

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1201

Introduced by

Representatives Brandenburg, Grueneich, Hagert, Headland, Mitskog, Warrey, Schreiber-Beck

Senators Erbele, Luick, Weber, Wanzek

1 A BILL ~~for an Act to amend and reenact section 61-16.1-43 of the North Dakota Century Code,~~  
2 ~~relating to drains intersecting with a roadway that is part of the state highway system.~~for an Act  
3 to amend and reenact section 61-04-03.1 of the North Dakota Century Code, relating to a  
4 limitation on the amount of water not applied to beneficial use.

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

6 ~~**SECTION 1. AMENDMENT.** Section 61-16.1-43 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~**61-16.1-43. Construction of bridges and culverts - Costs - Specifications.**~~

9 ~~1. The water resource board shall construct any bridges or culverts over or in connection~~  
10 ~~with a drain as in its judgment may be necessary to furnish passage from one part to~~  
11 ~~another of any private farm or tract of land intersected by the drain. The cost of~~  
12 ~~constructing the bridge or culvert must be charged as part of the cost of constructing~~  
13 ~~the drain. The bridge or culvert must be maintained under the authority of the water~~  
14 ~~resource board, and the necessary expense must be deemed a part of the cost of~~  
15 ~~maintenance.~~

16 ~~2. When any bridge or culvert is to be constructed on a county or township highway~~  
17 ~~system over and across or in connection with a drain, the water resource board shall~~  
18 ~~notify the county or township with authority for the highway and provide the county or~~  
19 ~~township reasonable time to review and provide input on the plans for the bridge or~~  
20 ~~culvert. The bridge or culvert must be maintained by the county or township and all~~

~~necessary maintenance expenses must be borne forty percent by the county and sixty percent by the water resource board, unless otherwise agreed upon by the water resource board and the highway authority. If the highway authority and the water resource board cannot agree on the necessity or proper methodology for maintaining the bridge or culvert, the requesting party may appeal the denial under chapter 28-34. The cost of constructing the bridge or culvert must be shared in the following manner:~~

~~a. If funds are available, the state water commission may participate according to the commission's rules or policies. The remaining cost must be borne forty percent by the county and sixty percent by the district that created the need for the construction.~~

~~b. If funds are not available to the commission for participation, forty percent of the cost must be paid by the county and sixty percent must be charged as the cost of the drain to the district.~~

~~c. Upon request from the water resource board, the county shall request federal emergency funds for the construction. If the bridge or culvert is constructed with federal financial participation, including any federal emergency funds, the costs exceeding the amount of the federal participation must be borne by the district and county according to the provisions of this section.~~

~~3. If a roadway that is part of the state highway system and which contains a culvert intersects with a drain and the watershed of the drain spans three or more counties, the culvert must include a control valve system to regulate the flow of water through the culvert.~~

**SECTION 1. AMENDMENT.** Section 61-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**61-04-03.1. Limitation on amount of water.**

An applicant may not apply for a permit or permits for irrigation which, if approved, would enable a person, at any one time, to hold a conditional water permit or permits for more than seven hundred twenty acre-feet [888106.75 cubic meters] of water from a single surface or ground water source that has not been applied to beneficial use. Applications submitted in violation of this section may not be assigned a priority date and must be returned to the applicant by the department of water resources. This section may not apply to water permit

1 applications from the Missouri River or to applications submitted by irrigation districts organized  
2 pursuant to this title. For the purposes of this section, "person", when applied to an individual,  
3 means the individual and the individual's spouse and dependents within the meaning of the  
4 Internal Revenue Code [26 U.S.C. 152].