

## **IC 14-29-8**

### **Chapter 8. Recreational Streams**

#### **IC 14-29-8-1**

##### **"Stream" defined**

Sec. 1. As used in this chapter, "stream" means a natural or an altered river, creek, slough, or artificial channel that has:

- (1) definable banks and a bed capable of conducting confined runoff;
- (2) visible evidence of the flow or occurrence of water; and
- (3) a watershed in excess of one (1) square mile.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-8-2**

##### **Use of recreational stream**

Sec. 2. (a) A person may use a stream that is capable of use by a watercraft for boating, fishing, or other recreational purposes if the stream is designated as a recreational stream by rule adopted by the commission.

(b) The right of a person to use a recreational stream is limited to the water within the stream and does not do any of the following:

- (1) Authorize the use of the bed or bank of the stream, except in an emergency.
- (2) Establish a right of access to the stream over private land.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-8-3**

##### **Designation as recreational stream; hearing**

Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for the designation of streams or parts of streams as recreational streams.

(b) Before a hearing on the designation of a stream as a recreational stream and in addition to the notification requirements under IC 4-22-2, the commission shall do the following:

- (1) Publish notice at least twenty-one (21) days before the hearing in a newspaper of general circulation in the county where a stream is located that the commission proposes to designate the stream as a recreational stream. The notice must state the time and place of the hearing.
- (2) Conduct a separate hearing in each county where a stream is proposed to be designated as a recreational stream.

(c) If a stream:

- (1) is located wholly within one (1) county; and
- (2) is a regulated drain under IC 36-9-27;

the county drainage board must concur in the designation before final adoption of the rule.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-8-4**

##### **Use not affecting owner or navigability**

Sec. 4. The use of a stream designated under this chapter does not

do any of the following:

- (1) Impose a duty upon the riparian landowner or tenant to provide for the safe use of the stream.
- (2) Affect ownership of the bed of the stream.
- (3) Affect a determination of the stream's navigability.

*As added by P.L.1-1995, SEC.22.*

#### **IC 14-29-8-5**

##### **Littering and trespassing**

Sec. 5. A person who:

- (1) throws, dumps, or leaves refuse in the water or on the banks of a stream designated under this chapter; or
  - (2) crosses private land to gain access to a designated stream without the permission of the landowner or tenant of the land;
- commits a Class B misdemeanor.

*As added by P.L.1-1995, SEC.22.*