

SAMPLE CONDITIONS – INDUSTRIAL WATER USE

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.

This temporary water permit is issued subject to water use from the source by senior appropriators.

An amount of water sufficient to provide water for livestock downstream must be allowed to flow past the point of diversion at all times when water is being withdrawn under this temporary water permit.

Withdrawals shall cease upon the order of the State Engineer.

The State Engineer may impose restrictions pertaining to a minimum flow in the [water source].

Pumping rate shall not exceed natural flow rates.

This temporary water permit does not authorize the construction of any type of dam or crossing on [water source].

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.

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.

Prior to the withdrawal of water from the authorized source, real-time monitoring devices shall be installed that abide by the following specifications:

1. 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.
2. 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>.
3. 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.

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:
- b. Depot name:
- c. Meter Station:
- d. Depot Location:
- e. Permit number:
- f. Depot login:
- g. Password:

This temporary water permit will also be classed as a water depot, specifically number _____, 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.

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. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

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 is 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.

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.

SAMPLE CONDITIONS – IRRIGATION

The permit holder must notify the State Engineers Office of the acreage to be irrigated under this Temporary Water Permit.

The permit holder is hereby notified that development of an irrigation project with only a temporary permit is completely at his or her own risk.

This temporary water permit is issued subject to water use from the source by senior appropriators.

The State Engineer may impose restrictions pertaining to a minimum flow in the [water source].

Pumping rate shall not exceed natural flow rates.

This temporary water permit does not authorize the construction of any type of dam or crossing on [water source].

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

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.

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.

Holders of Temporary Water Permits with Irrigation Use must complete the Annual Water Use Report for each calendar year that the Temporary Water Permit is authorized. Annual Water Use Reports for Irrigation 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. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

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.

SAMPLE CONDITIONS – PIPELINE CONSTRUCTION

This temporary water permit is issued subject to water use from the source by senior appropriators.

Permit Holder must contact the North Dakota Department of Health at 701.328.5210 to complete and file NPDES Short Form C prior to discharging waters back into the waters of the state.

An amount of water sufficient to provide water for livestock downstream must be allowed to flow past the point of diversion at all times when water is being withdrawn under this temporary water permit.

The State Engineer may impose restrictions pertaining to a minimum flow in the [water source].

Pumping rate shall not exceed natural flow rates.

This temporary water permit does not authorize the construction of any type of dam or crossing on the [water source].

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

The amount of water withdrawn daily from this source under this temporary water permit must be provided to the State Engineers Office on a weekly basis from the date of issue through the termination date of this Temporary Water Permit. This includes all weeks that water is not withdrawn or weeks that the project is shut down for any reason. The weekly summary of the date and the amount of water withdrawn can either be faxed to 701.328.3696 or e-mailed to [e-mail] once every week.

A weatherproof copy of this Temporary Water Permit must be attached to equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission.

This temporary water permit is subject to the installation of real-time monitoring (telemetry) at the expense of the permit holder upon notification from the State Engineer.

SAMPLE CONDITIONS – ROAD CONSTRUCTION

This temporary water permit is issued subject to water use from the source by senior appropriators.

An amount of water sufficient to provide water for livestock downstream must be allowed to flow past the point of diversion at all times when water is being withdrawn under this Temporary Water Permit.

The State Engineer may impose restrictions pertaining to a minimum flow in the [water source].

Pumping rate shall not exceed natural flow rates.

This temporary water permit does not authorize the construction of any type of dam or crossing on [water source].

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

The amount of water withdrawn daily from this source under this temporary water permit must be provided to the State Engineers Office on a weekly basis from the date of issue through the termination date of this Temporary Water Permit. This includes all weeks that water is not withdrawn or weeks that the project is shut down for any reason. The weekly summary of the date and the amount of water withdrawn can either be faxed to 701.328.3696 or e-mailed to [hydrologist manager] once every week.

The use of the water authorized by this Temporary Water Permit shall be limited to road construction efforts associated with [sponsoring agency] Project [project number], [PCN]. All other uses are unauthorized and can result in the forfeiture of this temporary water permit.

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.

This temporary water permit will be subject to the installation of real-time monitoring (telemetry) at the expense of the permit holder upon notification from the State Engineer.