

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1102

Introduced by

Representative DeKrey

1 A BILL for an Act to amend and reenact section 61-32-03 of the North Dakota Century Code,
2 relating to drainage permits.

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

4 **SECTION 1. AMENDMENT.** Section 61-32-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-32-03. Permit to drain waters required - Penalty.** Any person, before draining
7 water from a pond, slough, or lake, or any series thereof, which has a watershed area
8 comprising eighty acres [32.37 hectares] or more, shall first secure a permit to do so. The
9 permit application must be submitted to the state engineer. The state engineer shall refer the
10 application to the water resource district or districts within which is found a majority of the
11 watershed or drainage area of the pond, slough, or lake for consideration and approval, but the
12 state engineer may require that applications proposing drainage of statewide or interdistrict
13 significance be returned to the state engineer for final approval. A permit may not be granted
14 until an investigation discloses that the quantity of water which will be drained from the pond,
15 slough, or lake, or any series thereof, will not flood or adversely affect downstream lands. If the
16 investigation shows that the proposed drainage will flood or adversely affect lands of
17 downstream landowners, the water resource board may not issue a permit until flowage
18 easements are obtained. The flowage easements must be filed for record in the office of the
19 register of deeds of the county or counties in which the lands are situated. An owner of land
20 proposing to drain shall undertake and agree to pay the expenses incurred in making the
21 required investigation. This section does not apply to the construction or maintenance of any
22 existing or prospective drain constructed under the supervision of a state or federal agency, as
23 determined by the state engineer.

1 Any person draining, or causing to be drained, water of a pond, slough, or lake, or any
2 series thereof, which has a watershed area comprising eighty acres [32.37 hectares] or more,
3 without first securing a permit to do so, as provided by this section, is liable for all damage
4 sustained by any person caused by the draining, and is guilty of an infraction. When ~~temporary~~
5 ~~ponding of water~~ sheetwater occurs due to spring runoff or heavy rains, an area not in excess
6 of eighty acres [32.37 hectares] may be drained without ~~first~~ securing a permit. The state
7 engineer may issue perpetual permits to drain sheetwater. As used in this section, sheetwater
8 means shallow water that floods land not normally subject to standing water. The state
9 engineer may adopt rules for temporary permits for emergency drainage.