



**APPLICATION FOR SURFACE DRAIN**  
 NORTH DAKOTA DEPARTMENT OF WATER RESOURCES  
 REGULATORY DIVISION  
 SFN 2830 (9/2022)

Number  
 (DWR USE ONLY)

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 (WRD USE ONLY)

This application must be submitted to the North Dakota Department of Water Resources by mail to 900 E Boulevard Ave, Dept. 770, Bismarck, ND 58505-0850, by fax to (701) 328-3696, or by email to [dwrregpermits@nd.gov](mailto:dwrregpermits@nd.gov). To be complete, this application must include the additional information listed in the instructions on page 3. For emergency drain permit applications, see instructions on page 4.

DEPARTMENT OF  
 WATER RESOURCES  
 USE ONLY  
 DATE RECEIVED

If you need any assistance, please contact the Regulatory Division at (701) 328-4956.

\*\*\*\* Additional Sheets May Be Attached If Necessary. \*\*\*\*

Water Resource District In Which Majority Of Project Watershed Is Located				
Location Of Drain (drain center line) (use separate sheet(s) if necessary)				
1/4	Section	Township	Range	County
1/4	Section	Township	Range	County
1/4	Section	Township	Range	County
Drain Outlet Location And Information				
1/4	Section	Township	Range	County
Where Does The Drain Outlet Discharge?				
<input type="checkbox"/> Road Ditch <input type="checkbox"/> Stream, River, Coulee, etc. <input type="checkbox"/> Assessment Drain <input type="checkbox"/> Private Drain <input type="checkbox"/> Pond, Slough, Or Lake <input type="checkbox"/> Other (please explain) _____				
Name Of Drain Or Water Body Where Drain Outlets (If applicable)				
Purpose Of Drainage (mark all that apply)				
<input type="checkbox"/> Agricultural Drainage <input type="checkbox"/> Flood Relief <input type="checkbox"/> Emergency <input type="checkbox"/> Other (please explain) _____				
Feature To Be Drained (mark all that apply)				
<input type="checkbox"/> Pond, Slough, Lake, Or Any Series Thereof <input type="checkbox"/> Sheetwater/Overland Flow <input type="checkbox"/> Other (please explain) _____				
If Draining A Pond, Slough, Lake Or Any Series Thereof, How Far Down Will You Drain Them?				
<input type="checkbox"/> Completely <input type="checkbox"/> Partially				
Design Data				
<input type="checkbox"/> New Drain Construction <input type="checkbox"/> Modification Of Existing Drain				
Approximate Watershed Area Contributing To Drain, if known (acres)				
Is This An Assessment Drain?		If Yes, Please List Name Of Drain		
<input type="checkbox"/> Yes <input type="checkbox"/> No				
Type Of Modification To Existing Drain (If applicable)				
<input type="checkbox"/> Deepening <input type="checkbox"/> Widening <input type="checkbox"/> Extending <input type="checkbox"/> Rerouting <input type="checkbox"/> Other (please explain) _____				
Who Designed The Drain?				
<input type="checkbox"/> Self <input type="checkbox"/> Engineering Firm/Agency _____ <input type="checkbox"/> Other (please explain) _____				



## INSTRUCTIONS FOR FILING A SURFACE DRAIN APPLICATION UNDER NORTH DAKOTA CENTURY CODE § 61-32-03

A person seeking to construct a surface drain having a watershed area of 80 acres or more (see “Is a Permit Required” below) must submit a completed permit application to the Department of Water Resources. To be complete, the application must include all information listed below. If the purpose of the drainage is for an emergency, please see instructions on page 4 of this application.

1. A completed “Application For Surface Drain” form.
2. A detailed drawing depicting the surface drain’s location on an aerial photo. The drawing must include the drain’s:
  - a. Location description in Section-Township-Range format.
  - b. Physical footprint of the drain layout including the locations of any, if applicable:
    - i. Ditch and pipe locations,
    - ii. Pump location(s),
    - iii. Placement of fill,
    - iv. Other appurtenant works, including weirs, dikes, control structures, etc.,
    - v. Identification of existing road culverts utilized and descriptions of any proposed culvert additions or modifications.
  - c. A depiction of the flow direction from the outlet location.
3. Any additional information, such as a downstream impact analysis, requested by the Water Resource District or Department of Water Resources from the applicant to make an informed decision on the application.

### **Is a Permit Required?**

**North Dakota Century Code § 61-32-03** - Draining a pond, slough, lake, or sheetwater, or any series thereof, which has a watershed area comprising eighty acres or more, requires a permit from the state engineer and water resource district within which is found a majority of the watershed or drainage area. The determination of the watershed or drainage area must be made using the best available maps or surveys.

For more information on drainage permitting,  
please visit [http://www.dwr.nd.gov/reg\\_approp/drainagepermits/](http://www.dwr.nd.gov/reg_approp/drainagepermits/).

## **INSTRUCTIONS FOR FILING AN EMERGENCY DRAIN APPLICATION UNDER NORTH DAKOTA CENTURY CODE § 61-32-03**

A person draining for emergency purposes must send a completed permit application to the Department of Water Resources and Water Resource District of jurisdiction. According to North Dakota Administrative Code § 89-02-05.1-05, an emergency drain permit application must include:

1. Landowner's name and address.
2. Legal description of land where the emergency drain will be located.
3. A map showing the drain location.
4. An estimate of the surface acreage of the pond, slough, lake, sheetwater, or any series thereof and the volume of water to be drained by the emergency drain.
5. A list of all downstream adjacent landowners for a distance of one mile [1.6 kilometers] from the discharge point, along with the addresses and telephone numbers of these landowners.
6. Copies of any written permission received from downstream landowners.
7. A compilation of any written or oral permission and refusals from downstream landowners.
8. A description of the emergency.
9. Written permission allowing the state engineer and board to inspect the drain.

Upon receipt of an emergency drain permit application, the Department of Water Resources will review the application and make a preliminary determination as to the existence of an emergency.

### **What is the process for an emergency drain permit application?**

**See North Dakota Administrative Code ch. 89-02-05.1 -**

To view this Administrative Code Section in it's entirety, please visit:

<https://www.legis.nd.gov/information/acdata/pdf/89-02-05.1.pdf>