

Casey A. Furey  
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P.O. Box 2798  
Bismarck, ND 58502-2798  
701.223.6585  
cfurey@crowleyfleck.com

July 15, 2020

*Via Electronic Mail Only*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

In re: ONEOK Bakken Pipeline, L.L.C.  
Tioga Lateral Pipeline Project  
Case No. PU-19-368  
Our File No. 072591-000009

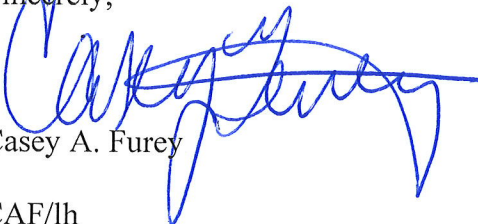
Dear Mr. Kahl:

On behalf of ONEOK Bakken Pipeline, L.L.C. ("ONEOK"), enclosed for filing in the above-referenced matter are the following:

1. NDEQ Temporary Water Permits for Ponds 1 & 2; and
2. NDEQ Correspondence regarding General Permit for Temporary Dewatering/Hydrostatic Testing Permit NDG070000 and Permit Modification.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh  
Enc.

cc: Victor Schock (via email)  
Michael Dailey (via email)  
Beth Ludwig (via email)

**Permit Number - ND2020-20211**

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

In response to an application for a temporary water permit dated 6/15/20 as received in this office 6/15/20, authority is hereby granted to:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street  
Tulsa, OK 74103

Contact Person: Beth Ludwig

Telephone: (918) 588-7257

**A Temporary Water Permit as follows:**

**Source:** Unnamed Stock Pond

**Point of Diversion:** SW1/4 SE1/4 Sec. 34 Twp. 156 Rng. 097

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 3.989 Acre-Feet

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of authorized usage:** 7/1/20 through 6/30/21

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. Permit holder must contact the North Dakota Department of Environmental Quality at (701) 328-5210 to complete and file NPDES Short Form C prior to discharging waters back into the waters of the state.

**Conditions**

1. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water at all times.
2. The permit holder must complete every enclosed Annual Water Use Report, even if no water is withdrawn based on the following:

Dated: 6/22/20

cc: Williams WRD

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



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

**Permit Number - ND2020-20211**

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

- 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.
3. 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.
4. Failure to comply with any order of the State Engineer may result in temporary water permit forfeiture.

Dated: 6/22/20

cc: Williams WRD

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



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

**Office of the State Engineer  
Recommended Decision**

To: John A. Paczkowski P.E., Interim State Engineer, through  
Approved By: Jon Patch P.E., Director of Water Appropriation Division  
Reviewed By: Andrew Nygren, Hydrologist Manager  
Reviewed By: Abigail Franklund, Hydrologist Manager  
From: Sam Swanberg, Hydrologist  
Subject: Temporary Water Permit Application ND2020-20211  
Date: June 22, 2020

**Temporary Water Permit Application ND2020-20211**

Temporary Water Permit Application ND2020-20211 by ONEOK Bakken Pipeline, LLC requests 1,300,000.0 gallons (3.989 acre-feet) of water from the Unnamed Stock Pond in the SW1/4SE1/4 of Section 34, Township 156 North, Range 97 West in Williams County for use description of Hydrostatic testing from July 1, 2020 through June 30, 2021 (Figure 1). The requested maximum withdrawal rate is 1,200 gallons per minute (gpm).

Beth Ludwig, representative of ONEOK Bakken Pipeline, LLC, stated that water from the hydrostatic activities would be discharged in a vegetated upland area adjacent to the stock pond and assumes the majority of the water will flow back to the pond via overland flow.



**Figure 1.** Proposed point of diversion is at the SW1/4SE1/4 of Section 34, Township 156 North, Range 97 West in Williams County. Background image was taken from 2019 National Agriculture Imagery Program airphotos.

The proposed point of diversion (POD) is located on the unnamed stock pond on a tributary of Nelson Creek, within the Nelson Creek sub-watershed, Beaver Creek-Lake Sakakawea watershed, and Lake Sakakawea sub-basin. The drainage area above the requested POD is approximately 3.36 square miles based on the StreamStats website (<https://streamstats.usgs.gov/ss/>). The North Dakota Hydrology Manual indicates a 50% chance the annual yield will be 23.0 acre-feet per square mile implying a total annual yield of 77.3 acre-feet at the requested POD. The POD has no adjacent public land access constraints and has no adjacent ND Game and Fish lakes.

