

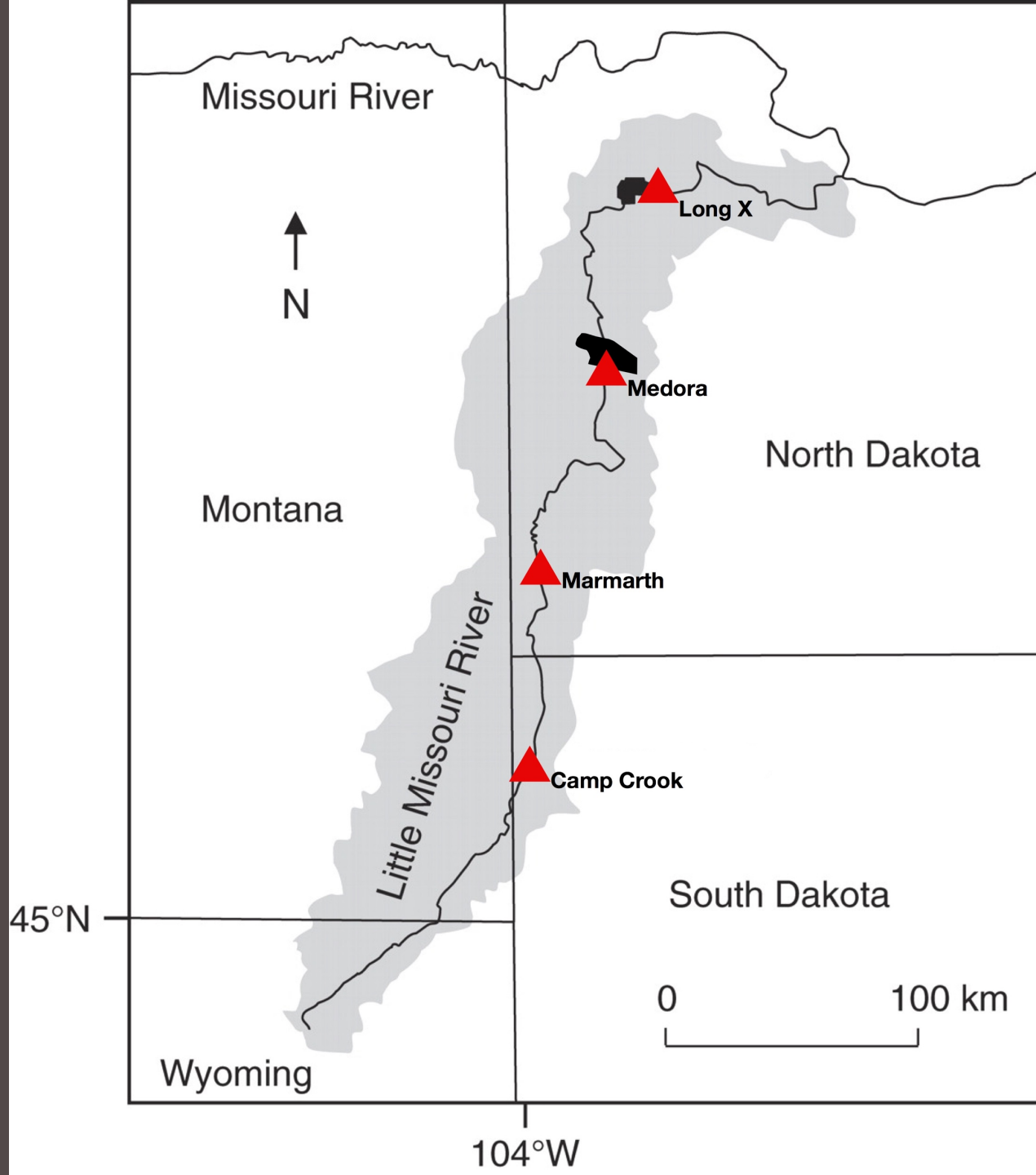
# UPDATE ON TEMPORARY WATER PERMITS IN THE LITTLE MISSOURI RIVER BASIN

LITTLE MISSOURI RIVER COMMISSION  
AUGUST 9, 2017



7/18/2017  
≈ 46 CFS

Jon Patch, PE  
Water  
Appropriations  
Director



# LITTLE MISSOURI STATE SCENIC RIVER ACT

- In **1975** the Legislature passed the "**Little Missouri State Scenic River Act**" (N.D.C.C. ch. 61-29)
- The intent of which was *"to preserve the Little Missouri River as nearly as possible in its present state, which shall mean that the river will be maintained in a free-flowing natural condition, and to establish a **Little Missouri River commission**."*
- Primary reason for the bill was the interest of several energy companies in dams for purposes of coal gasification and electrical generation
- *"Channelization, reservoir construction, or diversion other than for agricultural or recreational purposes, and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are **expressly prohibited**"*

# 2017 AMENDMENT TO LMSSRA

At the request of the State Engineer, the 65<sup>th</sup> Legislature modified the act through House Bill 1020 Section 22 to:

