

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Warner

1 A BILL for an Act to amend and reenact section 61-04-03 and subsections 1 and 2 of section  
2 61-04-05 of the North Dakota Century Code, relating to water permit applications and notices.

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

4 **SECTION 1. AMENDMENT.** Section 61-04-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **61-04-03. Application for water permit - Contents - Information to accompany.**

7 The application for a permit to make beneficial use of ~~any~~ waters of the state ~~shall~~ must be in  
8 the form required by ~~the rules established~~ adopted by the state engineer. ~~Such~~ The rules ~~shall~~  
9 must prescribe the form and contents of, and the procedure for filing, the application.

10 Applications also must include the estimated target aquifer and depth of the proposed water  
11 appropriation. If the applicant is not the surface owner of record, the applicant shall submit  
12 documentation showing that written permission for surface access has been granted by the  
13 surface owner of record. The application, along with all other information filed with ~~#~~ the  
14 application, ~~shall~~ must be retained in the office of the commission after approval or disapproval  
15 of the application. The state engineer may require additional information not provided for in the  
16 ~~general~~ rules if the state engineer ~~deems~~ determines it ~~to be~~ necessary.

17 **SECTION 2. AMENDMENT.** Subsections 1 and 2 of section 61-04-05 of the North  
18 Dakota Century Code are amended and reenacted as follows:

19 1. Give notice of the application by certified mail in the form prescribed by rule, to all  
20 record title owners of real estate within a radius of ~~one mile [1.61 kilometers]~~ five  
21 miles [8.05 kilometers] from the location of the proposed water appropriation site,  
22 except:

23 a. If the one-mile [1.61-kilometer] radius extends within the geographical  
24 boundary of a city, the notice must be given to the governing body of the city

- 1                   and no further notice need be given to the record title owners of real estate  
2                   within the geographical boundary of the city.
- 3                   b. If the one-mile [1.61-kilometer] radius includes land within the geographical  
4                   boundary of a rural subdivision where the lots are of ten acres [4.04 hectares]  
5                   or less, the notice must be given to the governing body of the township or  
6                   other governing authority for the rural subdivision and no further notice need  
7                   be given to the record title owners of real estate within the geographical  
8                   boundary of the rural subdivision.
- 9                   c. If the one-mile [1.61-kilometer] radius includes a single tract of rural land  
10                  which is owned by more than ten individuals, the notice must be given to the  
11                  governing body of the township or other governing authority for that tract of  
12                  land and no further notice need be given to the record title owners of that  
13                  tract.
- 14                  2. Give notice of the application by certified mail in the form prescribed by rule to all  
15                  persons holding water permits for the appropriation of water from appropriation  
16                  sites located within a radius of ~~one mile [1.61 kilometers]~~ five miles [8.05  
17                  kilometers] from the location of the proposed water appropriation site. The state  
18                  engineer shall provide a list of all persons who must be notified under this  
19                  subsection to the applicant.