

**Permit Number - ND2022-21282**

**State of North Dakota  
Temporary Water Permit**

In response to an application for a temporary water permit dated 9/13/22 as received in this office 9/13/22, authority is hereby granted to:

Joe Trotter  
PO Box 158  
Grassy Butte, ND 58634

Contact Person: Joe Trotter

Telephone: (701) 570-6357

**A Temporary Water Permit as follows:**

**Source:** Little Missouri River

**Point of Diversion:** W1/2 Sec. 07 Twp. 145 Rng. 101

**Nature of Use:** Industrial - Water Depot

**Total Quantity of Water:** 200.000 Acre-Feet

**Maximum Withdrawal Rate:** 3,000.0 gpm

**Period of authorized usage:** 10/6/22 through 10/5/23

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 permit holder's risk.

**Conditions**

1. **The permit holder shall check the flow in the river before starting to pump and shall monitor the flow in the river while pumping. This gage can be accessed at [https://waterdata.usgs.gov/nd/nwis/uv?site\\_no=06337000](https://waterdata.usgs.gov/nd/nwis/uv?site_no=06337000). A minimum flow of 30 cubic feet per second (cfs) must be reported at U.S. Geological Survey gaging station No. 06337000, Little Missouri River near Watford City, ND when water is being withdrawn from the river under this Temporary Water Permit. The permit holder may not withdraw any water from the river when the flow in the Little Missouri River at the above**

Dated: 10/5/22

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: McKenzie WRD

State of North Dakota  
Temporary Water Permit


**referenced gage is less than 30 cfs. When flows are between 30 and 74 cfs, the rate of withdrawal must not exceed 1,000 gallons per minute. When flows are between 75 and 399 cfs, the rate of withdrawal must not exceed 2,000 gallons per minute. When flows are 400 cfs or greater, the rate of withdrawal must not exceed 3,000 gallons per minute. This condition is subject to modification by the Department of Water Resources.**

2. This permit is subject to cancellation or curtailment if it is deemed to significantly impact the free-flowing natural state of the Little Missouri River.
3. Reasonable precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
  - a. Internal combustion motors shall be muffled to maintain the tranquility and ambiance and minimize audible disruption of the scenic river experience.
  - b. The shorelines in and around intake locations shall be kept free of construction debris and litter.
  - c. Reasonable attempts shall be made to shelter pumps and motors from view for those wishing to travel along the water way.
4. Pumps and motors shall be set back from the shoreline sufficient distance and reasonable precautions made to ensure any fluids or oils that may leak from these will be contained before they have a chance to enter the stream. Portable containment for pump and motor fluid leakage may be required upon order of the Department of Water Resources.
5. The Department of Water Resources may impose minimum flow restrictions.
6. The permitholder must not cause streamflow to cease.
7. Sufficient water for downstream superior water rights must flow past the point of diversion while water is being withdrawn under this water permit.
8. Failure to complete the development of this industrial project and become operational within four (4) months may result in temporary water permit cancellation.
9. 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.
10. 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:

Dated: 10/5/22

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- 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.
11. 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 Department of Water Resources' website at: [https://www.dwr.nd.gov/pdfs/telemetry\\_requirements.pdf](https://www.dwr.nd.gov/pdfs/telemetry_requirements.pdf)
  - 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.
12. 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](mailto:depotreporting@nd.gov) to obtain the depot login and password.


- a. Depot Number: **1978**

Dated: 10/5/22

cc: McKenzie WRD

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State Engineer  
ND Department of Water Resources  
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Bismarck, ND 58505



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Temporary Water Permit**

- b. Depot Name: **Trotter, Joe Depot**
- c. Depot Location: **14510107W**
- d. Permit Number: **ND2022-21282**
- e. Depot Login:
- f. Password:

13. The permit holder must complete a 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.
14. 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.
15. 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.
16. Failure to comply with any order of the Department of Water Resources may result in temporary water permit forfeiture.

