Permit Number - ND2022-21210

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

In response to an application for a temporary water permit dated 7/28/22 as received in this office 7/28/22, 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: Stanley Reservoir

Point of Diversion: NW1/4 SE1/4 Sec. 32 Twp. 156 Rng. 091

Nature of Use: Industrial - Water Depot

Total Quantity of Water: 300.000 Acre-Feet

Maximum Withdrawal Rate: 4,500.0 gpm

Period of authorized usage: 8/11/22 through 8/10/23

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.

Conditions

1. **Temporary use of surface water must cease whenever the water-level elevation declines to less than 2154.8 feet (NAVD88) within observation well 15609133ACB2. Water level information for this well can be accessed at the following website:** http://mapservice.dwr.nd.gov/index.php?active=PRESENS or http://www.dwr.nd.gov/info_edu/map_data_resources/groundsurfacewater/.

Dated: 8/9/22

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

State of North Dakota
Temporary Water Permit
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2. The Department of Water Resources may impose minimum flow restrictions.

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

4. 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.

5. 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.

6. 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 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

Dated: 8/9/22

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c. Written notification and a final water flow meter reading must be given to the Department of Water Resources 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.

7. 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 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: **1583**
    b. Depot Name: **Highline Water LLC**
    c. Depot Location: **15609132DB**
    d. Permit Number: **ND2022-21210**
    e. Depot Login:
    f. Password:

8. The permitholder 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 Office of the State Engineer before the 10th day of the following month.

9. The permitholder 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.

Dated: 8/9/22

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

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10. 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.

11. Failure to comply with any order of the Department of Water Resources may result in temporary water permit forfeiture.

Dated: 8/9/22

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

Document Routing

8/11/22 : afranklund
8/11/22 : anygren
8/12/22 : cbader

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
Subject: Temporary Water Permit Application - Highline Water, LLC
ND2022-21210
Date: August 9, 2022

Temporary Water Permit Application ND2022-21210

An application for a temporary water permit was received from Highline Water, LLC on July 28, 2022. This application requests authorization to use 300.0 acre-feet of water at a maximum withdrawal rate of 4,500 gallons per minute (10.03 cubic feet per second) from Stanley Reservoir (Figure 1). The requested point of diversion (POD) is the NW1/4SE1/4 of Section 32, Township 156 North, Range 91 West in Mountrail County. The requested withdrawal period is August 1, 2022, through July 31, 2023. The nature of use for the proposed allocation is industrial water depot.

