

MAR 06 2012

LEGAL SECTION

BEFORE THE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

IN THE MATTER OF ATLAS OPERATING, LLC	)	12-cons-238-CUIC
WATER INJECTION PERMIT APPLICATION FOR	)	
ITS CYPRESS #1 WELL LOCATED IN SECTION 30,	)	KCC APPLICATION NO:
T29S, R9W, KINGMAN COUNTY, KANSAS.	)	D31119

**PROTEST OF MESSENGER PETROLEUM, INC.**

Messenger Petroleum, Inc. ("Messenger") files this Protest to the Application filed by Atlas Operating, LLC for a water injection permit for its Cypress #1 well located in Section 30, T29S, R9W, Kingman County, Kansas, ("Cypress #1").

1. Messenger owns leases that are located within one-half mile from the Cypress #1. Specifically, Messenger owns leases located in the NW/4 of Section 29, T29S, R9W ("Goetz P Lease") and the SW/4 of Section 29, T29S, R9W, Kingman County, Kansas ("Goetz Lease"). Both of these leases have the capability of producing hydrocarbons from the Viola and Simpson formations.

2. Messenger has the following objections to the Application which seeks to use the Cypress #1 well as a disposal well into the Viola and Simpson formations:

- a. Atlas' proposal to inject salt water into the Viola and Simpson formations would likely violate Messenger's correlative rights to produce hydrocarbons from both formations;
- b. Applicant requests an injection pressure of 1,150 psig which is too high and will potentially damage both the Viola and Simpson formations, cause channeling within both formations and prevent Messenger from recovering hydrocarbons from both formations covered by its leases in violation of correlative rights;
- c. Atlas' Application contains many errors with incorrect and inaccurate information concerning the tops of relevant formations and the depths of injection intervals in violation of KAR 82-3-401(4); and
- d. Atlas did not provide an electric log to Messenger in support of its Application.

3. Messenger requests that the Applicant be placed on strict proof to demonstrate that the proposed injection rate and pressure of 1,150 psig into the Viola and Simpson formations would not cause channeling and interference with the correlative rights of Messenger to produce hydrocarbons from both formations.

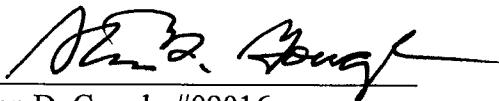
4. Within the Application are inconsistent statements of formation intervals and injection intervals. For example, Applicant states in its Application that the depths of the following formations are: Mississippian — 4120' to 4250'; Viola — 4370' to 4415'; and the Simpson — 4430' to 4460'. Application proceeds to state that the top and bottom of the injection formations are: Viola — 4393'/4460' and the Simpson — 4466'/4507'. The Applicant then proceeds to state that the proposed perforations for the zones of injection are: Viola — 4420' to 4448'; Simpson — 4465' to 4505'. The information set forth by the Applicant is in direct conflict and should be rejected as a basis for approving a permit for disposal through the Cypress #1 in the Simpson and Viola formations.

5. Messenger requests that it be allowed to present testimony and evidence in opposition to this Application at any hearing scheduled on this matter.

6. Messenger has no objection to this Application if Applicant deepens the Cypress #1 well for disposal in the Arbuckle formation, which is commonly used for disposal in this area.

Respectfully submitted,

Messenger Petroleum, Inc.

By: 

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