

Permit Number - ND2022-21067

**State of North Dakota
Temporary Water Permit**

In response to an application for a temporary water permit dated 5/12/22 as received in this office 5/12/22, authority is hereby granted to:

Highline Water, LLC
5746 Freedom Lane
Williston, ND 58801

Contact Person: Landon Eskew

Telephone: (970) 370-1798

A Temporary Water Permit as follows:

Source: Cottonwood Lake

Point of Diversion: SE1/4 SE1/4 Sec. 07 Twp. 157 Rng. 092

Nature of Use: Industrial - Water Depot

Total Quantity of Water: 250.000 Acre-Feet

Maximum Withdrawal Rate: 3,500.0 gpm

Period of authorized usage: 5/23/22 through 4/30/23

This temporary water permit does not authorize the construction of any dam or crossing. Future water use from this source for this purpose may require a conditional water permit. Temporary water permits are not a water right, are non-transferrable, cannot be modified, and water must only be used for the specified nature of use. This temporary water permit is granted subject to water use by senior appropriators. Withdrawals authorized by this temporary water permit must cease upon order of the Department of Water Resources. Noncompliance with permit conditions may result in possible civil or criminal penalties. Development of a water project with a temporary water permit is at the permitholder's risk. Due to the public interest in endangered species and critical habitat, the permit holder must contact the US Fish and Wildlife Services - Ecological Services Office at (701) 355-8512 prior to pumping or removing water from the point of diversion.


Conditions

1. Failure to complete the development of this industrial project and become operational within four (4) months may result in temporary water permit cancellation.

Dated: 5/19/22

cc: Mountrail WRD

John A. Paczkowski, P.E.
State Engineer
ND Department of Water Resources
900 East Boulevard
Bismarck, ND 58505



Christopher D. Bader
Director, Water Appropriations Division

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2. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water and the industrial depot at all times.
3. An in-line, continuous recording, totalizing water flow meter must be installed on the pump discharge line to measure the water quantity pumped from the water source. The water flow meter must:
 - a. Be certified by the manufacturer to record between 98 to 102 percent of the actual water volume passing the water flow meter when installed according to the manufacturer's instructions.
 - b. Have a display that is readable at all times, whether the system is operating or not.
 - c. Have a totalizer that meets the following criteria:
 - i. Is continuously updated to read directly only in acre-feet, acre-inches, gallons, cubic feet, or barrels (42 U.S. gallons),
 - ii. Has sufficient capacity, without cycling past zero more than once each year, to record the water quantity diverted in any one calendar year,
 - iii. Has a dial or counter that can be timed with a stopwatch over not more than a 10-minute period to accurately determine the flow rate under normal operating conditions, and
 - iv. Has a nonvolatile memory if the meter is equipped with an electronic totalizer.
 - d. Be installed according to manufacturer's specifications and must be properly maintained according to manufacturer's recommendations including proper winterization such as removal during the winter.
 - e. Be available for inspection by the Department of Water Resources.
4. Prior to the withdrawal of water from the authorized source, real-time monitoring devices must be installed that comply with the following specifications:
 - a. Electronic delivery of water flow meter readings to the Office of the Department of Water Resources' Water-Use Database, at least once per day. This must occur each day whether or not pumping has occurred until pumping equipment is removed from the authorized point of diversion.
 - b. The electronic delivery of real-time data must be through a Simple Object Access Protocol (SOAP) service. The SOAP service and telemetry specifications/requirements are listed on the North Dakota Department of Water Resources website at: http://www.dwr.nd.gov/pdfs/telemetry_requirements.pdf
 - c. Written notification and a final water flow meter reading must be given to the Office of the State Engineer within three (3) days of the removal of the pumping equipment from the authorized point of diversion. Electronic mail (e-mail) notification will satisfy this requirement.
5. The proper telemetry credentials to deliver water-use data from the water flow meter directly to the Department of Water Resources' Water-Use Database are listed below. These credentials must be submitted to

Dated: 5/19/22

John A. Paczkowski, P.E.
State Engineer
ND Department of Water Resources
900 East Boulevard
Bismarck, ND 58505



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Director, Water Appropriations Division

cc: Mountrail WRD

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the telemetry vendor and the communications between the water flow meter and the Department of Water Resources' Water-Use Database must be completed prior to the withdrawal of water. Please contact the Water

Resource Program Administrator at (701) 328-2754 or depotreporting@nd.gov to obtain the depot login and password.

