STATE OF NORTH DAKOTA

OFFICE OF THE STATE ENGINEER

IN THE MATTER OF:	)	
	)	ADMINISTRATIVE ORDER
Appeal of Drain Permit #3863	)	NO. 12-14
North Dakota State Water Commission	)	

The evidence in the record of this matter has been considered and appraised. IT IS ORDERED that the analysis and recommendation contained in the July 19, 2012, Interoffice Memorandum are adopted as the State Engineer's findings and conclusions on the matter. IT IS FURTHER ORDERED that the issuance of Drain Permit #3863 to the North Dakota State Water Commission is affirmed, and that the following conditions shall be attached to Drain Permit #3863:

1. This permit authorizes the permit holder to drain water from Devils Lake at a rate not to exceed 350 cfs. Expansion of the project's capacity would require a new permit.

2. The State Engineer reserves the right to order modifications to the project if the State Engineer determines that modifications are required.

3. Drainage is only authorized when the level of Devils Lake is above 1445.0 feet (NGVD 29).

4. The Permittee shall implement the Devils Lake Outlet Mitigation Plan for the duration of the project. The State Engineer must approve any modification of the Devils Lake Outlet Mitigation Plan.

5. The Permittee shall continue monitoring erosion on the Sheyenne River and include monitoring of erosion in the Tolna Coulee from the discharge point of the Devils Lake East End Outlet downstream to the confluence with the Sheyenne River for the duration of the project.

Dated at Bismarck, North Dakota this 20th day of July, 2012.

STATE OF NORTH DAKOTA

BY: Todd Sando

Todd Sando, P.E.
State Engineer