§ 15-1745. Prohibited diversions.

1. Unless a license has been obtained therefor under this title, or the diversion of such waters is subject to the charging or imposition of an equitable rental under this title, it shall be unlawful for any person or public corporation who has been notified by the department to desist from such conduct, to willfully take, divert, draw or make use of, for power and/or other commercial or manufacturing purposes:

a. waters, or the bed or other real property required for the use of such waters, in which the state has a proprietary right or interest;

b. boundary waters of the state concerning which the state has jurisdiction over the diversion or interference with the flow of the same for power purposes, solely or concurrently with any other jurisdiction or owner of a proprietary right.

2. The use of such water, except when the right to the use thereof has been acquired by means of a written license issued pursuant to the provisions of title 17 of this article, or when the diversion of such water is subject to the charging or imposition of an equitable rental pursuant to the provisions of subdivision 1 of section 15-1719 of this article, shall be prima facie evidence of the wilfulness of the taking, drawing, diversion or use thereof and of the guilt of the person taking, diverting or making use thereof.