- a. Depot Number: **1933**
 - b. Depot Name: **Highline Water, LLC**
 - c. Depot Location: **15709207DD**
 - d. Permit Number: **ND2022-21067**
 - e. Depot Login:
 - f. Password:
6. The permit holder must complete the enclosed Monthly Water Meter Reading Report for every month a meter and its telemetry system is communicating with the Department of Water Resources' Water-Use Database, even if water has not been withdrawn. Monthly Water Meter Reading Reports are used to determine that the telemetry associated with this temporary water permit is properly calibrated. Monthly Water Meter Reading Reports must be submitted to the Department of Water Resources before the 10th day of the following month.
7. The permit holder must complete every enclosed Annual Water Use Report, even if no water is withdrawn based on the following:
- a. For temporary water permits that are inclusive to one (1) calendar year:
 - i. One (1) Annual Water Use Report must be submitted to the Department of Water Resources within thirty (30) days after the expiration date of the permit.
 - b. For temporary water permits that span two (2) calendar years:
 - i. The first Annual Water Use Report must be submitted to the Department of Water Resources within thirty (30) days after the close of the first calendar year, which must report the total water withdrawn in the first calendar year, and
 - ii. The second Annual Water Use Report must be submitted to the Department of Water Resources within thirty (30) days after the expiration date of the permit, which must report the total water withdrawn in the second calendar year.
8. Any works associated with this temporary water permit are subject to inspection at any time by representatives of the Department of Water Resources. Refusal to allow inspection is grounds for temporary water permit cancellation.
9. Failure to comply with any order of the Department of Water Resources may result in temporary water permit forfeiture.

Dated: 5/19/22

John A. Paczkowski, P.E.
State Engineer
ND Department of Water Resources
900 East Boulevard
Bismarck, ND 58505



Christopher D. Bader
Director, Water Appropriations Division

cc: Mountrail WRD

DEPARTMENT OF WATER RESOURCES
 RECOMMENDED DECISION

To: Andrea Travnicek, Ph.D., Director, Department of Water Resources
 John A. Paczkowski P.E., State Engineer
 Approved By: Chris Bader, Director, Water Appropriation Division
 Reviewed By: Andrew Nygren, Hydrologist Manager
 Reviewed By: Abigail Franklund, Hydrologist Manager
 From: Sam Swanberg, Hydrologist - Surface Water
 Subject: Temporary Water Permit Application - Highline Water, LLC
 ND2022-21067
 Date: May 19, 2022

Temporary Water Permit Application ND2022-21067

An application for a temporary water permit was received from Highline Water, LLC on May 12, 2022. This application requests authorization to use 250.0 acre-feet of water at a maximum withdrawal rate of 3,500 gallons per minute (7.8 cubic feet per second) from Cottonwood Lake (Figure 1). The requested point of diversion (POD) is the SE1/4SE1/4 of Section 7, Township 157 North, Range 92 West in Mountrail County. The requested withdrawal period is May 15, 2022, through April 30, 2023. The nature of use for the proposed allocation is Industrial - Water Depot.

