

House Bill 1437 is the result of a collaborative effort between county water resource personnel, an attorney for county water resource districts and industry representatives. The goal was to improve the process of obtaining a permit for subsurface water management which resulted in efficiencies while meeting the necessary requirements.

SECTION 1 addresses the permitting requirements for installing a subsurface water management system of 80 acres of land or more and provides a penalty of an infraction if the section is violated.

- An application form is developed by the state engineer (hopefully with input from water resource personnel) requiring similar information that was previously required. (beginning on page 4, line 24)
- Removed the limitation of the drainage coefficient and the specific requirements of surface intakes.
- A natural watercourse is defined.
- Permits will no longer be forwarded to the state engineer.
- Instead of the applicant obtaining the deeds, (along with the names and addresses of all owners listed on the deed), as evidence of ownership of the project land and the land downstream up to a mile from the discharge, the bill requires evidence of ownership according to the tax rolls (p. 5 beginning on line 14)—a simpler process that eliminates the review of the deeds by legal counsel
- The charge to the applicant is **up to \$500**; previously the charge was \$150 which seldom covered the costs the county water resource district incurred for a legal counsel to review the deeds.
- Unless the district notifies the applicant that the application is incomplete and provides a list of the information required within three business days of the receipt of the application, the application is deemed complete.
- The project design cannot be disclosed.
- The district may attach conditions to an approved permit if the conditions address specific issues. (P. 6 – line 16 P. 7)
- The district has 30 days from the date of the completed application to approve the application; if not approved within the time limit, the permit is deemed approved.
- Once the permit is approved, downstream landowners, up to 1 mile downstream, are notified via first-class mail.
- Approval of a project does not prohibit a downstream party unreasonably damaged by the discharge from seeking damages in a civil action.

SECTION 2 addresses the requirements for the installation of a subsurface water management system that is less than 80 acres and provides a penalty of an infraction if the section is violated.

- No permit is required but the following information must be provided:
  - System's maximum discharge, the discharge location and direction of flow
- The design and installation requirements include:
  - The pump and control structures at pump outlets are installed properly (P. 8, lines 26-30)
  - Control structures are installed and capable of being closed or turned off during critical flood periods.
- If the discharge enters an assessment drain that applicant is not paying into, the water resource district may include the property into the assessment district.

SECTION 3 is the emergency clause.