

STATE OF NORTH DAKOTA

ASSIGNMENT OF
CONDITIONAL WATER PERMIT NO. 4516

1. Name of Permit Holder: **GRUMAN, CHARLES E.**
Mailing Address: **11031 6TH STREET SE
HANNAFORD, ND 58448-9459**

2. Priority Date: **September 6, 1991**

3. Nature of use: **Irrigation**

4. Source of Water Supply: **Ground Water**
Aquifer: **Spiritwood**

5. Point(s) of Diversion:

**SW1/4 of Section 05, Township 146 N., Range 060 W., Griggs County
SE1/4 of Section 36, Township 147 N., Range 061 W., Griggs County**

6. Amount of water authorized, rate at which it may be diverted from the respective point(s) of diversion, and period of use:

	Annual Use (Ac-Ft)	Rate (gpm)
	720.0	2700
	<u>720.0</u>	<u>2700</u>
Total	720.0	2700

7. Description of land to be irrigated:

**264.4 Acres in Sections 05 and 06, Township 146 North, Range 060 West
337.5 Acres in Section 36, Township 147 North, Range 061 West
601.9 Total Acres Irrigated**

This is to certify that the information stated in a State Water Commission staff memorandum dated January 12, 2016, indicates said permit is to be assigned to:

Name: **CHARLES E. GRUMAN RESIDUARY TRUST**

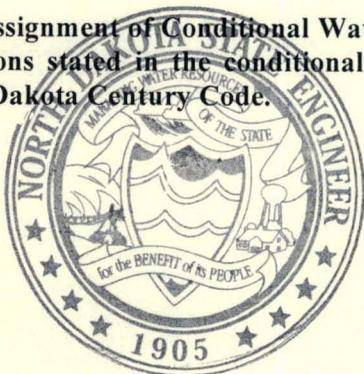
Mailing Address: **11031 6TH STREET SE**

City: **HANNAFORD** State: **ND** Zip: **58448-9459**

Now, therefore, by virtue of the authority vested in me by the laws of the State of North Dakota, I hereby approve and confirm the above Assignment of Conditional Water Permit No. 4516.

This Assignment of Conditional Water Permit No. 4516 is subject to the terms, limitations, and conditions stated in the conditional water permit as authorized by Section 61-04-06.2 of the North Dakota Century Code.

SEAL



Todd Sando, PE
State Engineer

Date: January 15, 2016

SCANNED

STATE OF NORTH DAKOTA CONDITIONAL WATER PERMIT

This conditional water permit authorizes permittee to construct the necessary diversion facilities and to appropriate the water specified below.

1. Name of Applicant Charles E. Gruman
Mailing Address RR #1, Box 124
City Hannaford State North Dakota Zip 58448

2. Source of Water Supply: Ground Water Surface Water
If Surface Water: 1) Stream _____ A Tributary of _____

3. (a) Point of Diversion:
(1) SW 1/4 of Section 5 Township 146 N., Range 60 W., Griggs County
Additional Points of Diversion, if any:
(2) _____ 1/4 of Section _____ Township _____ N., Range _____ W., _____ County
(3) _____ 1/4 of Section _____ Township _____ N., Range _____ W., _____ County

(b) If water is not consumed, estimated quantity of water returned _____,
name of receiving body of water _____,
and location of discharge point: _____ 1/4 _____ 1/4 Sec. _____, TWP. _____, Rge. _____

4. Amount of water authorized, rate at which it may be diverted at the points listed and period of use:
(1) 288.0 (AMOUNT) Acre-feet at 1600 (RATE) x cfs gpm from April 15 (MONTH-DAY) to October 1 (MONTH-DAY) inclusive
(2) _____ (AMOUNT) Acre-feet at _____ (RATE) cfs gpm from _____ (MONTH-DAY) to _____ (MONTH-DAY) inclusive
(3) _____ (AMOUNT) Acre-feet at _____ (RATE) cfs gpm from _____ (MONTH-DAY) to _____ (MONTH-DAY) inclusive

Total amount authorized: 288.0 acre-feet at a maximum rate of 1600 x cfs gpm
(The remaining 432.0 acre-feet from a point of diversion located in the SE 1/4 of Section 36,

5. Priority date: September 6, 1991 Township 147 North, Range 61 West, and the the remaining 400 gallons per minute initially applied for shall hereby be held in abeyance until additional data are collected.)