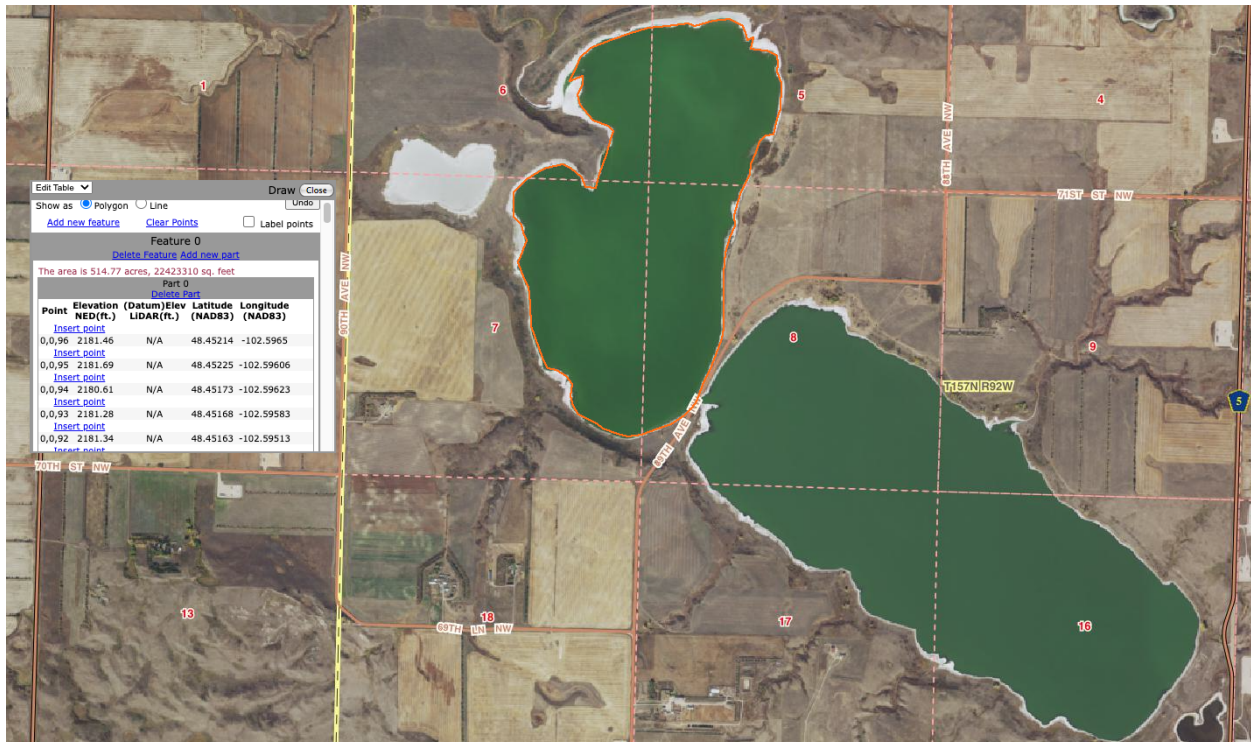


Figure 1. Overview of requested water source.

A hydrologic review was completed as a part of the review process for the temporary water permit application. The proposed POD is located on Cottonwood Lake in the Cottonwood Lake sub-watershed, Upper White Earth River watershed, Lake Sakakawea sub-basin, and Lake Sakakawea basin. The Cottonwood Lake sub-watershed has been defined by the Watershed Boundary Dataset National Technical Coordinators as a closed unit and as a non-contributing area of the Upper White Earth River watershed. There are no known water rights within the Cottonwood Lake sub-watershed. The POD has no adjacent ND Game and Fish lakes. The only public land adjacent to the POD is US Fish and Wildlife (USFWS) fee land that borders a portion of Cottonwood Lake. Cottonwood Lake is designated Piping Plover critical habitat under the Endangered Species Act. **Due to the public interest in endangered species and critical habitat, the permit holder must contact the USFWS Ecological Services Office at 701-355-8512 prior to pumping or removing water from the POD.**

The surface area of the slough is approximately 514.7 acres according to 2021 National Aerial Imagery Program photography and conservatively stores 1,433 acre-feet to 1,966 acre-feet. The requested 250 acre-feet of water should accommodate availability for the applicant and for fish, wildlife, and other public interests.

