THE TAKING OR SELLING OF WATER FOR INDUSTRIAL USE WITHOUT A PERMIT IS ILLEGAL IN NORTH DAKOTA.

FINES & PENALTIES

Associated with Water Theft & Unauthorized Water Sales For Industrial Uses In North Dakota

CRIMINAL PENALTY

Class A misdemeanor

CIVIL PENALTY

Fine of up to
$25,000 per day

This can apply to individuals, communities, or businesses.

TO REPORT THE UNAUTHORIZED TAKING OR SALE OF WATER, PLEASE CONTACT:

The Office of the State Engineer

(701) 328.2754

Email: appropinfo@nd.gov

FOR MORE INFORMATION

www.swc.nd.gov /reg_approp/waterpermits/

The Office of the State Engineer is the regulatory authority for water use and water permitting in the State of North Dakota.

WATER THEFT & UNAUTHORIZED WATER SALES FOR INDUSTRIAL USES IN NORTH DAKOTA

NORTH Dakota | State Engineer

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INCREASING NEED FOR WATER

The increasing need for water to serve industry has also increased the temptation to take or sell water from locations where it is readily available. However, the taking or selling of water for industrial use without a permit is illegal in North Dakota.

There are joint criminal and civil penalties that can be applied in instances involving the unauthorized use or sale of water. The criminal penalty is a Class A misdemeanor, and the civil penalty is a fine of up $25,000 per day. This can apply to individuals, communities, or businesses.

The following frequently asked questions address a number of common issues associated with the unauthorized use, taking, or sale of water for industrial purposes:

FREQUENTLY ASKED QUESTIONS

When is a permit required to use water in North Dakota?

A permit is required for all uses of water, except in cases when both the amount of water to be impounded, diverted, or withdrawn is less than 12.5 acre-feet, and the contemplated use is domestic, livestock, or fish, wildlife, and other recreational uses.

If a landowner catches someone filling a water truck from a pond on their property without permission, what recourse do they have?

Not only are those individuals trespassing, but it is also illegal for them to take water from a pond (or any other source) without a permit. There are joint criminal and civil penalties that can be applied in instances involving the unauthorized use of water.

If a company offers to pay an individual, community, or business for water, can the water be sold?

A permit must be granted by the Office of the State Engineer before any water can be used or sold for industrial purposes. The permit will specify the source of water and how much can be pumped each year.

If water is sold for industrial purposes without a water permit, what can happen?

There are joint criminal and civil penalties that can be applied in instances involving the unauthorized use or sale of water. The criminal penalty is a Class A misdemeanor and the civil penalty is a fine of up to $25,000 per day.

If more water is sold than is authorized in a permit, what can happen?

The amount of water sold or used beyond the allocated annual amount is subtracted from the amount available the following year, and a fine is levied based on the amount of overuse. In addition, offenders may have their permit revoked.

If I see an illegal taking or selling of water, who should I contact?

If you see, or are made aware of the unauthorized taking or sale of water, please contact North Dakota's Office of the State Engineer at (701) 328-2754. Be as descriptive as possible - including who, when, about how much, and where the potential offense took place. If the unauthorized use or taking of water involves trespassing, please contact local law enforcement.