of applying for injection authority?**

10 A. Yes. Under K.A.R. 82-3-401, the operator files an application for an injection well by  
11 completing the commission approved U-1 form and submitting it to the Commission with the  
12 requisite application fee. As part of the notice provision of K.A.R. 82-3-402, the application  
13 is also sent to each landowner within the project boundaries, as well as, each operator or lessee  
14 of record, and each owner of record of the mineral rights of unleased acreage within ½ mile  
15 of the project boundaries. In addition, notice of the application shall be published in the  
16 official county newspaper of the county where the well is located.

17 **Q. What are the facts regarding Operator's unpermitted injections at the subject well?**

18 A. On August 29, 2019, Operator filed its U-1 form seeking authorization to use the subject well  
19 for disposal at a daily injection volume of 25,000 barrels per day at a maximum daily pressure  
20 of 750 psi. That form is attached to the Penalty Order as *Exhibit A*. In working the request,  
21 UIC Staff discussed the volume and parameters with Operator at 4:45p.m. on September 23,  
22 2019, but had not yet issued the permit. On the morning of September 24, 2019, District #2

1 Staff conducted a lease inspection and found the subject well being used as an injection well  
2 despite the fact that the permit had not yet been issued.

3 **Q. Did the injection permit for the Radcliff #7-5 meet all statutory requirements?**

4 A. Yes. The well construction met the requirements put out in our regulations and proper notice  
5 had been given. The Area of Review had been performed around the injection well and no  
6 concerns were found. The Radcliff #7-5 also passed the necessary Mechanical Integrity Test,  
7 which was performed on September 12, 2019.

8 **Q. When was the injection permit for the Radcliff #7-5 issued?**

9 A. The permit was actually issued at 12:56 p.m. on September 24, 2019, but only after UIC Staff  
10 and Operator negotiated the pressure and injection rates down to 15,000 barrels of water per  
11 day with a maximum surface pressure of 250 psi. A copy of the email issuing the permit was  
12 attached to the Penalty Order as *Exhibit D*.

13 **Q. If a permit was eventually approved for this well, why was a penalty order issued?**

14 A. Because the Operator was injecting at the well prior to obtaining written authorization to do  
15 so. It is important that injection not occur prior to the permit issuing because injection  
16 applications are thoroughly examined by a UIC geologist who evaluates the construction of  
17 the well along with any possible influence injection may have in the surrounding area. This  
18 work is done to confirm that fresh and usable water will be protected, and that surrounding  
19 correlative rights are also protected. In this case, the requested volume and maximum pressure  
20 requested were too high and had to be modified.

21 **Q. Please summarize your recommendations.**

22 A. I recommend the Commission affirm the Penalty Order in this docket because the Operator  
23 violated K.A.R. 82-3-400 by injecting into the Radcliff #7-5 well without a permit.

1    **Q. Does this conclude your testimony as of this date, February 7, 2020?**

2    A. Yes.

## **CERTIFICATE OF SERVICE**

20-CONS-3088-CPEN

I, the undersigned, certify that a true copy of the attached Prefiled Testimony of Rene Stucky has been served to the following by means of electronic service on February 7, 2020.

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