Dated: 10/5/22

cc: McKenzie WRD

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State Engineer  
ND Department of Water Resources  
900 East Boulevard  
Bismarck, ND 58505



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: Kimberly Fischer, Hydrologist Manager  
From: Bryce Klasen, Hydrologist - Surface Water  
Subject: Temporary Water Permit Application - Joe Trotter  
ND2022-21282  
Date: October 4, 2022

The Department of Water Resources received an application for a temporary water permit from Joe Trotter on September 13, 2022. This application requests authorization to use 200 acre-feet of water at a maximum withdrawal rate of 3,000 gallons per minute (6.68 cubic feet per second) from the Little Missouri River (Figure 1). The requested point of diversion (POD) listed on the application is the W1/2 of Section 7, Township 145 North, Range 101 West of McKenzie County. The requested withdrawal period is September 15, 2022, through September 14, 2023. The nature of use for the proposed allocation is industrial - water depot.

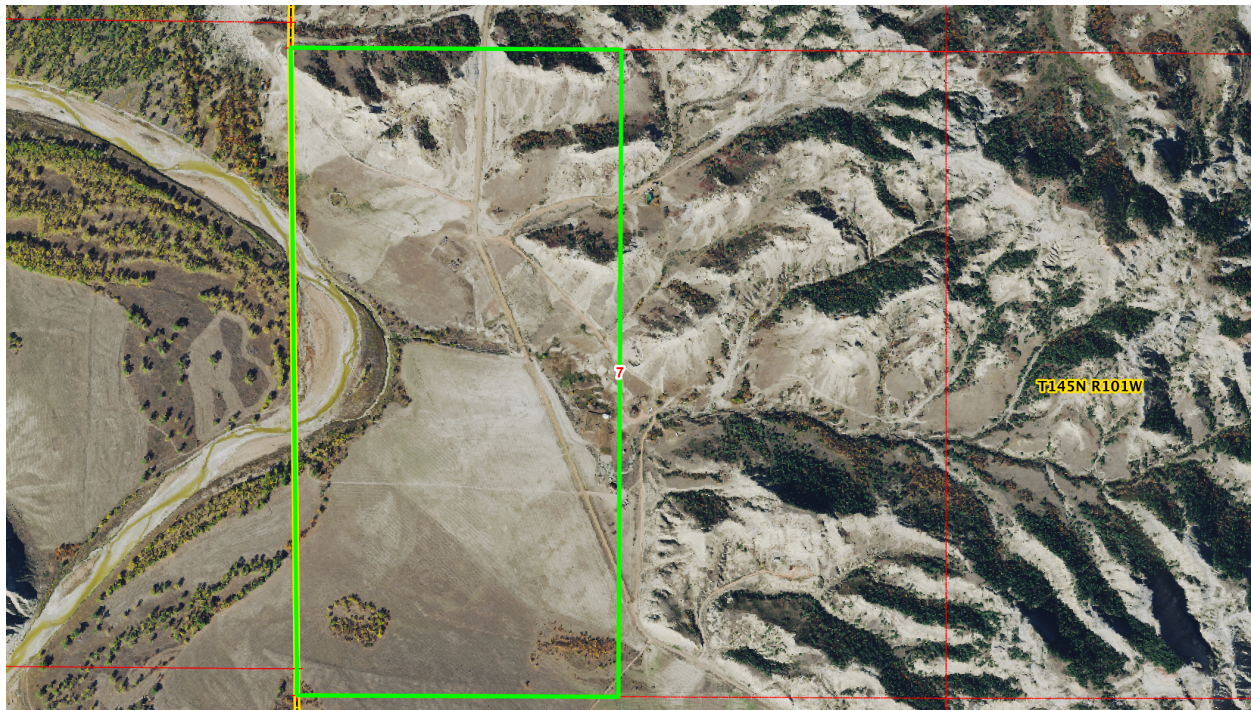


Figure 1. Overview of requested water source.

A hydrologic review was completed as a part of the review process for the temporary water permit application. The hydrologic review indicated that the proposed POD is located on the Little Missouri River in the French Creek-Little Missouri River sub-watershed, Beicegel Creek watershed, Lower Little Missouri sub-basin, and Little Missouri basin. Therefore, any recommended decision for approval must address the additional conditions required by the "Policy for issuing Temporary Industrial Water-Depot Permits in the Little Missouri River Basin". The only public land adjacent to the POD is U.S. Forest Service Little Missouri National Grassland. The POD has no adjacent ND Game and Fish lakes. There are four perfected water permits for the beneficial use of irrigation downstream of the requested POD on the Little Missouri River that are allocated 443 acre-feet at a maximum withdrawal rate of 4,850 gallons per minute, summarized in Table 1 Livestock are known to water from the Little Missouri River.

