

Sec. 2. Laws 1947, Chapter 476, Section 5, as amended by Laws 1949, Chapter 370, Section 2, is amended to read:

Sec. 5. **Termination.** Payment of the salaries herein provided for shall commence May 1, 1951, and terminate May 1, 1953.

Approved April 21, 1951.

CHAPTER 666—H. F. No. 1621

[Not Coded]

An act relating to salaries of elected officials in counties having more than 300,000 and less than 450,000 inhabitants.

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

Section 1. **Ramsey County, salaries of county officers.** In counties having more than 300,000 and less than 450,000 inhabitants annual salaries shall be paid as follows: county attorney \$8,500, clerk of district court \$5,750, coroner \$5,000, sheriff \$7,000, superintendent of schools \$5,600, surveyor \$6,500, and treasurer \$6,000.

Sec. 2. **Salaries of county commissioners.** In such counties members of the board of county commissioners shall receive an annual salary of \$3,100, and the mayor of any city of the first class located therein who is ex-officio chairman of said board shall be paid a salary of \$1,000 in full for his services on such board, which sum may be retained by him regardless of any provision of charter or other prohibition.

Approved April 21, 1951.

CHAPTER 667—H. F. No. 1681

[Not Coded]

An act relating to public waters, to certain dams existing for at least 15 years and the water levels of lakes affected thereby, to the determination and acquisition of flowage ease-

ments therefor, to the powers and duties of the commissioner of conservation, counties, and other public agencies concerned therewith, and to legal actions and proceedings pertaining thereto.

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

Section 1. Regulation of water levels in certain public waters. The provisions of this act shall apply in the case of any lake, including any connecting waters affected, being public waters of the state, where the following conditions now exist or shall hereafter exist:

(1) A dam, however constructed or maintained, shall have existed in the outlet of the lake, affecting the water level thereof, for a continuous period of at least 15 years;

(2) The lake shall have been used by the public for navigation, fishing, hunting, or other beneficial public purposes continuously throughout such period so far as permitted by natural conditions;

(3) The use of the dam for any lawful purpose other than regulating, controlling, or maintaining the water level of the lake in aid of navigation, propagation of fish or waterfowl, or other beneficial public purposes shall have been discontinued;

(4) Continuance of the regulation, control or maintenance of the water levels of the lake as affected by the dam during said period would be desirable and in furtherance of the public interests in navigation, propagation of fish or waterfowl, or other beneficial public uses of the lake, and discontinuance thereof through deterioration or removal of the dam or otherwise would be detrimental to such public uses.

Sec. 2. Dedication of perpetual flowage easement. In any such case it shall be presumed that every owner of land or any interest in land bordering on the lake or on any connecting waters affected by such dam has dedicated to the state for the use and benefit of the public a perpetual flowage easement on such land for all overflow and other effects of water thereon resulting from the existence, maintenance, or operation of such dams during such period, which easement shall be of like extent and effect as if the state had owned and controlled such

dam and had thereby regulated, controlled, and maintained the water levels of the lake, and any connecting waters affected for the public use and benefit under the conditions existing from time to time during such period and had thereby acquired such easement for such purposes by prescription.

Sec. 3. Conveyance of easement to commissioner of conservation. The commissioner of conservation may accept a conveyance or release from the owner of any such land or interest therein granting to the state a flowage easement thereon for overflow or other effects of water resulting from the existence, maintenance or operation of such dam or any reconstruction or improvement thereof or any other dam that may be constructed in the outlet of such lake to regulate, control, or maintain the water level thereof in aid of navigation, propagation of fish or waterfowl, or any other beneficial public purpose.

Sec. 4. Determination of easement rights. Subdivision 1. The extent and effect of any easement obtained by the state as herein provided and the title and rights of the state therein and in the lands affected thereby and all adverse claims thereto and the rights of all parties interested therein, respectively, may be determined by action brought in the name of the state in the district court of the county in which the lands affected are situated. Such action may be brought by the attorney general upon his own initiative or on request of the commissioner of conservation. On request of the attorney general the county attorney of the county in which the lands involved are situated shall assist in carrying on such action.

Subd. 2. Any or all of the lands affected bordering on any one lake and any connecting waters affected and situated in any one county may be included in one action, and any or all parties interested in such lands or any part thereof may be joined as defendants in such action. It shall be sufficient in the complaint and other papers in such action to describe the lands involved in their entirety as comprising all the lands bordering upon the lake and any connecting waters affected or any specified portion thereof and affected by the waters thereof, or to describe such lands in such other manner as may be appropriate, together with the extent and effect of the easement or easements claimed by the state thereon. It shall not be necessary to describe the separate parcels of land affected or to specify in which parcels the defendants respectively are

interested. Failure to join any person as a defendant shall not impair the effect of the action as to those joined.

