

## **WATER PERMIT 'STATUS' DEFINITIONS FOR CONDITIONAL WATER PERMIT**

1. **Application in Processing** - When a water permit application and appropriate application fee is received, it undergoes an administrative review process. The administrative review deals with the non-hydrologic 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.
2. **Pending Review** - The water permit application has fulfilled all the administrative criteria and is pending review by a hydrologist or water resource engineer working for the Office of the State Engineer. Review of the requested water withdrawal may require significant hydrologic analysis including the acquisition of additional hydrologic data.
3. **Under Review** - The permit application is undergoing a hydrologic review. A hydrologic review deals with the evaluation of the effect of the proposed water use in accordance with North Dakota Century Code 61-04-06 (Criteria for issuance of permit).

This evaluation includes:

- 1) an analysis of the response to pumping from the proposed water source,
- 2) a determination that the rights of prior appropriators are not unduly affected, and
- 3) 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 another 30 days to question the recommendation or request an adjudicative proceeding. An application remains in the Under Review status until the recommendation approved by the state engineer.

4. **Deferred** – The water permit application has fulfilled all the administrative criteria. However, the requested water withdrawals seek to pump water from an area that the present data indicate might not be able to sustain additional development. Permits are placed in a deferred status and not denied because future changes in water use and additional hydrologic data may indicate requested water withdrawals can be considered.
5. **Held in Abeyance** - This status is used when only a portion of the requested water permit application (Acre-Feet/Gallons per Minute/Acres) is conditionally approved by the State Engineer. The unapproved portion of the water permit request is held in abeyance pending the acquisition of additional hydrologic data, which will be used to provide a basis for future action by the State Engineer.
6. **Conditionally Approved Water Permit** - The permit application has fulfilled all the administrative, legal, and hydrological requirements and is approved to begin applying water to beneficial use. The permit holder has until a specified future “beneficial use” date to develop the proposed project. An extension of time to put water to beneficial use can be requested.
7. **Perfectured Water Permit** – Once a “Conditionally Approved” permit has been developed, the works will be inspected by State Engineer staff to determine if water is being applied to beneficial use in accordance with the prescribed conditions. Once the permit conditions have been met the permit will be perfectured, establishing a water right.
8. **Void** - A water permit application form was submitted to the Office of the State Engineer, however, the applicant did not complete the application process.
9. **Denied** - The water permit application has fulfilled all the administrative criteria. However, the hydrological analysis indicates the water permit application cannot be approved in accordance with North Dakota Century Code 61-04-06 (Criteria for issuance of permit). If the applicant requests that an application be withdrawn after notice has been made, the application is “denied.”
10. **Cancelled** – If a holder of a conditional or perfectured water permit, or holder of a permit held in abeyance, fails to put water to use by the beneficial use date or fails to apply water for three successive years, unless the failure or cessation of use is due to the unavailability of water, a justifiable inability to complete the works, or other good and sufficient cause, the State Engineer may cancel the water permit and declare the water right forfeited.