

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2044

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Water Resources)

1 A BILL for an Act to amend and reenact section 61-01-06 of the North Dakota Century Code,
2 relating to watercourse determinations.

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

4 **SECTION 1. AMENDMENT.** Section 61-01-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-01-06. Watercourse and waterway - Definitions.**

- 7 1. A watercourse entitled to the protection of the law is constituted if there is a sufficient
8 natural and accustomed flow of water to form and maintain a distinct and a defined
9 channel. The supply of water is not required to be continuous or from a perennial living
10 source. The criteria for constituting a watercourse are satisfied if the flow arises
11 periodically from natural causes and reaches a plainly defined channel of a permanent
12 character. ~~If requested by a water resource board, the department of water resources~~
13 ~~shall determine whether a watercourse is constituted.~~
- 14 2. A person aggrieved by a watercourse determination made by a state agency or a
15 political subdivision of the state may request the department of water resources review
16 the determination. Upon request, the department of water resources shall review the
17 state agency or political subdivision determination and determine whether a
18 watercourse is constituted. A person aggrieved by a department of water resources
19 determination may file an appeal under section 61-03-22.
- 20 3. For purposes of this title, unless the context otherwise requires, "waterway" means a
21 natural, geologic feature that conveys surface water over land.