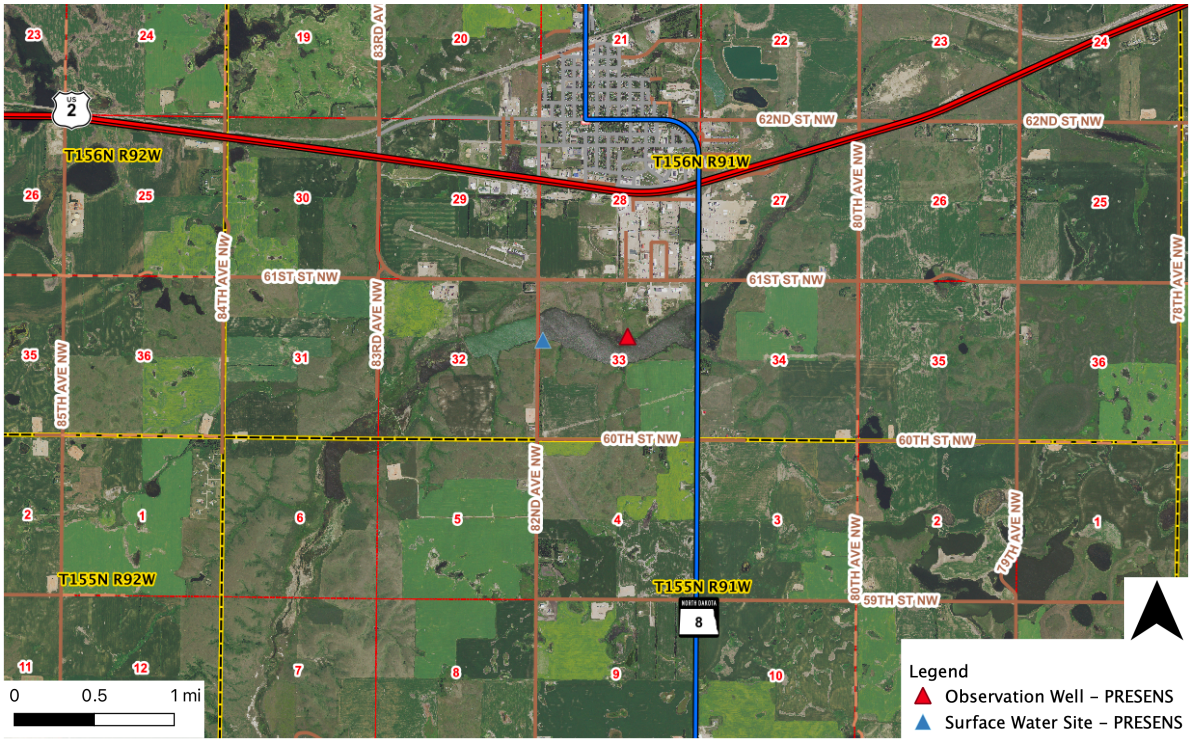

Figure 1. Overview of requested water source.

A hydrologic review was completed as a part of the review process for the temporary water permit application. The proposed POD is located on Stanley Reservoir (Little Knife River Reservoir) in the Town of Stanley-Little Knife River sub-watershed, Little Knife River watershed, Lake Sakakawea sub-basin, and Lake Sakakawea basin. The POD has no adjacent public land access constraints. ND Game and Fish Department stocks Stanley Reservoir. No impact is expected to fish and wildlife resources by the proposed water use. However, Stanley Reservoir maintains a public interest consideration through recreational and fishery use. A temporary water permit may be cancelled if it is determined to have a negative impact to the public interest consideration. It is recommended that the applicant contact ND Game and Fish Department to ensure compliance with any regulations they may have, such as procedures to minimize the spread of aquatic nuisance species.

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 moderate drought conditions. The Climate Prediction Center (CPC) three-month climatic outlook (Figure 3) favors equal chances of above, below or normal precipitation and favors equal chances of above, below or normal temperatures. The U.S. Drought Monitor by the CPC suggests that no drought conditions are occurring in or near the drainage area of the proposed POD. Institute for Climate and Society states that La Niña is favored to continue through 2022 with the odds for La Niña decreasing into the Northern Hemisphere late summer (60% chance in July-September 2022) before increasing through the Northern Hemisphere fall and early winter 2022 (62-66% chance). The current climatic outlook may indicate below normal water availability in this region. During normal or wet climatic conditions, water availability is determined using the annual runoff yield met or exceeded 50% of the time. Given that drought conditions are present and forecasted through part of the requested period of use, the more conservative runoff yield met or exceeded 80% of the time will be used for determining water availability at the proposed POD.

