

bill of exceptions, or a settled case; provided that in order to obtain a review of any such ruling, order, decision, or instruction made or given by the court it shall not be necessary to take an exception thereto, but in lieu of an exception the aggrieved party shall clearly specify the alleged error in his notice of motion for a new trial or other relief therefrom.

*Subdivision 2. In the trial of any civil or criminal case on any adverse ruling, order, decision or instruction of the court on a matter of law shall be deemed excepted to for all purposes of this chapter.*

Approved April 14, 1945.

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#### CHAPTER 283—S. F. No. 883

*An act relating to the use of water of Birch Lake and the damming and other use of the water of Dunka River flowing into said lake, and of state lands adjacent thereto, in aid of the concentration of taconite and the treatment of the product thereof.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Permission to use waters of Birch Lake and Dunka River; limitations.** Any company or association engaged in the mining and beneficiation of taconite as defined in Minnesota Statutes 1941, Section 298.23, or constructing a beneficiation plant for that purpose, is authorized to use water from Birch Lake situated in Township 61, Range 13, and Township 61, Range 12, in St. Louis County, and in Township 61, Range 11, in Lake County, and to use water from the Dunka River, a tributary of said lake, in any plant for the beneficiation or concentration of taconite, or in the sintering, agglomeration or other treatment of concentrates from taconite, and, so far as may be necessary for such purposes, to construct a dam or dams in or across said Dunka River and to alter the natural water level and volume of flow of said river, and to flood or otherwise affect lands of the state adjacent to said river, all subject to the conditions and restrictions that:

(a) A permit therefor be first obtained from the commissioner of conservation in accordance with and subject to the provisions of Laws 1937, Chapter 468, as amended, so far

as applicable, except as herein otherwise prescribed, which permit, when granted, shall be irrevocable for the term thereof without consent of the permittee, except for breach or non-performance of any condition of the permit by the permittee;

(b) The commissioner may allow and prescribe in the permit such time as he deems reasonable for the commencement of any construction or operations undertaken under the permit, and may, for cause shown, extend such time on application of the permittee, regardless of the limitations of said Chapter 468, as amended;

(c) All water withdrawn from said lake, or said river, for said purposes, except such as may be lost in evaporation or is contained in the finished product, shall be returned to such drainage basin;

(d) Such water, after use in such beneficiation process, and the tailings from such beneficiation process, shall be so deposited as to allow reasonable time for settlement before such water is returned to the lake, subject to such other requirements as may be prescribed in the permit; and

(e) No lands of the state shall be flooded or otherwise affected without lease or license for such purpose having first been obtained from the commissioner of conservation of the state.

Approved April 14, 1945.

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#### CHAPTER 284—S. F. No. 978

*An act relating to the State Employees Retirement Fund; amending Minnesota Statutes 1941 Section 352.01, Section 352.02 Subdivision 1, and Subdivision 2 as amended by Laws 1943 Chapter 622 Section 2, Section 352.04 Subdivision 3 as amended by Laws 1943 Chapter 622 Section 3, and Subdivisions 4 and 5, Section 352.05, and Section 352.09; and repealing Minnesota Statutes 1941, Section 352.01, Subdivision 2 as amended by Laws 1943 Chapter 622 Section 1, and Laws 1945 Chapter 38 Section 1, and Subdivision 8, and Section 352.10 as amended by Laws 1943, Chapter 622, Section 4.*