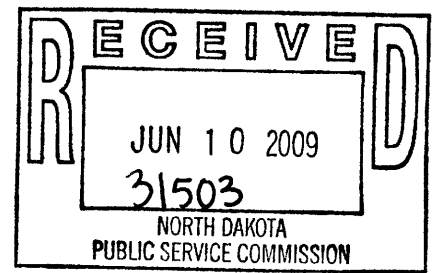




State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>



June 9, 2009

James R. Deutsch, Director
Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Deutsch:

I have reviewed the permit revision (Permit NAFK-9601 Revision 13) and found that while the revision does not require a construction permit from the State Engineer, we would like the data be provided on DWR-I35-01 as well as DWR-I25-04 as we will record them as "creations." A creation is a water control structure or dam that holds less than 50 acre-feet. Please have the applicant fill out a normal Construction Permit application form for each pond from our web site. (www.swc.nd.gov) We will see that they are smaller than need a permit and assign them Creation numbers to include the structures in our database.

A water permit will also be required in the name of the structure owner if it will normally hold more than 12.5 acre-feet of water. The application kit is included with this letter for DWR-I35-01.

Sincerely,

Dwight Comfort, P.E.
Water Resource Engineer

DC /1687-13

Enclosure: Water permit application forms

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____