

(I) -- ALL LANDS OWNED BY THE STATE;

(II) -- PUBLIC -- PROPERTY -- INCLUDING -- ROADS, -- BRIDGES, --  
STREAMS, -- RIVERS, -- AND -- WATER -- IMPOUNDMENTS;

(III) -- COMMERCIAL -- BUILDINGS;

(IV) -- NONCOMMERCIAL -- BUILDINGS --- USED --- BY --- THE  
PUBLIC;

(V) -- DWELLINGS;

(VI) -- OTHER --- FUNCTIONAL -- STRUCTURES -- UNABLE -- TO  
WITHSTAND SUBSIDENCE DAMAGE WITHOUT -- ENDANGERING -- THEIR -- INTENDED  
PURPOSE, -- AND

(VII) -- ALL LANDS WHERE THE DEPARTMENT DETERMINES  
THAT SUPPORT IS NECESSARY IN ORDER TO PREVENT UNAVOIDABLE ADVERSE  
IMPACTS TO THE WATER RESOURCES OF THE STATE.

(2) -- A --- SUPPORT --- AREA -- NEED -- ONLY -- BE -- PROVIDED -- FOR  
STRUCTURES OR PROPERTIES IN EXISTENCE AT THE TIME THE PERMIT IS  
ISSUED.

(B) -- THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY AREA  
IF -- THE -- OWNER OF THE STRUCTURE OR THE APPROPRIATE STATE OR LOCAL  
GOVERNING BODY SUBMITS TO THE DEPARTMENT A WRITTEN CONSENT -- TO -- A  
WAIVER OF SUBSIDENCE PROTECTION REQUIREMENTS.

(C) -- THE DEPARTMENT SHALL ESTABLISH STANDARDS IN REGULATIONS  
TO --- IDENTIFY --- MINIMUM --- REQUIREMENTS --- FOR --- SUPPORT --- AREAS. THE  
DEPARTMENT SHALL ADOPT REGULATIONS TO PROTECT AGAINST, PREVENT,  
OR CORRECT MATERIAL DAMAGE DUE TO SUBSIDENCE.

7-5A-05.2.

(A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED AS  
AFFECTING THE RIGHT OF ANY PERSON TO ENFORCE OR PROTECT THAT  
PERSON'S INTEREST IN WATER RESOURCES AFFECTED BY DEEP MINING.

(B) THE OPERATOR OF A DEEP MINE SHALL REPLACE THE WATER  
SUPPLY OF AN OWNER OF INTEREST IN REAL PROPERTY WHO OBTAINS ALL  
OR PART OF THE OWNER'S SUPPLY OF WATER FOR DOMESTIC,  
AGRICULTURAL, INDUSTRIAL, OR OTHER LEGITIMATE USE FROM AN  
UNDERGROUND OR SURFACE SOURCE WHERE THE SUPPLY HAS BEEN AFFECTED  
BY CONTAMINATION, DIMINUTION, OR INTERRUPTION PROXIMATELY  
RESULTING FROM DEEP MINING OPERATIONS.

(C) (1) IF THE DEPARTMENT DETERMINES THAT THE WATER SUPPLY  
HAS BEEN AFFECTED BY DEEP MINING OPERATIONS, THE DEPARTMENT SHALL  
NOTIFY THE OPERATOR OF ITS DETERMINATION AND SHALL ESTABLISH A  
REASONABLE SCHEDULE FOR THE OPERATOR TO REPLACE THE WATER SUPPLY.