



State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
(701) 328-2750 • FAX (701) 328-3696 • <http://swc.nd.gov>

Water Appropriations Division

Transfer Pond Policy

Purpose

The following Standard Operating Procedure (SOP) was developed to define the proper use of transfer pond facilities and address the problems that have arisen with conflicting rights of use of waters of the state, and overly complex accounting of water use reporting and management.

Policy Statements

- Transfer ponds are allowed in the distribution and storage of water for beneficial use, if they are constructed facilities isolated from natural watercourses.
- Instream reservoirs are not to be used as transfer ponds.
 - Temporary water permit holders using an instream reservoir as a transfer pond have until December 31, 2018 to cease use of such reservoirs for the transferring of water.
 - Conditional water permits for instream reservoirs that are used as transfer ponds approved prior to January 1, 2018 will not be affected by this policy.

Considerations and Conditions

- 1) All water added to a transfer pond must be authorized through a water permit and move through a meter and telemetry system (MTS).
- 2) An MTS is not required for the withdrawal of water from the transfer pond.
- 3) A transfer pond overlying a shallow unconfined aquifer will not be allowed, without approval from the State Engineer.
- 4) A weatherproof copy of the approved State Engineer Water Permit shall be posted such that it is visible from all approaches to any reservoir and appurtenant facilities.
- 5) A construction permit will be required from the Office of the State Engineer if an off-stream water control structure or facility is "capable of retaining, obstructing, or diverting more than fifty acre-feet" of water (NDCC § 61-16.1-38).

Definitions (for the purpose of this SOP)

A *transfer pond* is a body of water, isolated from a natural watercourse, where water from another source(s) is held for later withdrawal and use.

A *reservoir* is a man-made feature designed to store water.

- An *in-stream reservoir* is a structure located on and integral to the natural watercourse.

- An *off-stream reservoir* is a structure that is not located on and is not integral to the natural watercourse.

Approved by: 
Garland Erbele, P.E.
State Engineer

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