

**HOUSE BILL NO. 1086**

Introduced by

Energy and Natural Resources Committee

(At the request of the State Engineer)

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

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

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

6 **61-01-01. Waters of the state - Public waters.**

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

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