



APPLICATION/NOTIFICATION TO CONSTRUCT OR MODIFY A DAM, DIKE, RING DIKE OR OTHER WATER RESOURCE FACILITY

Office of the State Engineer
900 East Boulevard -- Bismarck, ND 58505-0850
SFN 51695 (11/03)



I, the undersigned, do hereby submit the following information to the Office of the State Engineer for determination and use as a filing of information required under North Dakota Century Code §61-04-02 or as an application to construct or modify a facility under North Dakota Century Code §61-16.1-38.

(SWC USE ONLY) No. 2398

A. GENERAL INFORMATION:

(1) This Application/Notification must include a map from an actual survey, aerial photo or topographic map. The size of the map shall be 8 1/2 by 11 inches. The map shall have a north arrow and approximate scale. If, in the opinion of the State Engineer, the map does not contain information to properly evaluate the project, it will be returned.

(2) The proposed facility is a:

- Checkboxes for Dam, Dike, Ring Dike, Wetland Restoration, Pond, Lagoon, or Dugout, Diversion Ditch, and Other.

(3) Is this Application/Notification for modification of an existing structure? Yes No

If so, what year was existing structure constructed? By whom?

(4) Project will be located in the Southeast Cass Water Resource District

(5) Legal description to the nearest forty-acre tract: 1/4 1/4 Section 13 / 24 Township 137 N Range 49 W

(Optional) Latitude Longitude

(6) Waterway on which project will be located: Adjacent to the Red River within the City of Oxbow

(7) A tributary to:

(8) Will the project, including any area inundated as a result of the project, be located entirely on land owned by the applicant?

Yes No If any portion of the project will be constructed on land not owned in fee title by the applicant, written authorization to construct the project must be obtained from the landowner of record and a copy of the authorization provided to this office.

(9) Project sponsor (Water Resource District/City/US Fish & Wildlife Service, etc.) if applicable City of Oxbow

(10) Contractor, if known

(11) Anticipated construction start date Spring 2010 Completion date Fall 2011

(12) Who will be responsible for the operation and maintenance of this project? City of Oxbow

B. POND, LAGOON, DUGOUT, DIVERSION DITCH, OR OTHER WATER RESOURCE FACILITY:

(1) Design Data:

a. Pond, Lagoon, or Dugout (complete below and diagram next page for each pond or cell, photocopy if necessary)

b. Diversion Ditch

1. Surface area: top of structure acres

1. Length feet

service level acres

2. Bottom width feet

2. Storage: top of structure acre-feet

3. Side slopes feet

service level acre-feet

4. Maximum cut feet

3. Maximum depth of water feet

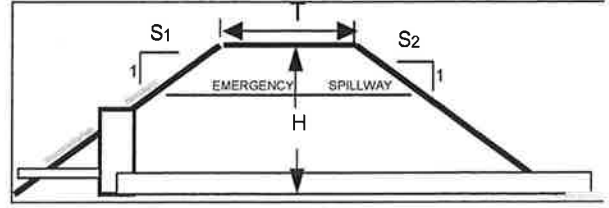
5. Gradient foot/foot

4. Maximum embankment height feet

(2) Description of project, if not a Pond, Lagoon, Dugout, or Diversion Ditch:

**C. DAMS**

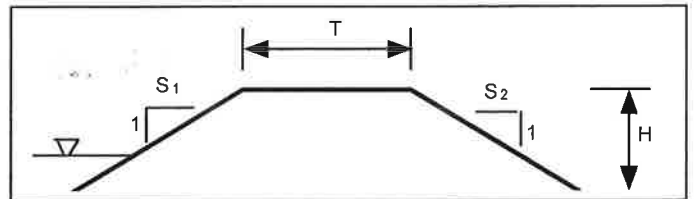
- (1) Drainage area above dam \_\_\_\_\_ square miles or \_\_\_\_\_ acres
- (2) Purpose: \_\_\_\_\_
- (3) Geometric description of dam:
- Maximum height (H) \_\_\_\_\_ feet, elevation \_\_\_\_\_ feet msl
  - Top width (T) \_\_\_\_\_ feet
  - Side slopes: upstream (S1) \_\_\_\_\_:1  
downstream (S2) \_\_\_\_\_:1
  - Type of embankment protection \_\_\_\_\_
  - Emergency spillway: type \_\_\_\_\_  
If earthen: width \_\_\_\_\_ ft, side slopes \_\_\_\_\_:1, level section length \_\_\_\_\_ ft  
Dimensions if other than earthen \_\_\_\_\_
  - Principal spillway:  
Outlet pipe: type \_\_\_\_\_ diameter \_\_\_\_\_ length \_\_\_\_\_ ft  
Riser: type \_\_\_\_\_ diameter \_\_\_\_\_  
Control gate: type \_\_\_\_\_ dimensions \_\_\_\_\_
  - Drawdown Pipe: type \_\_\_\_\_ diameter \_\_\_\_\_
- (4) Distance to nearest downstream occupied dwelling(s) \_\_\_\_\_