Subd. 3. Except as herein otherwise provided, all provisions of law relating to actions for the determination of title to real estate in the district court shall govern actions hereunder, so far as applicable.

Subd. 4. Expenses of such actions may be paid from any state funds appropriated for such purposes or may be paid by any county in which the lake involved or any part thereof is situated.

Sec. 5. **Easements, appurtenant to dam.** Every easement obtained by the state on account of any dam as hereinbefore provided shall attach and be appurtenant to such dam if acquired or taken over and maintained or controlled by the commissioner of conservation or any other authorized agency of the state in aid of public navigation, propagation of fish or waterfowl, or other beneficial public purposes, or if acquired or taken over and maintained or controlled for such purposes by any county or counties or other political subdivision of the state or combination thereof thereto authorized by law, and such easement shall be effective for any and all such purposes. Every such easement shall also and with like effect attach and be appurtenant to any reconstruction or improvement of such dam or to any new dam that may be constructed in the outlet of the lake affected and maintained or controlled by the commissioner of conservation or by any other public agency hereinbefore specified for such purposes.

Sec. 6. **High water levels.** In any case where the water levels maintained by a dam that shall have existed under the conditions specified in Section 1 shall have established an ordinary high water level above the natural ordinary high water level of the waters affected, the ordinary high water level so established shall be deemed to have superseded the natural ordinary high water level of such waters, and shall have like effect for all purposes. Every owner of land affected by the ordinary high water level so established or of any interest in such land shall be presumed to have consented thereto and to have dedicated such land to the state for the use and benefit of the public for all purposes affected thereby. The commissioner of conservation may determine the ordinary high water level so established in like manner as provided by law for the

determination of natural ordinary high water levels. Such determination shall be prima facie evidence of the level involved for all purposes, and otherwise shall have like effect as a determination of natural ordinary high water level by the commissioner.

Sec. 7. Abandonment of dams. In case any dam affected by the conditions specified in Section 1 and not owned or controlled by the state or any other public agency shall not have been used or maintained by or under the authority of the owner thereof for any lawful purpose for a continuous period of at least 15 years, it shall be presumed that the owner has abandoned the dam and the site thereof, and has dedicated the same, together with any flowage easements appurtenant thereto, to the state for the use and benefit of the public. Thereupon the commissioner of conservation may, in his discretion, take possession of such dam and the site thereof and such easements in behalf of the state, and may use, maintain, operate, control, or dispose of the same for public purposes, subject to the provisions hereof or as otherwise authorized by law. The title of the state to any such dam, site, or easements may be established and determined by action in the district court as provided by law for actions for the determination of title to real estate, subject to the provisions of Section 4 of this act so far as applicable. The taking of possession of any such dam, site, or easements by the commissioner of conservation may be manifested by written certificate thereof executed by him and recorded in the office of the register of deeds of the county in which the dam is situated. No responsibility for any such dam shall devolve upon the state or the commissioner or any other agency of the state until such certificate shall have been recorded or a judgment entered in an appropriate action establishing the state's title thereto. In case any county or counties or other political subdivision of the state or combination thereof shall undertake to take over such dam and easements and maintain, operate, control, or dispose of the same for public purposes as authorized by law, the commissioner of conservation, in his discretion, may convey the same in the name of the state to such county or counties or other political subdivision or combination thereof for such purposes.

Sec. 8. Limitation on certain actions or proceedings. No action or proceeding against the state or the commissioner of conservation or any other officer or agent of the state or against any other public agency specified in Section 5 or any officer or agent of such agency on account of the taking over,

construction, reconstruction, repair, improvement, maintenance, operation, or control of any dam specified in this act or on account of the effects of any water levels regulated, controlled or maintained by any such dam shall be maintained unless commenced within one year after such taking over or after the completion of such construction, reconstruction, repair, or improvement, as the case may be.

Sec. 9. Application. The provisions of this act shall not apply so as to impair, prejudice or abrogate any right or interest involved in any action pending at the time of passage hereof.

Sec. 10. Provisions supplementary. The provisions of this act shall be supplementary to and not exclusive of other provisions of law relating to the same subject-matter and no such other provision shall be superseded by this act except so far as may be necessary to give effect to the provisions hereof.

Approved April 21, 1951.

CHAPTER 668—H. F. No. 1694

[Not Coded]

An act authorizing the governor and the state auditor to execute a deed to certain land now belonging to the state of Minnesota in exchange for a deed to certain land in Otter Tail County, Minnesota.

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

Section 1. Exchange of deeds to certain lands by the state and certain persons. The governor and state auditor are hereby authorized to execute and deliver in the name of the State of Minnesota, as grantor, to Lewis Tysdal and Thea M. Tysdal, his wife, as grantees, a deed conveying all the interest and estate of the State of Minnesota in and to the following described land, lying and being in the County or Otter Tail and State of Minnesota: