

**Permit Number - ND2021-20520**

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

In response to an application for a temporary water permit dated 3/15/21 as received in this office 3/15/21, authority is hereby granted to:

Denbury Green Pipeline - North Dakota, L  
5851 Legacy Circle, Suite 1200  
Plano, TX 75024

Contact Person: Rusty Shaw

Telephone: (214) 998-1830

**A Temporary Water Permit as follows:**

**Source:** Little Beaver Creek

**Point of Diversion:** SW1/4 NE1/4 Sec. 07 Twp. 132 Rng. 106

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 9.206 Acre-Feet

**Maximum Withdrawal Rate:** 2,750.0 gpm

**Period of authorized usage:** 6/15/21 through 6/14/22

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 State Engineer. 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 permit holder's risk.

**Conditions**

1. This permit is subject to cancellation or curtailment if it is deemed to significantly impact the free-flowing natural state of the Little Missouri River.
2. Reasonable precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
  - a. Internal combustion motors shall be muffled to maintain the tranquility and ambiance and minimize audible disruption of the scenic river experience.

Dated: 5/24/21

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John A. Paczkowski, P.E.,  
Interim State Engineer  
ND State Water Commission  
900 East Boulevard  
Bismarck, ND 58505



Christopher D. Bader  
Director, Water Appropriations Division

cc: Bowman WRD

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- b. The shorelines in and around intake locations shall be kept free of construction debris and litter.
  - c. Reasonable attempts shall be made to shelter pumps and motors from view for those wishing to travel along the water way.
3. Pumps and motors shall be set back from the shoreline sufficient distance and reasonable precautions made to ensure any fluids or oils that may leak from these will be contained before they have a chance to enter the stream. Portable containment for pump and motor fluid leakage may be required upon order of the State Engineer.
4. The State Engineer may impose minimum flow restrictions.
5. The permitholder must not cause streamflow to cease.
6. Sufficient water for downstream superior water rights must flow past the point of diversion while water is being withdrawn under this water permit.
7. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water at all times.
8. 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 Office of the State Engineer 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 Office of the State Engineer 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 Office of the State Engineer within thirty (30) days after the expiration date of the permit, which must report the total water withdrawn in the second calendar year.
9. Any works associated with this temporary water permit are subject to inspection at any time by representatives of the Office of the State Engineer. Refusal to allow inspection is grounds for temporary water permit cancellation.

Dated: 5/24/21

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John A. Paczkowski, P.E.,  
Interim State Engineer  
ND State Water Commission  
900 East Boulevard  
Bismarck, ND 58505



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Director, Water Appropriations Division

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10. Failure to comply with any order of the State Engineer may result in temporary water permit forfeiture.

Dated: 5/24/21

cc: Bowman WRD

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John A. Paczkowski, P.E.,  
Interim State Engineer  
ND State Water Commission  
900 East Boulevard  
Bismarck, ND 58505



Christopher D. Bader  
Director, Water Appropriations Division

OFFICE OF THE NORTH DAKOTA STATE ENGINEER  
RECOMMENDED DECISION

To: John A. Paczkowski P.E., Interim State Engineer  
Approved By: Chris Bader, Director, Water Appropriation Division  
Reviewed By: Andrew Nygren, Hydrologist Manager  
Reviewed By: Kimberly Fischer, Hydrologist Manager  
From: Bryce Klasen, Hydrologist - Surface Water  
Subject: Temporary Water Permit Application - Denbury Green Pipeline - North Dakota, LLC  
ND2021-20520  
Date: May 24, 2021

The State Engineer's Office received an application for a temporary water permit from Denbury Green Pipeline - North Dakota, LLC on March 15, 2021. This application requests authorization to use 3,000,000 (9.2 acre-feet) of water at a maximum withdrawal rate of 2,750 gallons per minute (6.13 cubic feet per second) from Little Beaver Creek (Figure 1). The requested point of diversion (POD) listed on the application is the SW1/4NE1/4 of Section 7, Township 132 North, Range 106 West of Bowman County. The requested withdrawal period is June 15, 2021 through June 14, 2022. The nature of use for the proposed allocation is hydrostatic testing.

