

Bond Case Briefs

Municipal Finance Law Since 1971

WATER LAW - NORTH DAKOTA

Reep v. State

Supreme Court of North Dakota - December 26, 2013 - N.W.2d - 2013 ND 253

Owners of property next to navigable waters brought action against State, seeking declaration regarding ownership of mineral interests under shore zone of the navigable waters. In a separate action, well operator sued several upland owners in an interpleader action to determine adverse claims to proceeds from mineral interests under the shore zone of navigable waters. Following consolidation of actions, the District Court entered summary judgment, determining that the State owned the mineral interests under the land in the shore zone. Appeals were consolidated.

The Supreme Court of North Dakota held that statute governing interests of grantees in shore zones between high and low watermarks on a navigable lake or stream does not convey State's equal footing interest in minerals under the shore zone to upland landowners.