

2026 N.D.A.C.

UPDATES

WATER RESOURCE DISTRICT TRAINING



Aaron Carranza - Regulatory Division Director
Abby Ebach - Policy Director

May 2026

NORTH
Dakota | Water Resources
Be Legendary.

ADMINISTRATIVE CODE UPDATES: **EFFECTIVE APRIL 1**

GENERAL

Response To Legislative Changes
HB 1040, SB 2044, SB 2141, SB 2308

Sovereign Lands Updates

General Agency **Clean-Up**

REGULATORY PROCESSES

Implement Construction Permit
& Drainage Permit **Timelines**

Support WRD **Local Control**

Modify Drainage
Complaint & Appeals Processes

TIMELINE (JULY 2025 - APRIL 2026)

Comment Period
Jul, Aug, Sep

Rule Revision
Oct, Nov, Dec

Legal Review
Jan, Feb, Mar

Effective
Apr

PUBLIC INPUT OPPORTUNITIES

NOTICED IN

All County



Newspapers



Facebook



Website

PUBLIC COMMENT PERIOD

July 1, 2025
To
Sept. 12, 2025



PUBLIC HEARINGS

In-Person &
Virtual Options

Fargo

August 28, 2025

Bismarck

**September 2,
2025**

RULE REVISION PROCESS

DWR Reviews
Comments and
Drafts Changes

AG's Office
Constitutionality
Check

DWR Reviews
Concerns and
Drafts Changes

Legislative Council
Submission and
Edits

General
Effort

1

Comment
Received

Regulatory
Processes Effort

6

Comments
Received

REGULATORY PROCESS CHANGES



CONSTRUCTION PERMIT PROCESS



Website Updated



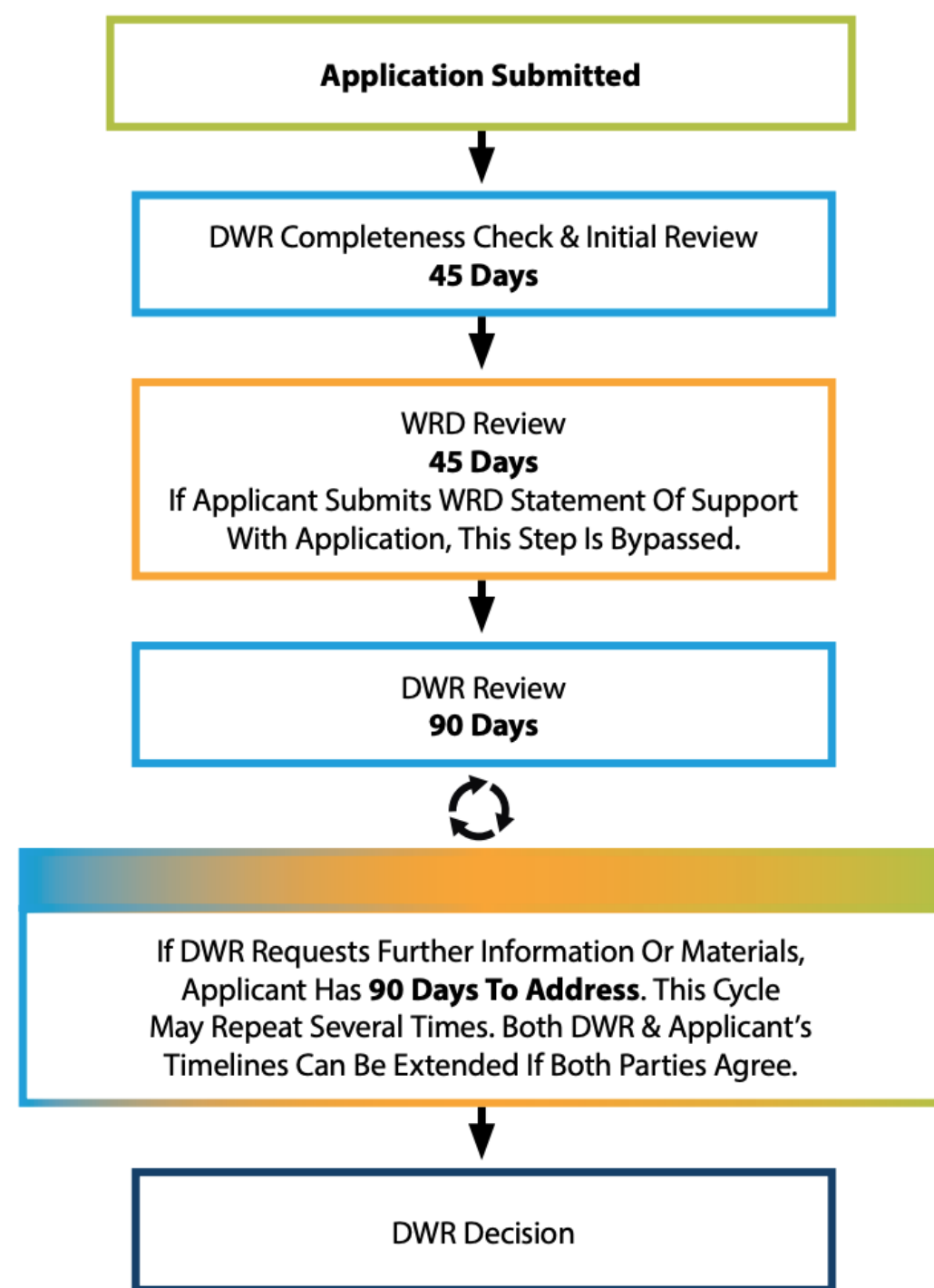
Forms Updated

- Construction Permit Application
- Emergency Dike Application
- Construction Completion Notification
- Breach/Removal Notification



Policies Updated

- Dam Safety Standards



CONSTRUCTION PERMIT APPLICATION



APPLICATION TO CONSTRUCT OR MODIFY A DAM, DIKE, RING DIKE OR OTHER WATER RESOURCE FACILITY

NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
REGULATORY DIVISION
SFN 51695 (4/2026)

No.
(DWR USE ONLY)

Submit To - dwrregpermits@nd.gov
Department of Water Resources
1200 Memorial Highway | Bismarck, ND 58504

DEPARTMENT OF
WATER RESOURCES
USE ONLY