*“Channelization, reservoir construction, or diversion other than for agricultural, recreational, or temporary use purposes, and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are expressly prohibited”*



# REPORT ORDERED BY GOVERNOR

- Although the Governor signed HB1020 allowing the temporary use permits, he ordered a report on the past practice along with several items:
  1. Suspend issuance of temporary industrial permits upstream of the Long-X bridge until a new policy is developed.
  2. Provide open and transparent public access to all the permitting information and data.
  3. Evaluate the need for additional gages

# REVISED INTERIM POLICY

- Policy decision by the State Water Commission to open up the entire river to be eligible for temporary water permits year-round
- With the understanding that the State Engineer will provide flow conditions under which pumping can occur.
  - Mainstem temporary permits will be suspended if flow at the Long-X bridge is below 30 CFS.
  - Mainstem temporary permits will be suspended if flow at the Medora Gage is below 20 CFS.



## State of North Dakota Office of the State Engineer

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(701) 328-2750 • FAX (701) 328-3696 • <http://swc.nd.gov>

### Revised Interim Policy for issuing Temporary Industrial Water-Depot Permits in the Little Missouri River Basin As per action of the State Water Commission June 22, 2017

This policy is a REVISED INTERIM POLICY that will be used in the interim period until a formal policy is adopted by the State Water Commission after consultation and advisement from the Little Missouri River (LMR) Commission.

This policy applies to temporary water permit applications in the entire Little Missouri River Basin.

The Office of the State Engineer will determine appropriate limits to the rate and volume of temporary permits from the mainstem of the Little Missouri River, as well as low-flow restrictions in the river to ensure compliance with the intent of the Little Missouri State Scenic River Act "to preserve the Little Missouri River as nearly as possible in its present state, which shall mean that the river will be maintained in a free-flowing natural condition".

The following condition will be added to all temporary water permits issued:

- 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.

If the proposed withdrawal is directly from the mainstem or within 100' of the confluence with the mainstem of the LMR, the following conditions shall be added to the permit.

- 1) Precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
- 2) The shorelines in and around intake locations shall be kept free of construction debris and litter.
- 3) Pumps and motors shall be sheltered from view for those wishing to travel along the waterway.
- 4) Pumps and motors shall be set back from the shoreline sufficient distance 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.
- 5) Internal combustion motors shall be muffled to maintain the tranquility and ambiance and minimize audible disruption of the scenic river experience.

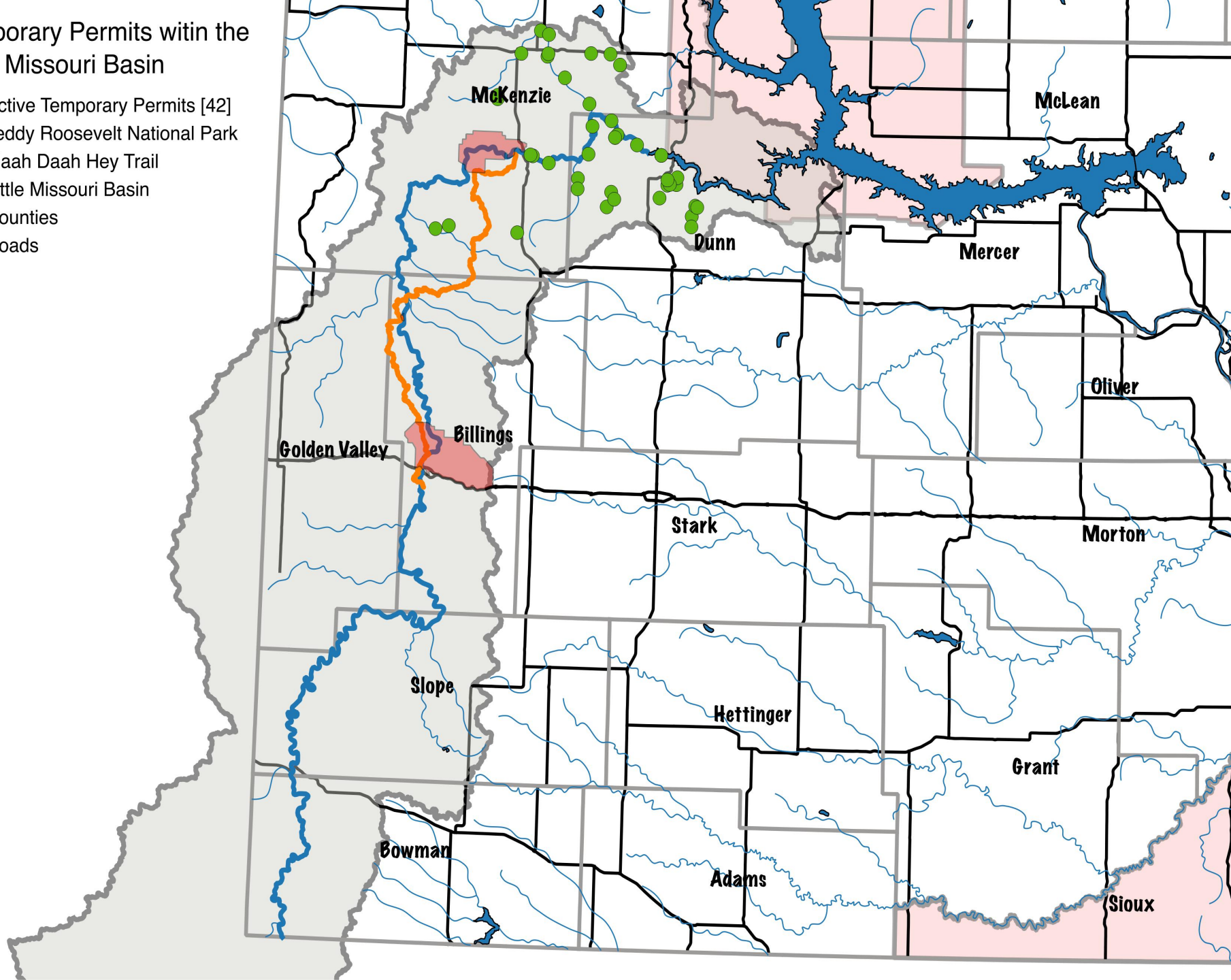
Approved by:

