

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19675

WATER DIVISION 1-A

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in the Platte River Basin upstream of the confluence with the Loup River near Columbus, Nebraska. The moratorium included all tributary streams above the Loup River confluence including the North and South Platte Rivers and tributaries. Subsequently, integrated water management plans have continued the moratorium on issuing new surface water appropriations.
2. On September 25, 2019, Dustin Wyer, on behalf of Val Energy, Inc., filed in the Department petition VAR-7584 for leave to file an application for a permit to appropriate water. The petition requested leave to file an application for a temporary permit to appropriate less than 2 acre-feet of water for the purpose of construction.
3. On September 25, 2019, the Department granted petition VAR-7584 for leave to file an application for a permit to appropriate.
4. On September 27, 2019, Dustin Wyer, on behalf of Val Energy, Inc., filed in the Department of Natural Resources (Department) application A-19675 for a temporary permit to appropriate water for the purpose of construction.
5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19675 is APPROVED subject to the following limitations and conditions:

1. The source of water is Sheep Creek.
2. The water shall be used for the purpose of construction in the process of oil exploration.
3. The priority date is September 27, 2019.
4. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 24 North, Range 58 West of the 6th P.M. in Sioux County. Water diverted shall not exceed the rate of 50 gallons per minute and the total amount of water diverted shall not exceed 600,000 gallons (approximately 2.0 acre-feet).
5. A-19675 EXPIRES one year from the date of this Order and will be cancelled without further action by the Department as of that date.

6. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
- A. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - B. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

September 27, 2019


Gordon W. Fassett, P.E., Director

A copy of this approval was posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. A copy of this approval was mailed on September 27, 2019, to the following:

Dustin Wyer
Val Energy, Inc.
125 North Market Ste 1110
Wichita, Kansas 67202