A complete application must include a completed SFN 51695 and appropriate documentation of property rights as outlined in REG-1. For projects requiring a professional engineer under N.D.C.C. § 61-16.1-38, a complete application must include full adherence to REG_05. For projects not requiring a professional engineer, a complete application must include a written explanation of the project and sufficient information to depict the proposed project (drawings, sketches, figures, etc.).

The Proposed Facility is a (select all that apply)

- Dam (Complete Sections A, C, & F)
- Dike (Complete Sections A, D, & F)
- Ring Dike (Complete Sections A, D, & F)
- Diversion Ditch (Complete Sections A, B, & F)
- Wetland Restoration (Complete Sections A, C, E, & F)
- Pond, Lagoon, or Dugout (Complete Sections A, B, & F)
- Other (Complete Sections A, B, & F)

If OTHER, Describe

SECTION A - GENERAL INFORMATION

Is This Project A Modification Yes No

If Yes, What Year Was Existing Structure Constructed

By Whom

Water Resource District Where Project Is Located

1/4	1/4	Section	Township	Range
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

COMPLETENESS CHECK

- Only Complete Applications Accepted
- Incomplete Applications Will Be Returned To Applicant With Missing Items Identified
- All Fields Of The Application Must Be Completed, Including Signatures
- Ensure All Relevant Supporting Documents Are Provided



COMPLETENESS ONLY VERIFIES
NECESSARY ITEMS ARE PROVIDED

WRD REVIEW



Review

45-Day
Statutory
Review



Complete

If Applicant
Includes Statement
Of Support
From WRD
With Application,
**This Review Is
Deemed Complete**



Complete

If Applicant
Is WRD,
**This Review Is
Deemed Complete**

DWR REVIEW

N.D.A.C. CH. 89-08-02

90-DAY CYCLE

DWR Has **90 Days** To Review And Process Applications. If Questions/Need For Clarification, Applicants Have **90 Days** To Provide A Response.

Consult With DWR To Extend Response Time

APPLICATION AMENDMENTS

Design Changes **Must Be** A Result Of DWR Review. Other Amendments Will Need To Reapply For A Permit With New Design.



