

CHAPTER 459—S. F. No. 394

[Coded]

An act relating to the regulation and control of water elevations and for determining authorized discharges from the headwater lakes of the Mississippi river, including Leech lake, Winnibigoshish lake, Pokegama lake, Pine river (the Whitefish chain), Sandy lake, and Gull lake.

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

Section 1. [110.47] Headwater lakes of Mississippi, reason for control. It is the considered judgment of the Legislature of the State of Minnesota that the regulation, control, and utilization of waters in the headwater lakes in the Mississippi River, including Leech Lake, Winnibigoshish Lake, Pokegama Lake, Pine River (The Whitefish Chain), Sandy Lake and Gull Lake are of tremendous economic importance and value to the state of Minnesota. It is further the considered judgment of the legislature of Minnesota that the utility of these lakes in aid of navigation has been very greatly diminished since the time of the establishment of the reservoirs, and that the economic values in utilization of these waters for state purposes has increased tremendously. These factors require the assertion on the part of the State of Minnesota of its rights to utilization and control of these water areas.

Sec. 2. [110.48] Joint federal-state control. The commissioner of conservation is authorized and directed to enter into cooperative agreements with the United States of America acting through the department of the army for the joint control and regulation of these reservoirs within the principles hereinafter prescribed so as to effectuate control of the water elevations and the water discharges from these lakes in the interests of the state of Minnesota, subject only to any paramount need of waters from these sources in aid of substantial navigation requirements, and subject further to any substantial requirement of providing necessary flood control storage capacity as determined by the corps of army engineers.

Sec. 3. [110.49] Plan for dam operation. The commissioner of conservation is hereby authorized and directed to formulate a plan for the operation of the dams controlling each of the reservoirs hereinabove named which will:

- (a) Seek to establish the water elevation on each of

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the lakes at the most desirable height, and to stabilize the stages at that point, insofar as practicable, during the recreational season in Minnesota;

(b) Give due consideration to providing for any reasonable fluctuations when desirable for the production of wild rice in the wild rice producing areas of these lakes;

(c) Take into account the elevations most desirable for the production and maintenance of wild life resources;

(d) Give due consideration to needs of water for recreation, agriculture, forestry, game and fish, industry, municipal water supply and sewage disposal, power generation, and other purposes in the Mississippi river headwaters and downstream;

(e) Establish stages at which the water shall be maintained so far as practicable, but basically recognizing the following minimum stages in reference to present zeros on the respective government gauges:

Leech Lake	0.0
Winnibigoshish Lake	6.0
Pokegama Lake	6.0
Sandy Lake	7.0
Pine River	9.0
Gull Lake	5.0

(f) Prescribe maximum discharges at any time the elevations fall below such stages;

(g) Prescribe maximum elevations and amounts of discharge from each lake so as best to stabilize and effectuate the desired stages. Insofar as practicable, the following maximum lake stages shall not be exceeded:

Leech Lake	3.5
Winnibigoshish Lake	12.0
Pokegama Lake	12.0
Sandy Lake	11.0
Pine River	14.0
Gull Lake	7.0

Sec. 4. [110.50] **Potentials comprehended by plan.** The plan devised by the commissioner shall comprehend the following potentials:

(a) The necessity for changing discharges to meet any emergencies resulting from unexpected or abnormal inflows;

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(b) The possibility of overriding requirements of the federal government for substantial discharges to meet reasonable and substantial navigation requirements;

(c) The overriding authority and needs as prescribed by the army engineers in discharging their functions of requiring additional storage capacity for flood control purposes.

Sec. 5. [110.51] Notice of plan; hearing. Before the plan of operation for any headwater lake is put into effect, the commissioner shall publish a notice of hearing upon said plan for two weeks in a newspaper in each county in which the water areas to be affected lie. The hearing shall be conducted by the commissioner or his duly appointed referee. All interested parties shall have an opportunity to be heard, shall testify under oath, and shall be subject to cross examination by any adverse parties, and by the attorney general, or his representative, who shall represent the commissioner at said hearing. The hearing will not be governed by legal rules of evidence, but the findings of fact and orders, to be made and formulated by the commissioner, shall be predicated only upon relevant, material, and competent evidence. The findings of fact and orders incorporating the plan determined upon by the commissioner shall be published for two weeks in the same manner as the notice of hearing was published.

Sec. 6. [110.52] Appeal. Any riparian land owner or water user aggrieved by such findings shall have the right to appeal within 30 days of the completion of publication to the district court of any county in which the regulated water lies, which appeal shall be determined by the court on the record made before the commissioner of conservation. Issues on any such appeal shall be the legal rights of the parties and the further question as to whether the findings of the commissioner are reasonably supported by the evidence adduced at the hearing.

Sec. 7. [110.53] Modifications. It is recognized that experience may require changes in the elevations sought to be maintained on each of the headwater lakes. Consequently, once a plan has been put into effect, the commissioner is authorized to modify the stages sought to be maintained by modifying his plan with respect to any of the lakes involved to the extent of one foot in elevation according to the zeros of the present government gauges without the necessity of further or additional hearings; provided that in

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no event shall any departure from the elevation target be made so as to reduce any proposed stages below the minimums prescribed by Section 3 (d) during the recreational season. Any modification of the plan established subsequent to the hearings herein provided which departs by more than one foot in elevation shall be placed into effect only upon further hearing proceeding upon the same formalities as the hearing hereinabove prescribed.

Approved April 20, 1961.

CHAPTER 460—S. F. No. 401

[Coded]

An act relating to the state college board; authorizing a student union fee; amending Minnesota Statutes 1957, Section 136.11, by adding a subdivision.

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

Section 1. Minnesota Statutes 1957, Section 136.11, is amended by adding a subdivision to read:

Subd. 6. Student union fees. *The state college board may charge students in any state college a fee of not to exceed five dollars per school quarter for the purpose of acquiring, constructing, completing, remodeling, or equipping a student union at the college where the fee is collected, and for the purpose of providing for principal and interest and reserve requirements of revenue bonds issued by said board, in the event that such union is financed in whole or in part from the proceeds of any such bonds. The foregoing limitation on the amount of such fee is not intended to affect the obligation of the board under section 136.34 to establish fees and charges for student activities and student facilities sufficient at all times to meet bond principal and interest and reserve requirements. All student union fees shall be deposited in a student union subaccount of the capital expenditures account in the college board of the state of Minnesota revenue fund created by Minnesota Statutes, Section 136.35, and shall be used, with any private or public funds which are otherwise made available, solely for the payment of capital costs of a student union at the college where the fee is collected; except that if any part of the funds required for said purpose is provided from the proceeds of bonds issued by the board,*

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