

STATUS DEFINITIONS FOR A WATER PERMIT OR WATER PERMIT APPLICATION

Application In Processing - When a conditional water permit application and appropriate application fee are received, the application undergoes an administrative review process. The administrative review deals with the aspects of processing a water permit application including determination of deficiencies, if any, on the water permit application and accompanying map. Once an application is complete, there is a notification process and a 30-day public comment period. An informational hearing may be held to receive additional public comment.

Void - A conditional water permit application that was submitted to the Department of Water Resources, however, the applicant did not complete the application process.

Pending Review - A conditional water permit application that has fulfilled all the administrative criteria and is pending review by Department of Water Resources staff. Review of the requested water withdrawal may require significant hydrologic analysis including the acquisition of additional hydrologic data.

Under Review - A conditional water permit application that has fulfilled all the administrative criteria and is undergoing a hydrologic review. The review evaluates proposed water use in accordance with North Dakota Century Code § 61-04-06 (Criteria for issuance of permit). This evaluation includes, but not limited to:

- a determination that the rights of prior appropriators are not unduly affected,
- an analysis of the response to pumping from the proposed water source, and
- a determination that the proposed use of water is in the public interest.

Once a recommendation is prepared there is a second notification process in which parties responding to the first notification are sent a draft of the recommended decision and given 30 days to comment on the recommendation or request an adjudicative proceeding. An application remains in the Under Review status until the recommendation is approved by the Department of Water Resources.

Denied - A conditional water permit application that has fulfilled all the administrative criteria. However, hydrologic review indicates the application does not meet the criteria for issuance of permit (North Dakota Century Code § 61-04-06) for any reason other than sufficient information or data is lacking to allow for sound decision making of the impacts of the proposed diversion on prior appropriators, the resource, or the public interest.

Deferred - A conditional water permit application that has fulfilled all the administrative criteria. However, hydrologic review indicates the application does not meet the criteria for issuance of permit (North Dakota Century Code § 61-04-06) because sufficient information or data is lacking to allow for sound decision making of the impacts of the proposed diversion on prior appropriators, the resource, or the public interest. A conditional water permit application in deferred status retains its priority date should the application be reconsidered at a later date due to changes in water use or additional hydrologic data.

Conditionally Approved - A conditional water permit application that has fulfilled all the administrative criteria, undergone hydrologic review, and is approved to begin applying water to beneficial use. The holder of the conditional water permit has until a specified beneficial use date to develop the proposed project. An extension of time to put water to beneficial use can be requested.

Held In Abeyance - A conditional water permit application that has fulfilled all the administrative criteria, undergone hydrologic review, and has been partially approved to begin applying water to beneficial use with the remaining portions of the application held in abeyance. Unapproved portions of the conditional water permit are generally held in abeyance pending development of the approved portion of the permit, the collection of additional hydrologic data, or concerns over the sustainability of the water source.

Perfectd - A water permit where the water appropriated under a conditional water permit has been applied to a beneficial use and the Department of Water Resources has inspected the works to verify the conditions of the permit have been met.

Canceled - If a permitholder fails to put water to a beneficial use by the beneficial use date or ceases to use water for three successive years or more, without the failure or cessation of use having been due to the unavailability of water, a justifiable inability to complete the works, or other good and sufficient cause, the Department of Water Resources may cancel the water permit.