	ELEVATION (feet) Indicate datum: <input type="checkbox"/> local <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88	RESERVOIR SURFACE AREA (acres)	RESERVOIR CAPACITY (acre-feet)
Top of Dam			
Emergency Spillway			
Principal Spillway			
Drawdown Pipe			
Streambed at Dam			

**D. DIKE**

- (1) Is this application/notification for the construction of a ring dike?  Yes  No  
If so, will the ring dike tie into existing?  dike  roadway  high ground  other \_\_\_\_\_
- (2) Purpose: Cut off low lying areas from flood events
- (3) Area of land to be protected by dike \_\_\_\_\_ acres
- (4) Description of Dike:
- Dike length 5,710 feet
  - Dike design:
    - Top width (T) 10 feet
    - Side slopes: interior (S1) 4 / 7:1  
exterior (S2) 4 / 7:1
    - Maximum height (H) \_\_\_\_\_ feet, elevation 918.5 feet msl  
Minimum height (H) \_\_\_\_\_ feet, elevation 917.5 feet msl
    - Embankment erosion protection: Turf establishment
- (5) Will the dike flood or adversely affect adjacent, upstream or downstream land?  Yes  No  
If yes, attach flowage easements. Easements must include a description of provisions, and names and signatures of grantors.



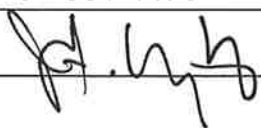
**E. WETLAND RESTORATION**

- (1) The proposed wetlands are:     Temporary     Permanent
- (2) Drainage area above dam \_\_\_\_\_ square miles or \_\_\_\_\_ acres
- (3) Is this project mitigation for another project?     Yes     No  
 If yes, please describe: \_\_\_\_\_
- (4) Describe the proposed operation plan for the wetland: \_\_\_\_\_

	OVERFLOW ELEVATION (feet) Indicate datum: <input type="checkbox"/> local <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88	CAPACITY (acre-feet)	SURFACE AREA (acres)
Existing			
Natural			
Proposed			
Top of Structure			

**F. ADDITIONAL INFORMATION, AFFIDAVIT OF DESIGN ENGINEER, AND SIGNATURE**

- (1) Additional information and comments: Levees will be constructed where possible to tie together high points throughout the City and allow for easier installation of temporary measures. The intent is to cut off flood waters from penetrating within the city.
- (2) A complete set of plans and specifications prepared by a professional engineer registered in the State of North Dakota must be submitted with and made part of this Application/Notification if the proposed structure will be capable of retaining, obstructing, or diverting more than 50 acre-feet of water, or if the structure is a medium or high hazard dam, as determined by the State Engineer, capable of retaining more than 25 acre-feet of water. Low hazard dams, as determined by the State Engineer, less than 10 feet in height are exempt from the requirement for professional engineering services. If plans and specifications are required, the following affidavit must be completed:  
  
 I, \_\_\_\_\_ (name), \_\_\_\_\_ (PE license number), a Professional Engineer registered in the State of North Dakota, designed and/or personally supervised the design of the project as described in this application and on any attached sheets, and construction will be inspected in accordance with North Dakota Administrative Code §89-08-03-01. Date: \_\_\_\_\_
- (3) The filing of this Application/Notification in no way relieves the applicant or landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Land Owner (Print): JAMES E. NYHOF  
 Address: 708 Riverbend Road  
Oxbow, North Dakota 58047  
 Phone: 701-361-4476  
 Signature: 

Date: 6-26-12

Sponsoring Agency: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_