There is one water right at the requested POD. There are 2 water rights downstream of the confluence of the unnamed tributary of Nelson Creek with Nelson Creek. Water Permit #5809 is located at the requested POD and has an allocation of 16.8 acre-feet and 31.55 acre-feet of storage. There is runoff available to supply the requested temporary water permit without negatively impacting Water Permit #5809. The permit holder for Water Permit #5809 gave consent to ONEOK Bakken Pipeline, LLC to take water from the stock pond. Since ONEOK Bakken Pipeline, LLC will be discharging water adjacent to the source, it is likely a majority of the water will be returned to the stock pond. Water permits from the requested source downstream of the requested POD are summarized in Table 1.

**Table 1.** Water permits authorized to withdraw water from downstream of the requested POD.

Permit No.	Priority Date	Use Type	Irrigation Type	Approved Acre-feet	Approved Acres	Approved Rate (gpm)	Begin Date	End Date	Active PODs
5809	12-19-05	Fish and Wildlife		16.8			Jan 1	Dec 31	15609734D
10A	06-19-01	Irrigation	Flooding	299.0	724.0	2120.0	Mar 1 and Summer	Apr 30 and Summer	15509736DB 15409701DD 15409701AB 15409701CA
10B	06-19-01	Irrigation	Flooding	84.0	42.0	124.0			15409607BB

The requested POD is within ND Climate Division 1. The weekly Palmer Drought Severity Index (PDSI) for the previous and current year are shown in Figure 2 indicating this area has a current classification of near normal conditions. The U.S. Drought Monitor by the Climate Prediction Center (CPC) suggest that moderate drought conditions are occurring in or near the drainage area of the proposed POD. The CPC and International Research Institute for Climate and Society state that there is a ~60% chance of ENSO-neutral during Northern Hemisphere summer 2020, with roughly equal chances (~40-50%) of La Nina or ENSO-neutral during the autumn and winter 2020-21. The CPC three-month climatic outlook (Figure 3) favors equal chances of above, below, or normal precipitation and slightly favors above normal temperatures. Therefore, the current climatic outlook does not indicate below normal water availability in this region.

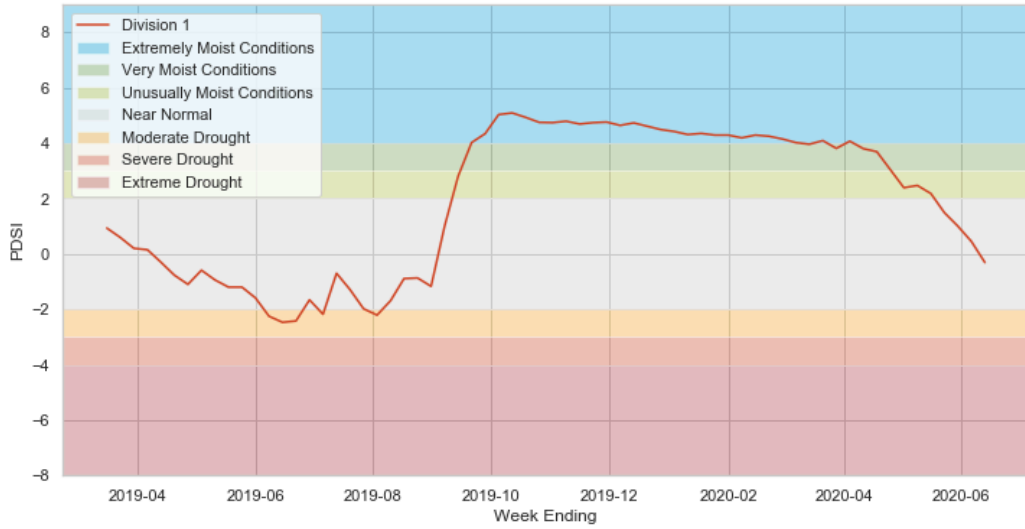


Figure 2. PDSI for the previous and current year.

