

Senate Bill 511

By: Senators Still of the 48th, Hufstetler of the 52nd, Jackson of the 41st, Orrock of the 36th and Halpern of the 39th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water  
2 rights, so as to clarify the right of citizens of this state to use nonnavigable streams for  
3 passage; to provide for a legislative finding; to provide for a short title; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 This Act shall be known and may be cited as the "Georgia River Heritage Act."

8 **SECTION 2.**

9 Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water rights, is  
10 amended by revising Code Section 44-8-3, relating to exclusive possession by owner of  
11 nonnavigable streams and interference by legislature with lawful use, as follows:

12 "44-8-3.

13 (a) The General Assembly finds that it has no power to compel or interfere with an owner's  
14 lawful use of a nonnavigable stream, for the benefit of those above or below the owner on

15 the stream, except to restrain nuisances. However, the General Assembly further finds that,  
16 by common law, the citizens of this state have an inherent right to use nonnavigable  
17 streams solely for the purpose of passage.

18 (b) The owner of a nonnavigable stream is entitled to the same exclusive possession of the  
19 stream as he or she has of any other part of his or her land; provided, however, that the  
20 citizens of this state shall have the right to use any nonnavigable stream for passage only,  
21 and solely by means of a shallow draft motorized recreational vessel, canoe, kayak, raft,  
22 or tube that the nonnavigable stream is of sufficient depth to support naturally. The  
23 legislature has no power to compel or interfere with the owner's lawful use of the stream,  
24 for the benefit of those above or below him on the stream, except to restrain nuisances.

25 (c) Nothing contained in this Code section shall be construed to permit entry upon  
26 privately owned land adjacent to nonnavigable streams."

27

### SECTION 3.

28 All laws and parts of laws in conflict with this Act are repealed.