

HOUSE BILL NO. 1073

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Water Resources)

1 A BILL for an Act to amend and reenact section 61-03-21 of the North Dakota Century Code,
2 relating to the department of water resources authority to require operating plans for dams.

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

4 **SECTION 1. AMENDMENT.** Section 61-03-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-03-21. Plans of operation for reservoirs - Adequate structure.**

7 Every operator of a water storage reservoir operator in North Dakota having a capacity of
8 more than one thousand acre-feet [1233481.84 cubic meters] annually shall file with the
9 department, between the first and fifteenth day of February, an operating plan for the reservoir
10 for the calendar year in which the plan is filed. The operator of the reservoir shall cooperate with
11 the department to make all water releases compatible with the best interest of the greatest
12 number of downstream water users and affected landowners. If the department declares an
13 emergency in connection with the operation of the reservoir, the operator promptly shall submit
14 to the department a separate interim operating plan for the reservoir. The interim operating plan
15 must be coordinated and integrated with the suggestions and plans of the department to serve
16 the affected persons during the emergency. The department may require the reservoir operators
17 to maintain adequate structures and operate ~~them~~ the structures in a manner to prevent waste,
18 promote the beneficial use of water, and not endanger the general health and welfare of
19 affected persons affected by the reservoirs. If an operator fails to maintain and operate
20 adequate structures, the department shall set a place and time for hearing and serve notice
21 upon the operator to show cause why the operator's water permit should not be canceled. A
22 copy of any order canceling the water right must be filed in the office of the recorder in the
23 county or counties where the land to which the right is appurtenant is located. An appeal may
24 be taken from the decision of the department in accordance with chapter 28-32.