  
Garland Erbele, P.E.  
State Engineer

GARLAND ERBELE  
SECRETARY AND STATE ENGINEER

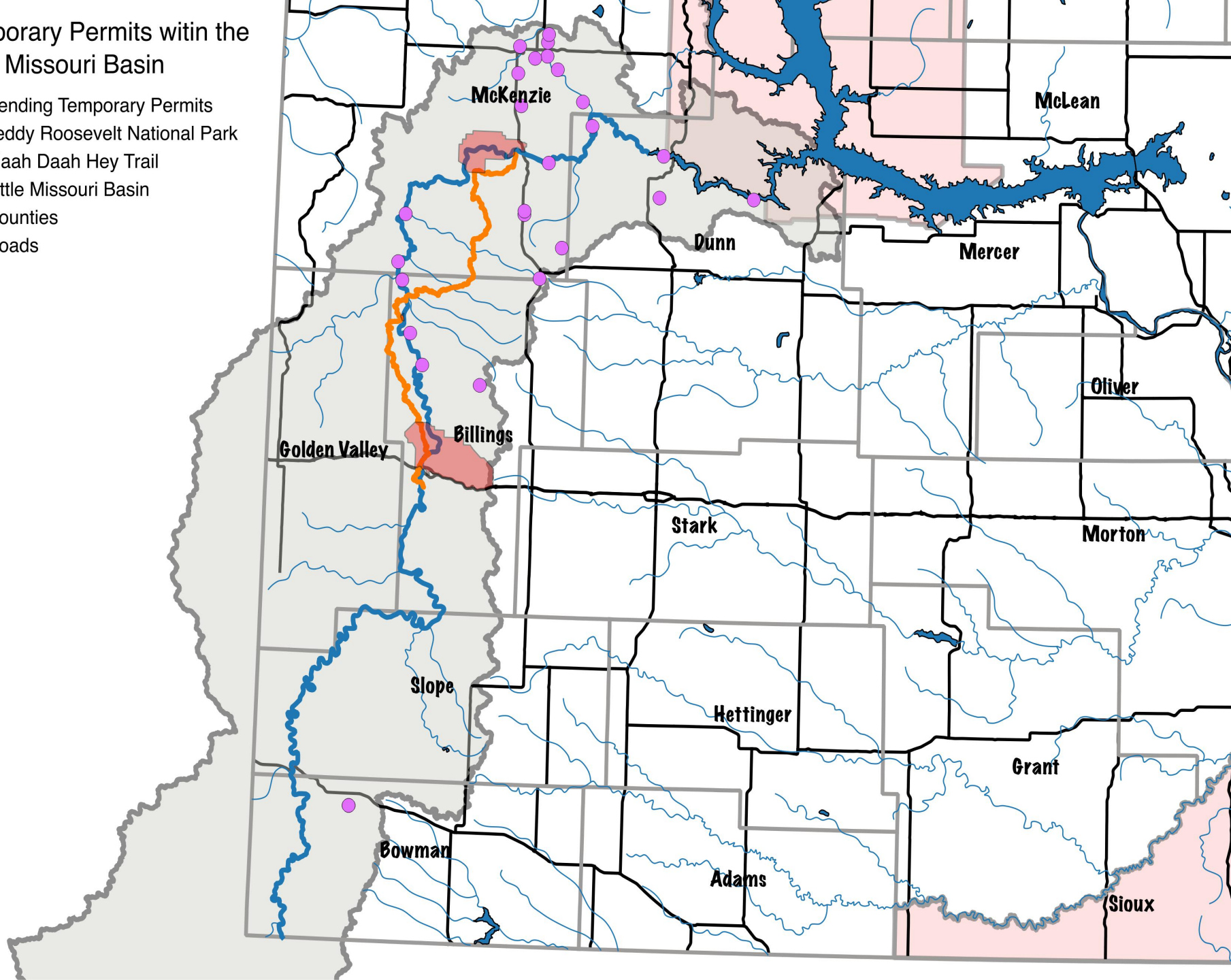
## Temporary Permits within the Little Missouri Basin