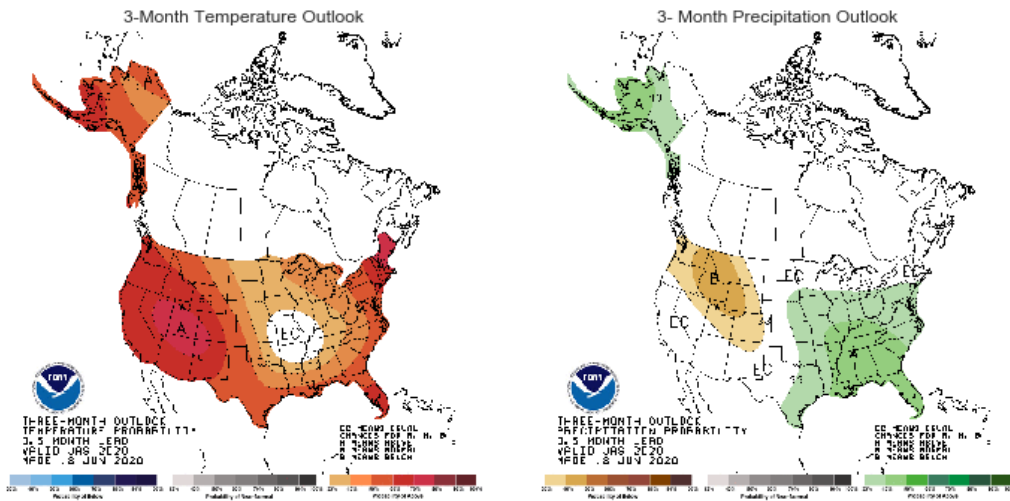


Figure 3. The CPC three-month climatic outlook (<https://www.cpc.ncep.noaa.gov/>).

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.*

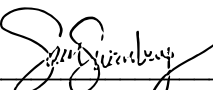
*89-03-01-10. Emergency or temporary authorization.*

*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 meets the criteria prescribed in water appropriation statutes and rules, and standard operating procedures of the division. Therefore, the application by ONEOK Bakken Pipeline, LLC to appropriate 1,300,000.0 gallons (3.989 acre-feet) of water from the unnamed stock pond via a POD located in the SW1/4SE1/4 of Section 34, Township 156 North, Range 97 West in Williams County, is hereby recommended for the approval of 3.989 acre-feet of water for Hydrostatic testing use at a maximum rate of 1,200 gpm from July 1, 2020 through June 30, 2021 with conditions attached to the permit.

  
\_\_\_\_\_  
Sam Swanberg, Hydrologist



**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 ONEOK Bakken Pipeline, LLC							
Mailing Address 100 W. Fifth Street							
City Tulsa	State OK	Zip Code 74103					
Home Telephone Number		Work Phone Number 9185887257					
Cell Phone Number 9188615372		E-Mail Beth.Ludwig@oneok.com					
Contact Person (if applicant is not individual) Beth Ludwig		Contact Person Phone Number 9185887257					
Source of Water Surface Water							
Name of Source (if surface water): Unnamed Stock Pond			County Williams				
1/4 1/4 (if needed) SW SE	Section 34	Township 156	Range 97				
Purpose for Which Water Will be Used: Hydrostatic testing of new pipeline							
Total Quantity of Water Requested: 1300000 Gallons							
Fees: <table style="width:100%; border:none;"> <tr> <td style="width:33%; text-align:center;">&lt; 1 Acre-Foot (\$75)</td> <td style="width:33%; text-align:center;">X 1 - 10 Acre-Foot (\$125)</td> <td colspan="2" style="width:33%; text-align:center;">&gt; 10 Acre-Foot (\$200)</td> </tr> </table>				< 1 Acre-Foot (\$75)	X 1 - 10 Acre-Foot (\$125)	> 10 Acre-Foot (\$200)	
< 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 : 1200					
Period of Usage: (up to 12 months)		From 07/1/2020	Through 6/30/2021				
Signature:							
Printed Name: Beth Ludwig							



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.

