

May 4, 2018

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Meadowlark Wind I LLC's Application for a Certificate of Site Compatibility
for the New Frontier Wind Energy Project in McHenry County, North Dakota
Case No. PU-11-69**

Dear Mr. Nitschke:

In accordance with Certification Provision No. 3 attached to the North Dakota Public Service Commission's ("Commission") May 10, 2017 Order of Continuing Suitability for the New Frontier Wind Energy Project, Meadowlark Wind I LLC provides two (2) copies of Permit Number – ND2018-18793 – Temporary Water Permit for the SWC Project No. 1400A.

A copy of this letter is also enclosed. Electronic copies of this letter and the above-referenced document were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms
Enclosures

cc: Jerry Lein (via e-mail – w/o encl.)
Todd Hartleben (via e-mail – w/o encl.)
Chad Tucker (via e-mail – w/o encl.)
Bill Behling (via e-mail – w/o encl.)
Dan Moller (via e-mail – w/o encl.)

63917136.1

Attorneys & Advisors / Fredrikson & Byron, P.A.
main 612.492.7000 / 200 South Sixth Street, Suite 4000
fax 612.492.7077 / Minneapolis, Minnesota
fredlaw.com / 55402-1425

Permit Number - ND2018-18793

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

In response to an application for a temporary water permit dated Apr 27, 2018 as received in this office Apr 27, 2018, authority is hereby granted to:

Blattner Energy
PO Box 26

Velva, ND 58790

Contact Person: Madelynn Longley

Telephone:

A Temporary Water Permit as follows:

Source: unnamed slough

Point of Diversion: NE1/4 Sec. 30 Twp. 151 Rng. 080

Nature of Use: Construction

Total Quantity of Water: 14,000,000.0 Gallons

Maximum Withdrawal Rate: 1,200.0 gpm

Period of authorized usage: May 4, 2018 through Nov 28, 2018

Conditions

This temporary water permit is granted subject to use from the source by senior appropriators. Permission for access to the source must be obtained from all affected landowners. Failure to comply with any order of the State Engineer may result in forfeiture of this permit. The granting of a temporary water permit does not create a water right. Temporary water permits are not transferrable. Temporary water permits cannot be modified.

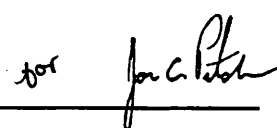
Temporary Water Permits are limited to less than twelve months by law (North Dakota Century Code 61-04-02.1) and are limited to one-time use from surface water sources for Industrial uses.

Future water use from this source for this purpose could require a Conditional Water Permit.

The total quantity of water listed above is equivalent to < 50.0 acre-feet.

Dated: Apr 30, 2018

Garland Erbele, P.E.
State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505


Jon C. Patch, P.E.
Director, Water Appropriation Division

cc: McHenry WRD

Permit Number - ND2018-18793

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

This temporary water permit does not authorize the construction of any type of dam or crossing on the unnamed slough.

The State Engineer reserves the right to impose a minimum reservoir elevation on the unnamed slough.

Withdrawals shall cease upon the order of the State Engineer.

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

The use of the water authorized by this Temporary Water Permit shall be limited to windfarm construction activities. All other uses are unauthorized and can result in the forfeiture of this temporary water permit.

An Annual Water Use Report must be completed for each calendar year that this temporary water permit is authorized. The attached Annual Water Use Report form is due in the State Engineers Office on or before December 28, 2018, 30 days after the close of the authorized period for this temporary water permit.

A weatherproof copy of this Temporary Water Permit must be attached the equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission.

Dated: Apr 30, 2018

Garland Erbele, P.E.
State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505


Jon C. Patch, P.E.
Director, Water Appropriation Division

cc: McHenry WRD

OFFICE OF THE NORTH DAKOTA STATE ENGINEER
RECOMMENDED DECISION

To: Garland Erbele, P.E., State Engineer
Approved by: Jon Patch, P.E., Director, Water Appropriations Division
Reviewed by: William Schuh, Assistant Division Director
Reviewed by: Dan Farrell, Hydrologist Manager ~~DAN 5-1-18~~
From: Darin Schepp, P.E., Water Resource Engineer
Subject: Temporary water permit application from Blattner Energy
ND2018-18793
Date: April 30, 2018

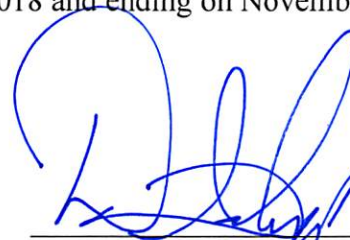
AP 5/3/18
5/3/18

The State Engineers Office received an application for a temporary water permit from Madelynn Longley, representing Blattner Energy, on April 27th, 2018. The application requested authorization to use 14,000,000.0 gallons (< 50.0 acre-feet) of water from an unnamed slough at a maximum rate of withdrawal of 1,200 gallons per minute. The requested point of diversion is located in the NE ¼ of Section 30, Township 151 North, Range 80 West, of McHenry County. The beneficial use requested is windfarm construction.