- Active Temporary Permits [42]
- Teddy Roosevelt National Park
- Maah Daah Hey Trail
- Little Missouri Basin
- Counties
- Roads



## Temporary Permits within the Little Missouri Basin

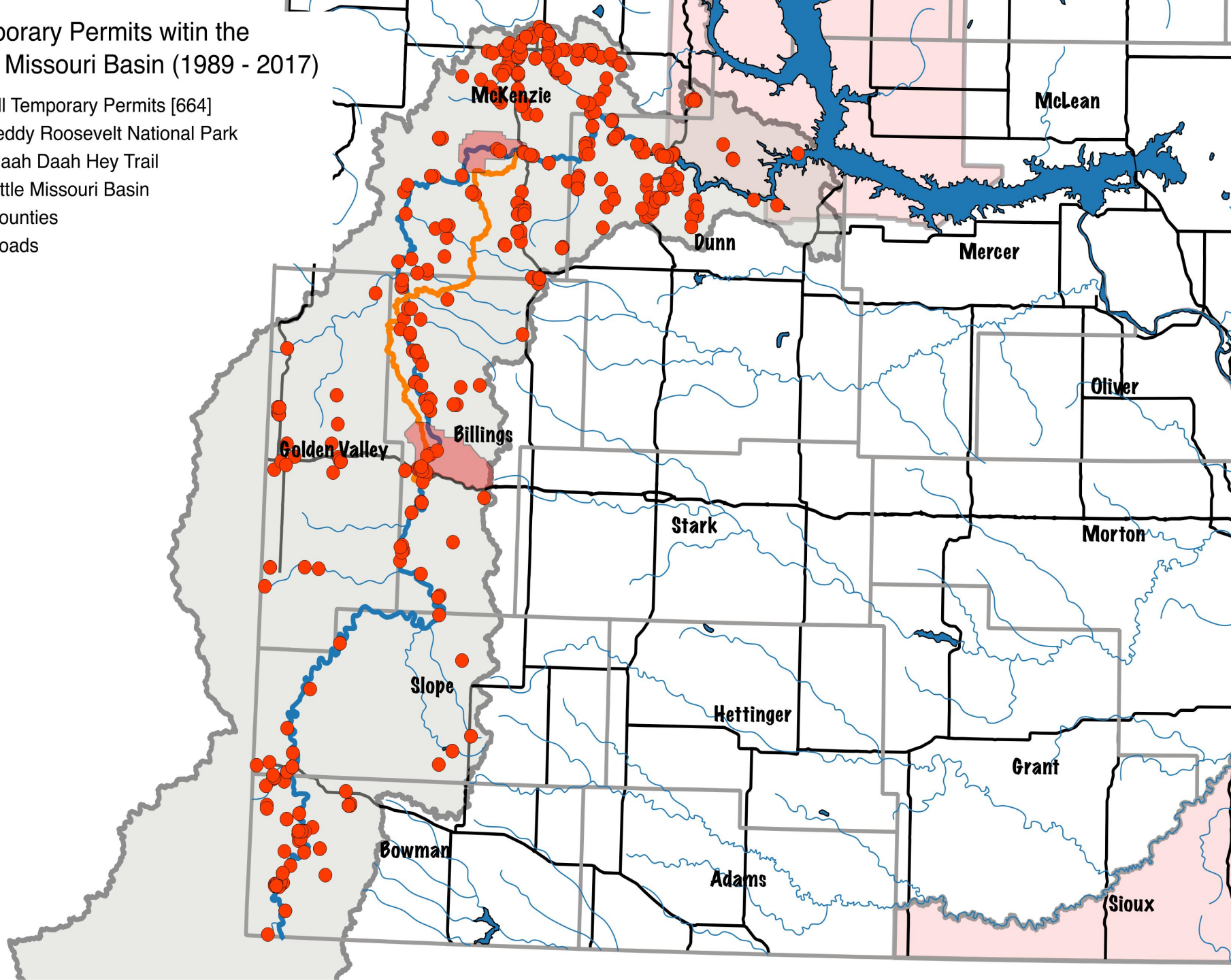
-  Pending Temporary Permits
-  Teddy Roosevelt National Park
-  Maah Daah Hey Trail
-  Little Missouri Basin
-  Counties
-  Roads