DRAINAGE PERMIT PROCESS



Website Updated



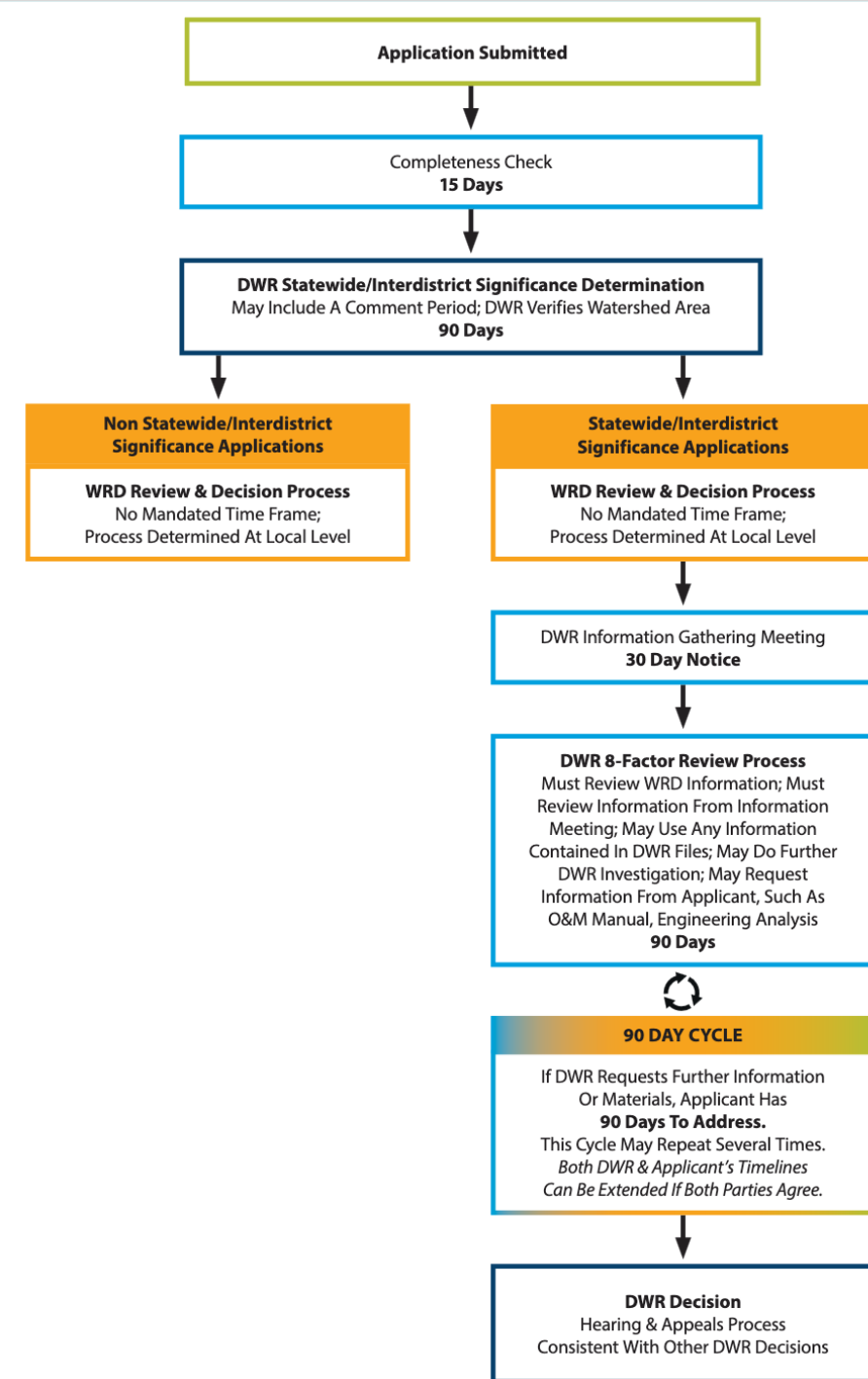
Forms Updated

- Drain Permit Application
- Emergency Surface Drain Application
- Application To Install Subsurface Water Management System