6. Nature of use:
Municipal _____
Rural-Domestic _____
Industrial _____
Irrigation X Sprinkler
Recreation _____
Fish and Wildlife _____
Other, Please Specify _____

SCANNED

7. If applicable, description of land to be irrigated (show lot numbers when possible):

Sec	Twp	Rge	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5	146	60						37.0	21.2	37.0	40.0	35.9	18.2					189.3	
6	146	60				18.2								37.0				75.1	
Total number of acres to be irrigated																		264.4	

(The remaining 337.5 acres initially applied for irrigation in Section 36, Township 147 North, Range 61 West, shall be held in abeyance until additional data are collected.)

8. Conditions, limitations, restrictions, and terms of permit:

- 1) The well(s) shall be placed in such a location, constructed to such a depth, have such an efficiency, and pumped at such a rate that will not unreasonably restrict further development of the aquifer system;
- 2) The well(s) shall be located no less than 660 feet from the perimeter of the described property in the permit; any location closer than 660 feet must be approved by the State Engineer prior to the construction of the well;

(The 660-foot well location requirements shall be waived for the west and north boundary of the SW 1/4 of Section 5, Township 146 North, Range 60 West.)

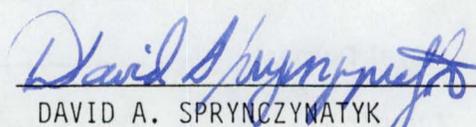
- 3) The irrigation well(s) shall be constructed with a measuring port and a tube having a minimum 3/4-inch inside diameter installed in the annular space between the pump column and the well casing and extending to the top of the bowl assembly or submersible pump to allow the measurement of water levels in the well(s). The bottom end of the tube shall be plugged and the bottom 2 feet perforated. Any other facility for water level measurement must be approved by the State Engineer;
- 4) The pumping rate shall be subject to the results of an aquifer test;
- 5) Prior to the beneficial use of water, an automatic backflow prevention device (check valve) shall be installed in the above ground portion of the pipeline near the pump discharge. The injection of fertilizer, pesticides, other chemicals or crop stimulants into the pipeline shall be downstream from the check valve. Other automatic backflow devices and the placement of those devices may be utilized upon written approval of the State Engineer;
- 6) Prior to the beneficial use of water, instrumentation shall be installed from which the quantity of water pumped can be determined. The instruments are subject to approval by the State Engineer and shall be available for inspection by representatives of the State Engineer; and
- 7) Failure to comply with any order of the State Engineer may result in forfeiture of this water permit.

9. Water shall be beneficially used on or before: February 1, 1996

10. Date application reviewed by State Engineer: January 28, 1993

A perfected permit will be issued after the facilities have been properly constructed and inspected. A water right accrues upon placing the water to beneficial use, as authorized herein.

Dated this 28th day of January, 1993.

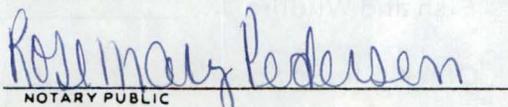

 DAVID A. SPRYNCZYMATYK
 State Engineer

STATE OF NORTH DAKOTA
 COUNTY OF BURLEIGH

Subscribed and sworn before me this 28th day of January, 1993.

(Seal)

Rosemary Pedersen
 Notary Public, BURLEIGH CO., N. DAK.
 My Commission Expires NOV. 12, 1994


 NOTARY PUBLIC

Application No. 4516

**STATE OF NORTH DAKOTA
APPLICATION FOR CONDITIONAL WATER PERMIT**



NOTE: Use one application for each type of source (ground water, surface water). Check all appropriate boxes and fill in each blank line. If the question is not applicable to your proposed development, enter NA (not applicable). If more space is necessary, attach additional sheets.

(PLEASE TYPE OR PRINT IN INK)

1. Name of Applicant Charles E. Druman
Mailing Address RR1 Box 124
City Hannaford State North Dakota Zip 58448
Home Phone 701-769-2294 Other Phone _____

2. Source of Water Supply: Ground Water Surface Water
If Surface Water: 1) Stream _____ A Tributary of _____
2) If New Impoundment — _____ 1/4 _____ 1/4 Sec. _____, Twp _____, Rge. _____
3) If Existing Impoundment, Give Name _____

3. (a) Point of Diversion:
(1) SW 1/4 of Section 5 Township 146 N., Range 60 W., Griggs County
Additional Points of Diversion, if any:
(2) SE 1/4 of Section 36 Township 147 N., Range 61 W., Griggs County
(3) _____ 1/4 of Section _____ Township _____ N., Range _____ W., _____ County
(b) If water is not consumed, name the receiving body of water _____,
and describe location of discharge point: _____ 1/4 _____ 1/4 Sec. _____, Twp. _____, Rge. _____

