

Introduced by

Senators Armstrong, Bekkedahl, Unruh

Representatives Bosch, Longmuir, Porter

1 A BILL for an Act to create and enact a new section to chapter 54-01 of the North Dakota
2 Century Code, relating to the ownership of minerals inundated by Pick-Sloan Missouri basin
3 project dams.

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

5 **SECTION 1.** A new section to chapter 54-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Mineral ownership of land inundated by Pick-Sloan Missouri basin project dams.**

8 Unless the state has explicitly transferred ownership of the minerals, the state of North
9 Dakota owns the minerals in and under the Missouri riverbed within state borders, including
10 sections of the riverbed which were artificially inundated as a result of constructing dams
11 pursuant to the Pick-Sloan Missouri basin project. The state sovereign land mineral ownership
12 of the riverbed sections inundated by Pick-Sloan Missouri basin project extends only to the
13 historical Missouri riverbed channel up to the ordinary high-water mark and extends from the
14 Garrison dam to the southern border of sections thirty-one and thirty-two, township one hundred
15 fifty-four north, range one hundred one west, which is the approximate location of river mile
16 marker one thousand five hundred fifty-two and four tenths, and from the South Dakota border
17 to river mile marker one thousand two hundred ninety-nine. The state holds no claim to any
18 minerals above the ordinary high-water mark of the historical Missouri riverbed channel
19 inundated by Pick-Sloan Missouri basin project dams, except for original grant lands acquired
20 by the state under federal law and any minerals acquired by the state through purchase,
21 foreclosure, or other written conveyance. For the purposes of this section, "historical Missouri
22 riverbed channel" means the Missouri riverbed channel as delineated by the last known survey
23 conducted by the army corps of engineers in connection with the corps' determination of the
24 amount of land acquired by the corps for the impoundment of Lake Sakakawea and Lake Oahe.

Sixty-fifth
Legislative Assembly

- 1 This section does not affect the authority of the state engineer to regulate the Missouri riverbed
- 2 or waters of the state provided the regulation does not affect ownership of minerals in and under
- 3 the riverbed or lands above the ordinary high-water mark of the historical Missouri riverbed
- 4 channel inundated by Pick-Sloan Missouri basin project dams.