



State of North Dakota

Office of the State Engineer

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MEMORANDUM

TO: ND Water Resource Districts
NRCS State Office

FROM: John Paczkowski, Chief, Regulatory Section

SUBJECT: Tile Drain Systems

DATE: September 22, 2005

As landowner interest in tile drain systems continues to grow at a rapid pace, it has come to the attention of our office that some confusion exists regarding the need for drain permits for these types of projects.

Tile drains are considered to be constructed drains and therefore subject to the regulatory requirements of North Dakota Century Code §61-32-03, which require any person draining an area having a watershed of 80 or more acres to first secure an approved permit to drain.

All applications to drain, whether drainage is accomplished by means of tile systems, ditching, filling or pumping, must be submitted using Application to Drain Form No. SFN 2830 (3/05) and evaluated using the criteria given in North Dakota Administrative Code Chapter 89-02-01

It is also important to remember that the entire watershed of the area to be drained must be considered in the evaluation of a drainage permit application. For tile drain systems, contributing area may exist beyond the perimeter of the installed tile and should also be taken into account.

Please contact me at 328-3446 if you have questions regarding this correspondence or if additional clarification in this matter is required.

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