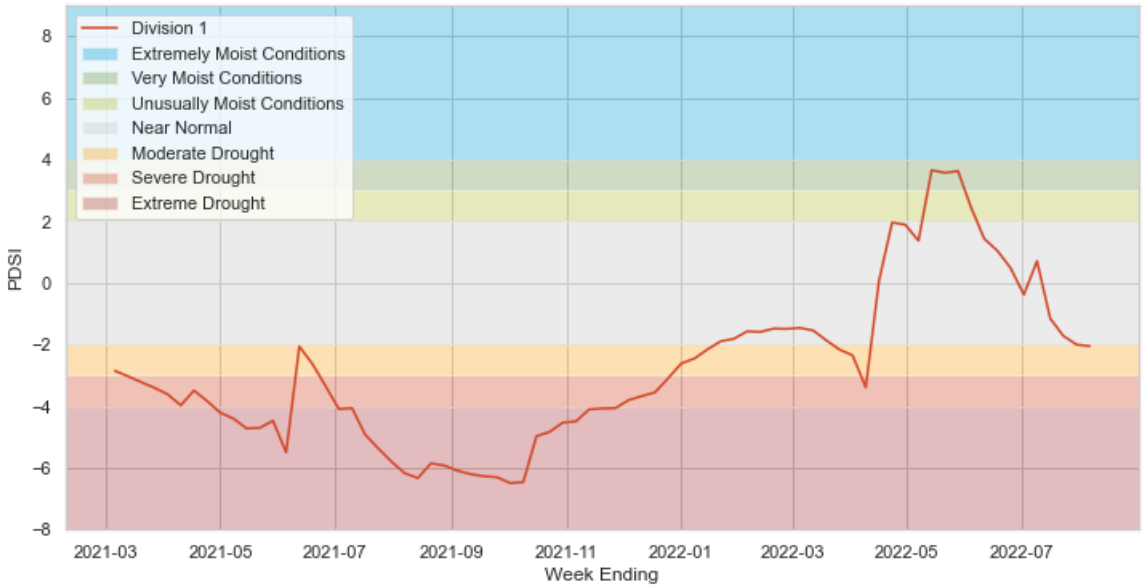

Figure 2. ND Climate Division 1 PDSI for the previous and current year.

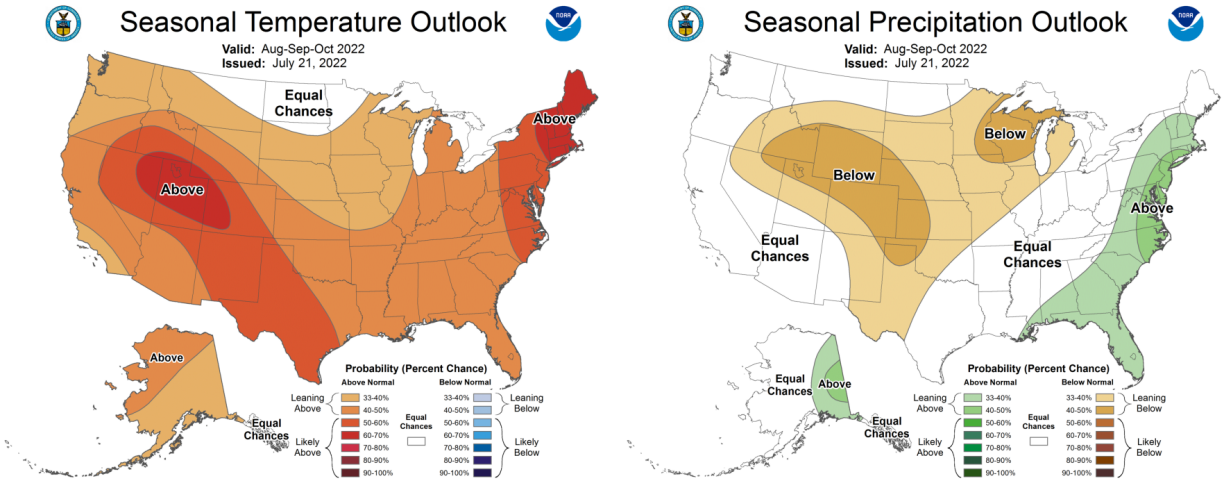

Figure 3. Climate Prediction Center three-month temperature and precipitation probabilities (https://www.cpc.ncep.noaa.gov/).

According to the North Dakota (ND) Department of Water Resources Structures database, Stanley Dam has a contributing drainage area of 22 square miles and a normal fill volume at the principal spillway of 1,550 acre-feet with a corresponding surface area of 253 acres.

Based on information obtained from the ND Hydrology Manual, Stanley Reservoir is expected to experience approximately 20.5 inches of net mean evaporative losses over the 253 acres of surface area at the principal spillway, or 431 acre-feet annually. The 200 acre-feet of requested water would amount to approximately 14 inches of water level drop in the reservoir.

The ND Hydrology Manual indicates an 80% chance the annual yield will be 13.0 acre-feet per square mile implying a total annual yield of 286.0 acre-feet at the requested POD. Subtracting evaporative losses from the stored water and annual runoff yield, 1,405.0 acre-feet of water is expected to be available at the proposed POD annually. Currently, there are four approved temporary water permits at Stanley Reservoir for a combined total of 1,050.0 acre-feet of authorized water use from Stanley Reservoir in 2022.

