

US Supreme Court

US Tax Court

Board of Patent Appeals

STATE LAWS

Alabama

Arizona

California

Florida

Georgia

Illinois

Indiana

Massachusetts

Michigan

Nevada

New Jersey

New York

North Carolina

Oregon

Pennsylvania

Texas

Virginia

Washington

US CODE

Copyrights

Crimes

Labor

Patents

Shipping

US CONSTITUTION

Preamble

North Carolina General Statutes § 143-215.22H Registration of water withdrawals and transfers required

[Legal Research Home](#) > North Carolina Lawyer

Sponsored Links

Ask a Lawyer Online

30 lawyers are online now!
Ask a question, get an answer ASAP.

Type your legal question here...

Ask a Lawyer Online

30 lawyers are online now!
Ask a question, get an answer ASAP.

Type your legal question here...

(a) Any person who withdraws 100,000 gallons per day or more of water from the surface or groundwaters of the State or who transfers 100,000 gallons per day or more of water from one river basin to another shall register the withdrawal or transfer with the Commission. A person registering a water withdrawal or transfer shall provide the Commission with the following information:

(1) The maximum daily amount of the water withdrawal or transfer expressed in thousands of gallons per day.

(1a) The monthly average withdrawal or transfer expressed in thousands of gallons per day.

(2) The location of the points of withdrawal and discharge and the capacity of each facility used to make the withdrawal or transfer.

(3) The monthly average discharge expressed in thousands of gallons per day.

(b) Any person initiating a new water withdrawal or transfer of 100,000 gallons per day or more shall register the withdrawal or transfer with the Commission not later than six months after the initiation of the withdrawal or transfer. The information required under subsection (a) of this section shall be submitted with respect to the new withdrawal or transfer.

(b1) Subsections (a) and (b) of this section shall not apply to a person who withdraws or transfers less than 1,000,000 gallons per day of water for activities directly related or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy products, livestock, poultry, and other agricultural products.

(c) A unit of local government that has completed a local water supply plan that meets the requirements of G.S. 143-355(l) and that has periodically revised and updated its plan as required by the

Ads by Google

IRA Withdrawals

Learn About The Rules & Policies Of IRA Withdrawals. Get Free Advice!
Blurtit.com

Use IRA/401k-Penalty Free

Use retirement funds now- Invest in real estate, tax liens, and more
www.GuidantFinancial.com

Disability Laws & Help

We Take Care Of the Government. You Have Enough To Worry About.
www.BinderAndBinder.com

Art. I - Legislative

Art. II - Executive

Art. III - Judicial

Art. IV - States' Relations

Art. V - Mode of Amendment

Art. VI - Prior Debts

Art VII - Ratification

Department has satisfied the requirements of this section and is not required to separately register a water withdrawal or transfer or to update a registration under this section.

(d) Any person who is required to register a water withdrawal or transfer under this section shall update the registration by providing the Commission with a current version of the information required by subsection (a) of this section at five-year intervals following the initial registration. A person who submits information to update a registration of a water withdrawal or transfer is not required to pay an additional registration fee under G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b), but is subject to the late registration fee established under this section in the event that updated information is not submitted as required by this subsection.

(e) Any person who is required to register a water transfer or withdrawal under this section and fails to do so shall pay, in addition to the registration fee required under G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b), a late registration fee of five dollars (\$5.00) per day for each day the registration is late up to a maximum of five hundred dollars (\$500.00). A person who is required to update a registration under this section and fails to do so shall pay a fee of five dollars (\$5.00) per day for each day the updated information is late up to a maximum of five hundred dollars (\$500.00). A late registration fee shall not be charged to a farmer who submits a registration that pertains to farming operations. (1991, c. 712, s. 1; 1993, c. 344, s. 1; c. 553, s. 81; 1998-168, s. 3.)

Sections: [Previous](#) [143-215.20](#) [143-215.21](#) [143-215.22](#) [143-215.22A](#) [143-215.22B](#) [143-215.22C](#) through [143-215.22F](#) [143-215.22G](#) [143-215.22H](#) [143-215.22I](#) [143-215.22K](#) [143-215.22L](#) [143-215.23](#) [143-215.24](#) [143-215.25](#) [143-215.25A](#) [Next](#)

Last modified: August 6, 2008

SECTION .0300 - REGISTRATION OF WATER WITHDRAWALS AND TRANSFERS

15A NCAC 02E .0301 APPLICATION; PROCESSING FEES

(a) Any person subject to G.S. 143-215.22H, shall complete, sign, and submit an application for registration, on a form provided by the Department, to the Director of the Division of Water Resources. The registration application and registration processing fee (if applicable) shall be mailed to the Division of Water Resources, North Carolina Department of Environment, Health, and Natural Resources, Post Office Box 27687, Raleigh, North Carolina 27611-7687.

(b) Except as otherwise provided in this Rule, a non-refundable registration processing fee in the amount of fifty dollars (\$50.00) shall be paid when the registration application form is submitted.

- (1) No registration application form is complete until the registration processing fee is paid.
- (2) Each facility from which a person withdraws or transfers one million gallons per day or more must be separately registered. The registration application for each facility to be registered must include the fee in the amount set forth in this Rule.
- (3) A late registration fee in the amount of five dollars (\$5.00) per day for each day the registration of a water transfer or withdrawal is late, up to a maximum of five hundred dollars (\$500.00), shall be assessed as a penalty for failure to register the water transfer or withdrawal in a timely manner. The penalty stops accruing on the date of receipt of the completed registration application by the Division of Water Resources.
- (4) Payment of the registration processing fee may be by check or money order made payable to the "N. C. Department of Environment, Health, and Natural Resources." The check or money order shall refer to the water withdrawal or transfer registration application.