Permit No.	Permitholder	Approved POD	Permit Status	Approved Annual Use (Acre-Feet)	Approved Rate (gpm)	Use Type	Irrigation Type	Begin Date	End Date
1011	BICE, WYLIE C. AND VICKIE L.	14809728DB	Perfected	45	1350	Irrigation	Sprinkler	April 1	October 1
33D	JORGENSEN, WILLIAM E.	14809606CD	Perfected	140	1450	Irrigation	Flooding	-	-
3545	BICE, WYLIE	14709801A	Perfected	185	600	Irrigation	Sprinkler	March 1	October 15
683	JORGENSEN, WILLIAM E.	14809623CD	Perfected	73	1450	Irrigation	Flooding	-	-

Table 1. Documented senior appropriators in Reach 4.

The following minimum flow condition will ensure that this allocation does not cause undue harm to senior water rights. In addition, a tiered withdrawal rate system has been implemented on the Little Missouri River where the withdrawal rate changes as flows in the river changes. The following condition will be attached:

"The permitholder shall check the flow in the river before starting to pump and shall monitor the flow in the river while pumping. This gage can be accessed at [https://waterdata.usgs.gov/nd/nwis/uv?site\\_no=06337000](https://waterdata.usgs.gov/nd/nwis/uv?site_no=06337000). A minimum flow of 30 cubic feet per second (cfs) must be reported at U.S. Geological Survey gaging station No. 06337000, Little Missouri River near Watford City, ND when water is being withdrawn from the river under this Temporary Water Permit. The permitholder may not withdraw any water from the river when the flow in the Little Missouri River at the above referenced gage is less than 30 cfs. When flows are between 30 and 74 cfs, the rate of withdrawal must not exceed 1,000 gallons per minute. When flows are between 75 and 399 cfs, the rate of withdrawal must not exceed 2,000 gallons per minute. When flows are 400 cfs or greater, the rate of withdrawal must not exceed 3,000 gallons per minute. This condition is subject to modification by the Department of Water Resources".

The weekly Palmer Drought Severity Index (PDSI) in North Dakota Climate Division 4 for

the previous and current years are shown in Figure 2, including the current trend in extreme drought. A forecast by the Climate Prediction Center indicates an equal chance of above or below normal precipitation and a good chance of above normal temperatures through October. The forecast also indicates an equal chance of above or below normal chance of precipitation and an equal chance of above or below normal temperatures through December (Figure 3). The Seasonal Drought Outlook indicates drought conditions will continue through December (Figure 4). Institute for Climate and Society states that La Nina is favored to continue through Northern Hemisphere winter 2022-23, with a 91% chance in September-November, decreasing to a 54% chance in January-March 2023.

