

Permit Number - ND2017-18353

**State of North Dakota
Temporary Water Permit
SWC Project No. 1400A**

In response to an application for a temporary water permit dated Sep 5, 2017 as received in this office Sep 5, 2017, authority is hereby granted to:

Wylie Bice
1039 115th Ave

Killdeer, ND 58640

Contact Person: Wylie Bice

Telephone: (701) 863-6575

A Temporary Water Permit as follows:

Source: Little Missouri River

Point of Diversion: SE1/4 Sec. 33 Twp. 148 Rng. 097

Nature of Use: Industrial - Water Depot

Total Quantity of Water: 200.0 Acre-Feet

Maximum Withdrawal Rate: 1,000.0 gpm

Period of authorized usage: Feb 1, 2018 through Nov 30, 2018

Temporary Water Permits are limited to less than twelve months by law (North Dakota Century Code 61-04-02.1).

**WATER METERS AND TELEMETRY ARE REQUIRED ON THIS TEMPORARY WATER PERMIT.
SEE CONDITIONS FOR SPECIFIC INFORMATION.**

Conditions

- 1. This permit is subject to cancellation or curtailment if it is deemed to significantly impact the free-flowing natural state of the Little Missouri River.**
- 2. From the start date of this permit, Winter Protocols shall be followed until released.**
- 3. After release from Winter Protocols, a minimum flow of 30 cubic feet per second (cfs) must be reported at U.S. Geological Survey gauging station No. 06337000, Little Missouri River near Watford City, ND**

Dated: Jan 24, 2018

Garland Erbele, P.E.
State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505

cc: Dunn WRD

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at all times when water is being withdrawn from the river under this Temporary Water Permit. The permit holder may not withdraw any water from the river at times when the flow in the Little Missouri River, at the above referenced gauge, is less than 30 cfs. The permit holder shall check the flow in the river before starting to pump and shall monitor the flow in the river while pumping. This gauge can be accessed via the Internet at https://waterdata.usgs.gov/nd/nwis/uv?site_no=06337000. This condition is subject to modification by the State Engineer.

4. This temporary water permit is granted subject to use from the source by senior appropriators. Permission for access to the source must be obtained from all affected landowners. Failure to comply with any order of the State Engineer may result in forfeiture of this permit. The granting of a temporary water permit does not create a water right. Temporary water permits are not transferrable. Temporary water permits cannot be modified.
5. The permit holder is hereby notified that development of an industrial project with only a temporary permit is completely at his or her own risk.
6. The permit holder is hereby notified that failure to complete development of this industrial project and become operational within four (4) months may result in the cancellation of this temporary water permit.
7. If the proposed withdrawal is directly from the main stem or within 100 feet of the confluence with the main stem of the Little Missouri River, the following conditions shall apply:
 - A. Precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
 - B. The shorelines in and around intake locations shall be kept free of construction debris and litter.
 - C. Pumps and motors shall be sheltered from view for those wishing to travel along the waterway.
 - D. Pumps and motors shall be set back from the shoreline sufficient distance to ensure any fluids or oils that may leak from these will be contained before they have a chance to enter the stream. Portable containment for pump and motor fluid leakage may be required upon order of the State Engineer.
 - E. Internal combustion motors shall be muffled to maintain the tranquility and ambiance, and to minimize audible disruption of the scenic river experience.
8. This temporary water permit is issued subject to water use from the source by senior appropriators.
9. Withdrawals shall cease upon the order of the State Engineer.