There are two permitted senior water rights downstream of the proposed POD to the confluence of the Little Knife River with the Missouri River at Lake Sakakawea with a combined annual appropriation of 588 acre-feet. The nearest downstream senior water right is appropriated 566 acre-feet of annual water use to offset evaporative losses at Chocolate Drop Dam. Based on the ND Department of Water Resources Structures database, Chocolate Drop Dam has a drainage area of approximately 79.8 square miles. The ND Hydrology Manual suggest that approximately 1,037.4 acre-feet of annual runoff yield will be produced from the dam's drainage area 80 years out of 100. The further downstream water right is authorized for 22 acre-feet of water use for irrigation from March 1 through May 15 annually and will not be impacted by the proposed appropriation. Given the additional drainage area available to Chocolate Drop Dam and the authorized period of use under the other downstream water right, impact by the proposed appropriation is expected to be minimal. There are two livestock registrations and other known livestock use from the stream.

There is currently no water right associated with Stanley Reservoir. Conditional Water Permit Application 7025 was submitted by the City of Stanley for 682 acre-feet of water from Stanley Reservoir for industrial use and 1,550 acre-feet of water for storage out of which 432 acre-feet will be used to offset evaporative losses for the purpose of fish, wildlife, and recreation use. The application is currently pending review. Approval of the pending conditional water permit application at Stanley Reservoir may result in the cancellation of the proposed temporary water permits. The requested 300 acre-feet of water should accommodate availability for the applicant and for fish, wildlife and other public interests with a water level condition attached to the temporary water permit.

A Pushing Remote SENSors (PRESENS) monitoring device was installed in an observation well next to the Stanley Reservoir located in the NW1/4SW1/4NE1/4 of Section 33, Township 156 North, Range 91 West (15609133ACB2) to collect real-time continuous groundwater measurements (Figure 1). The PRESENS device was installed at this location on September 4, 2019, and is still currently at the location (Figure 4). Prior to the installation of the PRESENS, water level measurements were taken sporadically from this location beginning on November 6, 1989. Another PRESENS device was installed along Stanley Reservoir's shore located in the

NW1/4 of Section 33, Township 156 North, Range 91 West (15609133B) to collect surface water measurements (Figure 1). This PRESENS device was installed on September 4, 2019, and removed on November 4, 2019, prior to surface water freezing conditions. It was installed the next year on August 5, 2020, and removed on October 28, 2020, and installed on June 2, 2021, and removed on October 27, 2021. Water-level measurements from observation well 15609133ACB2 correlate with the surface water PRESENS unit 15609133B (Figures 5, 6, 7, and 8). Therefore, the groundwater data will be used for regulatory action, and temporary use of surface water from Stanley Reservoir must cease whenever the water-level elevation declines to less than 2154.8 feet (NAVD88) within observation well 15609133ACB2. This level approximately corresponds to recorded water levels in 2008 and winter of 2021 (Figure 4).

New survey data from 2022 showed that the observation well moved approximately 1.29 feet from frost pushing the observation well out of the ground. The new elevation of the observation well was used to adjust water level data from May 14, 2019, to present. Therefore, the previous water level condition of 2153.5 feet was adjusted to 2154.8 feet. As of August 8, 2022, the water-level elevation was at 2156.12 feet (NAVD88). The water level condition is being met and withdrawals from Stanley Reservoir would be allowed.

