

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

BEFORE COMMISSIONERS: Shari Feist Albrecht, Chairman  
Jay Scott Emler  
Dwight Keene

In the Matter of the Application of Marshall Oil LLC. )	Docket No. 18-CONS-3385-CUIC
for a Permit to Authorize the Injection of Saltwater into )	
the Douglas formation at the Teter-Spencer No. 2A well )	CONSERVATION DIVISION
located in NW/4 of Section 22, Township 23S, Range 9E, )	
Greenwood County, Ks. )	License NO. 35346

**PROTESTANT DANIEL COPP'S MOTION TO DENY THE APPLICATION AND CLOSE THE DOCKET**

COMES NOW Protestant Daniel Copp to ask the Commission to deny the Application of Marshall Oil LLC. for a Permit to Authorize the Injection of Saltwater into the Douglas formation at the Teter-Spencer No. 2A well located in NW/4 of Section 22, Township 23S, Range 9E, Greenwood County, Ks, and close the docket for the following reasons:

1) On February 23, 2018, Marshal Oil LLC. filed notice of application in this matter. Protestant Royd-Sykes filed a related protest letter on February 20, 2018 and Protestant Daniel Copp filed a related protest letter on February 22, 2018. Both Protestants both filed requests for hearings in this matter on March 5, 2018. Following the filing of those letters by the Protestants Royd-Sykes and Copp, on Monday, May 21, 2018, Mr. Marshall (and his family) on behalf of Marshall Oil LLC came to the Royd-Sykes/Copp residence in Burlington to discuss options to remedy the protest issues. During this discussion, Mr. Marshall stated "that the injection rate of 1500 bbls. per day and pressure rate of 600-700 psi listed in the published notice were incorrect and never what he intended and he wasn't sure why they were listed as such in the notice", and asked that if he corrected his application to indicate the correct rates of 400 bbls. per day and pressure rate of 300 psi would the Protestants consider pulling their protests in the matter. Both Protestants said that if Mr. Marshall did indeed correct and refile his application in the matter to reflect the discussed changes, they would give the matter of pulling their protests serious consideration.

2) Mr. Marshall confirmed his intent to make the discussed changes by a letter to the Protestants dated May 23, 2018 (please see the attached).

3) The first pre-hearing phone conference in this matter was held on Tuesday, July 17, 2018 at 9:30 am with Dustin Kirk presiding. Others present on that call were Lauren Wright for KCC Staff, Bryan Marshall on behalf of Marshall Oil, LLC. and protestants Susan Royd-Sykes and Daniel Copp. During that conference discussion, Mr. Marshall stated that he had visited in person with the Protestants last May and assured them that the published notice in this matter did not accurately reflect the lower injection rate and pressure that he intended for this well and that he was going to file an amended and corrected application that would do so and would bring the injection rate down from 1500 bbls. per day to 400 bbls.

per day and the maximum pressure rate down from 600-700 psi to 300 psi, adding that he had also followed up by sending a letter to Protestants confirming that intent. Both Protestants confirmed that they had met with Mr. Marshall in May and that during that discussion stated to Mr. Marshall that they were willing to consider pulling their protests once Mr. Marshall had completed and filed such and amended application reflecting the agreed upon lowered changes in rate and pressure.

However, and additionally, during this July 17 pre-hearing phone conference, both Protestants and Staff also stated that they had not yet received such a required amended application and Mr. Marshall confirmed that he had not yet completed nor filed such related amended application paperwork. As a result, Dustin Kirk and all parties agreed to provide Mr. Marshall additional time and re-visit the matter with a second pre-hearing phone conference set for Tuesday, August 21, 2018 at 9:30 am.

4) Regarding the second and follow-up pre-hearing phone conference that took place on Tuesday, August 21, 2018 at 9:30 am with Michael Duennes as presiding officer and both Protestants, Mr. Marshall, and Lauren Wright for Staff, Mr. Marshall explained that he had been unable to completed the amended application because during related conversations with KCC staff geologist Jerry Knobel it had become clear that “problems with concrete requirements and related remedies for the many old wells that the lease area contained would make this project cost prohibitive, and that Knobel has also indicated that the KCC would not approve the application even as amended, so he was just going to withdraw this application, and we should just be done with this phone call.” Wright and Marshall then briefly discussed what Mr. Marshall needed to provide in writing to KCC in order to withdraw his application and the call was ended.

