

**HOUSE BILL NO. 1226**

Introduced by

Representative M. Nelson

1 A BILL for an Act to provide a definition of navigable waters for all state agencies and purposes.

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

3 **SECTION 1.**

4 **Navigable waters - Defined.**

5 Navigable waters for all state agencies and purposes means any waters which were in fact  
6 navigable at time of statehood. Navigable at time of statehood means used or were susceptible  
7 of being used in their ordinary condition as highways for commerce over which trade and travel  
8 were or may have been conducted in the customary modes of trade on water, including the  
9 Missouri River, the Yellowstone River, the Red River of the North from Wahpeton to the  
10 Canadian border, the Bois de Sioux River from Wahpeton to the South Dakota border, the  
11 James River, the Upper Des Lacs Lake, Devils Lake, Painted Woods Lake, and Sweetwater  
12 Lake. With respect to navigable rivers, the term navigable waters includes waters up to the first  
13 crossing.