

Permit Number - ND2022-21279

**State of North Dakota
Temporary Water Permit**

In response to an application for a temporary water permit dated 4/21/22 as received in this office 9/6/22, authority is hereby granted to:

Guthmiller Earthmoving Inc.
3903 58th Ave SE
Medina, ND 58467

Contact Person: Jean Mann

Telephone: (701) 320-2129

A Temporary Water Permit as follows:

Source: Unnamed Slough

Point of Diversion: SW1/4 Sec. 27 Twp. 139 Rng. 067

Nature of Use: Road Construction

Total Quantity of Water: 4.603 Acre-Feet

Maximum Withdrawal Rate: 200.0 gpm

Period of authorized usage: 6/1/22 through 9/1/22

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. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water at all times.
2. The permitholder must complete every enclosed Annual Water Use Report, even if no water is withdrawn based on the following: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:

Dated: 11/21/22

John A. Paczkowski, P.E.,
State Engineer
Department of Water Resources
1200 Memorial Highway
Bismarck, ND 58504



Christopher D. Bader
Director, Water Appropriations Division

cc: Stutsman WRD

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- 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Water Resources within thirty (30) days after the close of the first calendar year, which must report the total water withdrawn in the first calendar year, and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.
3. 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.
4. Failure to comply with any order of the Department of Water Resources may result in temporary water permit forfeiture.

Dated: 11/21/22

cc: Stutsman WRD

John A. Paczkowski, P.E.,
State Engineer
Department of Water Resources
1200 Memorial Highway
Bismarck, ND 58504



Christopher D. Bader
Director, Water Appropriations Division

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: Joe Nett, Hydrologist Manager
From: Bryce Klasen, Hydrologist - Surface Water
Subject: Temporary Water Permit Application – Guthmiller Earthmoving Inc.
ND2022-21279 & ND2022-21280
Date: November 21, 2022

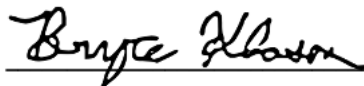
The Department of Water Resources received an application for a temporary water permit from Guthmiller Earthmoving Inc. on April 21, 2022. The application fee was received on September 6, 2022. The applications are summarized as follows:

Point of Diversion	Water Source	Requested Volume (gallons)	Requested Rate (gallons per minute)	Use Type	Requested Begin Date	Requested End Date
13906727C	Unnamed Slough	1,500,000	200	Road Construction	June 1, 2022	September 1, 2022
13706727D	Unnamed Slough	500,000	200	Road Construction	June 1, 2022	September 1, 2022

The applications were submitted on April 21, 2022, without filing fees. The applicant was contacted on April 27, 2022, to determine if they intended on completing the application by submitting the required filing fees. The fees were not submitted until September 6, 2022, after water use had taken place. These applications are now being retroactively issued to document the water use that took place. In the future, the withdrawal of water without a required water permit may result in penalties.

A hydrologic review was completed as a part of the review process for the temporary water permit applications. There are no documented water users on the requested water sources. Pumping from these water sources did not impact any existing water rights.

Therefore, to properly account for water used at this point of diversion from June 1, 2022, through September 1, 2022, these temporary water permits are recommended for retroactive approval for the quantities requested.


Bryce Klasen
Hydrologist - Surface Water



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 Guthmiller Earthmoving Inc.						
Mailing Address 3903 58th Ave SE						
City Medina	State ND	Zip Code 58467				
Home Telephone Number		Work Phone Number 7014863302				
Cell Phone Number 7013202129		E-Mail catcher53@aol.com				
Contact Person (if applicant is not individual) Jean Mann		Contact Person Phone Number 7013202129				
<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): unnamed slough		County Stutsman				
1/4 1/4 (if needed) SW	Section 27	Township 139	Range 67			
<i>Only one Point of Diversion can be requested.</i>						
Purpose for Which Water Will be Used: compaction and dust control						
Total Quantity of Water Requested: 1500000 Gallons						
Fees: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">< 1 Acre-Feet (\$75)</td> <td style="text-align: center;">X 1 - 10 Acre-Feet (\$125)</td> <td style="text-align: center;">> 10 Acre-Feet (\$200)</td> </tr> </table> <i>Fee must accompany signed temporary water permit application.</i>				< 1 Acre-Feet (\$75)	X 1 - 10 Acre-Feet (\$125)	> 10 Acre-Feet (\$200)
< 1 Acre-Feet (\$75)	X 1 - 10 Acre-Feet (\$125)	> 10 Acre-Feet (\$200)				
Withdrawal rate at which water is proposed to be diverted at the location listed above:		GPM : 200				
Period of Usage: (up to 12 months)		From 06/01/2022	Through 09/01/2022			
Signature:						
Printed Name: Jean Mann						

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

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

ND2022-21279

Permit Number:ND2022-21279

Make Name and/or Address corrections below:

Guthmiller Earthmoving Inc.
3903 58th Ave SE

Medina, ND 58467

Phone:

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 516,000 gallons

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

Report the following information for the Point of Diversion SW1/4 Sec. 27 Twp. 139 Rng. 067

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

Pumping Rate: 200 (Circle: Barrels, Acre-Fee, Gallons) PER (Circle : Second, Minute, Hour, Day)

Total Water Use from this Point of Diversion : 516,000 (Circle: Barrels, Acre-Fee, Gallons)

WATER PERMIT CRITERIA:

Source: Unnamed Slough

Nature of Use: Road Construction

Total Quantity of Water: 4.603 Acre-Feet

Maximum Withdrawal Rate: 200.0 gpm

Period of Authorized Useage: 6/1/22 through 9/1/22

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
1200 Memorial Highway
Bismarck, ND 58504
Phone (701) 328-2754

Signature Bryce Klasen - Hydrologist

Date : 11/21/22