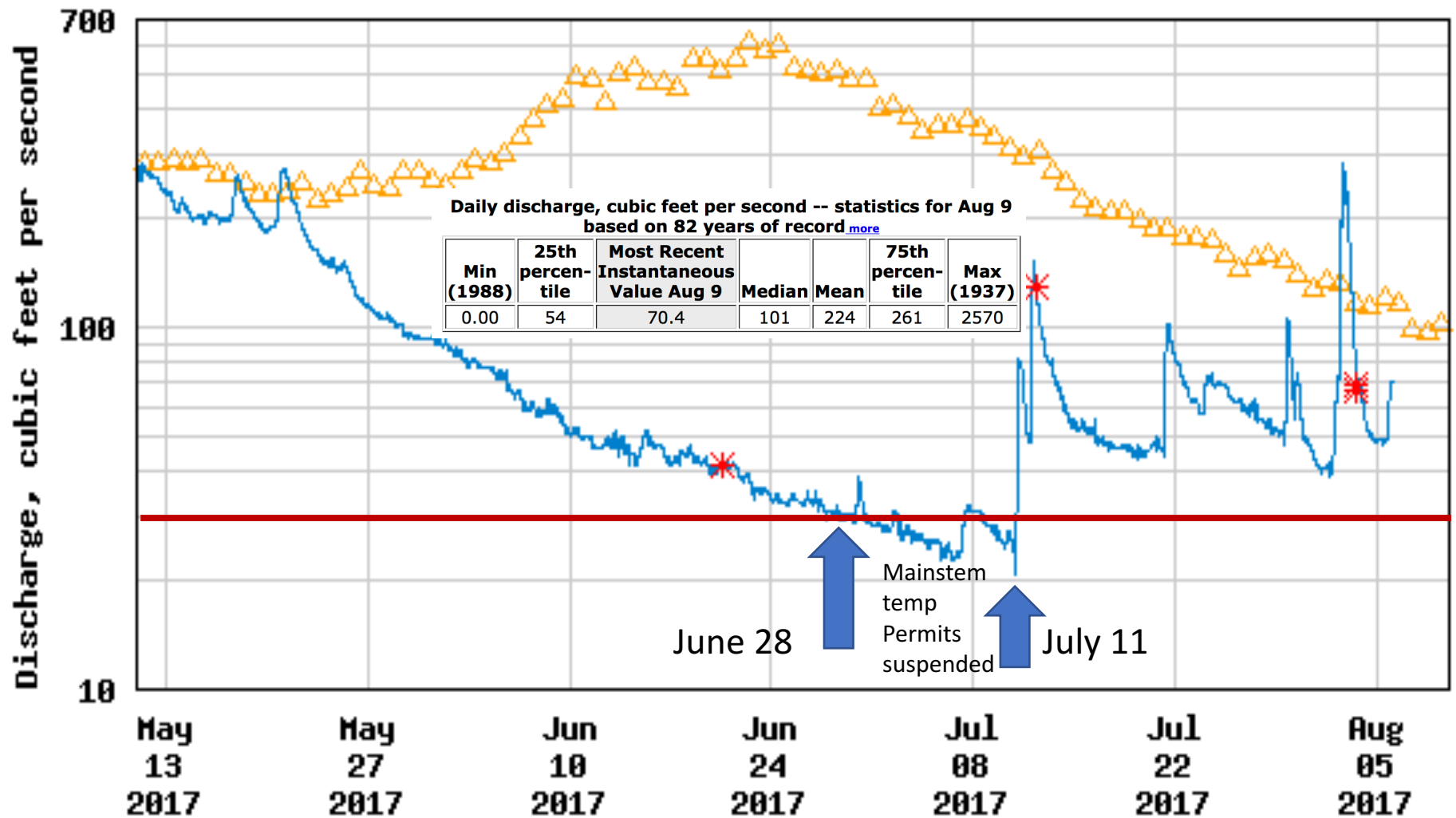


# Temporary Permits within the Little Missouri Basin (1989 - 2017)

- All Temporary Permits [664]
- Teddy Roosevelt National Park
- Maah Daah Hey Trail
- Little Missouri Basin
- Counties
- Roads



