

STATE OF NEBRASKA DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR A PERMIT TO TRANSFER GROUND WATER TO ADJOINING STATE

INSTRUCTIONS Department of Natural Resources

This form must be completed in full. An incomplete or defective form will be returned. Failure to resubmit a corrected application within the time limit specified will cause dismissal of the application. Complete items 1-8 by printing in ink or typing the appropriate information. The following information is also required (see Department Rules, Title 456, Chapter 6 for requirements):

1. A map submitted on 8 1/2" x 11" paper or paper folded to such a size showing the location of the well(s); the pipeline(s) or other means of transporting water; the location of use.
2. Information on the possible negative effects of the proposed withdrawal on ground water and surface water supplies in the area. *see reverse side #4*

A non-refundable filing fee of \$10 (payable to the Department of Natural Resources) must accompany this application. Forward this application, fee and map to: Department of Natural Resources, P.O. Box 94676, Lincoln, Nebraska 68509-4676. The telephone number is (402) 471-2363.

Filed at 8:15 X.M./p.m. on
February 5, 2007

Application No. TA- 39

Natural Resources District South Platte

Receipt No. G-104 Amount 10.00

1. Name of applicant: DAVID WIESE R Telephone Number (708) 819-4270
Address 7776 RD 8
City POTTER State NE Zip Code 69156 + 6612

2. If applicable: Well Registration Number(s) 801722, A007534
Management or Control Area Permit/Number(s) _____

3. Identify the location and capacity of well(s):

SE 1/4 of the 31 1/4 of Section	Township <u>12</u> North, Range <u>53</u> E	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CHEYENNE</u> County, <u>1000</u> gpm
<u>NW 1/4 of the 2 1/4 of Section</u>	Township <u>12</u> North, Range <u>53</u> E	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CHEYENNE</u> County, <u>1000</u> gpm
____ 1/4 of the ____ 1/4 of Section	Township ____ North, Range ____ E	<input type="checkbox"/>	<input type="checkbox"/>	____ County, ____ gpm
____ 1/4 of the ____ 1/4 of Section	Township ____ North, Range ____ E	<input type="checkbox"/>	<input type="checkbox"/>	____ County, ____ gpm
____ 1/4 of the ____ 1/4 of Section	Township ____ North, Range ____ E	<input type="checkbox"/>	<input type="checkbox"/>	____ County, ____ gpm

4. Identify the location of use:
T 11 N R 54 W SECTION 22, 9500 CR 78
PEETZ CO 80747
PEETZ TABLE WIND FARM

5. Maximum annual quantity of ground water requested for use in adjoining state: 40 acre-feet per annum

6. Maximum daily withdrawal requested: 40,000 gallons per day

(over)

*copy showing correction
3/19/07*

app(c)

7. Ground water is proposed to be used for: Irrigation Public Water Supply Commercial/Industrial
 Domestic Livestock

Other (explain) CONSTRUCTION of ROADS & WIND TURBINE FOUNDATIONS

8. Projected date water will first be pumped or date water was first pumped DECEMBER 01-2006

9. State all alternative sources of water that are available and why applicant chooses not to use them:

Refer to the letter.

① TOWN of PEETZ Colorado

- limited supply available (MAJOR)
- greater distance to project (MINOR)

② No surface water options Available nearby

③ Existing well Already set up with overhead Discharge & DRIVEWAY. Also, only 3 miles to project location.

④ ~~Possible to DRILL DOWN wells AND have limited water for SUMMER Irrigation~~

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

Dave Thies
Signature of Applicant

1-31-07
Date

Dear Tracy Zayac,

This letter is in regards to the request for additional information of the application for David Wieser. Upon receiving your letter, we have made the following changes and/or added additional information to the two subsequent permits; transfer water to an adjoining state (TA-39) and industrial ground water permit (I-16).

The projects projected duration will be from November 2006 through October 2007. Our main usage of the water will be the following; achieve compaction on jobsite gravel roads, dust control on both county roads and jobsite roads, water for concrete mix in foundations, and for reseeding.