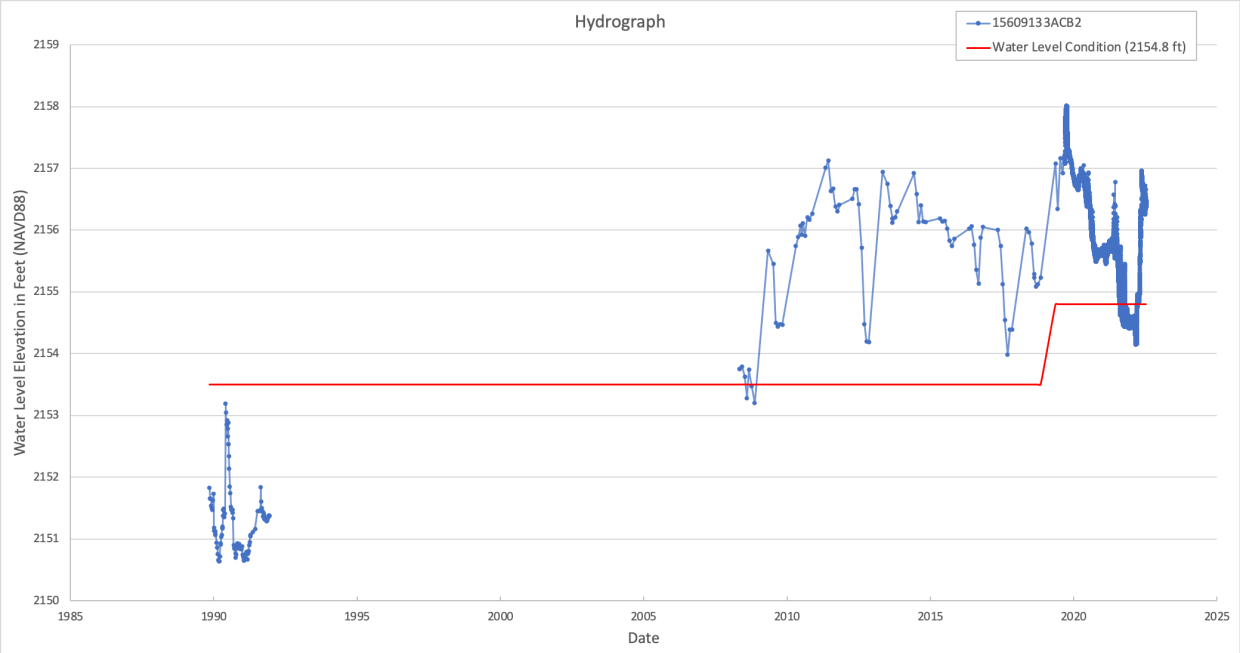

Figure 4. Groundwater measurements from observation well 15609133ACB2 near Stanley Reservoir from November 6, 1989, to July 14, 2022, and water level condition of 2154.8 feet NAVD88.

