

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

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the outlet ditch and, if consent be given to construct the ditch or ditch system, shall fix by order the terms and conditions for the use of the ditch as an outlet and shall fix the amount that shall be paid therefor. No private ditch or ditch system shall be constructed using the ditch as an outlet until the sum fixed by the order is paid by the petitioner to the county treasurer of the county wherein petitioner's property is located. The amount so fixed for an outlet charge for any proposed public ditch or ditch system shall be deemed a part of the cost of such proposed ditch or ditch system to be paid by assessment against the lands and properties benefited by the proposed ditch or ditch system, as provided by section 106.341, and credited to the fund of the existing ditch. The order shall also describe the property to be benefited by the ditch or ditch system and shall fix the amount of benefits to such property for the outlet. The property so benefited shall be liable for assessments thereafter levied in such ditch system, on the basis of the benefits so found, the same as though such benefits had been determined in the original order establishing the ditch.

Approved May 22, 1963.

CHAPTER 817—H. F. No. 1156

[Coded]

An act relating to installation of impoundment or diversion structures.

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

Section 1. **[105.81] Drainage systems; petition; bond; investigation; report; hearing; order.** For the purpose of conserving and making more adequate use of our water resources, any person, public or municipal corporation, governmental subdivision, the state or any of its departments or agencies, the commissioner of conservation and the United States or any of its agencies, may petition the county board in the case of a system lying wholly within one county or the district court in the case of a drainage system affecting two or more counties for the installation of dams or other control works in said ditches to impound or divert waters for any beneficial use. Said petition shall contain the location of the installation, plans and specifications for the proposed structure, and a map of the areas likely to be affected by the impoundment or diversion. The petitioner shall agree to be responsible for the cost of installation and construction of the structure. Upon filing of the petition, the

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