

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

In the matter of the application of Craig Gabel ) Docket No. 25-CONS-3340-CUIC  
(Operator) for a permit to authorize the injection of )  
saltwater into the Cowskin Creek Unit B #1, ) CONSERVATION DIVISION  
located in the SW NE SE of Section 10, Township )  
30 South, Range 1 East, Sumner County, Kansas. ) License No.: 30729

**RESPONSE TO MOTION FOR DEFAULT JUDGMENT**

Comes Now Staff of the Kansas Corporation Commission (Staff and Commission, respectively) in response to the Motion for Default Judgment (Motion) filed on behalf of Twyla Hoobler Wagner, Trustee of the Twyla Hoobler Wagner Trust (Trust). In support of its response, Staff states the following:

1. On March 21, 2025, Staff received the captioned injection application for the Cowskin Creek Unit B #1 well from Mr. Craig Gabel (Operator). On April 10, 2025, the Trust filed its Notice of Protest and Request for Hearing. On April 29, 2025, the Commission issued an Order Designating Presiding Officer and Setting Prehearing Conference. The Commission's Order scheduled a prehearing conference for Thursday, May 15, 2025.<sup>1</sup> Additionally, the Commission's Order provides that any party that fails to attend or participate in the prehearing conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>2</sup>

2. On May 15, 2025, the referenced prehearing conference was held, but Operator failed to attend or participate. On May 21, 2025, the Trust filed its Motion requesting that the Commission issue an Order Dismissing the Application with Prejudice.

3. While Staff is not opposed to Operator being defaulted out of this docket, Staff does have concerns with the application being dismissed with prejudice. Generally, when an application

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<sup>1</sup> Order Designating Presiding Officer and Setting Prehearing Conference, Ordering Clause B (Apr. 29, 2025).

<sup>2</sup> *Id.* at Ordering Clause C.

is dismissed by the Commission, it is dismissed without prejudice. Here, an Order dismissing the application with prejudice potentially goes against the Commission's statutory directives to prevent waste and protect correlative rights.<sup>3</sup> Operator's application in the captioned matter is to repressurize the Mississippi formation as part of an enhanced oil recovery project.<sup>4</sup> While Staff has no obligation to provide an argument on Operator's behalf, preventing Operator from being able to file such an application in the future could result in waste of the state's natural resources and fail to protect correlative rights of the mineral owner.

WHEREFORE, for the reasons described above, Staff respectfully requests that any Order issued by the Commission dismisses the captioned application without prejudice, and for any other relief the Commission determines to be just and equitable.

Respectfully Submitted,

/s/ Kelcey Marsh

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<sup>3</sup> See K.S.A. 55-604 and 55-704.

<sup>4</sup> Application of Craig Gabel (Mar. 21, 2025).

## **CERTIFICATE OF SERVICE**

25-CONS-3340-CUIC

I, the undersigned, certify that a true and correct copy of the attached Response has been served to the following by means of first class mail and electronic service on June 2, 2025.

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/s/ Paula J. Murray  
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