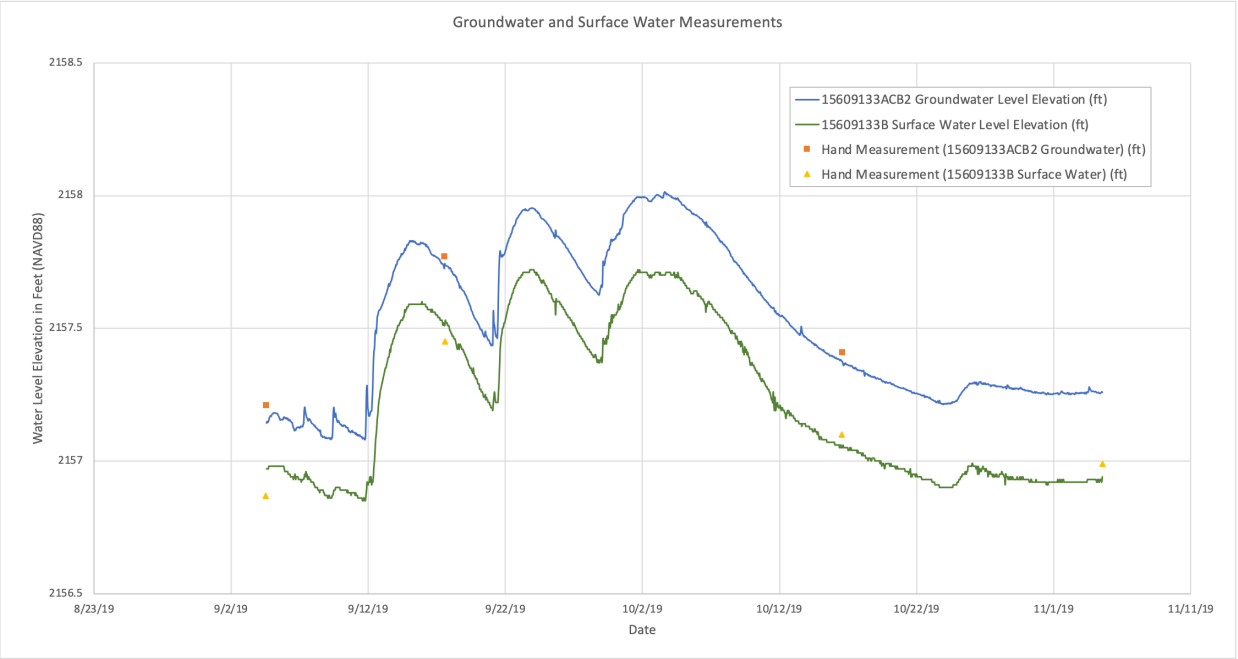

Figure 5. Groundwater and surface water measurements from PRESENS devices 15609133ACB2 and 15609133B at Stanley Reservoir from September 4, 2019, to November 4, 2019.

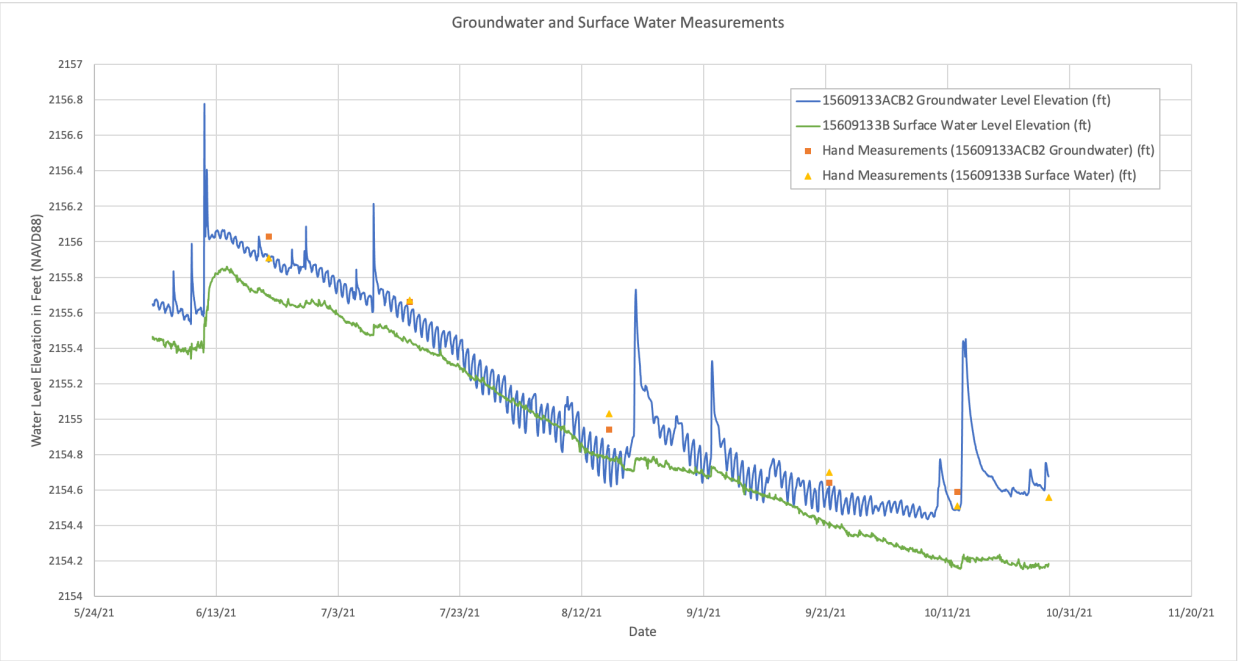

Figure 6. Groundwater and surface water measurements from PRESENS devices 15609133ACB2 and 15609133B at Stanley Reservoir from June 6, 2021, to October 27, 2021.

