

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2182

Introduced by

Senators Solberg, O'Connell, Tollefson

Representatives Boucher, Gunter, Nelson

1 A BILL for an Act to amend and reenact section 61-04-22 of the North Dakota Century Code,
2 relating to prescriptive water rights.

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

4 **SECTION 1. AMENDMENT.** Section 61-04-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-04-22. Prescriptive water right.** ~~Any~~ A person who used or attempted to
7 appropriate water from any source for beneficial use over a period of twenty years prior to
8 July 1, 1963, ~~shall be~~ is deemed to have acquired a right to the use of ~~such~~ the water without
9 having filed or prosecuted an application to acquire a right to the beneficial use of ~~such~~ the
10 waters if the user shall have, by ~~July 1, 1965~~ December 31, 2001, filed with the state engineer
11 an application for a water permit. If the state engineer ~~found~~ finds that the application
12 ~~substantiated~~ substantiates the claim and it ~~was~~ is approved, it ~~shall be~~ is a perfected water
13 permit with a priority date relating back to the date when ~~the first step was taken to appropriate~~
14 ~~the~~ the water in the quantity stated in the application ~~was first appropriated.~~ The first step may
15 have consisted of survey work, drilling, ditching, damming, diking, or other actual preparation
16 for the appropriation of water provided that the first step was followed by due diligence resulting
17 in the appropriation of water. If the prescriptive user ~~failed~~ fails to file an application for a water
18 permit with the state engineer by ~~July 1, 1965, such~~ December 31, 2001, the prescriptive water
19 right ~~shall~~ must be declared abandoned and forfeited. ~~Any~~ A prescriptive water permit acquired
20 under this section ~~shall be~~ is subject to forfeiture for nonuse as prescribed by sections 61-04-23
21 through 61-04-25. The state engineer shall publish in each official county newspaper published
22 in this state notice of the deadline for filing for an appropriation permit under this section.