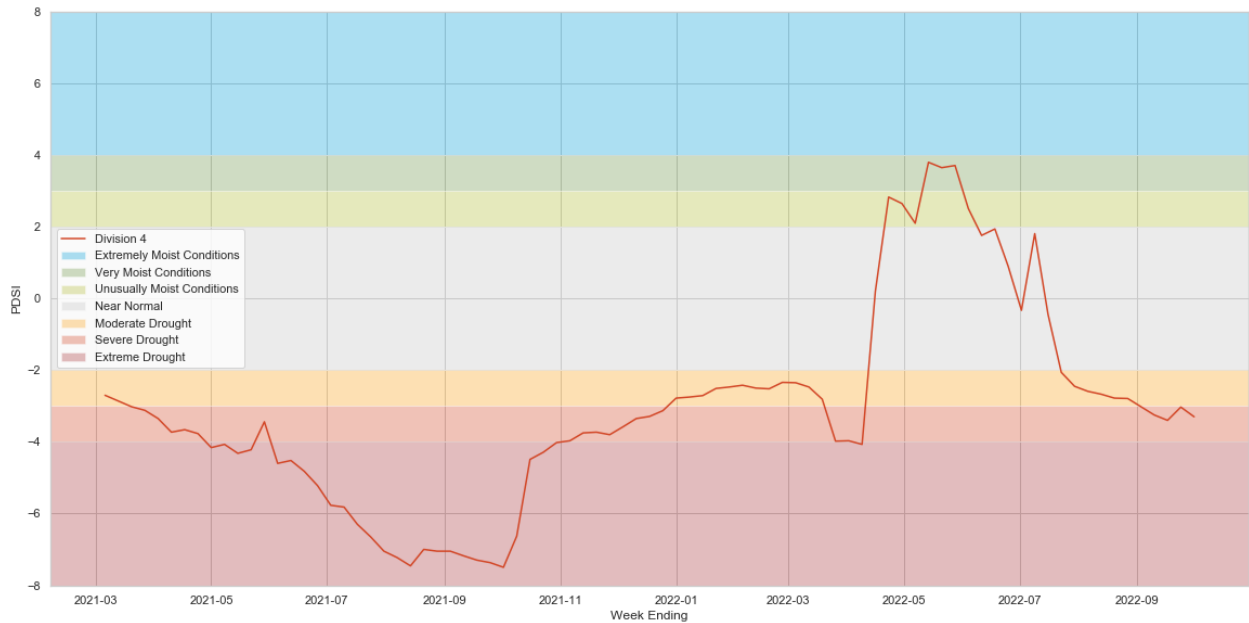


Figure 2. ND Climate Division 4 PDSI for previous and current year.

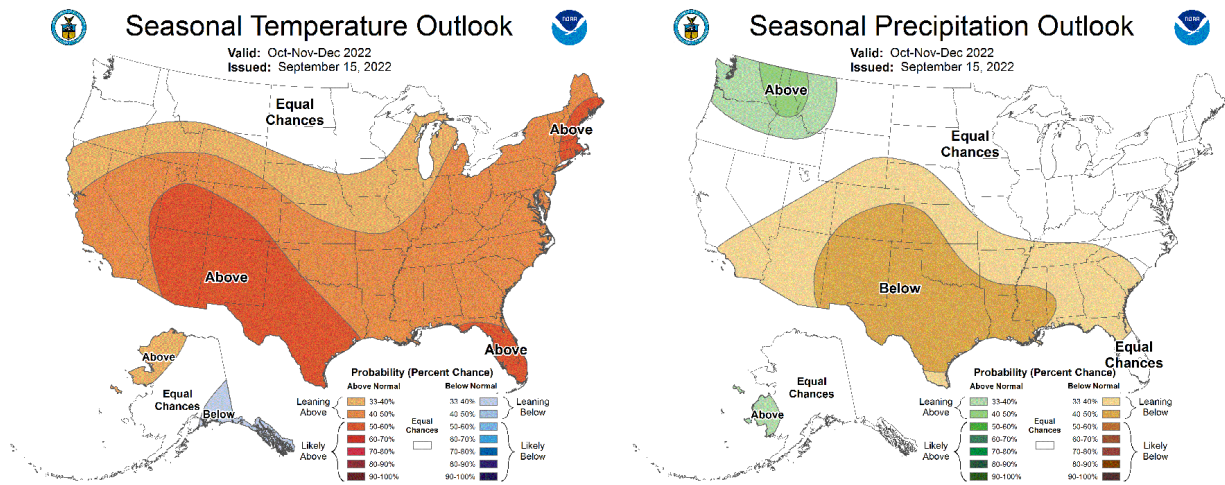


Figure 3. Climate Prediction Center three-month temperature and precipitation probabilities.

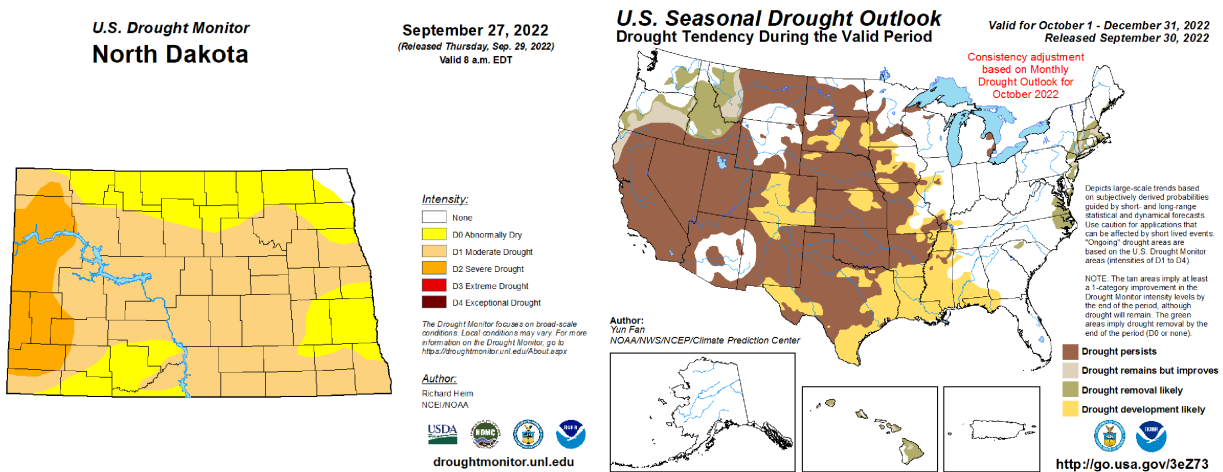


Figure 4. Current drought conditions and seasonal drought outlook.

