

CHAPTER 61-15

WATER CONSERVATION

61-15-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "A navigable lake" shall include any lake which shall have been meandered and its metes and bounds established by the government of the United States in the survey of public lands.
2. "Ordinary high watermark" shall mean that line reached by water when the lake or stream is ordinarily full and the water ordinarily high.

61-15-02. Control of water and wildlife conservation projects vested in state. By virtue of its police power the state shall be vested with the control of navigable lakes which have been meandered and their metes and bounds established by the government of the United States in the survey of public lands, within the ordinary high watermark for the purpose of constructing, maintaining, and operating dams, dikes, ditches, fills, spillways, or other structures to promote the conservation, development, storage, distribution, and utilization of such water and the propagation and preservation of wildlife.

61-15-03. Water and wildlife conservation projects - Supervision. The authority, control, and supervision of all water and wildlife conservation projects and wildlife reservations shall be vested in the state engineer. The state engineer may accept cooperation, aid, and assistance from the United States of America, its instrumentalities or agencies, in the construction, maintenance, and operation of any structure for the purposes set forth in this chapter and may do any act necessary to make such aid, assistance, and cooperation from the federal government available, and shall have the right to grant such easements to the United States of America, its instrumentalities or agencies, as may be required.

61-15-04. Easements to United States of America for water and wildlife conservation. An easement may be granted to the United States, its instrumentalities or agencies, over all lands now owned or hereafter acquired by the state of North Dakota for rights of way for ditches, dams, dikes, fills, spillways, or other structures now constructed or to be constructed for the purpose of water or wildlife conservation.

61-15-05. Recording or filing fees for documents required by United States or state for water or wildlife conservation project. Repealed by S.L. 1947, ch. 189, § 1.

61-15-06. Board of university and school lands empowered to grant easements for water and wildlife conservation. The board of university and school lands may grant to the United States of America, its instrumentalities or agencies, such easement rights as may be required for the construction, maintenance, and operation of any dam, dike, ditch, fill, spillway, or other structure erected or to be erected for water or wildlife conservation purposes on the public lands of this state.

61-15-07. Water and wildlife conservation projects not to diminish value of land. Repealed by S.L. 1963, ch. 417, § 26.

61-15-08. Drainage of meandered lake - Penalty. Any person who, without written consent of the state engineer, shall drain or cause to be drained, or who shall attempt to drain any lake or pond, which has been meandered by the government of the United States in the survey of public lands, shall be guilty of a class B misdemeanor.

61-15-09. Conservation of lakes and streams of Turtle Mountain region. The state engineer of this state shall take such action as may be necessary to conserve the water levels and rehabilitate the streams and brooks in the Turtle Mountain region of North Dakota lying in Bottineau and Rolette Counties, and shall do any act necessary to bring about such rehabilitation of streams, lakes, and brooks.

61-15-10. Permitting municipal corporations to dam Red River of the North. Any municipality owning or permanently controlling land upon which a proposed dam is to be constructed may construct a dam thereon and across that portion of the Red River of the North which forms a part of the boundary common to the state of North Dakota and the state of Minnesota, for the purpose of conserving water for municipal, commercial, and domestic use, constructing in connection therewith such appliances, fishways, raceways, sluiceways, and wasteways as may be necessary or convenient for the proper construction and utility of such dam and as may be required by law. If required by law or treaty, the consent of the United States and of the state of Minnesota shall be obtained first.