Policies Updated

- Drains Of Statewide OR Interdistrict Significance Determination



DRAINAGE PERMIT APPLICATION



APPLICATION FOR SURFACE DRAIN
 NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
 REGULATORY DIVISION
 SFN 2830 (4/2026)

No.
 (DWR USE ONLY)

Submit To - dwrregpermits@nd.gov
 Department of Water Resources
 1200 Memorial Highway | Bismarck, ND 58504

DEPARTMENT OF
 WATER RESOURCES
 USE ONLY

This application must include a map from an aerial photograph showing the location as section-township-range format. Include a physical footprint of all proposed drain features, identify existing road culverts and any proposed crossing modifications, and indicate flow direction from drain outlet location.

Additional sheets may be attached if necessary.

Water Resource District In Which Majority Of Project Watershed Is Located

SECTION A - LOCATION OF DRAIN CENTER LINE (use separate sheet(s) if necessary)

1/4 <input type="text"/>	Section <input type="text"/>	Township <input type="text"/>	Range <input type="text"/>	County <input type="text"/>
1/4 <input type="text"/>	Section <input type="text"/>	Township <input type="text"/>	Range <input type="text"/>	County <input type="text"/>
1/4 <input type="text"/>	Section <input type="text"/>	Township <input type="text"/>	Range <input type="text"/>	County <input type="text"/>

SECTION B - LOCATION OF AND INFORMATION REGARDING OUTLET

1/4 <input type="text"/>	Section <input type="text"/>	Township <input type="text"/>	Range <input type="text"/>	County <input type="text"/>
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Where Does The Drain Outlet Discharge? (select one)

Road Ditch
 Stream, River, Coulee, Etc.
 Assessment Drain
 Private Drain
 Pond, Slough, Or Lake
 Other

Name Of Drain Or Water Body Where Drain Outlets (if applicable)

Purpose Of Drainage

Agricultural Drainage
 Other

If OTHER, Please Explain

COMPLETENESS CHECK

- Only Complete Applications Accepted
- Incomplete Applications Will Be Returned To Applicant With Missing Items Identified
- All Fields Of The Application Must Be Completed, Including Signatures
- Ensure All Relevant Supporting Documents Are Provided



COMPLETENESS ONLY VERIFIES
 NECESSARY ITEMS ARE PROVIDED

SW/ID DETERMINATION



SW/ID Determination Will Be Made Within **90 Days After** Application Is Deemed Complete

No Substantive Changes Were Made To SW/ID Determination Process

Policy Language Updated To Clarify Specifically What Types Of Projects Are Or Are Not SW/ID

Projects That **May** Be SW/ID, Will Be A **30-Day** Solicitation Of Comments From **7 Entities**



DRAINS OF STATEWIDE OR INTERDISTRICT SIGNIFICANCE

POLICY | REG_03.2026

NORTH
Dakota | Water Resources
Be Legendary.

WRD REVIEW

N.D.A.C. CH. 89-02-01

PROCESS APPLICATION DIRECTION

All N.D.A.C. Directing WRDs On How To Process Applications Have Been Removed

REVIEW

WRDs Must Review All Drainage Applications Based On Local Standards

HEARING

WRD Hearing For SW/ID Drains Is No Longer Required



DWR REVIEW OF SW/ID PROJECTS

N.D.A.C. CH. 89-02-01

INFORMATION GATHERING MEETING

8 FACTOR REVIEW **90-DAY CYCLE**

DWR Has **90 Days** To Review And Process Applications. If Questions/Need For Clarification, Applicants Have **90 Days** To Provide A Response.

Consult With DWR To Extend Response Time

APPLICATION AMENDMENTS

Design Changes **Must Be** A Result Of DWR Review. Other Amendments Will Need To Reapply For A Permit With New Design.