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

**ND2020-20211**

Permit Number:ND2020-20211

Make Name and/or Address corrections below:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tulsa, OK 74103

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 SE1/4 Sec. 34 Twp. 156 Rng. 097**

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 Stock Pond

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 3.989 Acre-Feet

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of Authorized Useage:** 7/1/20 through 6/30/21

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

**2020 Temporary Permit Annual Water Use Report**  
(Return all pages of this form even if no water was used)

**ND2020-20211**

Permit Number:ND2020-20211

Make Name and/or Address corrections below:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tulsa, OK 74103

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 SE1/4 Sec. 34 Twp. 156 Rng. 097**

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 Stock Pond

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 3.989 Acre-Feet

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of Authorized Useage:** 7/1/20 through 6/30/21

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

**Permit Number - ND2020-20212**

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

In response to an application for a temporary water permit dated 6/15/20 as received in this office 6/15/20, authority is hereby granted to:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street  
Tulsa, OK 74103

Contact Person: Beth Ludwig

Telephone: (918) 588-7257

**A Temporary Water Permit as follows:**

**Source:** Unnamed Stock Pond

**Point of Diversion:** NE1/4 NE1/4 Sec. 27 Twp. 155 Rng. 103

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 5.5 Acre-Feet (1,800,000.0 gallons)

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of authorized usage:** 7/1/20 through 6/30/21

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. Permit holder must contact the North Dakota Department of Environmental Quality at (701) 328-5210 to complete and file NPDES Short Form C prior to discharging waters back into the waters of the state.

Conditions

1. The State Engineer may impose minimum flow restrictions.
2. The permit holder must not cause streamflow to cease.

Dated: 6/17/20

cc: Williams WRD

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



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

**Permit Number - ND2020-20212**

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

3. Sufficient water for downstream superior water rights must flow past the point of diversion while water is being withdrawn under this water permit.
4. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water at all times.
5. The permit holder 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.
6. 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.
7. Failure to comply with any order of the State Engineer may result in temporary water permit forfeiture.

Dated: 6/17/20

cc: Williams WRD

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



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

OFFICE OF THE STATE ENGINEER  
RECOMMENDED DECISION

To: John A. Paczkowski P.E., Interim State Engineer  
Approved By: Jon Patch P.E., Director, Water Appropriations Division  
Reviewed By: Andrew Nygren, Hydrologist Manager  
Reviewed By: Kimberly Fischer, Hydrologist Manager  
From: Michaela Halvorson, Hydrologist - Surface Water  
Subject: Temporary Water Permit Application ND2020-20212  
Date: June 17, 2020

The State Engineer's Office received an application for a temporary water permit from ONEOK Bakken Pipeline, LLC on June 15, 2020. This application requests authorization to use 5.5 acre-feet (1,800,000.0 gallons) of water at a maximum withdrawal rate of 1,200 gallons per minute from an Unnamed Stock Pond. The requested point of diversion (POD) listed on the application is the NE1/4NE1/4 of Section 27, Township 155 North, Range 103 West of Williams County (**Figure 1**). The requested withdrawal period is July 01, 2020 through June 30, 2021. The nature of use for the proposed allocation is Hydrostatic testing.