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10. This temporary water permit does not authorize the construction of any type of dam or crossing on the Little Missouri or its tributaries.
11. Prior to the beneficial use of water an automatic backflow prevention device (check valve) shall be installed in the above ground portion of the pipeline near the pump discharge. The injection of chemicals into the pipeline shall be downstream from the check valve. Other automatic backflow devices and the placement of those devices may be utilized upon approval of the State Engineer.
12. Prior to the beneficial use of water under this permit, an in-line, continuous recording totalizing flow meter shall be installed on the pump discharge line to measure the quantity of water pumped from the water source. The water flow meter must meet the following requirements:
 - A. The water flow meter must be certified by the manufacturer to record neither less than 98 percent nor greater than 102 percent of the actual volume of water passing the meter when installed according to the manufacturer's instructions.
 - B. The water flow meter must have a display that is readable at all times, whether the system is operating or not.
 - C. The water flow meter must have a totalizer that meets the following criteria:
 - a. Is continuously updated to read directly only in acre-feet, acre-inches, gallons, cubic feet, or barrels (42 US gallons);
 - b. Has sufficient capacity without recycling past zero more than once each year to record the quantity of water diverted in any one calendar year;
 - c. Has a dial or counter that can be timed with a stopwatch over not more than a 10-minute period to accurately determine the rate of flow under normal operating conditions; and
 - d. Has a nonvolatile memory if the meter is equipped with an electronic totalizer.
 - D. The water flow meter must be installed according to the manufacturer's specifications and must be properly maintained according to manufacturer's recommendations including proper winterization such as removal during the winter.
 - E. The water flow meter shall be available for inspection by representatives of the State Engineer.
13. Prior to the withdrawal of water from the authorized source, real-time monitoring devices shall be installed that abide by the following specifications:
 - A. Electronic delivery of meter readings to the North Dakota State Water Commission Water-Use database, at least once per day. This shall occur each day whether or not pumping has occurred until pumping equipment is removed from this authorized point of diversion.

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- B. The electronic delivery of real-time data shall be through a SOAP (Simple Object Access Protocol) service. The SOAP service specifications are listed on the North Dakota State Water Commission website at: <http://www.swc.nd.gov/SWCTelemetrySOAPSpec.html>.
- C. Written notification must be given to the Office of the State Engineer three days prior to the removal of the pumping equipment from the authorized point of diversion and monitoring will no longer required. Electronic mail (e-mail) notification will satisfy this requirement.
14. The proper credentials for your telemetry to deliver water-use data from your water meter directly to the State Engineer's Water-Use Database is listed below. These credentials must be submitted to your telemetry vendor and the communications between your meter and the Division's database must be completed prior to the withdrawal of water. The login and password can be obtained by contacting the Water Resource Program Administrator at (701) 328-2754 or depotreporting@nd.gov.
- A. Depot number: **1269**
 - B. Depot name: **Bice, Wylie Depot**
 - C. Meter Station: **1781**
 - D. Depot Location: **14809733D**
 - E. Permit number: **ND2017-18353**
 - F. Depot login:
 - G. Password:
15. This temporary water permit will also be classed as a water depot, specifically number 1269, and is subject to inspection at any time by personnel of the State Engineers Office or the State Water Commission. Any refusal to allow inspection shall be grounds for immediate termination of the temporary water permit.
16. Holders of Temporary Water Permits with Industrial Use must complete the Annual Water Use Report for each calendar year that the Temporary Water Permit is authorized. Annual Water Use Reports for Industrial Use Temporary Water Permits are due in the State Engineer's Office within 30 days of the close of the calendar year or within 30 days of the close of the authorized period of the Temporary Water Permit, even if no water was used. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

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17. Holders of Temporary Water Permits with Industrial Use must complete the enclosed Monthly Water Meter Readings Report for the initial four(4) months that the Temporary Water Permit is authorized. The Monthly Water Meter Readings Report must be submitted even if water has not been withdrawn during the reporting month. Monthly Water Meter Readings Reports are used to determine that the applicant's telemetry are properly configured. Monthly Water Meter Readings Reports due in the State Engineer's Office on or before the 10th day of the month. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

18. A weatherproof copy of this Temporary Water Permit must be attached the equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission. A copy of this Temporary Water Permit must be posted in a conspicuous place at each loading point or transfer pump where water under this permit is provided.

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