

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Olafson

1 A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota
2 Century Code, relating to state engineer review of water project disputes.

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

4 **SECTION 1. Water project disputes - State engineer review.** If a water resource
5 board undertakes a project and finds that the project may benefit lands in this state outside the
6 water resource district boundaries, the board shall provide notice to the water resource board
7 where the benefited lands are located. If the board decides? not to participate in the water
8 project, the board undertaking a project may appeal the decision of the nonparticipating board
9 to the state engineer. The appeal to the state engineer must be made within thirty days from
10 the date notice of the nonparticipating boards decision has been received by the participating
11 board. The appeal must be made by submitting a written notice to the state engineer which
12 must specifically set forth the reason why the nonparticipating board decision is erroneous. The
13 appealing board shall also submit copies of the written appeal notice to the nonparticipating
14 board. The state engineer shall handle the appeal by conducting an independent investigation
15 and making an independent determination of the matter. The state engineer may enter
16 property affected by the appeal for the purpose of investigating the appeal.

17 If the state engineer determines that the project benefits lands in the nonparticipating water
18 resource district and the project is in the public interest, the state engineer shall make an
19 assessment of costs and certify the assessment to the county auditor of the county where the
20 benefited lands within the nonparticipating districts are located. The county auditor shall extend
21 the assessment against the property assessed. Each assessment must be collected and paid
22 as other taxes are collected and paid. Assessments collected must be deposited with the state
23 treasurer and are hereby appropriated out of the state treasury and must be credited to the

- 1 water resource district undertaking the project. Any person agreed by action of the state
- 2 engineer under provisions of this section may appeal the decision of the state engineer to the
- 3 district court in accordance with chapter 28-32. A hearing by the state engineer as provided for
- 4 in this section is a prerequisite to an appeal.