The requested POD is within ND Climate Division 1. The weekly Palmer Drought Severity Index (PDSI) for the previous and current year are shown in Figure 2 indicating this area has a current classification of very moist conditions. The Climate Prediction Center (CPC) three-month climatic outlook slightly favors below normal precipitation and slightly favors equal chances of above, below or normal temperatures. The U.S. Drought Monitor by the CPC suggests that abnormally dry conditions are occurring in or near the drainage area of the proposed POD (Figure 3). Institute for Climate and Society states that Though La Niña is favored to continue, the odds for La Niña decrease into the late Northern Hemisphere summer (58% chance in August-October 2022) before slightly increasing through the Northern Hemisphere fall and early winter 2022 (61% chance). Therefore, the current climatic outlook does not indicate below normal water availability in this region.

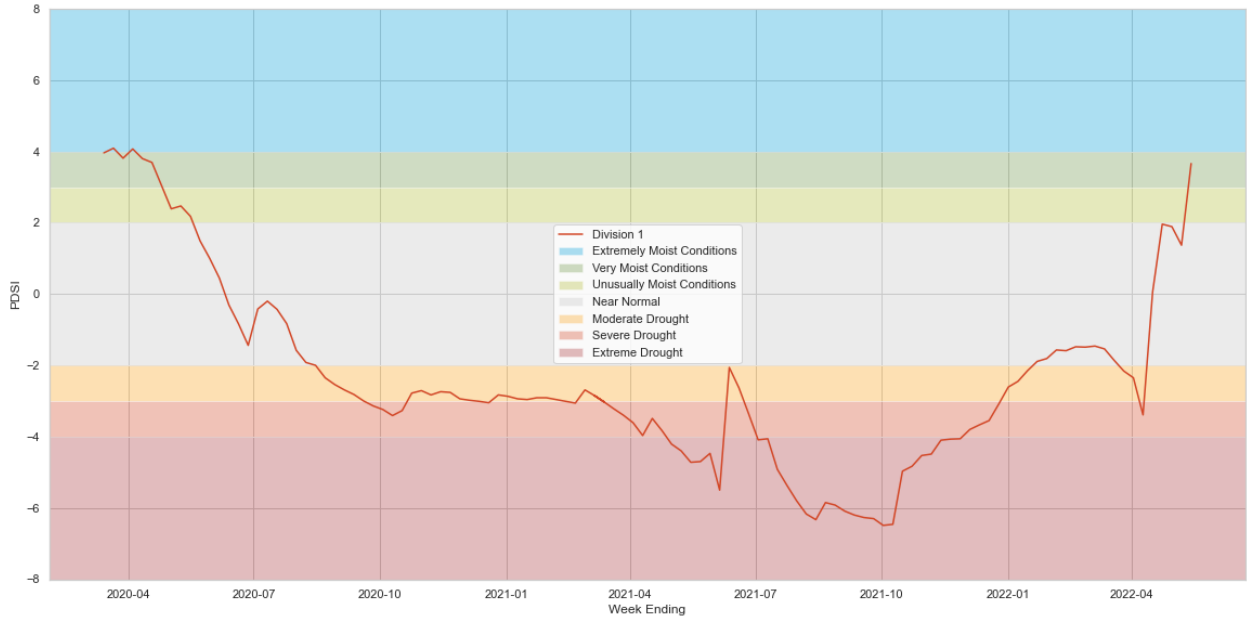
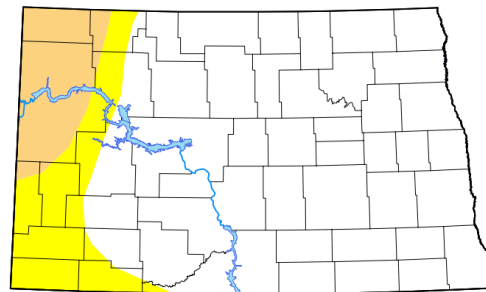


Figure 2. ND Climate Division 1 PDSI for previous and current year.