5) Since no withdrawal of application notice had been received by either Protestant by the end of August, 2018, Protestant Royd-Sykes contacted Lauren Wright on to see if Staff had received such withdrawal paperwork. Wright stated that Staff had not received any withdrawal paperwork from Mr. Marshall either. Royd-Sykes asked how long this matter would be allowed to hang out unresolved and Wright stated she would “give Mr. Marshall another couple of weeks.” (By the calendar, this would bring the extended date to about September 14, 2018.) Royd-Sykes ended the call by stating that the Protestants would be filing motions to deny the application and close the docket if the additional two weeks passed without receiving the required application withdrawal paperwork from Mr. Marshall.

6) On Sept. 14, 2018, Protestant Copp checked the KCC docket filings for this matter and found no withdrawal of application on file from Mr. Marshall or Marshall Oil LLC., and Protestant Royd-Sykes called and left a phone message with Staff member Wright stating that the required application withdrawal paperwork from Mr. Marshall was not listed on the KCC docket filings, nor had anything been received by either Protestant. Royd-Sykes also let Wright know that motions to deny the application and close the docket would be filed today (September 14, 2018).

7) Therefore, Protestant Copp respectfully prays that, on the grounds stated in the narrative above, the Commission will immediately remedy this unresolved matter by denying this application by Mr. Bryan Marshall on behalf of Marshall Oil LLC. for a Permit to Authorize the Injection of Saltwater into the Douglas formation at the Teter-Spencer No. 2A well located in NW/4 of Section 22, Township 23S, Range 9E, Greenwood County, Ks, and close this docket.

**Bryan Marshall**

PO Box 389  
Eureka, Kansas 67045  
620-750-0058

23rd May 2018

Dear Daniel & Susan,

It was nice meeting you folks Monday. I wasn't sure whether or not I should stop and visit with you in person or just let this whole issue with our disposal permit play out. I've always been a person to go direct and solve any difference that I may have with someone and generally it works out for both parties. As I stated Monday it is quite important for us to be able to amend our disposal well from the Bartlesville to the Douglas water formation. By disposing in the Douglas we can lower our pumping pressure over what we are currently pumping now. Our pressure right now is around 600-700 PSI and I hope to drop it to under 300 PSI by going into the Douglas zone. The lower the pressure the less chance for water break outs. I told you that I would amend our current permit from 1500 barrels per day down to 400 barrels per day and a maximum operating pressure of 400 PSI. I want you to know that I truly appreciate your concern for keeping our land free of any contamination from the production of oil and gas. I also mentioned that I grew up just 3 miles south of Teterville. My brothers and sisters went to school on top of Teterhill and I too have a deep appreciation for this unique area. If you can help me on the matter I would greatly appreciate it.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Marshall".

Bryan Marshall

**CERTIFICATE OF SERVICE**

Docket No. 18-CONS-3385-CUIC

I, the undersigned, certify that the true copy of the attached MOTION TO DENY THE APPLICATION AND CLOSE THE DOCKET has been served to the following parties by means of electronic mail to KCC Staff Lauren Wright with hard copy following by US Mail, by US Mail to Mr. Bryan Marshall/Marshall Oil LLC. with hand delivery of hard copy to Protestant Susan Royd-Sykes on this day of September 14, 2018.

Lauren Wright  
Kansas Corporation Commission  
Conservation Division  
266 N. Main Street, Ste. 220  
Wichita, KS 67202-1513

Bryan Marshall/Marshall Oil LLC.  
PO Box 389  
Eureka, KS 67045

Susan Royd-Sykes  
504 S. 6<sup>th</sup> St.  
Burlington, KS 66839

Daniel Copp  
Daniel Copp