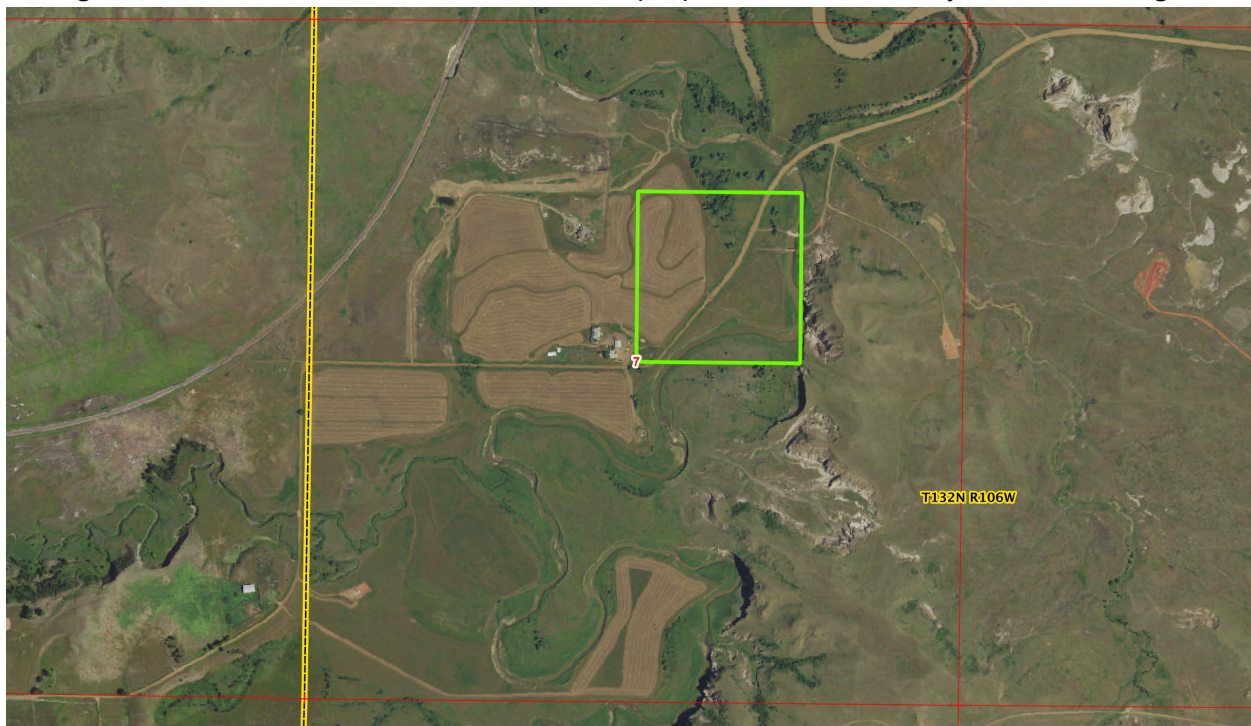


Figure 1. Overview of requested water source.

A hydrologic review was completed as a part of the review process for the temporary water permit application. The hydrologic review indicated that the proposed POD is located on Little Beaver Creek in the Little Beaver Creek sub-watershed, Lower Little Beaver Creek watershed, Upper Little Missouri sub-basin, and Little Missouri basin. Therefore, any recommended decision for approval must address the additional conditions required by the "Policy for issuing Temporary Industrial Water-Depot Permits in the Little Missouri River Basin". The drainage area upgradient of the proposed POD is 595 square miles, as determined from USGS StreamStats Version 4. According to the North Dakota Hydrology Manual, 80 years out of 100 there will be an estimated 2,975 acre-feet of water available for allocation from runoff, with approximately 45% of runoff generated from snowmelt. The POD has no adjacent public land access constraints. The POD has no adjacent ND Game and Fish lakes. Senior permit holders located downstream of the requested POD are summarized in Table 1 and are allocated 313.9 acre-feet at a rate of 13,950 gallons per minute. Based on the estimated runoff, there is enough water for senior water rights and the proposed temporary water permit application.

