

Sixty-first  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1045

Introduced by

Legislative Council

(Natural Resources Committee)

1 A BILL for an Act to amend and reenact section 47-05-01, subsection 1 of section 47-05-02,  
2 and section 47-05-17 of the North Dakota Century Code, relating to severance of the right of  
3 access for hunting access from the surface estate.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 47-05-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **47-05-01. Easements attached to other lands.** The following land burdens or  
8 servitudes upon lands may be attached to other land as incidents or appurtenances and then  
9 are called easements:

- 10 1. The right of pasturage.
- 11 2. The right of fishing.
- 12 3. ~~The right of taking game.~~
- 13 4. The right of way.
- 14 ~~5.~~ 4. The right of taking water, wood, minerals, and other things.
- 15 ~~6.~~ 5. The right of transacting business upon land.
- 16 ~~7.~~ 6. The right of conducting lawful sports upon land.
- 17 ~~8.~~ 7. The right of receiving air, light, or heat from or over, or discharging the same upon  
18 or over land.
- 19 ~~9.~~ 8. The right of receiving water from or discharging the same upon land.
- 20 ~~10.~~ 9. The right of flooding land.
- 21 ~~11.~~ 10. The right of having water flow without diminution or disturbance of any kind.
- 22 ~~12.~~ 11. The right of using a wall as a party wall.
- 23 ~~13.~~ 12. The right of receiving more than natural support from adjacent land or things  
24 affixed thereto.

