Permit Number - ND2023-21495

State of North Dakota
Temporary Water Permit

In response to an application for a temporary water permit dated 2/24/23 as received in this office 2/24/23, authority is hereby granted to:

H20 Connections,llc
2504 11th Ave SE

Watford City, ND 58854

Contact Person: Jaret Wirtz Telephone: (701) 580-9444

A Temporary Water Permit as follows:

Source: Upper Shell Lake

Point of Diversion: NW1/4 Sec. 19 Twp. 155 Rng. 089

Nature of Use: Industrial - Water Depot

Total Quantity of Water: 300.000 Acre-Feet

Maximum Withdrawal Rate: 5,000.0 gpm

Period of authorized usage: 3/3/23 through 3/2/24

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

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.

Dated: 3/2/23

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

Christopher D. Bader
Director, Water Appropriations Division

cc: Mountrail WRD

Permit Number - ND2023-21495

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3. An in-line, continuous recording, totalizing water flow meter must be installed on the pump discharge line to measure the water quality 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 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 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.

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 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.

Dated: 3/2/23

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

Christopher D. Bader
Director, Water Appropriations Division

cc: Mountrail WRD

Permit Number - ND2023-21495

State of North Dakota
Temporary Water Permit

a. Depot Number: **2014**
b. Depot Name: **H20 Connections Depot**
c. Depot Location: **15508919B**
d. Permit Number: **ND2023-21495**
e. Depot Login:
f. Password:

6. 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 Department of Water Resources before the 10th day of the following month.

7. 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.

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: 3/2/23

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

Christopher D. Bader
Director, Water Appropriations Division

cc: Mountrail WRD

Document Routing

3/6/23 : anygren
3/7/23 : 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
From:	Joe Nett, Hydrologist Manager - Surface Water
Subject:	Temporary Water Permit Application - H20 Connections, llc ND2023-21495
Date:	March 2, 2023

The Department of Water Resources received an application for a temporary water permit from H20 Connections, llc on February 24, 2023. This application requests authorization to use 300.0 acre-feet of water at a maximum withdrawal rate of 5,000 gallons per minute (gpm) (11.14 cubic feet per second) from Upper Shell Lake (Figure 1). The requested point of diversion (POD) listed on the application is the NW1/4 of Section 19, Township 155 North, Range 89 West (T155N, R89W) of Mountrail County. The requested withdrawal period is March 1, 2023, through February 28, 2024. The nature of use for the requested allocation is Industrial-Water Depot.