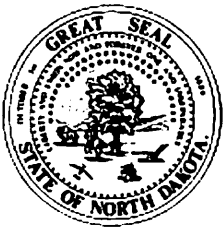
12,974E

A hydrologic review was completed as a part of the review process for the temporary water permit application. There should be no adverse impacts to any senior water rights.

Therefore, the application by Blattner Energy to appropriate 14,000,000.0 gallons (< 50.0 acre-feet) of water at a pumping rate of 1,200 gallons per minute from an unnamed slough via a point of diversion located in the NE ¼ of Section 30, Township 151 North, Range 80 West, is recommended for approval with the conditions attached to the permit for a timeframe beginning on May 4, 2018 and ending on November 28, 2018.



Darin Schepp, P.E.
Water Resource Engineer



APPLICATION FOR A TEMPORARY WATER PERMIT
NORTH DAKOTA STATE WATER COMMISSION
WATER APPROPRIATIONS
 SFN 60158

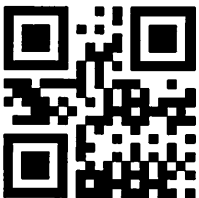
MAIL THE COMPLETED APPLICATION TO:

State Engineer • ND State Water Commission • 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 Blattner Energy							
Mailing Address PO Box 26							
City Velva	State ND	Zip Code 58790					
Home Telephone Number		Work Phone Number					
Cell Phone Number		E-Mail mlongley@blattnerenergy.com					
Contact Person (if appliacnt not individual) Madelynn Longley		Contact Person Phone Number 3204060912					
Source of Water Surface Water							
Name of Source (if surface water): Pond (no name)		County McHenry					
1/4 1/4 (if needed) NE	Section 30	Township 151	Range 80				
Purpose for Which Water Will be Used: Construction of Wind Farm							
Total Quantity of Water Requested: 14000000 Gallons							
Fees: <table border="0" style="width:100%"> <tr> <td style="text-align:center">< 1 Acre-Foot (\$75)</td> <td style="text-align:center">1 - 10 Acre-Foot (\$125)</td> <td colspan="2" style="text-align:center">X > 10 Acre-Foot (\$200)</td> </tr> </table>				< 1 Acre-Foot (\$75)	1 - 10 Acre-Foot (\$125)	X > 10 Acre-Foot (\$200)	
< 1 Acre-Foot (\$75)	1 - 10 Acre-Foot (\$125)	X > 10 Acre-Foot (\$200)					
Withdrawal rate at which water is proposed to be diverted at the location listed above:		GPM : 1200					
Period of Usage: (up to 12 months)		From 05/01/2018	Through 11/28/2018				
Signature:							
Printed Name: Madelynn Longley							



Upon receipt of this form, the State Engineer will forward a written response to the applicant within approximately 30 days. If the applicaiton is approved, the granting of temporary water permit does not create a water right. If you have any questions, call (701) 328-2754.

For Internal Use

2018 Temporary Permit Annual Water Use Report
(Return all pages of this form even if no water was used)

ND2018-18793

Permit Number:ND2018-18793

Make Name and/or Address corrections below:

Blattner Energy
PO Box 26

Velva, ND 58790

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		_____	

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

Report the following information for the Point of Diversion NE1/4 Sec. 30 Twp. 151 Rng. 080

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: unnamed slough

Nature of Use: Construction

Total Quantity of Water: 42.96 Acre-Feet

Maximum Withdrawal Rate: 1,200.0 gpm

Period of authorized useage: May 4, 2018 through Nov 28, 2018

II. MAKE ANY ADDITIONAL REMARKS BELOW:

Note: 1 Acre-Foot = 325,851 gallons.