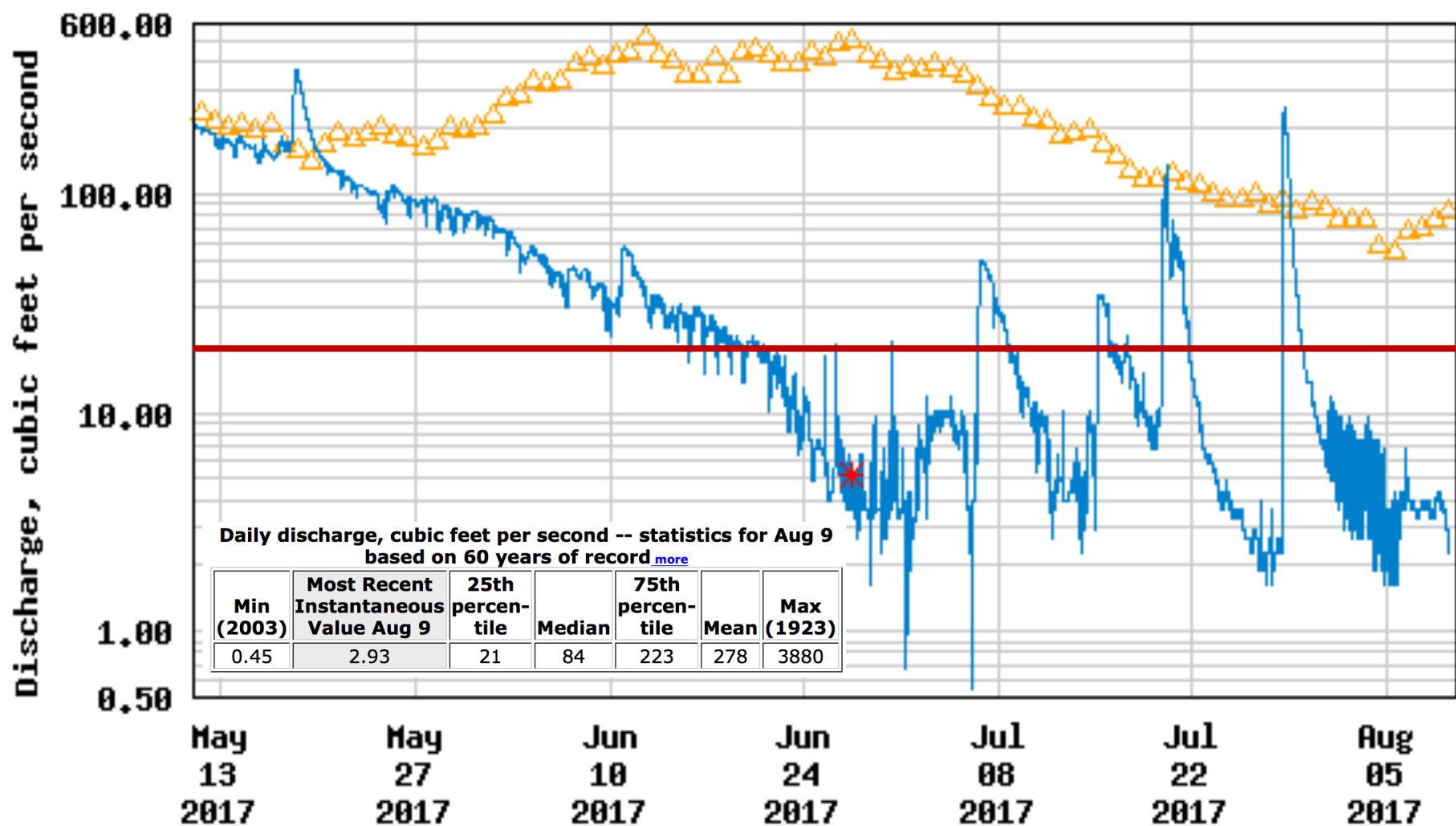
# USGS 06337000 LITTLE MISSOURI RIVER NR MATFORD CITY, ND



----- Provisional Data Subject to Revision -----

△ Median daily statistic (82 years) \* Measured discharge  
— Discharge

# USGS 06336000 LITTLE MISSOURI RIVER AT MEDORA, ND



----- Provisional Data Subject to Revision -----

△ Median daily statistic (60 years) \* Measured discharge  
— Discharge






**7/18/2017**  
**≈ 46 CFS**

Photo location is 4 miles east of the  
Long X bridge on Highway 85  
facing west.





**7/16/2017  
≈17 CFS.**





**8/9/17**  
**≈ 5.8 CFS**













Google earth

Imagery Date: 9/24/2014 47°34'21.94" N 103°10'19.35" W elev 0 ft eye alt 1732 ft



Full access to all documentation through the web.

The screenshot displays the ND State Water Commission Mapservice web application. The browser address bar shows `mapservice.swc.nd.gov`. The application interface includes a sidebar on the left with a 'Back' button and a 'Permit Information' section. The main area features a map of the Little Missouri River watershed, with labels for 'MOUNTRAIL', 'Fort Berthold', and 'DUNN'. A right-hand panel lists various map layers, including 'Political Boundaries', 'Air Photos/Imagery', 'Public Lands', 'Prohibited Areas', 'Hydrography', 'Water Resources', 'Transportation', 'Precipitation', 'Snow Data', 'Depth to Water', 'Irrigation', 'FEMA', 'LIDAR', 'Energy Resources', 'Water Permits', and 'Water Permits-Temporary'. The 'Active Layer' is set to 'Temporary Permits - Active'. The bottom of the page includes a 'Log On' button and a 'Recommended Browsers' link.

**Permit Number ND2017-17890**  
**Status Approved**  
**Permit Information**

**Permit Holder:** Jorgenson Family Mineral Trust  
12012 15th Street NW  
Watford City, ND

**Location:** 14809710C  
**Civil Township:** Unorganized Territory  
**County:** Dunn

**Source:** Little Missouri River  
**Source Type:** Surface Water  
**Use Type:** Industrial - Water Depot  
**Use Description:** Industrial - Water Depot

**Allocation (AcFt):** 325.0  
**Withdrawal Rate (gpm):** 750

**Basin (HU6):** Little Missouri  
**Sub-Basin (HU8):** Lower Little Missouri  
**Watershed (HU10):** Burnt Creek  
**Sub-Watershed (HU12):** Creek

