

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1286

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 61-04-04.1 of the North Dakota Century Code, relating to water permit application fees; and to amend and reenact section 61-04-02 of the North Dakota Century Code, relating to water permit applications for commercial gardens.

SECTION 1. AMENDMENT. Section 61-04-02 of the North Dakota Century Code is amended and reenacted as follows:

61-04-02. Permit for beneficial use of water required. ~~Any~~ A person, before commencing ~~any~~ construction for the purpose of appropriating waters of the state or before taking waters of the state from ~~any~~ a constructed works, shall first secure a water permit from the state engineer unless ~~such~~ the construction or taking from ~~such~~ the constructed works is for domestic or livestock purposes or for fish, wildlife, and other recreational uses or unless otherwise provided by law. A commercial garden permit is required for a commercial garden that uses fifteen gallons [56.7812 liters] of water per minute or less and is larger than one acre [.405 hectare] but no larger than fifteen acres [6.07 hectares]. The operator of a commercial garden on the effective date of this Act must apply for a water permit by November 15, 2009, and the garden must be permitted by April 1, 2010, to be in compliance with this section. However, immediately upon completing ~~any~~ a constructed works for domestic or livestock purposes or for fish, wildlife, and other recreational uses the water user shall notify the state engineer of the location and acre-feet [1233.48 cubic meters] capacity of ~~such~~ the constructed works, dams, or dugouts. Regardless of proposed use, however, all water users shall secure a water permit ~~prior to~~ before constructing an impoundment capable of retaining more than twelve and one-half acre-feet [15418.52 cubic meters] of water or the construction of a well from which more than twelve and one-half acre-feet [15418.52 cubic meters] of water per year will be appropriated. If a permit is not required of a landowner or the landowner's lessee to appropriate less than twelve and one-half acre-feet [15418.52 cubic meters] of water from ~~any~~ a source for domestic or livestock purposes or for fish, wildlife, and other recreational uses, those appropriators may apply for water permits in order to clearly establish a priority date; the state engineer may waive any fee or hearing for ~~such~~ the applications. An applicant for a water permit to irrigate need not be the owner of the land to be irrigated.

SECTION 2. A new subsection to section 61-04-04.1 of the North Dakota Century Code is created and enacted as follows:

For a commercial garden

\$ 25"

Renumber accordingly