The wind project will provide great economic advantages for the Sidney, Nebraska community. The wind project has 300-350 employees at the peak of construction and approximately 35% of the workforce is not local and will stay throughout the 11 month duration. These employees will be occupying hotels, apartment, and rental houses, as well as consuming goods and services provided by the Sidney community. This should have an extremely positive effect on the short-term economic growth of the area. The local community also provides materials and equipment either for rental and/or sale to the project. As for long term, the wind project hires 20-25 individuals for operations and maintenance of the wind project for years to come. The long term hiring plan is in the owner's scope of work and not associated with the construction side, which is under the general contractor using the water source. Therefore any information on the owner's hiring practice is unavailable at this time.

The current water use is for agricultural land, growing local products such as corn and millet. Crop prices are currently \$3.88 per CWT (100 weight) of corn and \$4.25 per CWT (100 weight of millet. Proposed industrial use will supply water for the construction of the wind farm, which in effect will generate more dollars when compared to agricultural use only.

The well is most likely constructed in the Brule Formation. Because the Brule Formation dominantly consists of fine-grained material, it can only be considered an aquifer where fracture zones occur in the formation. The fracture zones are irregularly distributed and are not present as a continuous unit within the Brule. As such, the saturated thickness of the Brule Aquifer is difficult to describe since there is no effective aquifer without fracture zones, and the distribution of fracture zones is not well known at this time. There is an observation well located less than two thousand feet from the (A-007534) well, which has water levels dating back to the spring of 1979. In the spring of 79' the water level was 62.16 feet below ground, when measured in the fall of 06' the water was 68.16 feet below ground. In 28 years the level has dropped a total of 6 feet, with the water table dropping an average of 3-4 feet per year, however, when considering the water levels listed above it recharges in the winter quickly. The saturated thickness is difficult to define being that the underlying layer is fractured clay rather than sand or gravel which allows water to flow easily. The distribution of fracture zones is not well known at the current time. The well which is currently set up for overhead discharge, the well (A-007534) pumps at a rate of 1200 g/p/m which defines its actual capacity.

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DEPARTMENT OF
NATURAL RESOURCES

The effects this will have on normal summer irrigation are minimal. Retiring the 34.2 acres will allow me to use the water normally used for agriculture, to be used for industrial. I will retire 34.2 acres of crop land in accordance with average net corn crop irrigation requirement equation. I will do this in accordance of the South Platte Board of Directors and the Natural Resource Department, to determine the most appropriate land to comparatively retire production on. We will work together to GPS the land to set aside and also monitor throughout the year. The retired crop acres will remain throughout the 2007 calendar year. Attached is a map designating the retired area suggested prior to the actual GPS being performed.

This information was provided by Steve Sibray the Research Hydro-geologist with the UNL Panhandle Research and Center in Scottsbluff, NE. It would be impossible to determine exactly when the impacts of a water transfer from a Brule well would occur without a detailed site specific study. As you know, the response to pumping in an interconnected fracture zone like the area studied by Barrash and I, a new equilibrium could be established very quickly. On the other hand, if the Brule well is located in an isolated sand or gravel channel not connected to the main fracture zone, or even in an isolated fracture, a new equilibrium may take a considerable amount of time to be established. The hydraulic conductivity of non-fractured Brule is very low [1×10^{-6} to as low as 1×10^{-8} m/s] while the fractured zone hydraulic conductivity is extremely high [1×10^{-2} to as high as 8×10^{-2} m/s]. In this type of situation, the most important factor is to consider is consumptive use. As long as the consumptive use does not change or errors on the side of caution, I would not anticipate any adverse impacts on other operators. Timing of the consumptive use in this case should not be an issue because there are no surface water rights that will be impacted in a reasonable amount of time.

The existing well A-007534 is currently equipped with a pivot meter to easily monitor usage. The well is set up with an overhead discharge as well as a pre existing driveway for easy access. In addition, the well is located 6 miles (as shown on map) from the center point of the wind project. Access, availability, and capacity will be of major convenience for both the wind farm and I. The well will have additional meters installed on the main discharge pipe to monitor the wind farm usage, along with the total usage.

