

Introduced by

Energy and Natural Resources Committee

(At the request of the State Water Commission)

1 A BILL for an Act to amend and reenact section 61-03-21 of the North Dakota Century Code,  
2 relating to the state engineer's 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. State engineer may require plan of operation - 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] shall annually, between the first  
9 and fifteenth day of February, file with the state engineer an operating plan for such reservoir for  
10 the calendar year in which the same is filed. The operator of any such reservoir shall be  
11 required to shall cooperate with the state engineer to the end that all water releases ~~shall~~ will be  
12 compatible with the best interest of the greatest number of downstream water users and  
13 affected landowners. In the event that the state engineer declares an emergency to exist in  
14 connection with the operation of any such reservoir, the operator thereof shall promptly submit  
15 to the state engineer a separate interim operating plan therefor in addition to the annual  
16 reservoir operating plan herein required. Such interim operating plan shall then be coordinated  
17 and integrated with the suggestions and plans of the state engineer to best serve the affected  
18 interests during such emergency. The state engineer may also require such the operators to  
19 maintain adequate structures and to operate them the structures in a manner that will prevent  
20 waste, promote the beneficial use of water, and not endanger the general health and welfare of  
21 affected persons affected thereby. In the event such operator fails to maintain and operate  
22 adequate structures in the manner provided in this section, the state engineer shall set a place  
23 and time for hearing and shall serve notice upon such operator to show cause at such time and  
24 place why the operator's water permit should not be declared terminated and canceled. A copy

Sixty-seventh  
Legislative Assembly

1 ~~of any order terminating or canceling such water right shall be filed in the office of the recorder-~~  
2 ~~in the county or counties where the land to which the right is appurtenant is located. An appeal-~~  
3 ~~may be taken from the decision of the state engineer in accordance with the provisions of-~~  
4 ~~chapter 28-32.~~