Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1086

Introduced by

Agriculture Committee

(At the request of the State Engineer)

A BILL for an Act to amend and reenact section 61-01-01 of the North Dakota Century Code, relating to waters of the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-01-01 of the North Dakota Century Code is amended and reenacted as follows:

61-01-01. Waters of the state - Public waters.

~~All~~Waters of the state are all waters, excluding private or fossil byproduct water, within the limits of the state from the following sources of water supply belong to the public and are subject to appropriation for beneficial use and the right to the use of these waters for such use must be acquired pursuant to chapter 61-04:

1. Waters on the surface of the earth, ~~excluding diffused surface waters but including surface waters~~ whether flowing in well-defined channels or ~~flowing through lakes,~~in ponds, ~~or marshes which~~sloughs, lakes that constitute integral parts of a stream system, or ~~waters in lakes~~noncontributing drainage areas;
2. Waters under the surface of the earth, whether such waters flow in defined subterranean channels or are diffused percolating underground water; and
3. All residual waters resulting from beneficial use, and all waters artificially drained~~; and~~
~~4. All waters, excluding privately owned waters, in areas determined by the state engineer to be noncontributing drainage areas. A noncontributing drainage area is any area that does not contribute natural flowing surface water to a natural stream or watercourse at an average frequency more often than once in three years over the latest thirty-year period~~.