

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2182
(Senators Solberg, O'Connell, Tollefson)
(Representatives Boucher, Gunter, Nelson)

AN ACT to amend and reenact section 61-04-22 of the North Dakota Century Code, relating to prescriptive water rights.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-22 of the North Dakota Century Code is amended and reenacted as follows:

61-04-22. Prescriptive water right. ~~Any~~ A person who used or attempted to appropriate water from any source for beneficial use over a period of twenty years prior to July 1, 1963, ~~shall be~~ is deemed to have acquired a right to the use of ~~such~~ the water without having filed or prosecuted an application to acquire a right to the beneficial use of ~~such~~ the waters if the user shall have, by ~~July 1, 1965~~ December 31, 2001, filed with the state engineer an application for a water permit. If the state engineer ~~found~~ finds that the application ~~substantiated~~ substantiates the claim and it ~~was~~ is approved, it ~~shall be~~ is a perfected water permit with a priority date relating back to the date when the first step was taken to appropriate the water in the quantity stated in the application ~~was first appropriated~~. The first step may have consisted of survey work, drilling, ditching, damming, diking, or other actual preparation for the appropriation of water provided that the first step was followed by due diligence resulting in the appropriation of water. If the prescriptive user ~~failed~~ fails to file an application for a water permit with the state engineer by ~~July 1, 1965~~ such December 31, 2001, the prescriptive water right ~~shall~~ must be declared abandoned and forfeited. ~~Any~~ A prescriptive water permit acquired under this section ~~shall be~~ is subject to forfeiture for nonuse as prescribed by sections 61-04-23 through 61-04-25. The state engineer shall publish in each official county newspaper published in this state notice of the deadline for filing for an appropriation permit under this section.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2182.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 93 Nays 2 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State