

November 11, 2017

Rene Stucky
Kansas Corporation Commission
Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513

KCC WICHITA
NOV 27 2017
RECEIVED

2017-12-08 08:57:30
Kansas Corporation Commission
/s/ Lynn M. Retz

Dear Rene Stucky,

We hearby protest the application of Midstates Energy Operating, LLC, for a permit to authorize the injection of saltwater into the Squirrel formation at the Thrasher Lease (E-31965) 10 330 FSL 3170 FEL; located in the Sec. 25, Twp. 13, R 20E, and into the the Squirrel formation at the Hadl Lease I-1 4750 FSL 4590 FEL I-2 4290 FSL 4590 FEL; located in the Sec. 36, Twp. 13, R 20E both located in Douglas County, Kansas.

We are property owners in section 25 Douglas County, Ks (plate: 200127) and received Midstates Energy Operating, LLC's mailing regarding their Application for Injection Well filed with the KCC on October 1st 2017.

Since we are close neighbors to these properties, we are concerned about; **A-** the lack of substantive scientific information that would provide assurances that injection wells are safe and will not cause immediate or long term damage to the geology of the area, our homes and/or our drinking water, and; **B-** what seems to be a lack of rigor and transparency in the KCC application and notification process.

A- It is the responsibility of the government of the state of Kansas and its appointed officials to protect the health and wellbeing of it's citizenry. Local County and City governments are calling for more time for research to evaluate the risks of injection wells. The Kansas Geological Survey is telling us the use of injection wells are a risk for earthquakes and a risk for contamination of groundwater. The EPA is telling us "Brines can damage the environment and public health if discharged to water or land". The person I spoke to at the KCC said, "they pump it down below the water table where it's safe...", but James Aber, Professor emeritus of Geology, says our area is "riddled with fault lines". Now, we are not oil or gas geologists, but it seems simple common sense that one loose coupling, a seismic shift below ground, or an accident at a well head could cause a devastating, perhaps undetected, pressurized leak into upper ground layers that could salinate our area drinking well water. Would Midstates Energy Operating, LLC then be held responsible? Would the KCC take action on our behalf? The person I spoke to at the KCC said, "No, that's not our job, we just wait until something happens, then try to do something about it. That would be a civil matter.". Ridiculous! That's like saying, (no, that IS saying), "we are really just a rubber stamp agency for the Oil and Gas Industry! You're on your own!".

We reject the idea that the burden of proving the safety of injection wells should lie with the local citizenry. It is the KCC who should shoulder the responsibility of determining their safety- **before** issuing permits, particularly in light of local city and county officials urging you to do so. No one should be asked to risk their family's health or home for the short term profits of an out of state company who cannot offer not assurances that they will take financial responsibility for any damage their operation may cause. It would be irresponsible for the KCC to approve these permits until regulatory safeguards and liability insurance are in place that protect the land, the groundwater, and the citizens of Kansas from the health, environmental, and financial risks from these injection wells.

B- Midstates Energy Operating, LLC failed to provide information as required in the KCC application instruction and some information provided is vague, misleading and/or absent:

Instruction #1 "Fully complete application..... Show lease names and operators or unleased mineral rights owners of all lands within one-half mile".

Application Instructions, Page-4: "Show... applicant injection well, all producing, inactive, plugged, and other wells within a half mile radius, all lease boundaries, lease operators, **unleased mineral right owners, ...**".

That application page says "see attached maps". Two maps are attached, however, one attached map shows an unreadable mass of grey to black boxes with no other roads or landmarks shown except Hwy10 and Rd 460, and the other map shows a big square with Thrasher 125ac written on it and some circles -without any identifying text, reference points, landowners, or roads listed.

In addition, there is no list of, "lease names and operators:, or "unleased mineral rights owners". There is, however, a list of 9 numbers with no explanation whatsoever as to what they refer (which after a long morning of research and phone calls, I discovered were API numbers).

Instruction #4 Attach Affidavit of Notice

Attachment: "Any persons who object to or protest this application...within fifteen (15) days..."

The current time allowed for protest by the KCC is 30 days (which, in itself is much too short a time to decipher this application, and do the necessary research).

Instruction #7 Deliver or mail one copy the application to.....each unleased mineral rights owner within one-half mile of the applicant well.

