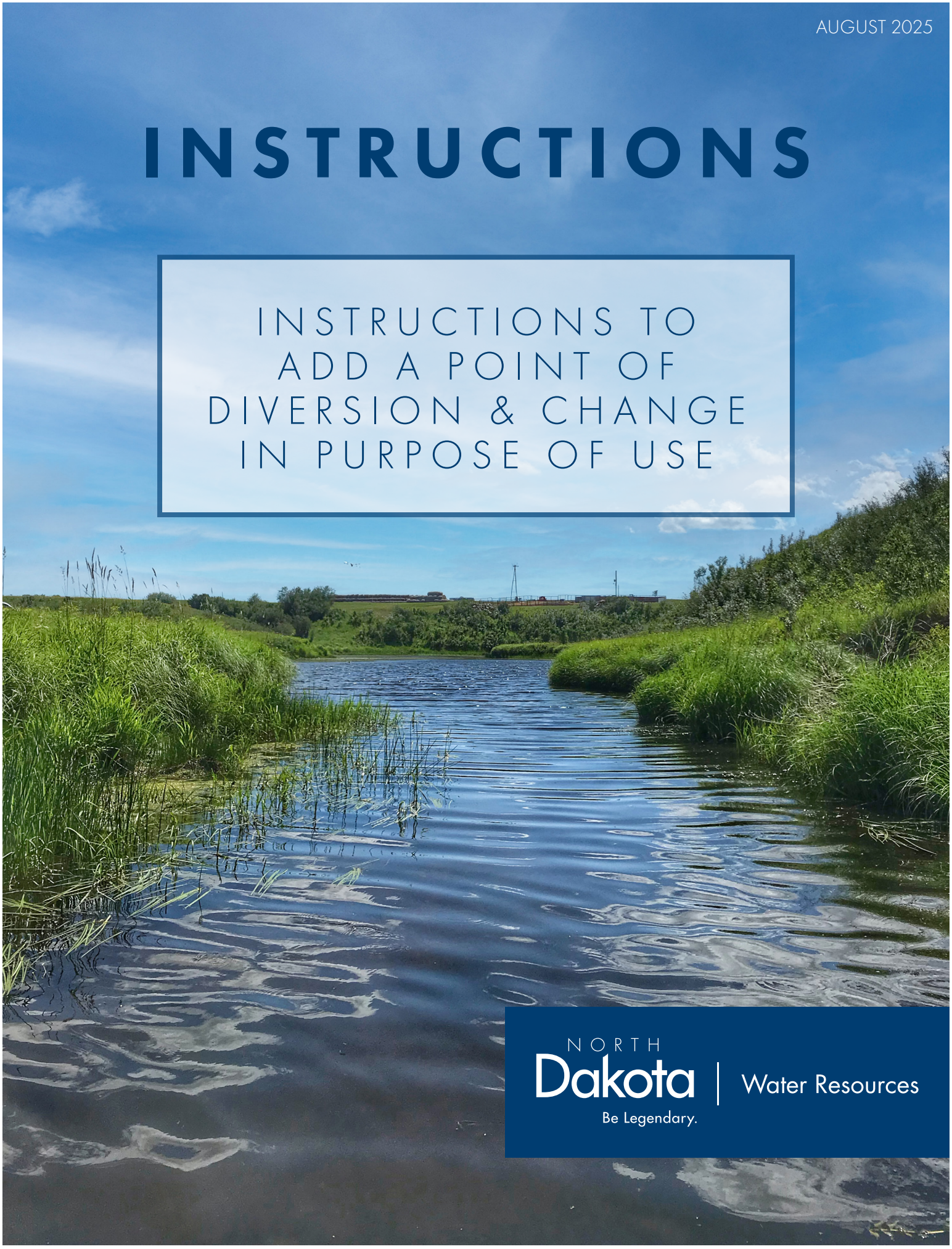
AUGUST 2025

INSTRUCTIONS

INSTRUCTIONS TO ADD A POINT OF DIVERSION & CHANGE IN PURPOSE OF USE



NORTH Dakota | Water Resources

Be Legendary.

An Amendment Application Must Be Completed On the Appropriate State Form Number (SFN)

1. Complete all blanks on the amendment application form. If the amendment application is not satisfactorily completed, it will be returned. Fees will not be returned for incomplete applications. An application to add a point of diversion must be completed on SFN 61340. Additionally, an application for a change in purpose in use must be completed on SFN 61331.

2. An amendment application will not be accepted that requests the appropriation of water from more than one water source. An appropriation from the main channel of a river and from a tributary to the river is an example of an appropriation from more than one water source.

3. A $100 amendment application fee must accompany the amendment application

4. The priority date assigned to the permit may be subject to change. If the priority date changes, the date the amendment application is received by the Department of water Resources will be the priority date, unless the applicant fails to compete the amendment application process.