COMPLAINT & APPEAL PROCESS



NEW Website Tab



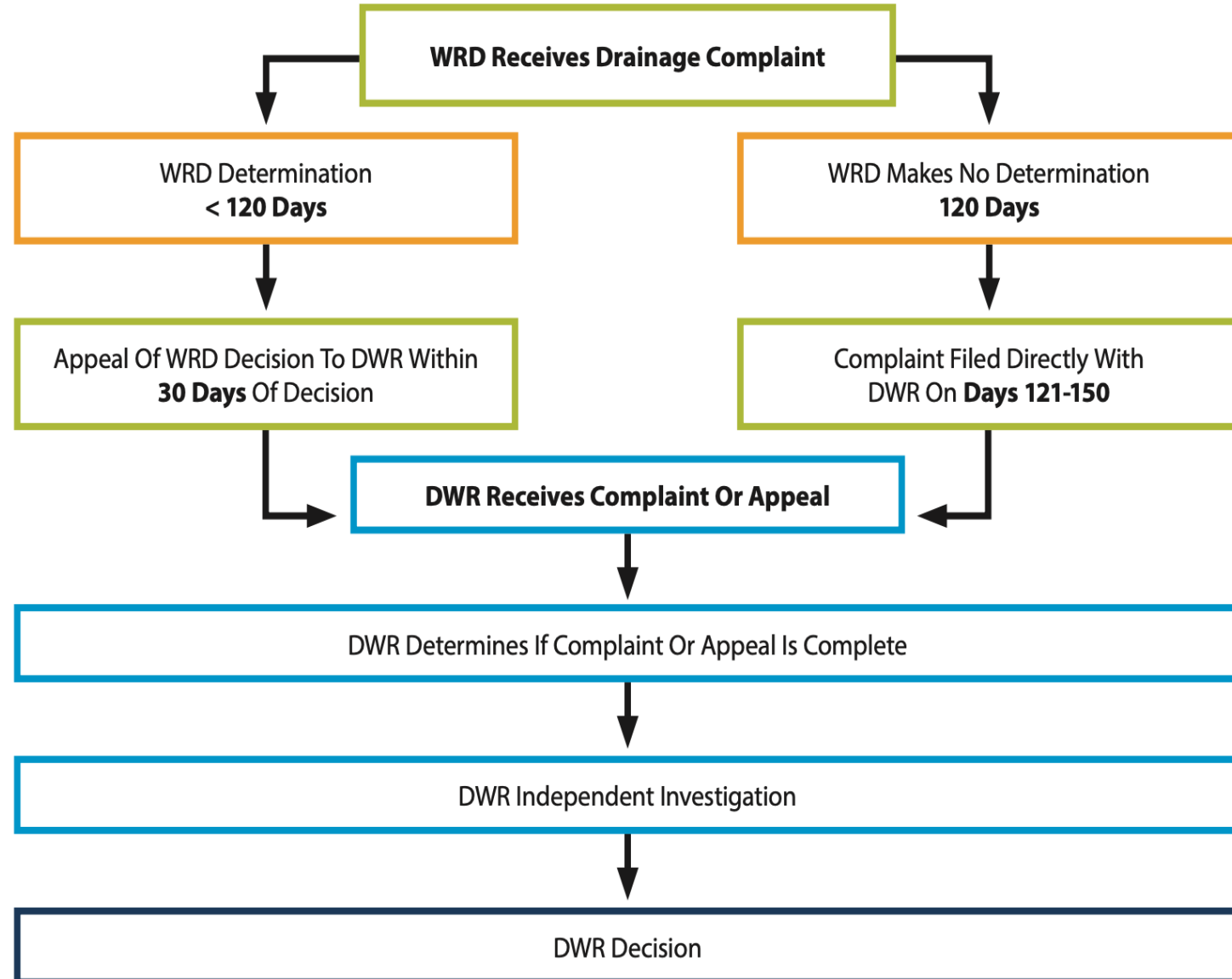
Forms Updated

- Complaint Due To WRD Inaction
- Appeal Of WRD Decision



Policies Updated

- Drainage Complaint Appeals & Reviews



DRAINAGE COMPLAINTS

REPEALED GUIDANCE

All N.D.A.C.
Directing WRDs
On How To
Process Drainage
Complaints
Removed

LOCAL CONTROL

WRDs **Must**
Review All
Drainage
Applications Based
On Local Standards

IF WRD TAKES NO ACTION



COMPLAINT DUE TO WATER RESOURCE DISTRICT INACTION
NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
REGULATORY DIVISION
SFN 60840 (4/2026)

Submit To - dwrregpermits@nd.gov
Department of Water Resources
1200 Memorial Highway | Bismarck, ND 58504

