

SENATE BILL NO. 2126

Introduced by

Natural Resources Committee

(At the request of the State Engineer)

1 A BILL for an Act to amend and reenact subsection 6 of section 61-04-01.1, subsection 3 of
2 section 61-04-05, and subsection 3 of section 61-04-05.1 of the North Dakota Century Code,
3 relating to the definition of irrigation use, water permit applications, and water permit hearings.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 61-04-01.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 6. "Irrigation use" means the use of water for application to more than one acre
8 [.40 hectare] of land to stimulate the growth of agricultural crops or the
9 maintenance of recreation areas such as athletic fields, golf courses, parks, and
10 similar types of areas, except when the water for the facility is provided by a
11 municipal water system.

12 **SECTION 2. AMENDMENT.** Subsection 3 of section 61-04-05 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 3. Give notice of the application by certified mail in the form prescribed by rule to all
15 municipal or public use water facilities ~~in the county in which~~ within a twelve-mile
16 radius of the proposed water appropriation site is located. The state engineer shall
17 provide a list of all municipal or public use water facilities that must be notified
18 under this subsection to the applicant.

19 **SECTION 3. AMENDMENT.** Subsection 3 of section 61-04-05.1 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 3. Within thirty days of service of the recommended decision, the applicant and any
22 person who would be aggrieved by the decision and who filed written comments
23 may file additional written comments with the state engineer or request a hearing
24 on the application, or both. A request for a hearing must be made in writing and

1 must state with particularity how the person would be aggrieved by the decision
2 and the issues and facts to be presented at the hearing. If a request for a hearing
3 is not made, the state engineer shall consider the additional comments, if any are
4 submitted, and issue a final decision. If a request for a hearing is made, or if the
5 state engineer determines a hearing is necessary to obtain additional information
6 to evaluate the application or to receive public input, the state engineer shall
7 designate a time and place for the hearing and serve a copy of the notice of
8 hearing upon the applicant and any person who filed written comments. Service
9 must be made in the manner allowed for service under the North Dakota Rules of
10 Civil Procedure at least twenty days before the hearing.