5. The Department of Water Resources may approve the proposed change in purpose of use if the proposed change is to livestock use or fish, wildlife, and recreation use for a reservoir authorizing no withdrawal of water. Alternatively, a proposed change in purpose of use may be to a superior use, under the order of priority listed in North Dakota Century Code 61-04-06.1 as listed below:

    a. Domestic Use

    b. Municipal Or Public Use

    c. Livestock Use

    d. Irrigation Use

    e. Industrial Use

    f. Fish, Wildlife, and Other Recreational Uses

Preparation of Map

1. A map must accompany the application to add a point of diversion. It must be prepared from an actual survey, aerial photograph, or topographic map, and certified by a licensed surveyor unless another type of map is first approved by the Department of Water Resources. The Department of Water Resources may require additional information on the map if it is deemed necessary.

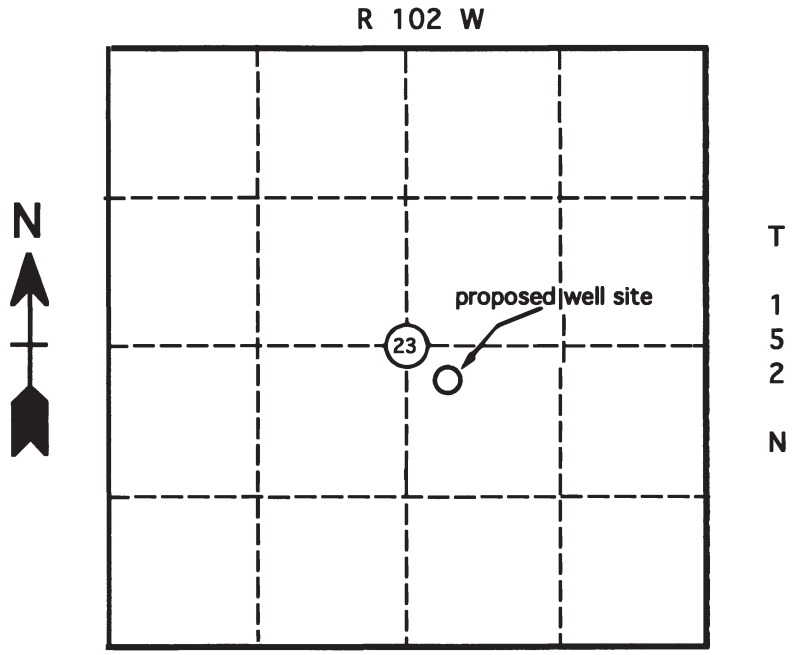
    a. The examples shown herein should be used as a guide in preparing the map.

    b. The map shall be drawn or generated by computer methods on a 8 1/2" x 11" white 20 bond paper. HANDWRITTEN INFORMATION WILL NOT BE ACCEPTED.

    c. The map must show the following information

    - ☐ Section, Township, Range and county designation to satisfactorily locate proposed works.
    - ☐ Proposed wells or pump sites within the point(s) of diversion are to be shown by "o" at their proposed location. (If system is portable, state "portable system" in the lower right hand portion of map.)
    - ☐ If use is for irrigation purposes, show proposed wells or pump sites within the point(s) of diversion and means of conveying water to place of use. Irrigated tracts in each 40 acre subdivision must be indicated by cross hatching. Include number of acres to be irrigated in each 40 acre subdivision and round off to the nearest tenth of an acre.
    - ☐ If use is for industrial purposes, show proposed wells or pump sites within the point(s) of diversion.
    - ☐ If use is for municipal purposes show proposed wells or pump sites within the point(s) of diversion and the system to convey water to the central storage facility. Map may be drawn in reference to city blocks but also must show in what legal subdivision works are located. Show section, quarter section or one-sixteenth section lines as applicable.
    - ☐ If application proposes use of a dam and storage reservoir, show the outline of the reservoir with "X" marked at the point on the reservoir from which the diversion will be made.
    - ☐ The watercourse from which water is diverted must be shown and named, and the direction of flow indicated.
    - ☐ A north arrow must be shown.
    - ☐ Scale of map must be shown (For example, 1" equals 1000' is a satisfactory scale for a one square mile tract of land.)
    - ☐ The Department may return the map to the applicant for correction if additional information is needed to properly evaluate the conditional water permit application.
    - ☐ The title in the lower right hand corner of the map must indicate the name of the applicant and post office address. (See examples on pages 7, 10, 13, 16, & 19)
    - ☐ The map must be certified with a stamp and signature from a North Dakota Licensed Professional Land Surveyor and should be located on the map.

