

Fifty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Heitkamp

1 A BILL for an Act to amend and reenact section 61-04-06.2 of the North Dakota Century Code,  
2 relating to water permit terms.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 61-04-06.2 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **61-04-06.2. Terms of permit.** The state engineer may issue a conditional permit for  
7 less than the amount of water requested, but ~~in no case may~~ the state engineer may not issue  
8 a permit for more water than can be beneficially used for the purposes stated in the application  
9 except that water permits for incorporated municipalities or rural water systems may contain  
10 water in excess of present needs if based upon reasonable projections of future water needs of  
11 the municipality or the rural water system. As used in this section, reasonable projections of  
12 the future water requirements of a municipality or rural water system means the amount of  
13 water estimated to be required fifty years in the future. The total quantity of water a municipality  
14 or rural water system may hold under all permits for municipal use may not exceed the quantity  
15 the municipality or rural water system can reasonably expect to use fifty years in the future.  
16 The state engineer may require modification of the plans and specifications for the  
17 appropriation. The state engineer may issue a permit subject to fees for water use, terms,  
18 conditions, restrictions, limitations, and termination dates the state engineer considers  
19 necessary to protect the rights of others and the public interest. Conditions and limitations so  
20 attached must be related to matters within the jurisdiction of the state engineer; provided,  
21 however, that all conditions attached to any permit issued prior to July 1, 1975, are binding  
22 upon the permittee.