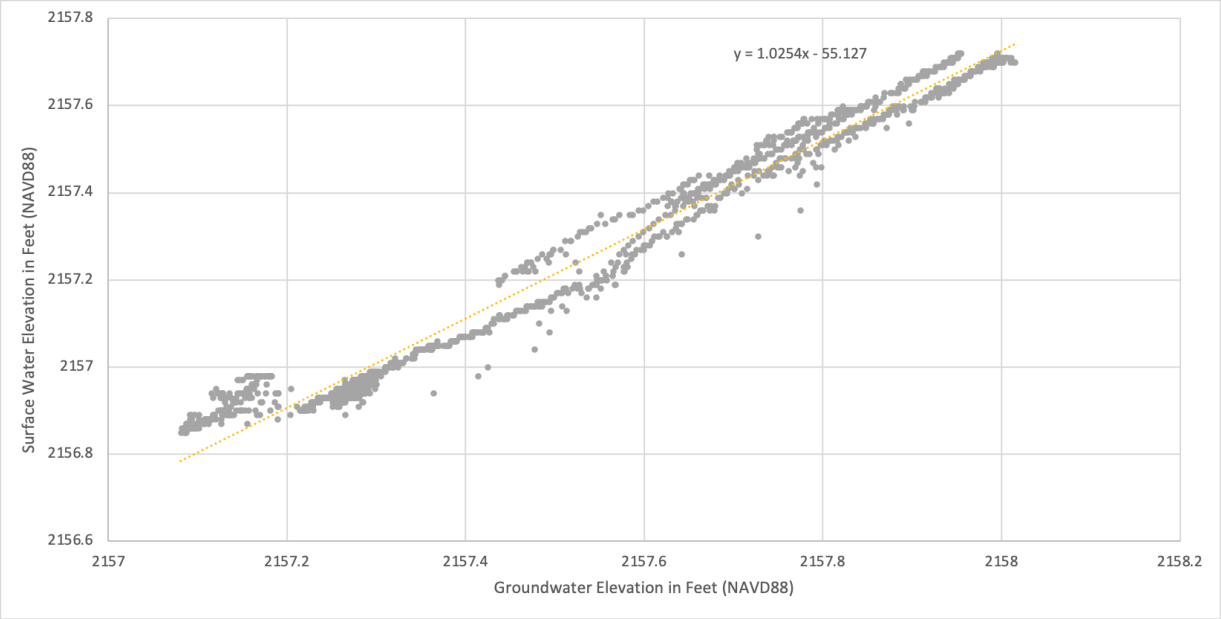

Figure 7. Regression line of groundwater and surface water measurements from PRESENS devices 15609133ACB2 and 15609133B at Stanley Reservoir from 2019.

