

Introduced by

Senators Hogue, Klein, Wardner

Representatives Damschen, Hofstad, Hunskor

1 A BILL for an Act to amend and reenact subsection 3 of section 61-40-10 of the North Dakota  
2 Century Code, relating to approval of the state water commission for expansion of the western  
3 area water supply project.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 61-40-10 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 3. The approval of the state water commission shall approve is required by the authority  
8 before the planning, location, and water supply contracts of any authority depots,  
9 laterals, taps, turnouts, and risers for industrial sales for oil and gas exploration and  
10 production after July 1, 2013. ~~Before the approval by the state water commission, the~~  
11 ~~authority must file an application for approval with the state water commission.~~  
12 ~~Following receipt of the application, the commission shall give notice of at least~~  
13 ~~thirty days to all state water commission permittees providing water for industrial sales~~  
14 ~~for oil and gas exploration and production. After notice, the state water commission~~  
15 ~~shall hold a hearing to consider public comments and to approve or disapprove the~~  
16 ~~application. In making a determination to approve or disapprove the application, the~~  
17 ~~commission shall consider the following:~~

18 ~~a. Objections from other providers of industrial water supply;~~

19 ~~b. Private sector capacity to meet the requested demand;~~

20 ~~c. Location and proximity of other private water supply infrastructure in the area;~~

21 ~~d. Status of domestic water supply restrictions from the participating authority~~  
22 ~~members;~~

23 ~~e. Whether the participating member is meeting all domestic water demands;~~

1 ~~f. Whether the request follows the depot plan and financing structure approved by~~  
2 ~~the legislative assembly in creating the authority, or is a deviation of that plan;~~  
3 ~~g. The length of time for which the industrial water supply is requested; and~~  
4 ~~h. The status of industrial water supply payments to meet obligations in this~~  
5 ~~chapter.~~ The authority shall file an application for approval with the commission.  
6 The commission shall give electronic notice, allow a comment period of seven  
7 days, and make a decision within ten days after receipt of the application. The  
8 commission shall consider any public comments from permit holders within the  
9 county relating to the application before making a determination to approve or  
10 disapprove the application. If delegated by the state water commission, an  
11 approval or disapproval under this section may be made by the chief engineer.