

## CHAPTER 815—H. F. No. 1154

*An act relating to the definition of public waters; amending Minnesota Statutes 1961, Section 106.011, Subdivision 20.*

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

Section 1. Minnesota Statutes 1961, Section 106.011, Subdivision 20, is amended to read:

Subd. 20. **Drainage; public waters; definition.** "Public waters" means ~~streams, lakes and bodies of water which are navigable in fact~~ *waters as defined in Minnesota Statutes, Section 105.38(1).*

Approved May 22, 1963.

## CHAPTER 816—H. F. No. 1155

*An act relating to the use of drainage system as an outlet; amending Minnesota Statutes 1961, Section 106.531.*

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

Section 1. Minnesota Statutes 1961, Section 106.531, is amended to read:

106.531 **Drainage system, use as outlet.** After the construction of any county or judicial ditch, no public or private ditch or ditch system, either open or tiled, for the drainage of land not assessed for benefits for such ditch, shall be constructed so as to use the ditch as an outlet without having first secured express authority so to do from the county board, in the case of a system lying wholly within one county, or from the district court of the county in which a system lying wholly within one county was established, in the case where the lands for which an outlet is sought lie within another county, or from the district court that originally ordered the construction, in the case of a system extending into two or more counties. *This section shall be applicable to the construction of any ditch or drain that outlets water into an existing county or judicial ditch regardless of actual physical connection.* Any person desiring to so utilize an existing ditch shall petition the board or court. Upon filing the petition, the auditor, or clerk with the approval of the judge, shall fix a time and place for hearing thereon and shall give notice of the hearing by mailed notice and publication. Such auditor or clerk shall receive for mailing such notice, a fee of \$5 plus ten cents for each notice in excess of ten. Upon the hearing the board or court shall consider the capacity of

**Changes or additions indicated by italics, deletions by strikeout.**