

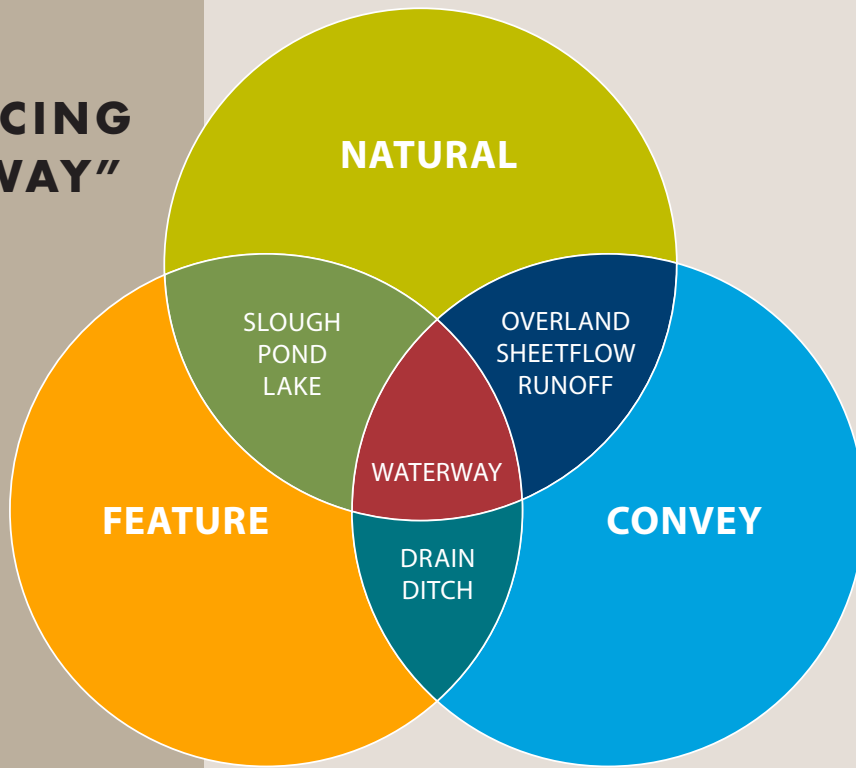
EXISTING DEFINITIONS

"Watercourse" is defined in N.D.C.C. § 61-01-06.
"Assessment drain" is defined in N.D.C.C. § 61-16.1-02(2).
"Drain" is defined in N.D.C.C. § 61-21-01(4) and elsewhere.

PROPOSED NEW DEFINITION BY DWR

"Waterway" is a natural, geologic feature that conveys surface water over land.

**INTRODUCING
"WATERWAY"**



DOES NOT CONVEY

Generally, sloughs, ponds, or lakes do not convey sheetwater or surface runoff. They are all features that retain or temporarily detain water naturally.



IS NOT A FEATURE

There is not a confining feature to overland flow or runoff. Land forms may convey natural runoff, but there is not a discernible water feature beyond temporary inundation or flooding.



IS NOT NATURAL

Drains and ditches are artificial features, such as channels or pipes, that convey surface waters. They are not natural, but may be augmentations of natural systems, such as the case with straightening of a watercourse or constructing a drain in a waterway.

"WATERWAY" HIERARCHY

WHAT DO YOU WANT TO CONSIDER A "WATERWAY?"

- What is considered a waterway depends on what you want to regulate and why.
- A "waterway" would be a broader term applied to all natural water features that convey flow over land.
- A "watercourse" is a specific type of waterway that includes a plainly defined channel of permanent character.
- OTHER WATER FEATURES**
Sloughs, ponds, lakes, wetlands, and other depressional-type, natural water features are generally not considered "waterways" but may infrequently exhibit characteristics of a waterway.



WATERWAY

This is an overarching term for "a geologic feature that conveys surface water over land."

EXAMPLE WATERWAYS

Draw, swale, valley, coulee, ravine, floodplain, floodway, tributary, brook, creek, stream, river, watercourse.

WATERCOURSE

A "watercourse" is a specific type of waterway that is defined in N.D. Century Code § 61-01-06.

NOT DISTINCT & DEFINED

There must be a distinct and defined channel to constitute a watercourse.



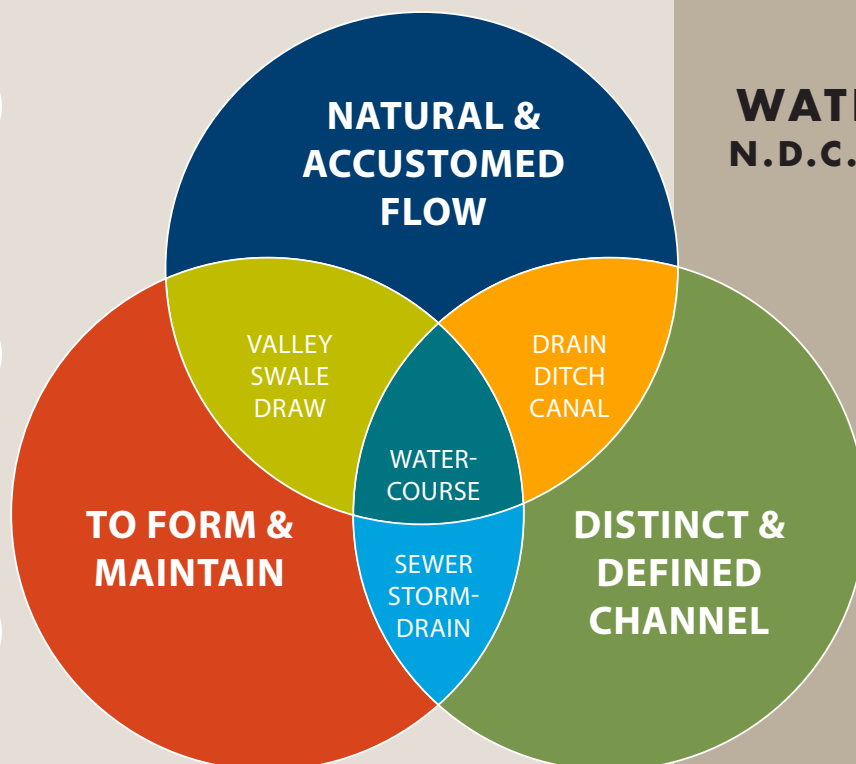
INSUFFICIENT FLOW

There must be sufficient flow, whether periodic or continuous, to form and maintain a distinct and defined channel.



NOT FROM NATURAL SOURCES

Watercourses are inherently natural, however, there can be instances where natural systems are improved or modified. The flow would still be from a natural source and still accustomed enough to form and maintain a channel.



WATERCOURSE
N.D.C.C. § 61-01-06