**Longitude:** -103.03069  
**Latitude:** 47.64991

**Document**  
[Permit Application](#)  
[Temp 2017-17890.pdf](#)  
[Hydrologic Review.pdf](#)  
[Temporary Annual Use](#)  
[764MonthlyMeterReadingForm.pdf](#)  
[Temporary Water Permit.pdf](#)

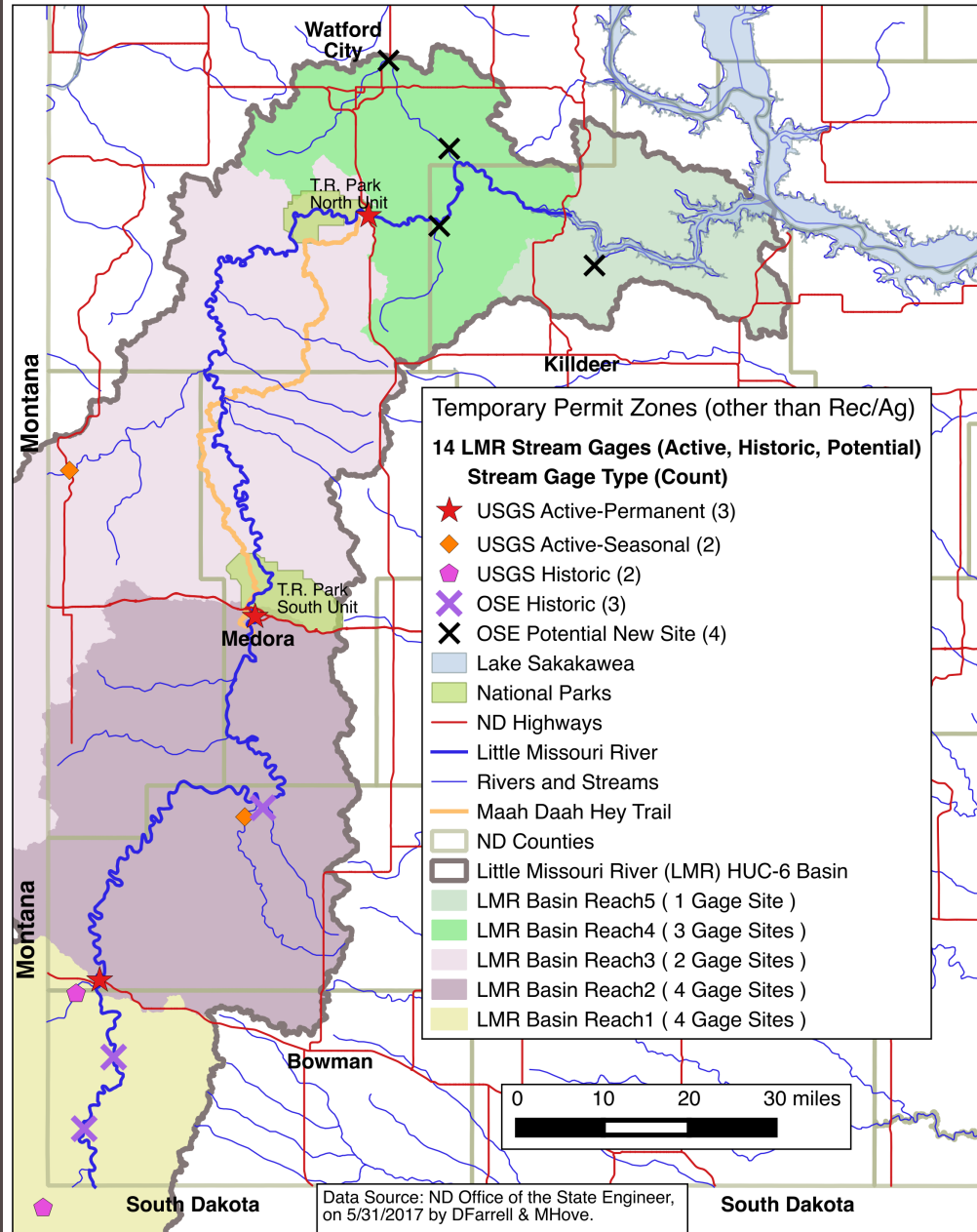
**ND State Water Commission Mapservice**  
disclaimer

0 4 mi 1: 274070 Update Zoom Lat Long Current Location Recommended Browsers Print Refresh Resize Show Reference Map

Efforts toward transparency and public data



Stream Gage Stations of the U.S. Geological Survey (USGS) and N.D. Office of the State Engineer (OSE) in the Little Missouri River (LMR) Basin.