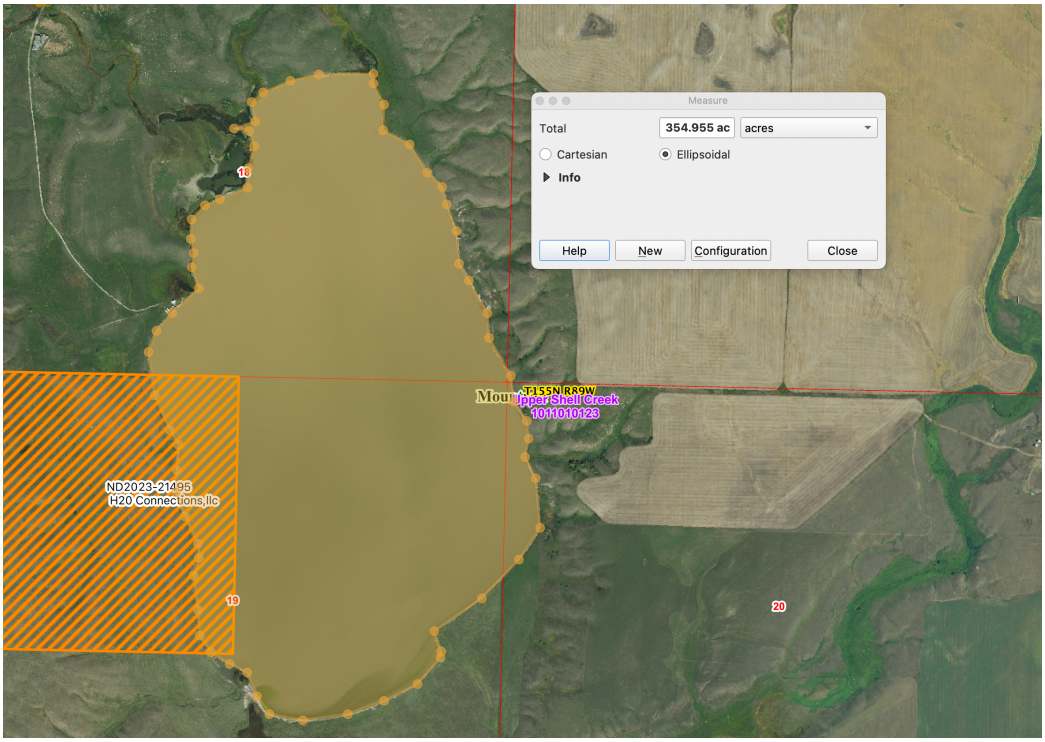

Figure 1. Overview of requested water source.

A hydrologic review was completed as a part of the review process for the temporary water permit application. The hydrologic review indicated that the requested POD is on Upper Shell Lake in the 101101012302 sub-watershed, Upper Shell Creek watershed, Lake Sakakawea sub-basin, and Lake Sakakawea basin. The POD has no adjacent public land access constraints. The POD has no adjacent ND Game and Fish lakes. The surface area of the slough is approximately 354.955 acres according to 2022 National Aerial Imagery Program photography and conservatively stores 972 acre-feet. Therefore, the requested volume of 300.0 acre-feet is available and will be recommended for approval. There are no documented senior appropriators at Upper Shell Lake.

The weekly Palmer Drought Severity Index (PDSI) in North Dakota Climate Division 1 for the previous and current years are shown in Figure 2, including the current trend in near normal conditions. A forecast by the Climate Prediction Center indicates a good chance of above normal precipitation and a good chance of below normal temperatures through March. The forecast also indicates equal chances of above or below normal precipitation and a slight chance of below normal temperatures through May (Figure 3). The Seasonal Drought Outlook favors drought conditions improving throughout most of the state through May (Figure 4). The Institute for Climate and Society states that ENSO-neutral conditions are expected to begin within the next couple of months, and persist through the Northern Hemisphere spring and early summer.