4. Amount of water requested, rate at which it will be diverted at the points listed and period of use:
(1) 288 (AMOUNT) Acre-feet at 2000 (RATE) cfs gpm from 15 April (MONTH-DAY) to 1 Oct (MONTH-DAY) inclusive
(2) 432 (AMOUNT) Acre-feet at 2000 (RATE) cfs gpm from 15 April (MONTH-DAY) to 1 Oct (MONTH-DAY) inclusive
(3) _____ (AMOUNT) Acre-feet at _____ (RATE) cfs gpm from _____ (MONTH-DAY) to _____ (MONTH-DAY) inclusive
Total amount requested: 720 acre-feet at a maximum rate of 2000 cfs gpm

5. Proposed Construction:
Proposed starting date Oct 91
Anticipated completion date _____

SCANNED

6. Description of proposed beneficial water uses:

(a) Irrigation (if applicable)

1. Method of irrigation: Gravity ; Sprinkler ; Waterspreading
2. Project will involve new irrigated land: Yes No
3. Project will involve supplemental water to existing irrigation: Yes No
4. Description of land to be irrigated (show lot numbers where applicable):

Sec.	Twp.	Rge.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
5	146	60								27.9	21.2	37.0	33.2	35.9	18.2					173.4
6	146	60													30.6				19.9	50.5
36	147	61	1.3	12.0	40.0	37.1	6.0			5.8	38.0	40.0	12.4	1.4	28.4	35.6	40.0	35.4	14.1	337.5
Total number of acres to be irrigated																			561.4	

(b) Non-irrigation use: (if applicable)

- Municipal
- Rural-Domestic
- Industrial
- Recreation
- Fish and Wildlife
- Other, Please Specify

NOTE: On January 16, 1993 a request was made to irrigate an additional 40.5 acres, for total of 601.9 acres:

- 9.1 ac. in SW 1/4 NW 1/4 Section 5
- 6.8 ac. in NW 1/4 SW 1/4 Section 5
- 18.2 ac. in SE 1/4 NE 1/4 Section 6
- 6.4 ac. in NE 1/4 SE 1/4 Section 6

This was included and approved on the conditional water permit, issued January 28, 1993.

7. Ownership:

- (a) Property owner at the point of diversion: Charles E. Gruman
- (b) Property owner at the place of use: " " "
- (c) If either (a) or (b) above are other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

8. State law requires that cities and landowners within a one-mile radius of the proposed point of diversion be advised of this application. A completed "Notice of Application" will be forwarded to you upon receipt of this application. Therefore, please indicate the number of landowners and cities which you must notify: 14 Land Owners

9. THE APPLICANT CERTIFIES THAT THE STATEMENTS APPEARING HEREIN ARE TO THE BEST OF HIS KNOWLEDGE TRUE AND CORRECT.

Charles E. Gruman (SIGNATURE) 5 Sept 1991 (DATE)

(SIGNATURE) (DATE)

(SIGNATURE) (DATE)

Signature of the applicant(s) must be exactly as in Item 1. If more than one applicant is shown, all must sign.

NOTE: Mail the completed application, along with the required map and application fee to:

STATE ENGINEER
State Office Building
900 East Boulevard
Bismarck, North Dakota 58505

STATE OF NORTH DAKOTA

CONDITIONAL WATER PERMIT NO. 04516

ATTACHMENT "A"

Approval of a Portion Held in Abeyance

Conditional Water Permit No. 4516 authorizes the annual appropriation of 288.0 acre-feet of ground water utilizing the point of diversion located in the SW1/4 of Section 5, Township 146 North, Range 60 West, Griggs County, at an authorized pumping rate of 1600 gallons per minute, to irrigate 189.3 acres of land located in Section 5, and 75.1 acres in Section 6, both in Township 146 North, Range 60 West. The remaining requested 400 gallons per minute pumping rate from the point of diversion located in the SW1/4 of Section 5, Township 146 North, Range 60 West were held in abeyance. Also the second portion of the initially requested 432.0 acre-feet of water, utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West, at a pumping rate of 2000 gallons per minute to irrigate 337.5 acres in Section 36, Township 147 North, Range 61 West were held in abeyance until additional data was collected.

On December 6, 2006, a letter and the recommended decision dated November 28, 2006, for the additional water appropriation from the amounts held in abeyance were mailed to the applicant and the U.S. Fish and Wildlife Service, Denver, Colorado who submitted comments regarding the water permit application. The deadline for written comments was 5:00 p.m., January 9, 2007. No further comments were received. It is the staff recommendation, based on information provided in a memorandum dated June 22, 2007, that the 432 acre-feet of water, utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West, at a pumping rate of 1100 gallons per minute to irrigate 337.5 acres in Section 36, Township 147 North, Range 61, which was held in abeyance be approved. The remaining portion of 400 gallons per minute utilizing the point of diversion in the SW1/4 of Section 5, Township 146 North, Range 60 West be held in abeyance until the permit is inspected and perfected. The remaining portion of 900 gallons per minute utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West be held in abeyance until additional data is collected and analyzed.