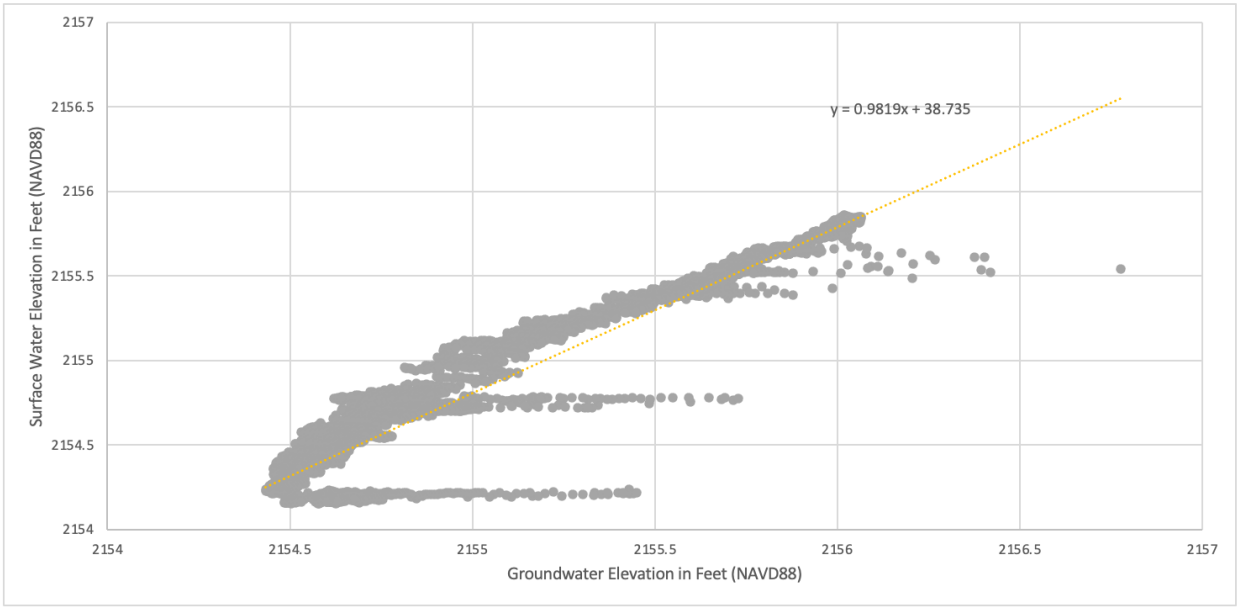

Figure 8. Regression line of groundwater and surface water measurements from PRESENS devices 15609133ACB2 and 15609133B at Stanley Reservoir from 2021.

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 water from the Stanley Reservoir via a POD located in the NW1/4SE1/4 of Section 32, Township 156 North, Range 91 West in Mountrail County, is hereby recommended for the approval for approval as shown in Table 1. Temporary water use from Stanley Reservoir must cease whenever the water level elevation declines to less than 2154.8 feet (NAVD88) within observation well 15609133ACB2. Water level information for this well can be accessed at the following website:

(http://www.dwr.nd.gov/info_edu/map_data_resources/groundsurfacewater/single.php?id=15609133ACB2)

Table 1. Recommended approval of Temporary Water Permit Application ND2022-21210.

Permit Number	Name	Nature of Use	Approved Acre-feet	Approved Withdrawal Rate (gpm)	Period of Authorized Usage	POD	Water Level Elevation Condition (Feet)(NAVD88)
ND2022-21210	Highline Water, LLC	Industrial - Water Depot	300.0	4,500	08/11/22-8/10/23	15609132 DB	2154.8*
* Water use from Stanley Reservoir must cease whenever the water level elevation declines to less than 2154.8 feet (NAVD88) within observation well 15609133ACB2.							

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		
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.			
Source of Water Surface Water			
Name of Source (if surface water): Stanley Reservoir	County Mountrail		
1/4 1/4 (if needed) NW SE	Section 32	Township 156	Range 91
Only one Point of Diversion can be requested.			
Purpose for Which Water Will be Used: Industrial - Water Depot			
Total Quantity of Water Requested: 300 Acre-Feet			
Fees: < 1 Acre-Feet ($75) 1 - 10 Acre-Feet ($125) X > 10 Acre-Feet ($200) *Fee must accompany signed temporary water permit application.*			
Withdrawal rate at which water is proposed to be diverted at the location listed above:	GPM : 4500		
Period of Usage: (up to 12 months)	From 08/01/2022	Through 07/31/2023	
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)

ND2022-21210

Permit Number:ND2022-21210

Highline Water, LLC
5746 Freedom Lane

Williston, ND 58801

Phone: (970) 370-1798

Make Name and/or Address corrections below:

_____

_____

_____

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 NW1/4 SE1/4 Sec. 32 Twp. 156 Rng. 091

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: Stanley Reservoir
Nature of Use: Industrial - Water Depot
Total Quantity of Water: 300.000 Acre-Feet
Maximum Withdrawal Rate: 4,500.0 gpm
Period of Authorized Useage: 8/11/22 through 8/10/23

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)

ND2022-21210

Permit Number:ND2022-21210

Highline Water, LLC
5746 Freedom Lane

Williston, ND 58801

Phone: (970) 370-1798

Make Name and/or Address corrections below:

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_____

_____

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 NW1/4 SE1/4 Sec. 32 Twp. 156 Rng. 091

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Source: Stanley Reservoir
Nature of Use: Industrial - Water Depot
Total Quantity of Water: 300.000 Acre-Feet
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Period of Authorized Useage: 8/11/22 through 8/10/23

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 : _____

Monthly Water Meter Readings at Water Sales Depot

Depot ID#: 1583 **MTS Vendor**: McCrometer

Depot Name: Highline Water LLC

Location: NW1/4 SE1/4 Section 32 Township 156 Range 091

Associated Permit(s): ND2022-21210

MONTH: _____ **YEAR**: _____

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

Fill Station: Stan_Res_32D_21210

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