Permit Number	Permit holder	Approved Point of Diversion	Permit Status	Approved Annual Use (Acre-Feet)	Approved Rate (Gallons Per Minute)	Use Type	Begin Date	End Date
439A	SONSALLA, WAYNE E.	13310634AA	Perfected	51.2	450.0	Irrigation	-	-
1969	HADLEY BROTHERS, LLP	13310634DB 13310634CD 13310634AC	Perfected	92.3	1,500	Irrigation	-	-
3248	SONSALLA, WAYNE E.	13310634C 13310634A	Perfected	15.4	8,000	Irrigation	March 1	November 1
3259	GRAHAM, ALVIN & DUFFIELD, DOUG	13210713A 13210607A 13210607C	Perfected	155.0	4,000	Irrigation	May 1	October 1

Table 1. Downstream senior permit holders.

The Palmer Drought Severity Index (PDSI) in North Dakota Climate Division 7 has been in the moderate drought category for most of the 2021 water year. In March it dipped into the severe drought category, then into the extreme drought category in April (Figure 2). Forecasts by the Climate Prediction Center indicate a slight chance of below normal precipitation and a good chance of above normal temperatures through June. The forecasts also indicate a slight chance of below normal precipitation and a good chance of above normal temperatures through July (Figure 3). The Seasonal Drought Outlook indicates drought conditions will continue through August (Figure 4). Institute for Climate and Society states that La Nina has ended, with ENSO-neutral likely to continue through the Northern Hemisphere summer (67% chance in June-August 2021).

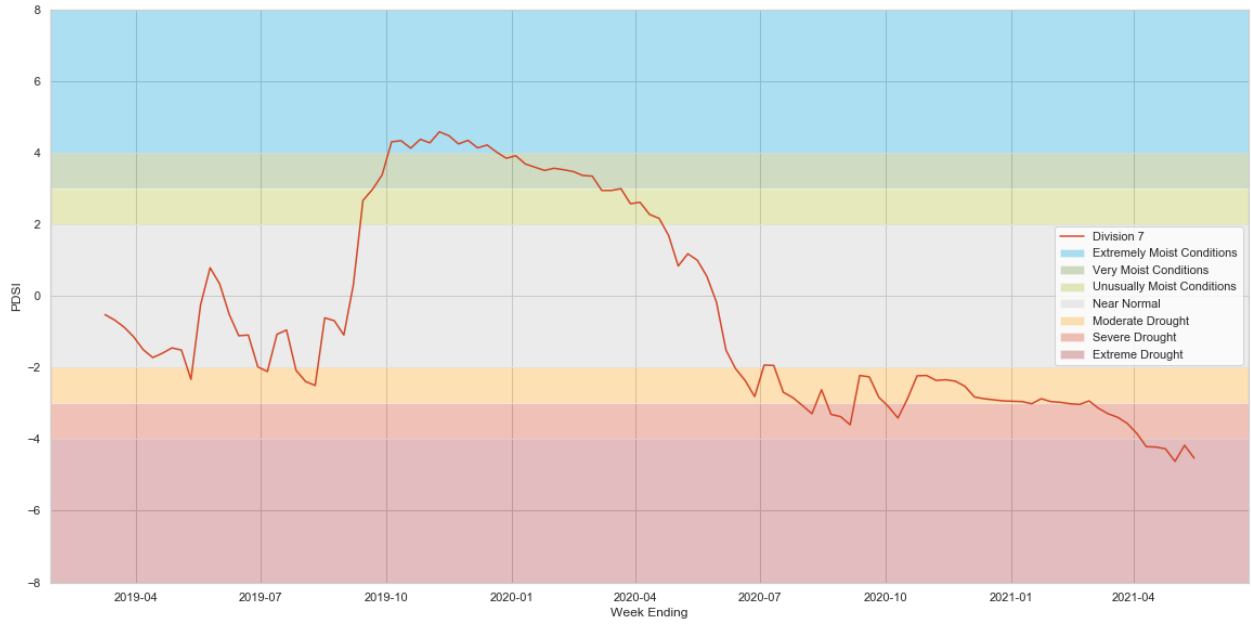


Figure 2. ND Climate Division 7 PDSI for previous and current year.