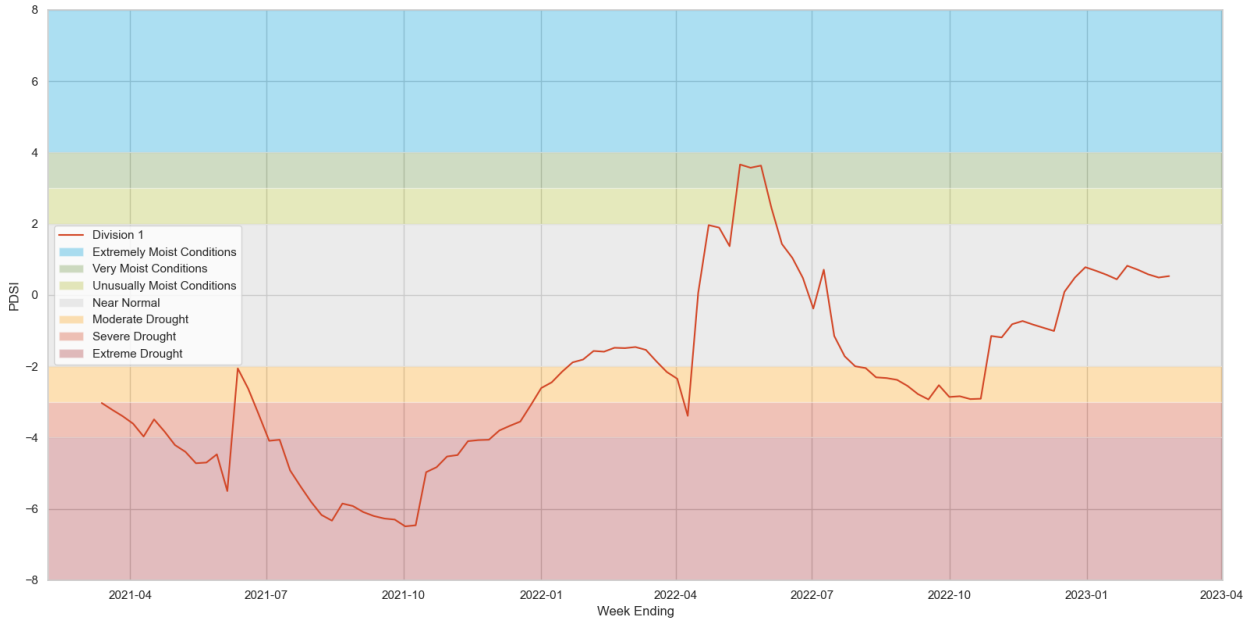

Figure 2. ND Climate Division 1 PDSI for previous and current year.

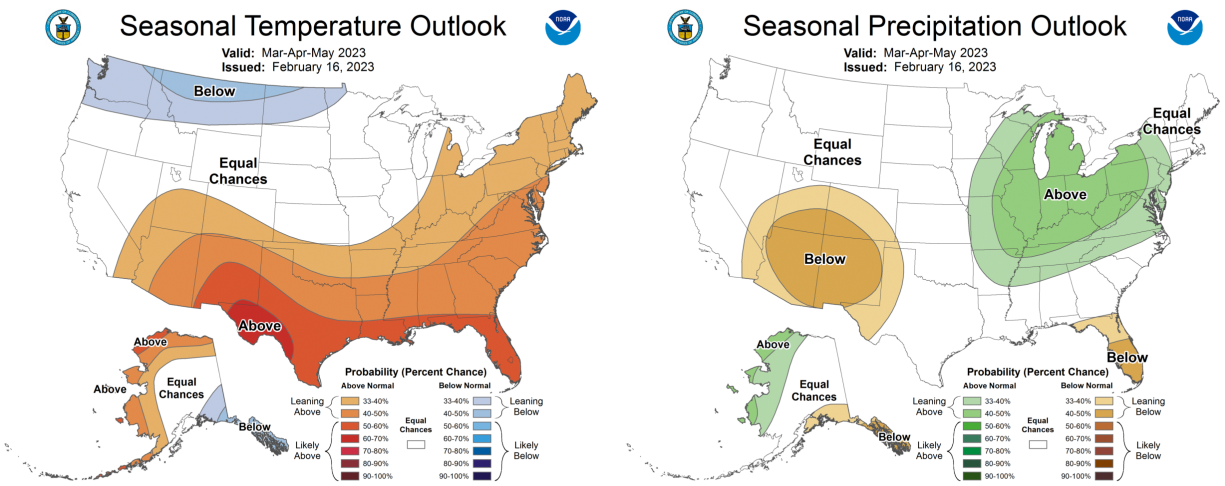

Figure 3. Climate Prediction Center three-month temperature and precipitation probabilities.

