

HOUSE BILL NO. 1514

Introduced by

Representatives Headland, Grueneich, D. Johnson, Schmidt

Senators Myrdal, Sorvaag, Wanzek

1 A BILL for an Act to amend and reenact section 61-32-03 of the North Dakota Century Code,
2 relating to an exemption from permitting requirements for subsurface water management
3 systems; and to repeal section 61-32-03.1 of the North Dakota Century Code, relating to
4 permitting subsurface water management systems.

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

6 **SECTION 1. AMENDMENT.** Section 61-32-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **61-32-03. Permit to drain waters required - Penalty.**

9 Any person, before draining a pond, slough, lake, or sheetwater, or any series thereof
10 ponds, sloughs, lakes, or sheetwater, which has a watershed area comprising eighty acres
11 [32.37 hectares] or more, shall first secure a permit to do so. The permit application must be
12 submitted to the state engineer. The state engineer shall refer the application to the water
13 resource district or districts within which is found a majority of the watershed or drainage area of
14 the pond, slough, lake, or sheetwater for consideration and approval, but the state engineer
15 may require that applications proposing drainage of statewide or interdistrict significance be
16 returned to the state engineer for final approval. A permit may not be granted until an
17 investigation discloses that the quantity of water which will be drained from the pond, slough,
18 lake, or sheetwater, or any series thereof ponds, sloughs, lakes, or sheetwater, will not flood
19 or adversely affect downstream lands. If the investigation shows that the proposed drainage will
20 flood or adversely affect lands of downstream landowners, the water resource board may not
21 issue a permit until flowage easements are obtained. The flowage easements must be filed for
22 record in the office of the recorder of the county or counties in which the lands are situated. An
23 owner of land proposing to drain shall undertake and agree to pay the expenses incurred in
24 making the required investigation. This section does not apply to the construction or

1 maintenance of any existing or prospective drain constructed under the supervision of a state or
2 federal agency, as determined by the state engineer, and the construction or maintenance of
3 any subsurface water management system.

4 Any person draining, or causing to be drained, a pond, slough, lake, or sheetwater, or any
5 series ~~thereof~~ ponds, sloughs, lakes, or sheetwater, which has a watershed area comprising
6 eighty acres [32.37 hectares] or more, without first securing a permit to do so, as provided by
7 this section, is liable for all damage sustained by any person caused by the draining, and is
8 guilty of an infraction. As used in this section, sheetwater means shallow water that floods land
9 not normally subject to standing water. The state engineer may adopt rules for temporary
10 permits for emergency drainage.

11 **SECTION 2. REPEAL.** Section 61-32-03.1 of the North Dakota Century Code is repealed.