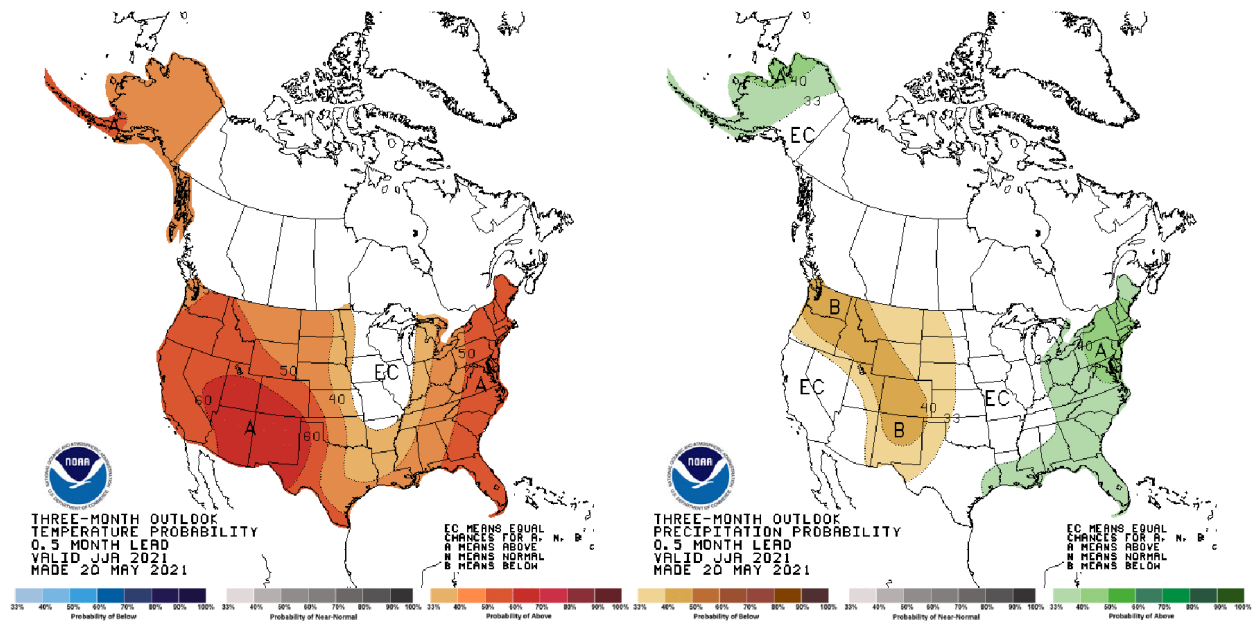


Figure 3. Climate Prediction Center three-month temperature and precipitation probabilities.

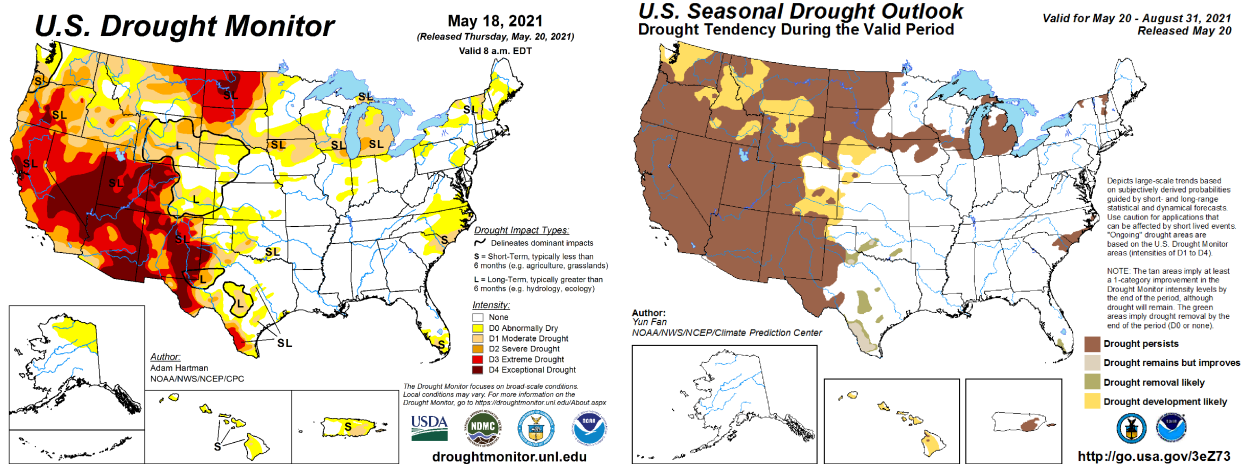


Figure 4. Current drought conditions and seasonal drought outlook.