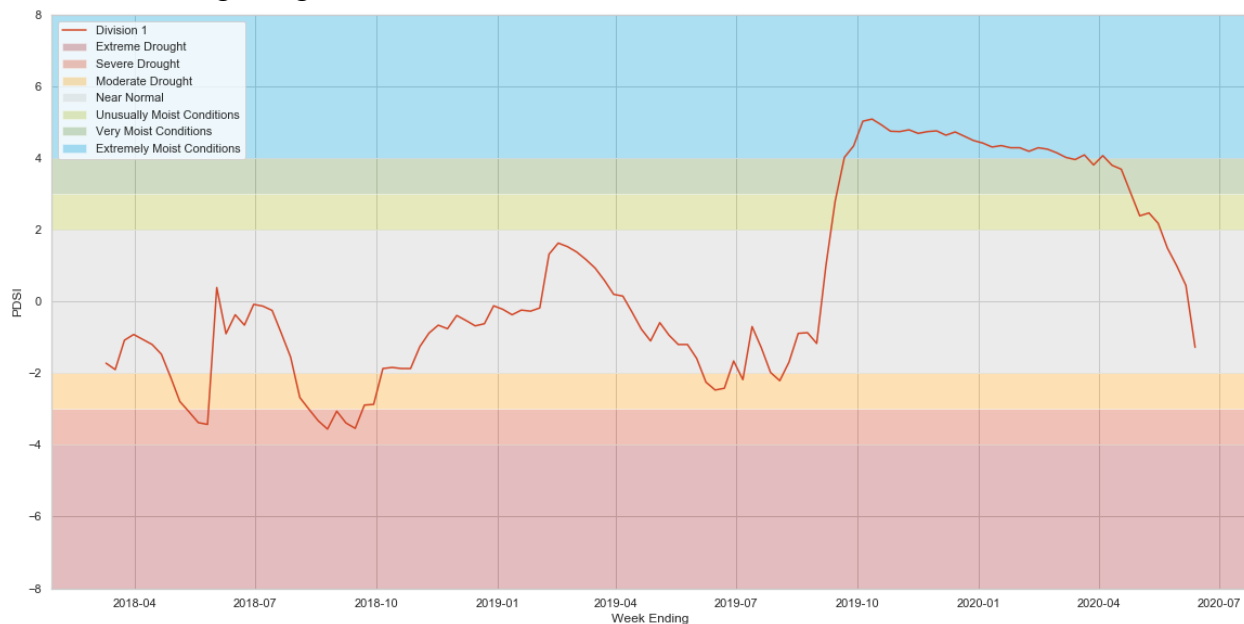


Figure 1. Overview of Requested POD

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 Unnamed Stock Pond in the Upper Painted Woods Creek sub-watershed, Painted Woods Creek watershed, Lake Sakakawea sub-basin, and Lake Sakakawea basin. The drainage area upgradient the proposed POD is 9.61 square miles, determined from USGS StreamStats Version 4. According to the North Dakota Hydrology Manual, 50 years out of 100 there will be an estimated 192.2 acre-feet of water available for allocation from runoff, with approximately 51.0 % of runoff generated from snowmelt. There are no adjacent ND Game and Fish managed lakes. Additionally, there are no US Fish and Wildlife Service easements. Senior appropriators located downstream of the requested POD are summarized in the following table:

Permit No.	Permitholder	Active PODs	Permit Status	Approved Acre-Foot	Approved Rate (gpm)	Use Type	Irrigation Type	Period of Use
1704	ANDERSON, DUANE A. and NANCY	15410301AC 15410206CD 15410207AC	Perfected	37.3	-	Irrigation	Waterspreading	March 15 – May 1

The Palmer Drought Severity Index (PDSI) in North Dakota Climate Division 1 is in the near normal conditions category (**Figure 2**). Forecasts by the Climate Prediction Center indicate equal chances of above or below normal temperatures and precipitation through June. The forecasts also indicate slight chance of below normal precipitation through August (**Figure 3**). Institute for Climate and Society state that there is a ~60% chance of ENSO-neutral during Northern Hemisphere summer 2020, with roughly equal chances (~40-50%) of La Niña or ENSO neutral during the autumn and winter 2020-21. The U.S. Drought Monitor indicates that this area is abnormally dry. The Seasonal Drought Outlook does not indicate the development of drought conditions through August.