Application Instructions, Page-5: "applicant certifies that.... a true and correct copy of the application referenced above was delivered or mailed to the following parties:".

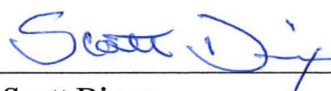
That page says "see attachment" but no attachment was included.

Midstates Energy's lack of transparency with regard to providing the required information to neighbors, local government officials, and interested Kansas residents, suggests an attempt to forestall local objections and get their injection well permit approved "under the radar" by preventing people from knowing where the drill site actually is (useless maps), contacting neighbors in the area (no list of unleased mineral rights owners to whom a copy of the application was sent), and by publishing an incorrect protest deadline. If these errors were deliberate, the KCC should reject their application and should take legal action against this company. If, on the other hand, these omissions and errors were simply, "clerical" in nature, then the haphazard state of their application calls into question whether a company which fails to correctly complete a critical business application, properly post notification thereof in the newspaper, and provide clear legible information to neighboring properties as to specific location of their proposed site(s) would be able to follow the requirements and limitations of their drilling permit, if approved, or be willing to maintain the safety protocols required by the State of Kansas and the EPA (section 1422 and 1425). In this case, too, their application should be rejected. If, on a third "hand" the KCC is fine with these omissions and errors and allows business to be done in this manner (so there won't be silly questions or objections from local folks who aren't well informed about the "harmless nature of saline injection wells"), then a new commission whose members are more farsighted and responsive to the citizens of Kansas should be appointed.

Our energy future here in Kansas lies in our wealth of wind and sun energy **not** in eking out the last bit of oil in the ground through a controversial process that offers no safety assurances to our residents.

For these reasons, we urge you to reject these permits!

Sincerely,



Scott Dixon

KCC WICHITA

NOV 27 2017

RECEIVED



Marianne Carter

Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Phone: 316-337-6200
Fax: 316-337-6211
<http://kcc.ks.gov/>

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Sam Brownback, Governor

November 28, 2017

SCOTT DIXON &
MARIANNE CARTER
1662 E 1100 ROAD
LAWRENCE KS 66049

RE: Application for Injection Authority
Docket No. E-32,566
MidStates Energy Operating LLC
Hadl I-1 & I-2
Sec. 36-13S-20E
Douglas County, Kansas

Docket No. E-31,965
MidStates Energy Operating LLC
Thrasher #10
Sec. 25-13S-20E
Douglas County, Kansas

Dear Mr. Dixon & & Ms. Carter:

This letter acknowledges receipt of your protest/objection to the above-referenced applications.

Please advise me within ten (10) days of receiving this letter if you feel a hearing should be scheduled in these matters. If a hearing is scheduled, you will be expected to participate in the hearing either in person or through legal counsel. Should you decide that you will not participate in a hearing, none will be scheduled and the application will be handled administratively and your protest will be noted. The U.S. Environmental Protection Agency (EPA) requires a hearing be held where significant interest is demonstrated. Failure to participate in the hearing process after filing a protest or objection indicates a lack of significant interest and no useful purpose would be served by holding a hearing if you, as opposing party, are not there to present testimony or cross-examine applicant's witnesses. If you are going to appear, you will receive a Notice of Hearing and should carefully comply with that Notice, including the requirement of pre-filed testimony. Any person requiring special accommodations under The Americans With Disabilities Act needs to give notice to the Commission at least ten (10) days prior to the scheduled hearing date. If you have questions regarding the hearing process, please contact Jon Meyers (316-337-6200) of our legal staff.

Commission staff has the duty to represent the public in general in recommending approval or denial of applications for injection or disposal well authority. One of the Commission's primary concerns is the protection of our groundwater and environment. If no hearing is held on these applications, your objection will be taken into consideration by our staff in making a recommendation on these applications. All of our staff geologists and technicians have qualified as expert witnesses and are sensitive to the concerns expressed by you and the citizens of our State.

Enclosed is a copy of the Conservation Division regulations regarding applications, hearings, and protestants. If you have any other questions, please do not hesitate to contact me.

Very truly yours,

Rene Stucky
UIC Director

cc: MidStates Energy Operating LLC
District Office #3
Jerry Knobel
Legal
File E-32,566 ✓
File E-31,965

Enclosure