Statutory authority for issuing emergency or temporary use of water is given to the State Engineer 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 state engineer may authorize emergency or temporary use of water for periods not to exceed twelve months if the state engineer determines such use will not be to the detriment of existing rights. The state engineer 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.*

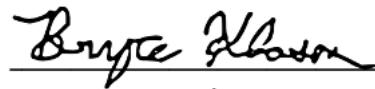
*Application for a temporary appropriation must be made on the form provided by the state engineer. In that request, the applicant must indicate the purpose for which water will be used, quantity of water needed, proposed point of diversion, type of use, place of use, rate of withdrawal, source of water, dates of proposed use, and applicant's address. The state engineer will evaluate the request and, if it is granted, the state engineer will list on the temporary authorization conditions that govern the appropriation.*

*An applicant for emergency use of water, if the situation warrants, may call the*

*office of the state engineer requesting immediate use of water. Following an oral request and oral approval by the state engineer for authorization, a temporary application form must be submitted.*

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

The application submitted by Denbury Green Pipeline - North Dakota, LLC to withdraw water from June 15, 2021 through June 14, 2022 requesting to put 9.2 acre-feet of water to beneficial use for hydrostatic testing at a rate of 2,750 gallons per minute, from Little Beaver Creek in the SW1/4NE1/4 of Section 7, Township 132 North, Range 106 West of Bowman County, is hereby recommended for approval with conditions attached to the permit.

A handwritten signature in black ink, reading "Bryce Klasen", written in a cursive style. The signature is positioned above a horizontal line.

Bryce Klasen

Hydrologist - Surface Water



**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 Denbury Green Pipeline - North Dakota, LLC			
Mailing Address 5851 Legacy Circle, Suite 1200			
City Plano	State TX	Zip Code 75024	
Home Telephone Number		Work Phone Number 9726732777	
Cell Phone Number 2149981830		E-Mail rusty.shaw@denbury.com	
Contact Person (if applicant is not individual) Rusty Shaw		Contact Person Phone Number 2149981830	
Source of Water Surface Water			
Name of Source (if surface water): Little Beaver Creek		County Bowman	
1/4 1/4 (if needed) SW            NE	Section 07	Township 132	Range 106
Purpose for Which Water Will be Used: Dust abatement and hydro test pipeline			
Total Quantity of Water Requested: 3000000 Gallons			
Fees:                    < 1 Acre-Foot (\$75)                    X 1 - 10 Acre-Foot (\$125)                    > 10 Acre-Foot (\$200)			
Withdrawal rate at which water is proposed to be diverted at the location listed above:		GPM : 2750	
Period of Usage: (up to 12 months)		From 06/15/2021	Through 6/14/2022
Signature:			
Printed Name: Rusty Shaw			



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

**2022 Temporary Permit Annual Water Use Report**  
(Return all pages of this form even if no water was used)

**ND2021-20520**

Permit Number:ND2021-20520

Make Name and/or Address corrections below:

Denbury Green Pipeline - North Dakota, L  
5851 Legacy Circle, Suite 1200

\_\_\_\_\_

Plano, TX 75024

\_\_\_\_\_

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 SW1/4 NE1/4 Sec. 07 Twp. 132 Rng. 106**

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:** Little Beaver Creek

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 9.206 Acre-Feet

**Maximum Withdrawal Rate:** 2,750.0 gpm

**Period of Authorized Useage:** 6/15/21 through 6/14/22

**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 : \_\_\_\_\_

**2021 Temporary Permit Annual Water Use Report**  
(Return all pages of this form even if no water was used)

**ND2021-20520**

Permit Number:ND2021-20520

Make Name and/or Address corrections below:

Denbury Green Pipeline - North Dakota, L  
5851 Legacy Circle, Suite 1200

\_\_\_\_\_

Plano, TX 75024

\_\_\_\_\_

Phone:

\_\_\_\_\_

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JANUARY	_____	JULY	_____
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MAY	_____	NOVEMBER	_____
JUNE	_____	DECEMBER	_____

**TOTAL ANNUAL USE** \_\_\_\_\_

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

Signature \_\_\_\_\_

Date : \_\_\_\_\_