E-Mail: depotreporting@nd.gov

Please return to:

North Dakota Office of the State Engineer
State Office Building
900 East Boulevard
Bismarck, ND 58505
Phone (701) 328-2754

Signature _____

Date : _____

**NORTH DAKOTA STATE ENGINEERS OFFICE
WATER APPROPRIATIONS DIVISION
ADMINISTRATIVE AND HYDROLOGICAL
REVIEW WORKSHEET
FOR TEMPORARY WATER PERMIT APPLICATIONS**

ADMINISTRATIVE REVIEW

Applicant's name:	Blattner Energy
Application number:	18793
Requested Point of Diversion:	15108030A
Date Application received in the State Engineer's Office:	4/27/18
Date review process started:	4/30/18
Is legal description filled out correctly?	Yes
Is the water source correct?	Yes
Requested purpose of use:	Construction
Requested purpose category:	Construction

WATER SOURCE REVIEW

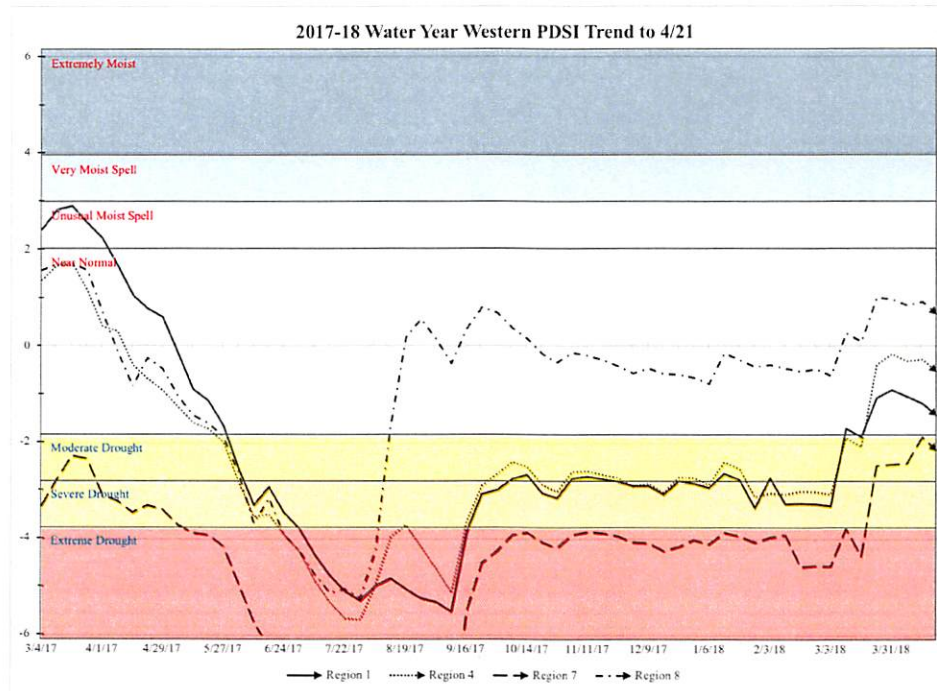
Is the water source properly identified in the application?	Yes
Is the water source within the definition of navigable?	No
E-mail to Sovereign Lands?	No
If an impoundment, what is the surface area?	14.5 acres
Are there access constraints to the source?	No
Waterfowl or Wetland easements	<u>No</u>
USACE lands	<u>No</u>
Bureau of Reclamation lands	<u>No</u>
US Forest Service lands	<u>No</u>
BIA/Tribal lands	<u>No</u>
Taxed land within reservation	<u>No</u>

WATER PERMIT REVIEW

Water permits in the watershed?	Yes*
Water permit applications in the watershed?	No
Water use registrations (108D) in the watershed?	No
Current temporary water permits in the watershed?	Yes*
	(* - See Notes)

HYDROLOGICAL REVIEW

Sub-Watershed (HUC-12) Identification #:	090100030301
Sub-Watershed (HUC-12) Name:	Blacktail Coulee
Sub-Watershed (HUC-12) Area:	48.0 sq. mi.
Watershed (HUC-10) Name:	Blacktail Coulee-Souris River
Sub-Basin (HUC-8) Name:	Lower Souris
Drainage area up gradient of proposed POD:	0.7 sq. mi.
Snow water equivalent (SWE) data (if applicable):	N/A



Hydrology Manual of North Dakota:

