

# DEFINITIONS

**Acre-foot** - The volume of water that will cover one acre to a depth of one foot (325,851 gallons).

**Beneficial Use** - A use of water for a purpose consistent with the best interests of the people of the state.

**Beneficial Use Date** - After a conditional water permit has been issued, the permitholder has until a specified future "beneficial use date" to develop the proposed project and put water to beneficial use. An extension of time can be requested if needed.

**Canceled Water Permit** - A conditional, perfected, or held in abeyance water permit that has been canceled by the State Engineer because the permitholder failed to put water to use by the beneficial use date or ceased to use water for three successive years or more, without the failure or cessation of use having been due to the unavailability of water, a justifiable inability to complete the works, or other good and sufficient cause.

**Conditional Water Permit** - A conditional water permit application that has fulfilled all the administrative criteria, undergone hydrological review, and is approved to begin applying water to beneficial use. A conditional water permit is not a water right, it is a permit that protects the priority to the use of water as defined by the permit. A water right is established when the water permit is perfected.

**Consumptive Use** - Water that is withdrawn and will not be available for immediate or future reuse.

**Deferred Water Permit Application** - A conditional water permit application that has fulfilled all the administrative criteria. However, the application cannot be approved because either additional hydrologic data is needed or the water requested is not available for allocation due to a high level of local appropriation and concerns over the sustainability of the water source. Applications are placed in a deferred status and not denied because future changes in water use or additional hydrologic data may indicate requested water withdrawals can be considered.

**Denied Water Permit Application** - A conditional water permit application that has fulfilled all the administrative criteria. However, 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). Also, an application is denied if an applicant withdraws their application after Notice of Application has been made.

**Domestic Use** - The use of water by at least one family unit or household obtaining water from the same system for personal needs and for household purposes, including heating, drinking, washing, sanitary, and culinary uses; irrigation of land not exceeding five acres [2.0 hectares] in area for each family unit or household for noncommercial gardens, orchards, lawns, trees, or shrubbery; and for household pets and domestic animals kept for household sustenance and not for sale or commercial use.

**Fish, Wildlife, And Other Recreational Uses** - The use of water for the purposes of propagating and sustaining fish and wildlife resources and for the development and maintenance of water areas necessary for outdoor recreation activities.

**Held In Abeyance Water Permit** - A permit status used to refer to when only a portion of the requested conditional water permit application is conditionally approved by the State Engineer. Unapproved portions are generally held in abeyance pending development of the approved portion of the permit, the collection of additional hydrologic data, or concerns over the sustainability of the water source.

**Industrial Use** - The use of water for the furtherance of a commercial enterprise wherever located, including manufacturing, mining, and processing.

**Irrigation Use** - The use of water for application to more than five acres [2.0 hectares] of land to stimulate the growth of agricultural crops, including gardens, orchards, lawns, trees, or shrubbery, or the maintenance of recreation areas such as athletic fields, golf courses, parks, and similar types of areas, except when the water for the facility is provided by a municipal water system.

**Livestock Use** - The use of water for drinking purposes by herds, flocks, or bands of animals kept for commercial purposes.

**Municipal Or Public Use** - The use of water by the state through its political subdivisions, institutions, facilities, and properties, and the inhabitants thereof, or by unincorporated communities, subdivision developments, rural water systems, and other entities, whether supplied by the government or by a privately owned public utility or other agency or entity, for primarily domestic purposes as defined herein.

**Non-Consumptive Use** - Water that is diverted and returned to the source. It is considered to be non-consumptive water if the composition has not been substantially altered and it is returned to the source from which it was withdrawn in a relatively short period of time.

**Pending Or Under Review Water Permit Application** - A conditional water permit application that has fulfilled all the administrative criteria and is waiting to be reviewed or is under review by staff of the Office of the State Engineer.

**Perfected Water Permit** - A water permit where the water appropriated under a conditional water permit has been applied to a beneficial use and the state engineer has inspected the works to verify all the conditions of the permit have been met. When a perfected water permit is issued by the Office of the State Engineer, a water right is established.

**Point Of Diversion** - The geographical location from which waters of the state are withdrawn or diverted. A point of diversion is usually written as a legal description using the public land survey system (PLSS).

**Priority Date** - The date assigned to an application or water right.

**Temporary Water Permit** - A permit that authorizes the beneficial use of water for up to a twelve-month period. A temporary water permit is not a water right.

**Voided Water Permit Application** - A conditional water permit application that was submitted to the Office of the State Engineer, however, the applicant did not complete the application process.

**Water Right** - A legal right to use or store a specified amount of water.