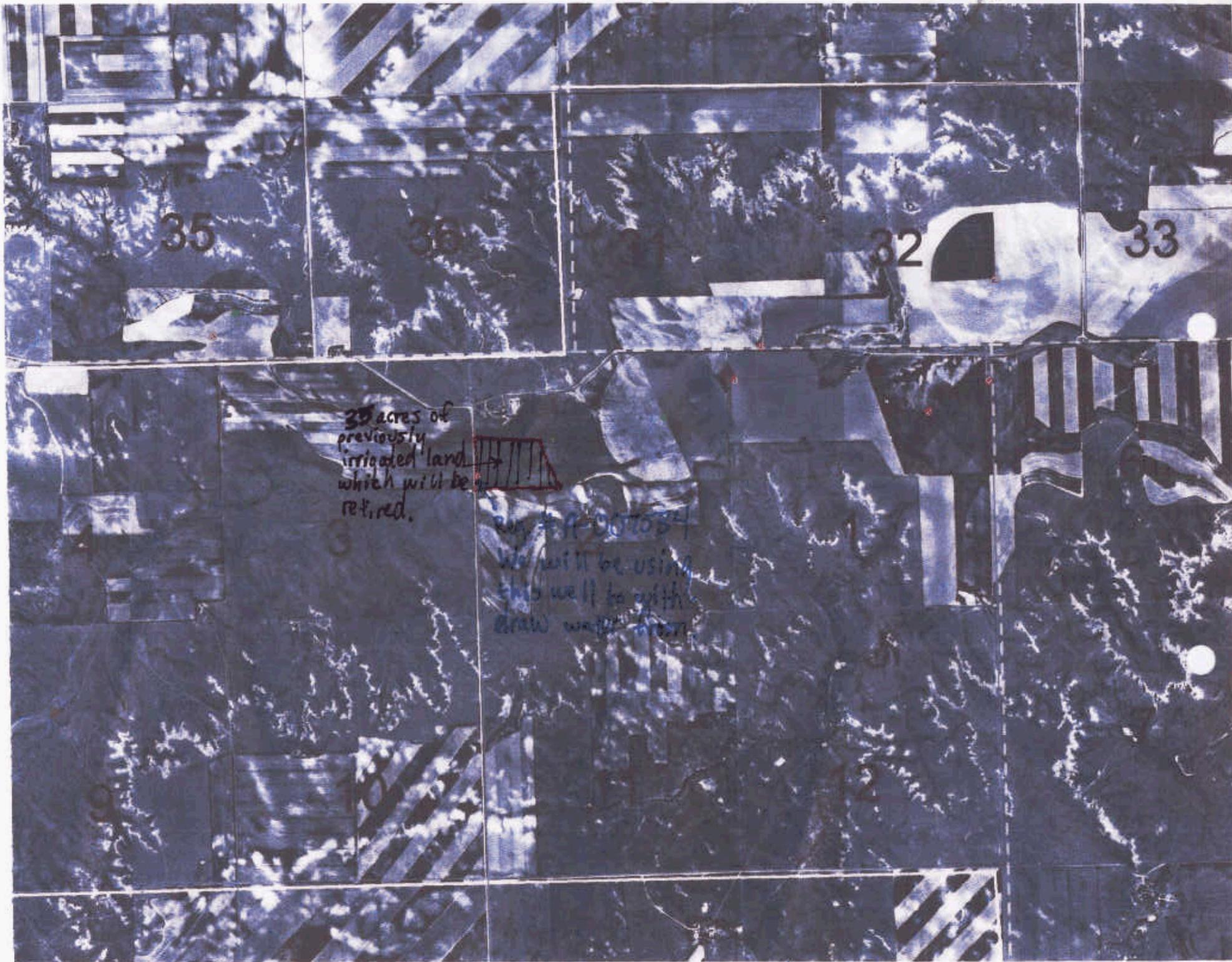
The appropriate maps are attached describing the location where water will be extracted from the well and also where the water will be transported to for usage. We will have dual axle water trucks (3-4 trucks) which will each carry roughly 3700 gallons per load. They will transport the water south, crossing into Colorado on CR 25 and begin dispersing the water from there.

With regard to the current available options for surface water, there is currently no available surface water located on the project or within a reasonable distance (20 miles). The town of Peetz, CO has also been able to provide water, but due to the fact that this is a shared well in the town, availability is limited. We have currently been taking about 26,000 gallons a day from the town of Peetz for our foundation operation through our batch plant. We will continue to use the town of Peetz as a viable source for this purpose as well as the well listed above.

Sincerely,

David Weiser
Landowner & Well-owner

Derek Brown
Field Engineer
D.H. Blattner & Sons Inc.



35

36

32

33

35 acres of
previously
irrigated land
which will be
retired.

Well # 1-007054

We will be using
this well to
draw water from

WELL 3 LAND RETIREMENT LOCATION