**Figure 2. Palmer Drought Severity Index plot at requested POD.**

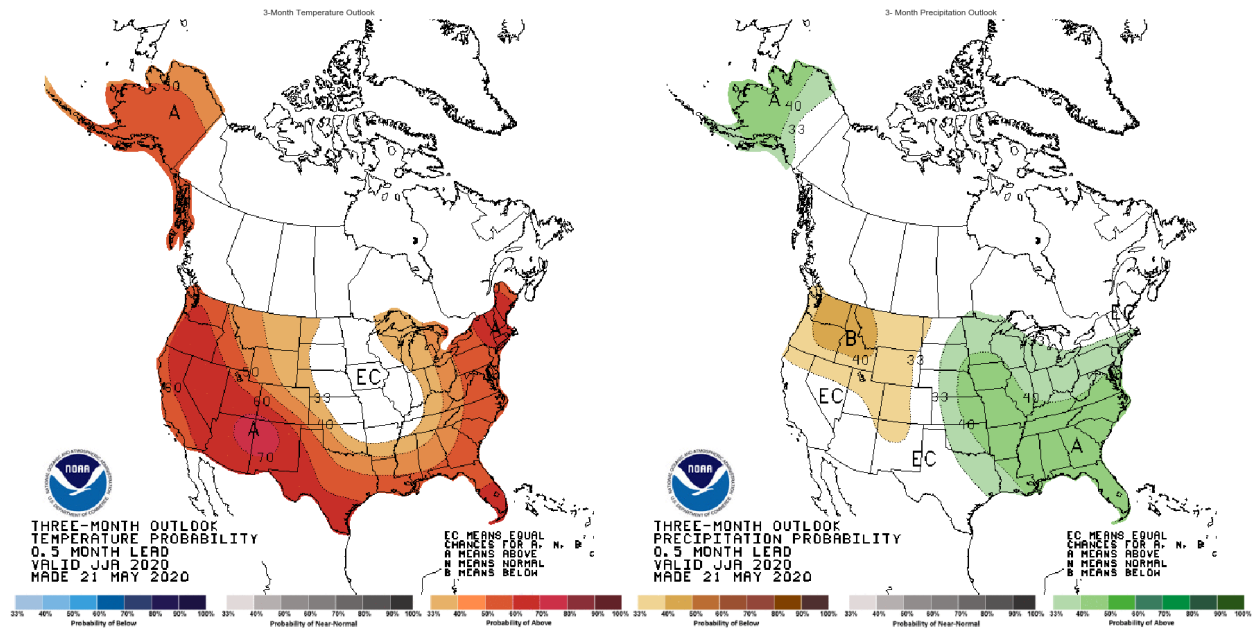


Figure 3. Three-month temperature and precipitation outlook.

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 ONEOK Bakken Pipeline, LLC requesting to put 1,800,000.0 gallons (5.5 acre-feet) of water to a beneficial use for Hydrostatic testing at a rate of 1,200 gallons per minute, from an Unnamed Stock Pond, from July 01, 2020 through June 30, 2021, via a point of diversion on the NE1/4NE1/4 of Section 27, Township 155 North, Range 103 West of Williams County, is hereby recommended for approval with the conditions attached to the permit.



Michaela Halvorson  
Hydrologist - Surface Water

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

**ND2020-20212**

Permit Number:ND2020-20212

Make Name and/or Address corrections below:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tulsa, OK 74103

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 NE1/4 Sec. 27 Twp. 155 Rng. 103**

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 Stock Pond

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 5.523 Acre-Feet (1,800,000.0 gallons)

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of Authorized Useage:** 7/1/20 through 6/30/21

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

**2020 Temporary Permit Annual Water Use Report**  
(Return all pages of this form even if no water was used)

**ND2020-20212**

Permit Number:ND2020-20212

Make Name and/or Address corrections below:

ONEOK Bakken Pipeline, LLC  
100 W. Fifth Street

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tulsa, OK 74103

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 NE1/4 Sec. 27 Twp. 155 Rng. 103**

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 Stock Pond

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 5.523 Acre-Feet

**Maximum Withdrawal Rate:** 1,200.0 gpm

**Period of Authorized Useage:** 7/1/20 through 6/30/21

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

March 3, 2020

ONEOK Bakken Pipeline, LLC  
 Todd McKimmey  
 100 West Fifth Street  
 Tulsa, OK 74103

Re: NDPDES Permit No. NDG070754

We have received your "Application for Permit to Discharge - NDPDES Industrial-Short Form C" and have granted authority to discharge under the General Permit for Temporary Dewatering/Hydrostatic Testing Permit NDG070000. Your facility has been assigned permit no. **NDG070754**. This permit has been issued by the North Dakota Department of Environmental Quality (department) with the understanding that all other applicable permits and permissions have been obtained for the start of the following project. The application indicates that the discharge(s) will consist of water discharged from construction dewatering associated with ONEOK's Tioga Lateral Pipeline Project.

<u>Discharge Point</u>	<u>Volume (gallons)</u>	<u>Location</u>	
001D	Unknown	Tioga Lateral Pipeline Project	Along pipeline route in Williams County


**In the event of a discharge, all discharge points shall be inspected daily.** On a daily basis, record the total volume of discharge and make a visual inspection for Oil and Grease. Analytical parameters for pH and Total Suspended Solids (TSS) shall be waived for this project. The parameter for Oil and/or Grease is waived unless a sheen is observed in the discharge; if observed then collect a sample for Total Petroleum Hydrocarbon (TPH). The department shall be contacted on all findings of Oil and Grease. All discharges made directly to a surface water body or wetland shall be inspected closely in order to minimize any turbidity issues. Best Management Practices (BMPs) must be used to minimize the impact of the discharge.

