

“BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS”

In the matter of the application of Quail Oil & Gas, LC to authorize injection of saltwater into the Arbuckle formation at the Sly 2-6 SWD well, located in the NE SE of Section 6, Township 17S, Range 6E in License No. 33185. Morris County, Kansas, Complainant Jessica Skyfield of Prairie Village, KS on behalf of Kansas Water hereby requests abrogation regarding Respondant, Kansas Corporation Commission's 21 September 2017 ruling on Docket No: 17-CONS-3484-CUIC, pursuant to 2015 Kansas Statute 55-606. Rehearing; judicial review., part (b), with intent to utilize K.J.R.A. Statute 77-622. Additionally, Kansas Water invokes 82-3-135b

No docket number yet assigned

Request for rehearing due to:

1. Procedural - inappropriate use of K.S.A. 77-545(d) by the KCC.

Document TR1701821 from Docket 17-CONS-3484-CUIC included public comment and a letter from members of the Kansas Legislature. Jurisprudence should not relegate this information as *ex parte* information in the hearing under K.S.A. 77-545(d). [Document to be submitted separately.]

2. Procedural - inattention to KS Statute 55-602. Waste defined; rules and regulations; person defined.

Quail Oil's application, document TR1700500, states “deepest usable water” as “unknown,” precluding the content of KS Statute 55-602 stating: “The state corporation commission shall have authority to make rules and regulations for the prevention of such waste and for the protection of all fresh-water strata, and oil- and gas-bearing strata encountered in any well drilled for, or producing, oil.” Not knowing the deepest usable water negates the ability of the state corporation commission to protect all fresh-water strata.

3. Procedural - Quail Oil's operator permit, License No. 33185, referenced throughout 17-CONS-3484-CUIC expired February 28, 2017. As a member of the public at large, I could not find permit renewal proof prior to expiry. Proof that License No. 33185 did not lapse during the hearing shall be provided to the Complainant.

4. Testimony - Lack of inclusion of available data in hearing regarding induced seismicity, pursuant to *vox populi* for the data cited by Rene Stuckey in docket 2017-CONS-3484-CUIC.

National Earthquake Information Center Data does not show an earthquake with an epicenter in Morris County, as Lee Shobe testified in docket 2017-COND-3484-CUIC; however, there have been seven within a 20 mile radius of the well site. Lack of imminent harm must be proven by Quail Oil due to the active nature of the Humboldt Fault, especially in light of Rene Stucky's testimony, document number TR1701715 in 2017-CONS-3484-CUIC that: “However, there are many places in Kansas and other states where Arbuckle disposal wells are prominent on ancient faulted rifts and uplifts, without any evidence of induced seismicity. In fact, the rifts and uplifts often serve as the traps for large oil and gas deposits, and thus high volume disposal wells are present along with producing wells.”

Kansas Water requests the National Earthquake Information Center data for these particular wells Mr. Stucky cites. Their proximity to the seven recent earthquakes should be established,

mapped and available to the public to confirm his statement.

Additionally, Kansas Geological Service (KGS) has correlated oil and gas production activity and induced seismicity with a high probability and recommend that “further understanding of the complex subsurface geology in the region is needed to estimate what impact human activities have on seismicity (1). The public requests these Kansas Geological data be specifically considered by the UIC well applicants and the Kansas Corporation Commission.

5. Testimony - Lack of ability to determine lack of imminent harm in the instance of pursuant to K.S.A 65-170. Director of the division of environment; Kansas Water requests water quality baseline data for drinking water resources near the well, to establish *prima facie* for drinking water quality, at minimum, to assure requirements set forth for fresh-water by GENERAL RULES AND REGULATIONS For the Conservation of Crude Oil and Natural Gas THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS are met before operations begin, pursuant to the above mentioned document section 82-3-101. Definitions.

The Safe Drinking Water Act does not specifically require groundwater quality monitoring for class II wells; however, the People of Kansas request establishment of baseline parameters due to lack of *prima facie* evidence by Quail Oil on usable water in the area, document TR1700500: Application, Quail Oil's APPLICATION FOR INJECTION WELL, Kansas Corporation Commission form U-1, Docket No. 2017-CONS-3484-CUIC: deepest usable water marked “unknown” by Quail Oil.

Prayer:

WE the People of Kansas Water file our docket in regards to a request for rehearing in Kansas Corporation Commission's 21 September 2017 ruling on Docket No. 2017-CONS-3484-CUIC, with a moratorium on this docket until the provisions set forth within our numbered Testimony above are adequately addressed by the Kansas Corporation Commission and Quail Oil, as relevant to their role in the decisions or actions. It is so written.

Complainant: Jessica Skyfield, on behalf of Kansas Water  
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#### Cited Reference

1. Rex C. Buchanan, K. David Newell, Catherine S. Evans, Richard D. Miller, and Shelby L. Peterie. Kansas Geological Survey. April 2014. revised Aug 2015. Induced Seismicity: The Potential for Triggered Earthquakes in Kansas. [http://www.kgs.ku.edu/Publications/PIC/PIC36\\_2015.pdf](http://www.kgs.ku.edu/Publications/PIC/PIC36_2015.pdf)  
[accessed 5 October 2017] <http://www.kgs.ku.edu/Publications/PIC/pic36.html>