Estimated Annual Normal Precipitation (inches)	15
Estimated Mean Annual Evaporation (inches)	34
Estimated Annual Yield 50% (AF/sq. mile)	25
Estimated Annual Yield of up gradient area 50% (AF/mi ²)	25
Estimated Annual Yield 80% (AF/sq. mile)	12
Estimated Annual Yield of up gradient area 80% (AF/mi ²)	12

Are there any monitoring sites within the sub-basin? Yes*

NDCC 61-02-06 CRITERIA REVIEW

Could the rights of a prior appropriator be affected?	<u>No</u>
Is the proposed means of diversion adequate?	<u>Yes</u>
Is the proposed use beneficial?	<u>Yes</u>
Is the proposed appropriation in the public interest?	<u>Yes</u>
Benefit to the applicant?	<u>Yes</u>
Effect of economic activity?	<u>Yes</u>
Effect on fish & game, recreation, alt use, harm to others?	<u>No</u>
Intent & ability to complete?	<u>Yes</u>

RECOMMENDATION

Quantity of water requested: 14,000,000.0 Gallons
 Maximum rate of withdrawal requested: 1,200 GPM
 Requested point of diversion: 15108030A

Recommended Quantity of water: 14,000,000.0 Gallons
 Recommended maximum rate of withdrawal: 1,200 GPM
 Recommended point of diversion: 15108030A

CONDITIONS TO BE ATTACHED TO RECOMMENDED TEMPORARY WATER PERMIT:

Temporary Water Permits are limited to less than twelve months by law (North Dakota Century Code 61-04-02.1) and are limited to one-time use from surface water sources for Industrial uses. Future water use from this source for this purpose could require a Conditional Water Permit.

The total quantity of water listed above is equivalent to < 50.0 acre-feet.

This temporary water permit does not authorize the construction of any type of dam or crossing on the unnamed slough.

The State Engineer reserves the right to impose a minimum reservoir elevation on the unnamed slough.

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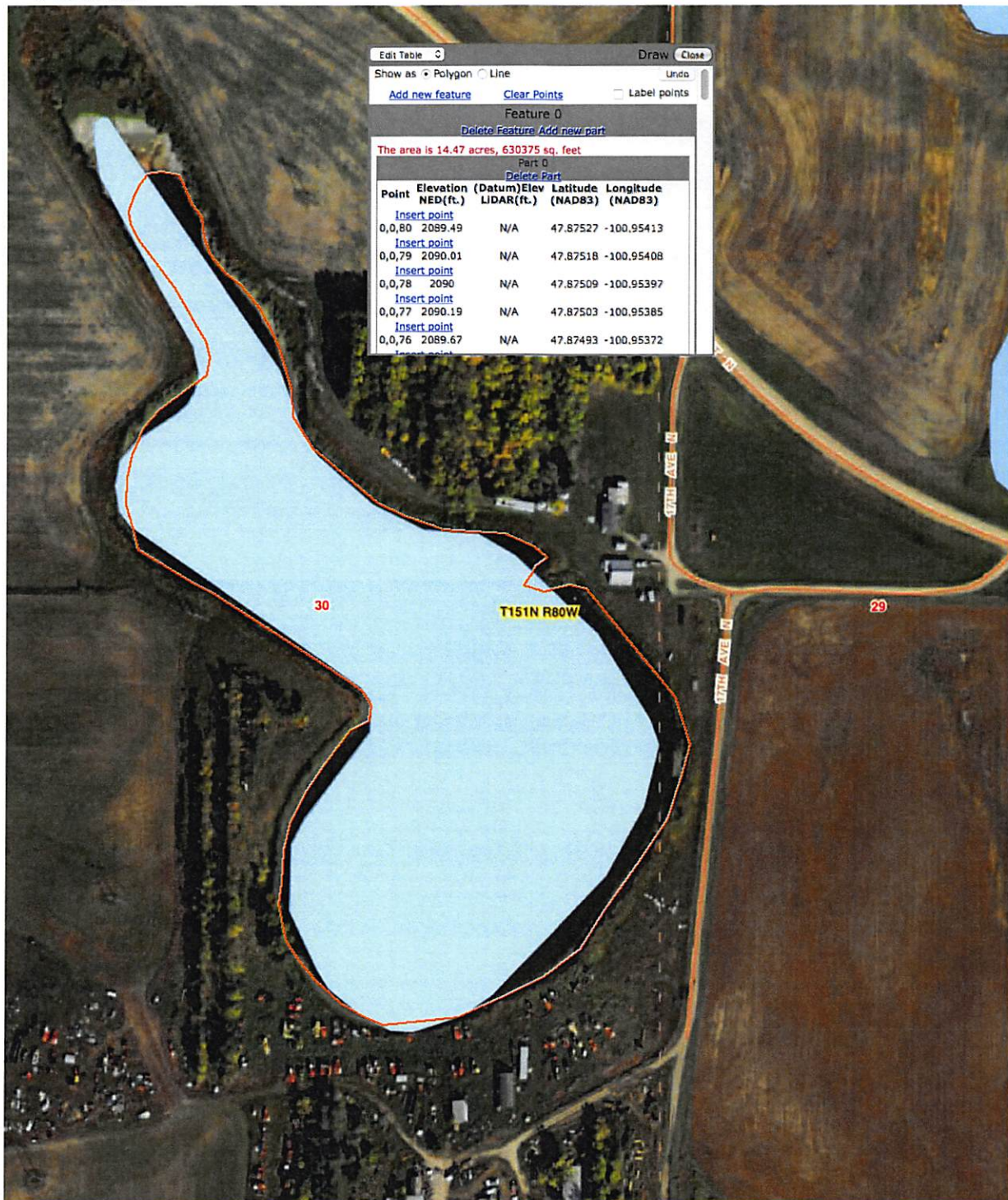
A weatherproof copy of this Temporary Water Permit must be attached the equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission.