(c) Except as otherwise provided in this Rule, upon receipt of a properly completed application form and the registration processing fee, the applicant shall be issued a receipt of registration.

(d) Pursuant to G.S. 143-215.3(a)(1a), and G.S. 143-215.22H, no fees including late registration fees for failing to register or update registrations in a timely manner, are required to be paid under this Rule by a farmer who submits an application for or an update of a registration of a withdrawal or transfer that pertains to farming operations. Upon receipt of a properly completed application from a farmer, the applicant will be issued a receipt of registration.

(e) Pursuant to G.S. 143-215.22H(c), separate registration of a water withdrawal or transfer is not required of a local government that completes and periodically revises and updates its water supply plan pursuant to G.S. 143-355(l).

(f) Any person who withdraws or transfers one million gallons or more in any single day must register the withdrawal or transfer.

History Note: Filed as a Temporary Rule Eff. October 14, 1991 for a Period of 180 Days to Expire on April 11, 1992; Authority G.S. 143-215.3(a)(1a); 143-215.3(a)(1b); 143-215.22H; 143-355(l); Eff. April 1, 1992; Amended Eff. September 1, 1994.

Frequently Asked Questions

What is the law?

North Carolina General Statute G.S. 143-215.22H requires water users who meet conditions set forth by the general assembly to register their water withdrawals and surface water transfers. Registrations must be updated at least every five years.

Who is required to register?

The owner of facilities that withdraw water or transfers surface water is required to register water use for all facilities they own that withdraw or transfer water if the combined withdrawals or transfers exceed the thresholds specified in the statute.

- Any non-agricultural water user who withdraws 100,000 gallons or more of ground water or surface water in any one day.
- Any non-agricultural water user who transfers 100,000 gallons or more of surface water from one river basin as defined in GS 143-215.22G to another basin in any one day.
- Any agricultural water user who withdraws 1,000,000 gallons or more in any one day of ground water or surface water.
- Any agricultural water user who transfers 1,000,000 gallons or more from of surface water one river basin as defined in GS 143-215.22G to another basin in any one day.

Is registration of water withdrawals under GS 143-215.22H waived for any particular water users?

NO, but separate registrations are not required for some water withdrawers:

- Units of local government that are required to prepare a Local Water Supply Plan under GS 143-355(l) meet the registration requirement by submitting and updating a Local Water Supply Plan.
- Water users in the Central Coastal Plain Capacity Use Area can meet the registration requirement by registering their water use under the Capacity Use Area Rules. Users that are required to get a water use permit under these rules meet the registration requirement by applying for a permit. To learn more about Central Coastal Plain Capacity Use Area rules, please visit the following website:

http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Central_Coastal_Plain/

- Owners of dams that discharge water at the toe of the dam; however, if water is diverted off-stream or discharged downstream of the dam, it is considered a water withdrawal and must be registered if the amount of water diverted exceeds the limits specified above.

If I own multiple facilities, do I need to register each one separately?

Yes, if you meet the water withdrawal and transfer criteria a separate form is required for each facility owned.

What is the due date for registering withdrawals and transfers?

New withdrawals and transfers must be registered within two months of the initiation of the withdrawal or transfer.

What is the due date for updating an existing registration?

Registrations must be updated at five-year intervals from the initial registration. Registration updates are due by April 1 of the 5th year following the initial registration for the previous calendar year. (Example: An update for a registration last updated in 2003 would be due by April 1, 2009 based on data for calendar year 2008.)

Once registered, what is the due date for submitting annual water use reports?

Water use must be reported every year by April 1 for the previous calendar year.

Is there a fee to register?

For non-agricultural users registering for the first time there is a \$50.00 fee. Agricultural water users are exempt from paying this fee. Previously registered water users updating their registrations are also exempt from this fee.

Is there a penalty for not registering a withdrawal?

Any person who is required to register a water withdrawal or surface water transfer under section G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b) and fails to do so will be subject to a civil penalty of one hundred dollars (\$100.00) per day.

Is there a penalty for failing to update a registration?

A person who is required to update a registration and fails to do so will be subject to a civil penalty of fifty dollars (\$50.00) per day.

Who do I make checks payable to?

All checks are payable to: NCDENR-Division of Water Resources. Checks can be mailed to: Water Withdrawal Registration, NC Division of Water Resources, 1611 Mail Service Center, Raleigh, NC 27699-1611.

I'm not sure if I'm registered, how can I find that information?

If you have previously registered with the Division of Water Resources, your facility's registration information can be found using the Search option on the Water Withdrawal Registration webpage. If you are unable to locate your facility using the Search option, contact the Division of Water Resources at (919)733-4064 for further assistance.

Why is it important that I register my withdrawals?

- Water supply planning and management require an understanding of both the available water resources and the demands being placed on those resources. Registration information is used to develop a more complete understanding of total water use and availability in North Carolina. Data on registered water withdrawals provides vital information for the River Basin Water Supply Planning Program.
- By registering water withdrawals and updating them every five years, water users establish a record of their water needs that can be taken into consideration in future resource management planning and decision making.