**ADDITIVES:** No additives were reviewed for this project.

The department has granted your request for a temporary waiver from electronic reporting. The granted waiver is not transferable. The waiver is effective March 3, 2020 and **will expire on March 31, 2025**. Enclosed are Discharge Monitoring Report (DMR) forms for your use. If someone else is responsible for the submittal of the DMRs, please forward this letter and the enclosed forms to them. The reports cover three months; the dates and location have been filled out. If no discharge occurs during the reporting period, check "No" in section one. The reports must be post-marked by the last day of the month following the end of each reporting period. All original DMR forms should be sent to the department and a copy should be kept for your files.

If any other testing is conducted during this project, copies of the results of any such test should be forwarded to the department. **Should you wish to no longer be covered under this permit, you must submit a written request to terminate and cite the reasons for termination.** Coverage shall be maintained until a written notification to release has been issued to the permittee by the department. Should you have any questions about your permit or how to complete the DMRs, please contact me at (701) 328-5237.

Sincerely,



Sarah Waldron Feld  
 Environmental Scientist  
 Division of Water Quality

June 26, 2020

ONEOK Bakken Pipeline, LLC  
Todd McKimmey  
100 West Fifth Street  
Tulsa, OK 74103

Re: NDPDES Permit No. NDG070754 – Modification

We have received your modification to **NDG070754** and have granted authority to discharge under the General Permit for Temporary Dewatering/Hydrostatic Testing Permit NDG070000. This permit has been issued by the North Dakota Department of Environmental Quality (department) with the understanding that all other applicable permits and permissions have been obtained for the start of the following project. The application indicates that the discharge(s) will consist of water discharged from construction dewatering associated with ONEOK's Tioga Lateral Pipeline Project.

<u>Discharge Point</u>	<u>Volume (gallons)</u>	<u>Location</u>
002H	1,296,000	Tioga Lateral Pipeline Project – Hydrotest 001 TWN 156N, RGE 97W, SEC 34; Williams County
003H	1,745,000	Tioga Lateral Pipeline Project – Hydrotest 002 TWN 155N, RGE 103W, SEC 27; Williams County

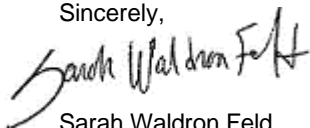
**In the event of a discharge, all discharge points shall be inspected daily.** On a daily basis, record the total volume of discharge and make a visual inspection for Oil and Grease. Analytical parameters for pH and Total Suspended Solids (TSS) shall be waived for this project. The parameter for Oil and/or Grease is waived unless a sheen is observed in the discharge; if observed then collect a sample for Total Petroleum Hydrocarbon (TPH). The department shall be contacted on all findings of Oil and Grease. All discharges made directly to a surface water body or wetland shall be inspected closely in order to minimize any turbidity issues. Best Management Practices (BMPs) must be used to minimize the impact of the discharge.

**ADDITIVES:** No additives were reviewed for this project.

The department has granted your request for a temporary waiver from electronic reporting. The granted waiver is not transferable. The waiver is effective June 26, 2020 and **will expire on March 31, 2025**. Enclosed are Discharge Monitoring Report (DMR) forms for your use. If someone else is responsible for the submittal of the DMRs, please forward this letter and the enclosed forms to them. The reports cover three months; the dates and location have been filled out. If no discharge occurs during the reporting period, check "No" in section one. The reports must be post-marked by the last day of the month following the end of each reporting period. All original DMR forms should be sent to the department and a copy should be kept for your files.

If any other testing is conducted during this project, copies of the results of any such test should be forwarded to the department. **Should you wish to no longer be covered under this permit, you must submit a written request to terminate and cite the reasons for termination.** Coverage shall be maintained until a written notification to release has been issued to the permittee by the department. Should you have any questions about your permit or how to complete the DMRs, please contact me at (701) 328-5237.

Sincerely,



Sarah Waldron Feld  
Environmental Scientist  
Division of Water Quality