

BEFORE THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION

IN THE MATTER OF THE APPLICATION OF THE NEBRASKA)
OIL AND GAS CONSERVATION COMMISSION, ON ITS OWN) CASE NO. 82-7
MOTION, FOR AN ORDER EXEMPTING A PORTION OF THE)
DAKOTA FORMATION OF CRETACEOUS AGE FROM THE) ORDER NO. R-581
PROVISIONS OF THE UNDERGROUND INJECTION CONTROL)
PROGRAM IN ACCORDANCE WITH PART 146.04.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at ten a.m., April 27, 1982, at Sidney, Nebraska, before the Nebraska Oil and Gas Conservation Commission, hereinafter referred to as the "Commission."

NOW, on this 27th day of April, 1982, the Commission, a quorum being present, having considered the application, the evidence adduced, the recommendation of the Commission staff, and being fully advised in the premises,

FINDS:

1. That the notice of the application and the time and place of hearing was given in all respects as required by law and the rules of the Commission, and the Commission has jurisdiction of this cause and of all persons interested therein and is authorized by law to enter this Order.

2. That the subject matter of the application is the exemption of the Dakota Formation underlying the following named counties in the state of Nebraska from the provisions of the Underground Injection Control Program applicable to Class II wells in accordance with Part 146.04:

Banner; Cheyenne; Deuel; Dundy; Frontier; Furnas; Garden;
Harlan; Hitchcock; Kimball; Lincoln; Morrill; Red Willow;
and Scotts Bluff

3. That under the provisions of the Safe Drinking Water Act, the Underground Injection Control Program prohibits the injection of fluids into any formation meeting the criteria of an aquifer containing fresh water unless exempted.

4. That fresh water means a source of water which may be used for drinking water purposes, or water contained in an aquifer which contains less than 10,000 parts per million total dissolved solids, unless the aquifer is exempted by the Director.

5. That a portion of the Dakota Formation of Cretaceous Age underlying the state of Nebraska contains fresh water, but meets other criteria for exemption as a source of drinking water.

6. That a major portion of the Dakota Formation underlying western Nebraska contains water which contains less than 10,000 parts per million total dissolved solids.

7. That unless that portion of the Dakota Formation that is now productive of oil and/or gas, or has the potential to become productive, is exempted, no fluids may be injected for enhanced recovery purposes or for disposal of produced fluids from the same formation.

8. That the Dakota Formation underlying the previously named counties in the state of Nebraska should be found exempt pursuant to Part 146.04.

IT IS THEREFORE ORDERED:

1. That the application of the Nebraska Oil and Gas Conservation Commission, on its own motion, for an Order exempting a portion of the Dakota Formation of Cretaceous Age from the provisions of the Underground Injection Control Program applicable to Class II wells in accordance with Part 146.04, should be, and the same is hereby approved.

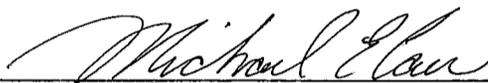
2. That the effective date of this Order shall be April 27, 1982.

DONE, at Sidney, Nebraska, on the day and year hereinabove designated.

STATE OF NEBRASKA
OIL AND GAS CONSERVATION COMMISSION



Reed Gilmore, Commissioner



Michael E. Carr, Commissioner



Guy F. Bush, Commissioner

BEFORE THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
THE NEBRASKA OIL AND GAS CONSERVATION)
COMMISSION, ON ITS OWN MOTION, FOR AN)
ORDER EXEMPTING A PORTION OF THE HUNTON)
FORMATION OF DEVONIAN-SILURIAN AGE FROM)
THE PROVISIONS OF THE UNDERGROUND)
INJECTION CONTROL PROGRAM IN ACCORDANCE)
WITH PART 146.04.)

CASE NO. 89-4

ORDER NO. R-680

EXAMINER ORDER

BY THE EXAMINER:

This cause came on for hearing at ten a.m., November 16, 1989, at Falls City, Nebraska, before a duly authorized Hearing Examiner for the Nebraska Oil and Gas Conservation Commission, hereinafter referred to as the "Commission."

NOW, on this 16th day of November, 1989, the undersigned, a duly authorized Hearing Examiner for the Commission, having considered the application, the testimony presented, the recommendation of the Commission staff, and being fully advised in the premises,

FINDS:

1. That the notice of the application and the time and place of hearing was given in all respects as required by law and the rules and regulations of the Commission, and the Commission has jurisdiction of this cause and of all persons interested therein and is authorized by law to enter this Order.

2. That the subject matter of the application is the exemption of the Hunton Formation underlying the following-described lands in Richardson County, Nebraska, from the provisions of the Underground Injection Control Program applicable to Class II wells in accordance with part 146.04:

T. 1 N., R. 14 E.

Sections: All

T. 1 N., R. 16 E.

Sections: All

T. 2 N., R. 14 E.

Sections: All

T. 2 N., R. 15 E.

Sections: 1, 2

T. 2 N., R. 16 E.

Sections: All except the Sac
and Fox Indian Reservation
located in Section 3

T. 3 N., R. 15 E.

Sections: 1, 2, 11, 12,
13, 14, 23, 24,
25, 26, 35, 36

T. 3 N., R. 16 E.

Sections: All

3. That under the provisions of the Safe Drinking Water Act, the Underground Injection Control Program prohibits the injection of fluids into any formation meeting the criteria of an aquifer containing fresh water unless exempted.

4. That fresh water means a source of water which may be used for drinking water purposes, or water contained in an aquifer which contains less than 10,000 parts per million total dissolved solids, unless the aquifer is exempted.

5. That the Hunton Formation of Devonian-Silurian age underlying Richardson County, Nebraska, contains fresh water, but meets other criteria for exemption as a source of drinking water.

6. That the Hunton Formation underlying Richardson County, Nebraska, contains water that has a total dissolved solids level above 3,000 parts per million and is not now serving as an underground source of drinking water.

7. That the Hunton Formation underlying Richardson County, Nebraska, is not reasonably expected to serve as an underground source of drinking water in the future.

8. That unless that portion of the Hunton Formation that is now productive of oil, or has the potential to become productive, is exempted, no fluids may be injected for enhanced recovery purposes or for disposal of water produced with oil.

9. That the Hunton Formation underlying the previously-described lands in the State of Nebraska, should be found exempt pursuant to Part 146.04.

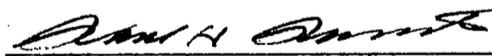
IT IS THEREFORE ORDERED:

1. That the application of the Nebraska Oil and Gas Conservation Commission, on its own motion, for an Order exempting a portion of the Hunton Formation of Devonian-Silurian age from the provisions of the Underground Injection Control Program applicable to Class II wells in accordance with Part 146.04, should be, and the same is hereby approved.

2. That the effective date of this Order shall be November 16, 1989.

DONE, at Falls City, Nebraska, on the day and year hereinabove designated.

STATE OF NEBRASKA
OIL AND GAS CONSERVATION COMMISSION


Paul H. Roberts, Hearing Examiner