On June 25, 2007, the State Engineer hereby approves the following:

432 acre-feet of ground water utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West at a pumping rate of 1100 gallons per minute to irrigate an additional 337.5 acres in Section 36, Township 147 North, Range 61 West.

The remaining initially requested 400 gallons per minute pumping rate utilizing the point of diversion located in the SW1/4 of Section 5, Township 146 North, Range 60 West and the remaining 900 gallons per minute pumping rate utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West, be held in abeyance.

Conditional Water Permit No. 4516 is approved for the following:

**720 acre-feet of ground water,
1600 gallons per minute pumping rate utilizing the point of diversion located in the SW1/4 of Section 5, Township 146 North, Range 60 West, Griggs County, with the remaining 400 gallons per minute pumping rate held in abeyance,**

SCANNED

1100 gallons per minute pumping rate utilizing the point of diversion located in the SE1/4 of Section 36, Township 147 North, Range 61 West, Griggs County, with the remaining 900 gallons per minute pumping rate held in abeyance,

264.4 acres to be irrigated in Section 5 and 6, Township 146 North, Range 60 West,

337.5 acres to be irrigated in Section 36, Township 147 North, Range 61 West

601.9 Total Acres to be Irrigated

The following Conditions shall apply:

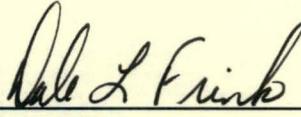
1. The well(s) shall be placed in such a location, constructed to such a depth, have such an efficiency, and pumped at such a rate that will not unreasonably restrict further development of the aquifer system.
2. The annular space between the casing of the production well(s) and the drilled hole shall be sealed in accordance with the rules of the Water Well Construction and Water Well Pump Installation, Article 33-18.
3. The irrigation well(s) shall be constructed with a measuring port and a tube having a minimum 3/4-inch inside diameter installed in the annular space between the pump column and the well casing and extending to the top of the bowl assembly or submersible pump to allow the measurement of water levels in the well(s). The bottom end of the tube shall be plugged and the bottom 2 feet perforated. Any other facility for water level measurements must be approved by the State Engineer.
4. A completion report for the production well(s) shall be filed with the State Engineer within 30 days of completion of construction, or before the beneficial use of water, whichever occurs first. The report shall include, but not limited to, information on the location, depth, length and type of casing used, length and type of screen used, depth to which the annular space was sealed, a log of materials penetrated by drilling, static water level, and pumping water level.
5. Prior to the beneficial use of water, an automatic backflow prevention device (check valve) shall be installed in the above ground portion of the pipeline near the pump discharge. The injection of fertilizer, pesticides, other chemicals or crop stimulants into the pipeline shall be downstream from the check valve.
6. Prior to the beneficial use of water, an in-line continuous recording totalizing water flowmeter shall be installed on the pump discharge line to measure the quantity of water pumped from the water source. The water flowmeter must meet the following requirements:
 - a. The water flowmeter must be certified by the manufacturer to record neither less than 98 percent nor more than 102 percent of the actual volume of water passing the water flowmeter when installed according to the manufacturer's instructions.
 - b. The water flowmeter must have a display that is readable at all times, whether the system is operating or not.
 - c. The water flowmeter must have a totalizer that meets the following criteria:

SCANNED

- i. Is continuously updated to read directly only in acre-feet, acre-inches, gallons, cubic feet, or barrels (42 U.S. gallons).
 - ii. Has sufficient capacity, without cycling past zero more than once each year, to record the quantity of water diverted in any one calendar year.
 - iii. Has a dial or counter that can be timed with a stopwatch over not more than a 10-minute period to accurately determine the rate of flow under normal operating conditions.
 - iv. Has a nonvolatile memory if the meter is equipped with an electronic totalizer.
 - d. The water flowmeter must be installed according to manufacturer's specifications and must be properly maintained according to manufacturer's recommendations, including proper winterization such as removal during the winter.
 - e. The water flowmeter shall be available for inspection by the representatives of the State Engineer.
7. The pumping rate shall be subject to the results of an aquifer test.
8. Failure to comply with any order of the State Engineer may result in forfeiture of this water permit.

SEAL





Dale L. Frink
State Engineer

Date: June 26, 2007

SCANNED