**U.S. Drought Monitor
North Dakota**

May 17, 2022
(Released Thursday, May. 19, 2022)
Valid 8 a.m. EDT



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:
Richard Heim
NCEI/NOAA



droughtmonitor.unl.edu

Figure 3. Current drought conditions for North Dakota.

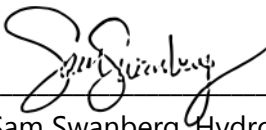
Statutory authority for issuing emergency or temporary use of water is given to the Department of Water Resources in North Dakota Century Code section 61-04-02.1.

61-04-02.1. Emergency or temporary authorization.

The department of water resources may authorize emergency or temporary use of water for periods not to exceed twelve months if the department determines the use will not be to the detriment of existing rights. The department shall establish by rule a separate procedure for processing applications for emergency

or temporary use. Prescriptive and other rights to the use of water may not be acquired by use of water as authorized in this section.

The application meets the criteria prescribed in water appropriation statutes and rules, and standard operating procedures of the division. Therefore, the application by Highline Water, LLC to appropriate 250.0 acre-feet of water from Cottonwood Lake via a POD located in the SE1/4SE1/4 of Section 7, Township 157 North, Range 92 West in Mountrail County, is hereby recommended for the approval of 250.0 acre-feet of water for Industrial - Water Depot use at a maximum rate of 3,500 gpm from May 23, 2022, through April 30, 2023, with conditions attached to the permit.



Sam Swanberg, Hydrologist



APPLICATION FOR A TEMPORARY WATER PERMIT
NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
WATER APPROPRIATIONS
 SFN 60158

MAIL THE COMPLETED APPLICATION TO:
 ND Department of Water Resources • State Office Building • 900 East Boulevard • Bismarck, ND 58505-0850
 BY FAX - (701) 328-3696 • BY EMAIL - waterpermits@nd.gov

(SIGNATURE MUST BE PROVIDED)

NOTE: Use one application for each type of source (surface water or ground water). Use one application for each different surface water source. Complete all lines. If this application is not satisfactorily completed, it will be returned, If more space is necessary, attach additional sheets Please type or print in ink. No map is required.

Name of Applicant Highline Water, LLC						
Mailing Address 5746 Freedom Lane						
City Williston	State ND	Zip Code 58801				
Home Telephone Number 9703701798		Work Phone Number 9703701798				
Cell Phone Number 9703701798		E-Mail landon@highlinewater.com				
Contact Person (if applicant is not individual) Landon Eskew		Contact Person Phone Number 9703701798				
<i>If the applicant does not own the land associated with the Point of Diversion, an agreement or easement with the landowner must accompany the signed temporary water permit application.</i>						
Source of Water Surface Water						
Name of Source (if surface water): Cottonwood Lake		County Mountrail				
1/4 1/4 (if needed) SE SE	Section 7	Township 157	Range 92			
<i>Only one Point of Diversion can be requested.</i>						
Purpose for Which Water Will be Used: Industrial - Water Depot						
Total Quantity of Water Requested: 250 Acre-Feet						
Fees: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">< 1 Acre-Feet (\$75)</td> <td style="text-align: center;">1 - 10 Acre-Feet (\$125)</td> <td style="text-align: center;">X > 10 Acre-Feet (\$200)</td> </tr> </table> <i>Fee must accompany signed temporary water permit application.</i>				< 1 Acre-Feet (\$75)	1 - 10 Acre-Feet (\$125)	X > 10 Acre-Feet (\$200)
< 1 Acre-Feet (\$75)	1 - 10 Acre-Feet (\$125)	X > 10 Acre-Feet (\$200)				
Withdrawal rate at which water is proposed to be diverted at the location listed above:		GPM : 3500				
Period of Usage: (up to 12 months)		From 05/15/2022	Through 04/30/2023			
Signature:						
Printed Name: Landon Eskew						