Statutory authority for issuing emergency or temporary use of water is given to the Department of Water Resources and State Engineer in North Dakota Century Code section 61-04-02.1 and North Dakota Administrative Code section 89-03-01-10.

*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 such use will not be to the detriment of existing rights. The department shall establish by rule a separate procedure for the processing of applications for emergency or temporary use. No prescriptive or other rights to the use of water shall be acquired by use of water as authorized herein.*

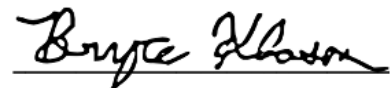
*89-03-01-10. Emergency or temporary authorization.*

*Application for a temporary appropriation must be made on the form provided by the state engineer. In that request, the applicant must indicate the purpose for which water will be used, quantity of water needed, proposed point of diversion, type of use, place of use, rate of withdrawal, source of water, dates of proposed use, and applicant's address. The state engineer will evaluate the request and, if it is granted, the state engineer will list on the temporary authorization conditions that govern the appropriation.*

*An applicant for emergency use of water, if the situation warrants, may call the office of the state engineer requesting immediate use of water. Following an oral request and oral approval by the state engineer for authorization, a temporary application form must be submitted.*

*The applicant for temporary or emergency appropriations is responsible for all damages that may be caused to other appropriators or any other individual because of the emergency or temporary use of water.*

The application submitted by Joe Trotter to withdraw water from September 15, 2022, through September 14, 2023, is hereby modified to October 6, 2022 through October 5, 2023. The modified application by Joe Trotter requesting to put 200 acre-feet of water to beneficial use for industrial - water depot at a rate of 3,000 gallons per minute, from the Little Missouri River in the W1/2 of Section 7, Township 145 North, Range 101 West of McKenzie County, is hereby recommended for approval with conditions attached to the permit.



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 Joe Trotter						
Mailing Address PO Box 158						
City Grassy Butte		State ND	Zip Code 58634			
Home Telephone Number 7018636760		Work Phone Number				
Cell Phone Number 7015706357		E-Mail jshae50@gmail.com				
Contact Person (if applicant is not individual) Joe Trotter		Contact Person Phone Number 7015706357				
<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): Little Missouri River		County McKenzie				
1/4 1/4 (if needed) W2	Section 7	Township 145	Range 101			
<i>Only one Point of Diversion can be requested.</i>						
Purpose for Which Water Will be Used: industrial						
Total Quantity of Water Requested: 200 Acre-Feet						
Fees: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;">&lt; 1 Acre-Feet (\$75)</td> <td style="text-align: center; width: 33%;">1 - 10 Acre-Feet (\$125)</td> <td style="text-align: center; width: 33%;">X &gt; 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 : 3000				
Period of Usage: (up to 12 months)		From 9/15/22	Through 9/14/23			
Signature:						
Printed Name: Joe Trotter						

*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)

**ND2022-21282**

Permit Number:ND2022-21282

Make Name and/or Address corrections below:

Joe Trotter  
PO Box 158

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grassy Butte, ND 58634

Phone: (701) 863-6760

**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 W1/2 Sec. 07 Twp. 145 Rng. 101**

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:** Little Missouri River

**Nature of Use:** Industrial - Water Depot

**Total Quantity of Water:** 200.000 Acre-Feet

**Maximum Withdrawal Rate:** 3,000.0 gpm

**Period of Authorized Useage:** 10/6/22 through 10/5/23

**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)

**ND2022-21282**

Permit Number:ND2022-21282

Make Name and/or Address corrections below:

Joe Trotter  
PO Box 158

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grassy Butte, ND 58634

Phone: (701) 863-6760

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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** \_\_\_\_\_

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

Signature \_\_\_\_\_

Date : \_\_\_\_\_