NOTE: EXAMPLE GROUND WATER SOURCE



○ Proposed well site

APPROVED _____
State Engineer

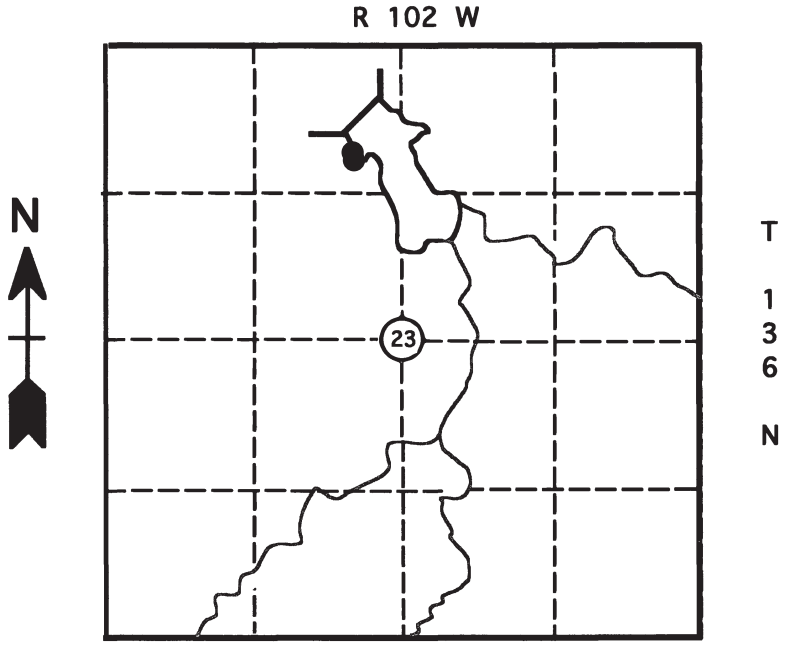
STATE OF NORTH DAKOTA)
) SS
COUNTY OF GRANT)

I, George A. Fine of Odessa, ND do hereby certify that this map was prepared from information obtained from field surveys and that it represents the well location for the accompanying water permit application.

_____
Surveyor

MAP
To accompany application
NO. _____ for
RED STARR OIL COMPANY
McKenzie County, ND
Red Starr Oil Company
Rio Vista, TX
APPLICANT

NOTE: EXAMPLE SURFACE WATER SOURCE



Scale 1" = 1320'

STATE OF NORTH DAKOTA)
) SS
COUNTY OF STARK)

I, Buck A. Rouex of Dickinson, ND do hereby certify that this map was prepared from information obtained from field surveys and that it correctly represents the dam described in the accompanying water permit application, together with a meander of streams.

_____

Surveyor

MAP

To accompany application

NO. _____ for

ELKHORN RANCH

Slope County, ND

Elkhorn Ranch
Sully Creek, ND

APPLICANT

Notification As Required By Statute

Upon receipt of a complete application, completed Notice of Application forms will be forwarded to the applicant along with a letter of instructions. Applicants are required by law to:

1. Provide notice of the application by certified mail to all record title owners of real estate within a radius of one mile from the location of the proposed water appropriation site, EXCEPT:

    a. If the one-mile radius extends within the geographical boundary of a city, the notice must be given to the governing body of the city and no further notice need be given to the record title owners of real estate within the geographical boundary of the city.

    b. If the one-mile radius includes land within the geographical boundary of a rural subdivision where the lots are ten acres or less, the notice must be given to the governing body of the township or other governing authority for the rural subdivision and no further notice need be given to the record title owners of real estate within the geographical boundary of the rural subdivision.

    c. If the one-mile radius includes a single tract of rural land which is owned by more than ten individuals, the notice must be given to the governing body of the township or other governing authority for that tract of land and no further notice need be given to the record title owners of the tract.

    NOTE: The record title owners shall be determined by an actual search of the records of the appropriate County Recorders office within 15 days of the mailing of the notice to landowners. The record title owners of land under contract for deed shall be deemed to include both grantor and grantee of a contract for deed.

2. Provide notice of application by certified mail to each person holding a water permit for the appropriation of water from an appropriation site located within a radius of one mile from the location of the "proposed" appropriation site. The Department of Water Resources will provide the applicant a list of permit holders who must be notified.

3. Provide notice of application by certified mail to all municipal or public use permit holders within a twelve-mile radius of the "proposed" water appropriation site. The Department of Water Resources will provide the applicant a list of all municipal or public use permit holders that must be notified.

4. After sending the completed Notice of Application forms by certified mail, the applicant must return, within sixty days from the date of the DWR's notification instructions, by certified mail, the completed affidavit of notice and Postal Service form 3877.

    Upon receipt of the completed affidavit of notice and Postal Service form 3877, the Department of Water Resources shall publish notice of the application in the official newspaper of the county in which the proposed appropriation site is located, once a week for two consecutive weeks. The applicant is required to pay the publication fees for the Notice of Application.

5. The Notice of Application will give essential facts about the application and the date by which written comments regarding the proposed appropriation must be filed with the Department of Water Resources.

    a. The Department of Water Resources shall consider all written comments received and shall draft a recommended decision in writing. The recommended decision is mailed to the applicant and any person who filed written comments (parties of record).

    b. Within thirty days of service of the recommended decision, the applicant and any party

    c. Of record who would be aggrieved by the decision may file additional written comments with the Department of Water Resources or request an adjudicative proceeding on the application, or both. A request for an adjudicative proceeding must be made in writing and must state with particularity how the person would be aggrieved by the decision and the issues and facts to be presented at the proceeding. If a request for an adjudicative proceeding is not made, the Department shall consider the additional comments, if any are submitted, and issue a final decision. If a request for an adjudicative proceeding is made and the Department determines an adjudicative proceeding is necessary, the Department shall designate a time and place for the adjudicative proceeding and serve the notice of adjudicative proceeding upon the applicant and any person who filed written comments.