4-30-18
Date completed



Darin Schepp, P.E.
Water Resource Engineer

NOTES:



Hydrology Calculations

Effective Area: 0.7 sqmi

Rainfall: $(15.0'' =) 1.3' \times (0.7 \text{ sqmi} \times 640 \text{ Acres}) = 560.0 \text{ A-F/Year}$

80% Yield: $12.0 \text{ A-F/sqmi} \times 0.7 \text{ sqmi} = 8.4 \text{ A-F}$

50% Yield: $25.0 \text{ A-F/sqmi} \times 0.7 \text{ sqmi} = 17.5 \text{ A-F}$

Available Water Calculations

Pond Surface Area (S.A.): 14.5 acres

Estimated depth to bottom (D.B. [based on S.A.]): 5 feet

Area of bottom depth Estimate (B.A.): 7 acres

Volume Estimate: 53.7 acre-feet

$$D. B. \left(\frac{S.A. + B.A.}{2} \right) = \text{Volume Estimate}$$

PDSI Trend: Normal

Yearly Yield Estimate: 8 Acre-Feet

Available water for this year: 61 Acre-Feet

Wind Farm Construction, A very high amount for construction, it is unlikely that they will use the full allocation. The source is an isolated slough.

Surface Water Permits contained in the Blacktail Coulee-Souris River Watershed
(not including Cancelled/Deferred):

Conditional/Perfected:

#298 – Keith Jones PoD: 15307907DB Allocation: 48.6 A-F @ 225gpm	Irrigation	Conditional
#422 – Curtis & Bonnie Feist PoD: 15308023DA Allocation: 67.5 A-F @ 1,350gpm	Irrigation	Perfected
#637 – Fredrick Wolhowe PoD: 15407819AD Requested: 30.0 A-F @ 448.8gpm	Irrigation	Review
#638 – Fredrick Wolhowe PoD: 15407819CD Requested: 150.0 A-F @ 448.8gpm	Irrigation	Review
#1473 – Jerry Kittelson PoD: 15208136DD Allocation: 14.5 A-F, 66.0 A-F Storage	Recreation	Perfected
#4008 – Shirley Rogers PoD: 15208127C Allocation: 6.7 A-F, 35.0 A-F Storage	Fish & Wildlife	Perfected
#4207 – Jerry & Cy Kittelson PoD: 15108101A, 15108101D, 15208136D Allocation: 230.9 A-F @ 1,000gpm	Irrigation	Conditional

Total Allocated Amount: 368.2 A-F

Temporary:

#18374 – Cenex Pipeline, LLC
PoD: 15407935CC
Allocation: 0.2 A-F @ 35gpm
Exp: 9/30/18

#18651 – Sundre Sand & Gravel, Inc.
PoD: 15308013AC
Allocation: 20.0 A-F @ 800gpm
Exp: 10/1/18

#18744 –Gravel Products, Inc.
PoD: 15307908AB
Allocation: 50.0 A-F @ 800gpm
Exp: 12/1/18

Total Temporary Allocated Amount: 70.2 A-F