

JUL 01 2011

APPENDIX C



State of North Dakota

Office of the State Engineer

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July 1, 2011

Senator Jerry Klein, Chairman
Administrative Rules Committee
ND Legislative Council
600 East Boulevard Ave.
Bismarck, ND 58505

Dear Senator Klein:

As provided by N.D.C.C. § 28-32-18.1(2), this is a request for the Administrative Rules Committee to consider the attached proposed amendment to N.D. Admin. Code § 89-03-03-02 regarding the definition of domestic rural use. This amendment will make the rule definition consistent with the statutory definition under N.D.C.C. § 61-04-01.1(4), which was amended by HB 1107, 2011 N.D. Leg.

Since this office has no other rule changes, this appears to be the most cost efficient manner to accomplish the amendment.

Sincerely,

Todd Sando, P.E.
State Engineer

TS/rp
enclosure

**ARTICLE 89-03
WATER APPROPRIATIONS**

**CHAPTER 89-03-03
DEFINITIONS**

Section 89-03-03-02 is amended as follows:

89-03-03-02. Definition of domestic rural use. For the purpose of North Dakota Century Code section 61-04-01.1, "domestic rural use" means two or more family units or households obtaining water from the same system for personal needs and for household purposes, including heating, drinking, washing, sanitary, and culinary uses; irrigation of land not exceeding five acres [2.0 hectares] in area for each family unit or household for ~~noncommercial~~ gardens, orchards, lawns, trees, or shrubbery; and for household pets and domestic animals kept for household sustenance and not for sale or commercial use.

History: Effective November 1, 1989; amended effective January 1, 2010; January 1, 2012.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-01.1