

CHAPTER 61-20 ARTESIAN WELLS

61-20-01. Valve or valves required on artesian well - Flow permitted from artesian wells - Preventing flow. Every person, stock company, association, corporation, or limited liability company owning or controlling the real estate upon which is located an artesian or flowing well shall provide for each such well a valve or valves capable of controlling the discharge from such well and shall keep such valve or valves so adjusted that only such supply of water shall escape as is necessary for ordinary use by the owner, or the person in control, of such land, in conducting the owner's or person's business. In the winter, such flow may be permitted as will prevent freezing of the well, and in those cases where it is necessary, a sufficient flow may be allowed for the purposes of developing the well. The owner of an artesian well shall be required, by means of the construction of a reservoir or otherwise, to prevent the flow of the owner's well from running upon land belonging to another or from running into any ditch along any public highway except a regularly established drainage ditch.

61-20-02. Drilling artesian or flowing well - Requirements. Every person, stock company, association, corporation, or limited liability company which shall drill an artesian or flowing well, shall comply with the rules of the state engineer regarding such activity.

61-20-03. Wild wells. The provisions of this chapter shall apply to a "wild" well, or a well out of control, except that if it is determined by the state engineer that such well cannot be repaired for use, no valve shall be attached, but every effort shall be made by the owner to seal, plug, or cut off the same. Old wells which might be damaged by so doing need not be shut off, but such wells shall be put in repair at the earliest possible date and shall be regulated thereafter.

61-20-04. Artesian or flowing wells - Penalty for certain actions. The owner or person in control of an artesian or flowing well, who:

1. Allows it to flow without a valve or other device for checking the flow as required by law, or without proper repair of pipes and valves;
2. Interferes with the well, valve, or other device;
3. Permits the water to waste unnecessarily; or
4. Permits the water to run upon the lands of another or into the ditches along any public road except a regularly established drainage ditch,

shall be guilty of a class B misdemeanor. The provisions of this section shall also apply to the officer or members of a board in charge of wells belonging to the state, or any county, township, or municipality.

61-20-05. Township and county assessors shall list all artesian and flowing wells annually - Forwarding data to state water commission. Repealed by S.L. 1983, ch. 598, § 25.

61-20-06. Duties of state engineer. The state engineer shall advise the citizens of the state as to the practicability of measures affecting the underground waters of this state. The state engineer shall:

1. Counsel and consult with the owner and assist the owner to work out the most desirable control and use of the owner's well.
2. Select at least three representative flowing wells in each county having that number, and as many more as it may deem advisable.

3. Cause the record of their flows and pressures to be taken, from time to time, to learn as much as possible of the decline, fluctuations, and permanence of the artesian supply.
4. Plan and conduct such other investigations as it may find advisable to ascertain the best method of prolonging the utility of the same.
5. Keep a record of the location, size, depth, flow, size of flow, character of water, construction, and history of all artesian wells of the state, and keep it on file for public reference.
6. Secure the enforcement of all laws pertaining to artesian and phreatic waters of the state.
7. Publish from time to time, as it may deem advantageous, bulletins containing information concerning the artesian wells and phreatic waters of the state.

The state engineer may make such additional reasonable rules and regulations governing such wells as it shall determine.

61-20-07. Enforcement of chapter by state engineer - Appeal. The provisions of this chapter must be enforced by the state engineer. The state engineer may issue administrative orders requiring compliance with this chapter. An appeal from the engineer's ruling may be taken under the provisions of chapter 28-32.

61-20-08. Deputy - Appointment by state geologist - Removal - Salary. Repealed by S.L. 1965, ch. 447, § 24.