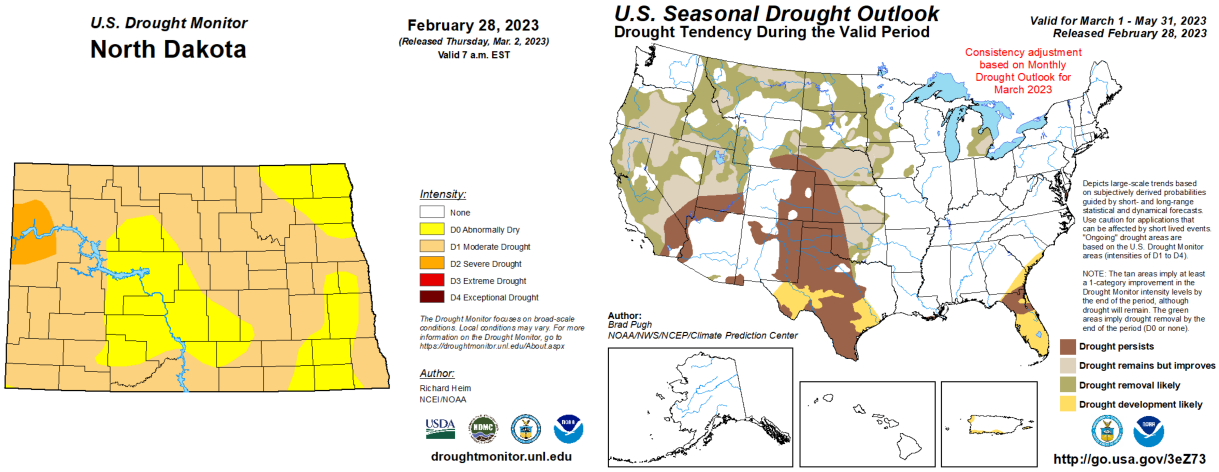

Figure 4. Current drought conditions and seasonal drought outlook.

Statutory authority for issuing emergency or temporary use of water is given to the Department of Water Resources 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.
An application for a temporary water permit must be made on the form provided by the department. In that request, the applicant must indicate the purpose for which water will be used, water quantity needed, proposed point of diversion, type of use, withdrawal rate, water source, proposed use dates, and applicant's address. The department will evaluate the request and, if it is granted, the department will list on the temporary water permit the conditions that govern the appropriation.

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

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

The application submitted by H20 Connections, llc to withdraw water from March 1, 2023, through February 28, 2024, is hereby modified to March 3, 2023, through March 2, 2024. The modified application by H20 Connections, llc requesting to put 300.0 acre-feet of water to beneficial use for Industrial-Water Depot at a rate of 5,000 gpm, from Upper Shell Lake in the NW1/4 of Section 19, T155N, R89W of Mountrail County, is hereby recommended for approval with conditions attached to the permit.

Joe Nett
Hydrologist Manager - 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 H20 Connections,llc		
Mailing Address 2504 11th Ave SE		
City Watford City	State ND	Zip Code 58854
Home Telephone Number 7015809444	Work Phone Number	
Cell Phone Number 7015809444	E-Mail jaret.wirtz@gmail.com	
Contact Person (if applicant is not individual) Jaret Wirtz	Contact Person Phone Number 7015809444	
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): Upper shell lake	County Mountrail	
1/4 1/4 (if needed) NW	Section 19	Township 155	Range 89
Only one Point of Diversion can be requested.		
Purpose for Which Water Will be Used: Industrial		
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 : 5000	
Period of Usage: (up to 12 months)	From 03/01/23	Through 02/28/24
Signature:		
Printed Name: Jaret Wirtz		

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

2024 Temporary Permit Annual Water Use Report

(Return all pages of this form even if no water was used)

ND2023-21495

Permit Number:ND2023-21495

H20 Connections,llc
2504 11th Ave SE

Watford City, ND 58854

Phone: (701) 580-9444

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 Sec. 19 Twp. 155 Rng. 089

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: Upper Shell Lake
Nature of Use: Industrial - Water Depot
Total Quantity of Water: 300.000 Acre-Feet
Maximum Withdrawal Rate: 5,000.0 gpm
Period of Authorized Useage: 3/3/23 through 3/2/24

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 58504-5262
Phone (701) 328-2754

Signature _____

Date : _____

2023 Temporary Permit Annual Water Use Report

(Return all pages of this form even if no water was used)

ND2023-21495

Permit Number:ND2023-21495

H20 Connections,llc
2504 11th Ave SE

Watford City, ND 58854

Phone: (701) 580-9444

Make Name and/or Address corrections below:

_____

_____

_____

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MARCH	_____	SEPTEMBER	_____
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JUNE	_____	DECEMBER	_____

TOTAL ANNUAL USE _____

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WATER PERMIT CRITERIA:

Source: Upper Shell Lake
Nature of Use: Industrial - Water Depot
Total Quantity of Water: 300.000 Acre-Feet
Maximum Withdrawal Rate: 5,000.0 gpm
Period of Authorized Useage: 3/3/23 through 3/2/24

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 58504-5262
Phone (701) 328-2754

Signature _____

Date : _____