



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
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EXHIBIT

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22

February 25, 2019

Darrell Nitschke, Executive Secretary
ND Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

This is in response to your request for a review of the environmental impacts associated with the applications in Case No. PU-18-302, Burke Wind, LLC. - Burke Wind Transmission Line, Burke & Mountrail Counties and Case No. PU-18-344, Burke Wind, LLC. - Burke County Wind Energy Center, Burke County.

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.

The State Water Commission (SWC) maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. SWC observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The SWC hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

- The OSE Engineering and Permitting Section reviewed the project route and determined that the project route may traverse over or through surface water resources. The OSE requests to be notified regarding the proposed project's impacts, if any, to water resources such as watercourses (i.e. streams or rivers), agricultural drains, and wetlands (i.e. ponds, sloughs, lakes, or any series thereof) as any alterations, modifications, improvements, or impacts to those water resources may require a drainage permit(s) or a construction permit(s) from the OSE. For further information on the OSE's permitting requirements, please visit the Regulation & Appropriation tab on the OSE's website (swc.nd.gov). Please contact Brian Mager with the OSE Engineering and Permitting Section at 701-328-3442 if you have any questions regarding this comment.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4967 or jjhuibregtse@nd.gov.

Sincerely,

Jared Huibregtse
Water Resource Planner IV

JH:dm/1570

83 **PU-18-344** Filed: 3/8/2019 Pages: 1
Exhibit 22 - ND Water Commission Comments

Burke Wind, LLC

51 **PU-18-302** Filed: 3/8/2019 Pages: 1
Exhibit 22 - ND Water Commission Comments

Burke Wind, LLC

DOUG BURGUM, GOVERNOR
CHAIRMAN