



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Doug Burgum
Governor

Wayne Stenehjem
Attorney General

Doug Goehring
Agriculture Commissioner

For Immediate Release

September 27, 2018

Ordinary High Water Mark Moves Forward

BISMARCK, N.D. - The North Dakota Department of Mineral Resources and Wenck Associates provided final recommendations today to the North Dakota Industrial Commission on the review of the ordinary high water mark of the Missouri river bed, pursuant to SB2134. The Commission was presented with 30 findings which they adopted as presented.

“We appreciate the comments provided after the initial release of the April report. Each piece of information presented was carefully considered in the drafting of the final report,” the Industrial Commission said in a joint statement. “Our thanks to Wenck Associates and the Department of Mineral Resources staff for their work on this very important project.”

“The outcome of today’s Industrial Commission meeting is a critical step in keeping this process moving forward,” Department of Mineral Resources Director Lynn Helms said. “The Commission has determined the delineation of the ordinary high water mark. This step will add clarity to operators and royalty owners who have been looking to define ownership of lands and have been looking for a process they can follow to efficiently resolve royalty disputes.”

Upon adoption of the findings approved by the Commission, several next steps outlined in SB2134 will commence. Any North Dakota Department of Trust Lands actions are on hold and subject to injunction due to the Sorum v. North Dakota litigation.

The steps outlined in North Dakota Century Code are as follows:

N.D.C.C. 61-33.1-04

- Within two years after the adoption of the final review findings operators and the board of university and school lands shall implement and complete any acreage and revenue adjustments, lease bonus and royalty refunds, and payment demands as may be necessary.
- Within six months any royalty proceeds held by operators or by the board of university and school lands lying above the ordinary high water mark must be released to the owners of the tracts, absent a showing of other defects affecting mineral title.

N.D.C.C. 61–33.1-05

- Within two years any interested parties seeking to bring an action challenging the review findings or recommendations or the industrial commission actions shall commence an action in district court.

The Department of Mineral Resources has posted all information provided to the Commission as well as a copy of SB2134 on the web at www.dmr.nd.gov.

The Industrial Commission consists of Gov. Doug Burgum as chairman, Attorney General Wayne Stenehjem and Agriculture Commissioner Doug Goehring.

###