*The granting of temporary water permit does not create a water right.
 If you have any questions, call (701) 328-2754.*

2023 Temporary Permit Annual Water Use Report
(Return all pages of this form even if no water was used)

ND2022-21067

Permit Number:ND2022-21067

Make Name and/or Address corrections below:

Highline Water, LLC
5746 Freedom Lane

Williston, ND 58801

Phone: (970) 370-1798

Report the total in: Gallons or Barrels or Acre-Feet. Please circle the units used (gallons, barrels, acre-feet)

Report the total amount of water per month if applicable:

JANUARY	_____	JULY	_____
FEBRUARY	_____	AUGUST	_____
MARCH	_____	SEPTEMBER	_____
APRIL	_____	OCTOBER	_____
MAY	_____	NOVEMBER	_____
JUNE	_____	DECEMBER	_____

TOTAL ANNUAL USE _____

I. INFORMATION ABOUT WELLS, PUMPS, OR POINTS OF DIVERSION

Report the following information for the Point of Diversion SE1/4 SE1/4 Sec. 07 Twp. 157 Rng. 092

Water Source: Ground Water or Surface Water (Circle one)

Pumping Rate: _____ (Circle: Barrels, Acre-Feet, Gallons) PER (Circle : Second, Minute, Hour, Day)

Total Water Use from this Point of Diversion : _____ (Circle: Barrels, Acre-Feet, Gallons)

WATER PERMIT CRITERIA:

Source: Cottonwood Lake

Nature of Use: Industrial - Water Depot

Total Quantity of Water: 250.000 Acre-Feet

Maximum Withdrawal Rate: 3,500.0 gpm

Period of Authorized Useage: 5/23/22 through 4/30/23

II. MAKE ANY ADDITIONAL REMARKS BELOW:

Note: 1 Acre-Foot = 325,851 gallons.

E-Mail: depotreporting@nd.gov

Please return to:

North Dakota Department of Water Resources
State Office Building
900 East Boulevard
Bismarck, ND 58505
Phone (701) 328-2754

Signature _____

Date : _____

2022 Temporary Permit Annual Water Use Report
(Return all pages of this form even if no water was used)

ND2022-21067

Permit Number:ND2022-21067

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FEBRUARY	_____	AUGUST	_____
MARCH	_____	SEPTEMBER	_____
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MAY	_____	NOVEMBER	_____
JUNE	_____	DECEMBER	_____

TOTAL ANNUAL USE _____

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Water Source: Ground Water or Surface Water (Circle one)

Pumping Rate: _____ (Circle: Barrels, Acre-Feet, Gallons) PER (Circle : Second, Minute, Hour, Day)

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E-Mail: depotreporting@nd.gov

Please return to:

North Dakota Department of Water Resources
State Office Building
900 East Boulevard
Bismarck, ND 58505
Phone (701) 328-2754

Signature _____

Date : _____

Monthly Water Meter Readings at Water Sales Depot

Depot ID#: 1933 **MTS Vendor:**

Depot Name: Highline Water, LLC

Location: SE1/4 SE1/4 Section 07 Township 157 Range 092

Associated Permit(s): ND2022-21067

MONTH: _____ **YEAR:** _____

Note: Visually inspect the meter and read the numbers on the face of the meter.

Fill Station: Cottonwood_Lak_07D_21067

Meter brand name, model, & serial no.: _____,

Meter units and precision (multiplier): _____,

If the Meter has changed, provide new meter name, model, serial no., units, and precision

Meter Reading on or about the last day of month: _____

Date and Time of meter reading: Date _____ Time _____

Comments: _____

Signature (meter reader) : _____

Mail to: ND Department of Water Resources
900 East Boulevard
Bismarck, ND 58505
Attention to: Andrew Gorz

Telephone: (701) 328-2754
Fax: (701) 328-3696
E-Mail: depotreporting@nd.gov