



# North Dakota State Water Commission

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March 2, 2018

Geri Schmaltz  
ND Public Service Commission  
600 E Boulevard Ave Dept. 408  
Bismarck, ND 58505

Dear Ms. Schmaltz:

This is in response to your Notice of Filings and Public Hearing for PSC Case No. PU-18-21; Cherry Creek Pipeline—McKenzie & Williams Counties, by ONEOK Rockies Midstream, L.L.C.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) if you have any questions regarding this comment at 701-328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov).
- A Sovereign Land Permit exists for this project. Please contact Gerald Heiser, Sovereign Land Manager, at 701-328-4935 or [gheiser@nd.gov](mailto:gheiser@nd.gov) for guidance on existing permit alterations.
- The project does not include any new development, and therefore a floodplain development permit is not required by the minimum requirements of the National Flood Insurance Program (NFIP).

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Jared Huibregtse  
Water Resource Planner IV

JH/1570

DOUG BURGUM, GOVERNOR  
CHAIRMAN



33 PU-18-21 Filed: 3/21/2018 Pages: 2  
Exhibit 6 - State Water Commission letter to PSC,  
March 2, 2018 (with letter of transmittal explanation)

ONEOK Rockies Midstream, L.L.C.

18 PU-18-21 Filed: 3/2/2018 Pages: 1  
Comments

North Dakota State Water Commission  
Jared Huibregtse, Water Resource Planner

GARLAND ERBELE, P.E. CHIEF  
ENGINEER-SECRETARY

## Dawson, Timothy J.

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**From:** Casey A. Furey <cfurey@crowleyfleck.com>  
**Sent:** Friday, March 23, 2018 1:36 PM  
**To:** marmstrong@smithporsborg.com; Dawson, Timothy J.  
**Cc:** Wade Mann  
**Subject:** PU-18-021 - Bear Creek Hearing Exhibit 6

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All,

Correspondence from the ND Water Commission, PU-18-021 Docket No. 18, which was admitted as Hearing Exhibit 6, was docketed in error in the Bear Creek matter. Although the Water Commission references Case No. PU-18-21, the letter discusses ONEOK's Cherry Creek Conversion Pipeline project, and should have been docketed in that case (PU-17-483). As such, Exhibit 6 is not applicable to the Bear Creek Project.

Please let me know if you would like to discuss further.

Thank you,

Casey A. Furey  
Crowley Fleck PLLP  
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Bismarck, ND 58502  
701-224-7552  
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