

SENATE BILL NO.

Introduced by

Senator Heitkamp

1 A BILL for an Act to amend and reenact section 61-04-06.2 of the North Dakota Century Code,
2 relating to water permit terms.

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

4 **SECTION 1. AMENDMENT.** Section 61-04-06.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-04-06.2. Terms of permit.** The state engineer may issue a conditional permit for
7 less than the amount of water requested, but ~~in no case may~~ the state engineer may not issue
8 a permit for more water than can be beneficially used for the purposes stated in the application
9 except that water permits for incorporated municipalities or rural water systems may contain
10 water in excess of present needs if based upon reasonable projections of future water needs of
11 the municipality or the rural water system. As used in this section, reasonably necessary for
12 the future water requirements of a municipality or rural water system means the amount of
13 water estimated to be required fifty years in the future. The total quantity of water in
14 municipality or rural water system may hold under all permits for municipal use may not exceed
15 the quantity the municipality or rural water system can reasonably expect to use fifty years in
16 the future. The state engineer may require modification of the plans and specifications for the
17 appropriation. The state engineer may issue a permit subject to fees for water use, terms,
18 conditions, restrictions, limitations, and termination dates the state engineer considers
19 necessary to protect the rights of others and the public interest. Conditions and limitations so
20 attached must be related to matters within the jurisdiction of the state engineer; provided,
21 however, that all conditions attached to any permit issued prior to July 1, 1975, are binding
22 upon the permittee.