DEPARTMENT OF
WATER RESOURCES
USE ONLY

The Complaint Is Regarding

- Dam, Dike, Or Other Device (N.D.C.C. § 61-16.1-53.1(2))
- Drainage (N.D.C.C. § 61-32-08(2))

Water Resource District (WRD) Where Complaint Was Filed

Date Filed With WRD

Did You Include The Following Information (check all that apply)

- Completed SFN 60840 Complaint Due To WRD Inaction
- Copy Of The Original Complaint And All Materials Submitted To The WRD
- Certification Of Submittal Of Original Complaint To The WRD

Location Of Structure Complaint Was Filed Against

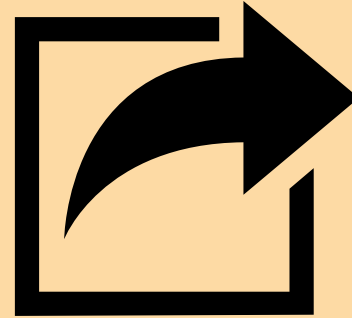
1/4	1/4	Section	Township	Range

Approximate Construction Date

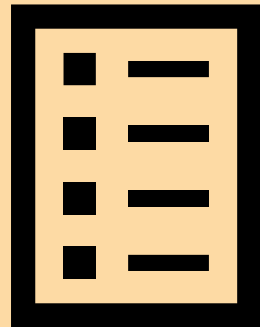
Description Of The Issue

Is Your Property Impacted Yes No

If YES, Number Of Acres Impacted



Aggrieved Party
May Submit Complaint
To DWR



NDAC Lists What
Information
Must Be Submitted



DWR Will Only Review
Information Submitted
With Initial Complaint

APPEALS OF WRD DECISION

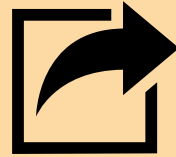


APPEAL OF WATER RESOURCE DISTRICT DECISION
NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
REGULATORY DIVISION
SFN 61409 (4/2026)

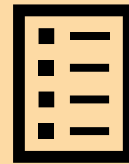
Submit To - dwrregpermits@nd.gov
Department of Water Resources
1200 Memorial Highway | Bismarck, ND 58504

DEPARTMENT OF
WATER RESOURCES
USE ONLY

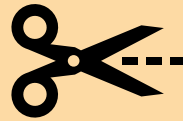
Appeal Type				
<input type="checkbox"/> Dam, Dike, Or Other Device Compliant Appeal (N.D.C.C. § 61-16.1-53.1)				
<input type="checkbox"/> Drainage Complaint Appeal (N.D.C.C. § 61-32-08)				
Water Resource District (WRD) Where Complaint Was Filed			Date Filed With WRD	
<input type="text"/>			<input type="text"/>	
Date Water Resource District's Decision Received				
<input type="text"/>				
Did You Include The Following Information (check all that apply)				
<input type="checkbox"/> Completed SFN 61409 Appeal Of WRD Decision				
<input type="checkbox"/> A Copy Of The Original Complaint And All Required Materials Submitted To The WRD				
<input type="checkbox"/> The WRD Decision				
<input type="checkbox"/> Certification That Copy Of This Appeal And Associated Materials Were Sent To WRD				
Location Of Alleged Unauthorized Works				
1/4	1/4	Section	Township	Range
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ownership Of Land On Which The Alleged Work Is Located				
Name				
<input type="text"/>				
Address		City	State	ZIP Code
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Statement Why The WRD Is Erroneous				
<input type="text"/>				



Aggrieved Party May Appeal WRD Decision To DWR



NDAC Lists What Information Must Be Submitted



Removes WRD Decision Sufficiency Review



DWR Will Only Review Information Submitted With Initial Complaint



DWR May Complete Independent Investigation, If Necessary

FUTURE FOCUSED



Focus On Statutory Mandates
& Authorities

Prioritize Public Safety, Transparency,
& Accountability To Public

Provide Clear Expectations
To The Regulated Public

Support Local Control By Removing
State-Mandates On Review Processes

Evolving Process



THANK YOU



701.328.2750



dwr@nd.gov



dwr.nd.gov



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