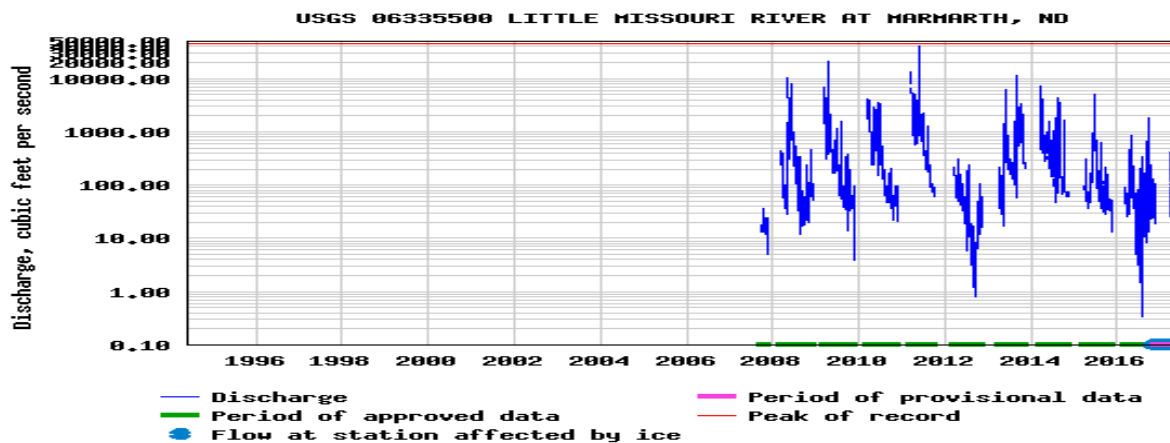
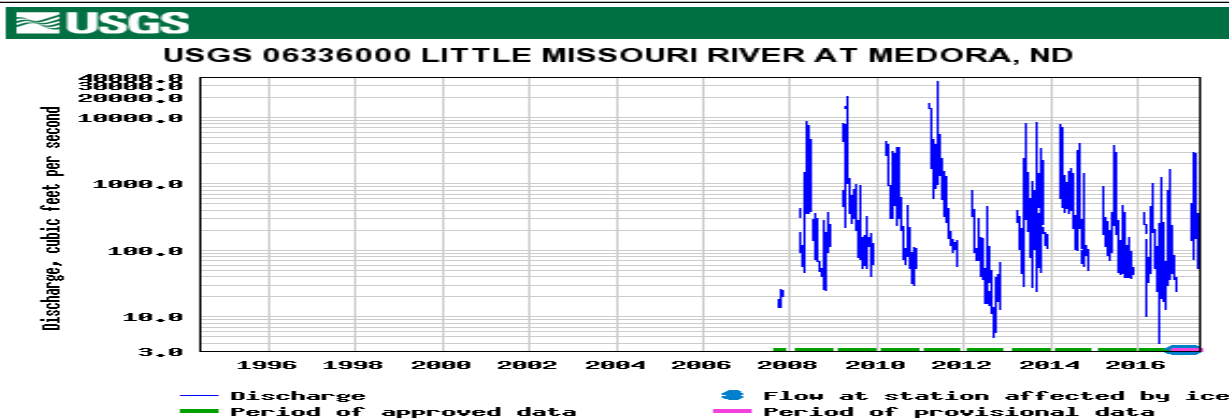
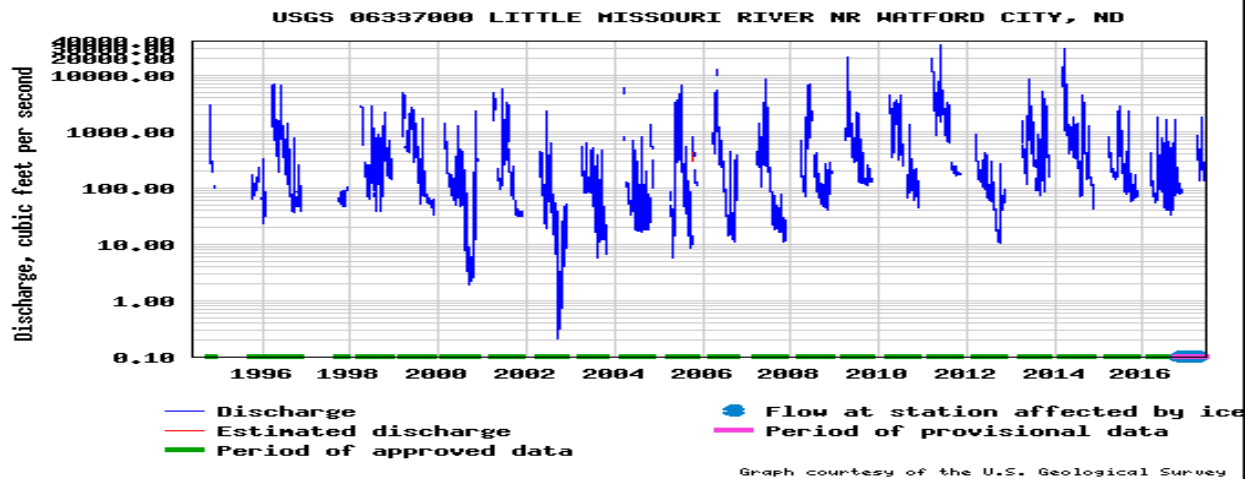


Additional  
gages

Page 24

# THANK YOU!





Streamflow  
gages on the  
Little Missouri