

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION OF)
GRAND MESA OPERATING COMPANY, TO) DOCKET NO. 15-CONS-815-CUIC
AUTHORIZE THE INJECTION OF)
SALTWATER INTO THE SQUIRREL SAND)
ZONE AT THE VESECKY #1-9I, VESECKY) OPERATOR NO. 9855
#1-6I, VESECKY #3-7I AND VESECKY #3-4I)
WELLS LOCATED IN SECTION 23,)
TOWNSHIP 14 SOUTH, RANGE 20 EAST,) CONSERVATION DIVISION
DOUGLAS COUNTY, KANSAS)

MOTION TO DISMISS AL HACK PROTEST

Grand Mesa Operating Company (“Grand Mesa”), by and through its attorney of record, W. Rick Griffin, of MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, L.L.P., hereby submits its motion to dismiss the protest of Al Hack (“Hack”) due to Hack’s near-complete failure to comply KAR 82-3-135b. As a result, Hack’s protest should be dismissed and Grand Mesa’s application should be approved.

In support of the motion, Grand Mesa states as follows:

1. Grand Mesa filed its application to amend an existing injection well permit(s) for the addition of the Vesecky #1-9I, Vesecky #1-6I, Vesecky #3-7I and Vesecky #3-4I injection wells to be located in Douglas County, Kansas. Grand Mesa seeks to add re-pressuring wells to the existing permit in order to inject produced and supply water into the Squirrel Sand zones for each well. Importantly, the application was approved by the Commission’s Underground Injection Control Department.

2. In response to the application, on or about March 23, 2015, the Commission received a protest from Al Hack to the application filed by Grand Mesa concerning proposed wells Vesecky #1-9I, Vesecky #1-6I and Vesecky #3-7I. The Vesecky #3-4I was not protested.

3. Mr. Hack's protest, however, fails to comply with KAR 82-3-135b. Rather than address the requirements of the regulation, the Hack protest simply voices generalized concerns with the oil and gas industry and associated subsurface injection of fluids.

4. KAR 82-3-135b lists specific requirements for protests filed in opposition of applications filed pursuant to KAR 82-3-135a. Among other requirements, protesters are required to:

- a. have a valid interest in the application protested; KAR 82-3-135b(a)
- b. provide the address of the protester; KAR 82-3-135b(a)
- c. provide the title and docket number of the proceeding; KAR 82-3-135b(a)
- d. provide a clear and concise statement of the direct and substantial interest of the protester in the proceeding; KAR 82-3-135b(a)
- e. provide specific allegations as to the manner in which the grant of the application will cause waste, violate correlative rights or pollute the water resources of Kansas; KAR 82-3-135b(a) and
- f. serve a copy of the protest upon the applicant at the same time or before the protester files the protest with the Commission. KAR 82-3-135b(d)

5. The Hack protest failed to comply with each and every requirement listed above. Notably, the protest fails to provide Mr. Hack's address, preventing Grand Mesa from determining where Mr. Hack lives in relation to the proposed injection wells; the protest fails to provide docketing information; fails to establish a direct and substantial interest in the

application on the part of Mr. Hack; fails to provide specific allegations relating to how the proposed activity will violate Kansas oil and gas regulations; and, lastly, Mr. Hack failed to serve a copy on Grand Mesa.

6. Given that the Hack protest fails to meet the requirements of KAR 82-3-135b, the protest should not be considered by the Commission as a timely or valid protest. KAR 82-3-135b.

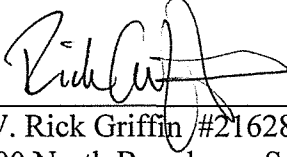
7. Furthermore, the Hack protest fails to assert anything more than generalized complaints of the oil and gas industry and the State's subsurface injection policies and regulations. The protest fails to state any law or regulation of the State of Kansas that is or will be violated by the proposed injection activity. And, the protest fails to make any allegation specific to Grand Mesa or Hack's individual interest. Instead, Mr. Hack lists several points of concern about the oil and gas industry and generalized fears concerning seismic events and pollution.

8. In other words, the Hack protest fails to state a claim upon which relief can be granted. If allowed to proceed, the protest will serve to do nothing more than to needlessly harass Grand Mesa with an unsupported and meritless protest. Accordingly, the Hack protest should be dismissed and the Commission should approve Grand Mesa's application given that the application was approved by the Commission's Underground Injection Control Department and no valid protest was received by the Commission.

WHEREFORE, Applicant Grand Mesa respectfully requests that the Commission dismiss Al Hack's protest and approved Grand Mesa's application(s).

Respectfully submitted.

MARTIN, PRINGLE, OLIVER, WALLACE
& BAUER, L.L.P.

By 

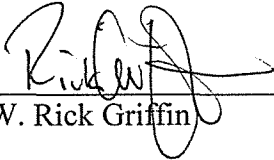
W. Rick Griffin #21628
100 North Broadway, Suite 500
Wichita, KS 67202
Telephone: (316) 265-9311
Attorneys for the Applicant

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

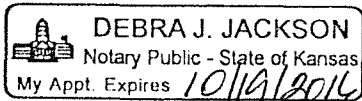
COMES NOW, W. Rick Griffin, of lawful age, being first duly sworn on his oath states:

That he is employed by Grand Mesa Operating Company as its attorney and is authorized to make this verification; that he has read the above and foregoing Motion to Dismiss Al Hack, and is familiar with the contents thereof and that the statements made therein are true and correct to the best of his knowledge and belief.



W. Rick Griffin

SUBSCRIBED AND SWORN to before me this 29th day of April, 2015.





Notary Public

My Appointment Expires:
10/19/2016

CERTIFICATE OF SERVICE


I hereby certify that the original of the foregoing Motion to Dismiss Al Hack was electronically filed on this 29th day of April, 2015, and a copy e-mailed to the following named persons, to-wit:

Lane R. Palmateer, Esq.
Litigation Counsel
Kansas Corporation Commission
266 North Main, Suite 220
Wichita, Kansas 67202

Jonathan R. Myers, Esq.
Litigation Counsel
Kansas Corporation Commission
266 North Main, Suite 220
Wichita, Kansas 67202

and a true and correct copy was deposited in the United State mail, postage prepaid to the following named persons, to-wit:

Al Hack
CEK Insurance
1011 Westdale Road
Lawrence, KS 66049-2638



W. Rick Griffin