

CHAPTER 378

POWERS AND DUTIES RELATING TO BODIES OF WATER

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378.01 NAMING LAKES, RIVERS, STREAMS, AND BODIES OF WATER; PETITION. When it is desired to change the name of, or give a name to, any unnamed lake, river, stream, or body of water located within the boundaries of this state, the State Geographic Board, or any 15 or more legal voters residing within the county where all or any part of such body of water is located, may petition the county board of the county wherein the petitioners reside, or in which the body of water is located, to change the name of, or to give a name to, any previously unnamed lake, river, stream, or other body of water, however designated. The petitioners shall describe, in their petition with reasonable correctness, the location of any such lake, river, stream, or other body of water; the name, if any, by which it may then be known, or if without any name, such fact shall be stated; the name or names which the petitioners desire given to the body of water; and the reason for such change of name or for giving the designated name to any previously unnamed body of water. The petitioners shall set out after each of their names, as signed to the petition, their place of residence. No name of any lake, river, stream, or other body of water, which name has existed for 40 years, shall be changed under the provision of sections 378.01 to 378.06.

[1925 c. 157 s. 1; 1937 c. 35 s. 1] (751-2)

378.02 HEARINGS BY COUNTY BOARD. On the filing of such petition with the auditor of the county wherein the petitioners reside, or in which the body of water is located, and presenting therewith the necessary copies thereof hereafter required, such auditor shall present the petition to the county board of the county, which board shall by order fix the day and place of hearing on the petition to be held more than 30 days thereafter, of which hearing at least three weeks' published notice shall be given in the newspaper designated by the county board as the official newspaper for the county; provided that the hearing may be held at any convenient place within the county, as shall be determined by the board. On the day fixed for the hearing any legal voters in the county, or any municipality, may appear, by attorney or in person, and file an answer to the petition, setting out in plain concise language why the prayer of the petitioners should not be granted in whole or in part, and, may in the answer pray the county board to give another or different name to the lake, river, stream, or other body of water than the one prayed for in the original petition. The petitioners may include in the petition any number of lakes, rivers, streams, or other bodies of water, the names of which they may petition to have changed, or any number of previously unnamed lakes, rivers, streams, or other bodies of water which they may desire to have given a name by the board in the proceedings, and the same procedure shall be had on the petition in such event as though only one lake, river, stream, or other body of water be described in the petition.

[1925 c. 157 s. 2; 1937 c. 35 s. 1] (751-3)

378.03 NOTICES OF HEARINGS. Notice of the time and place of hearing on any such petition shall also be served on the State Geographic Board and personally on the chairman of the town board of any town, on the president of any village board of trustees, and on the mayor of any city within or adjoining limits of which political subdivision any such lake, river, stream, or other body of water involved

in the hearing may be located and it shall be the duty of such official on whom the notice of hearing shall be served, to present such notice to the board or council who shall take such action thereon as they shall deem to be for the public interest.

[1925 c. 157 s. 3; 1937 c. 35 s. 1] (751-4)

378.04 HEARINGS; PROCEDURE; WATERS IN MORE THAN ONE COUNTY.

At the time fixed by the notice of hearing on the petition, or at any time to which the hearing may be adjourned by the county board, the board shall hear all parties desiring to be heard thereon and shall make an order, by resolution, fixing and determining the name which any lake, river, stream, or other body of water described in the petition shall have and bear, and the name so fixed by the board shall be the name of such lake, river, stream, or other body of water and such designation shall thereafter be used and followed as its legal name. If any petition so filed shall describe a lake, river, stream, or other body of water located within the boundaries of more than one county, then the county boards of the several counties affected shall act jointly and as one body, a majority of such joint body being sufficient to determine upon a name; the county auditor with whom such a petition shall be filed shall forward by mail a certified copy of the same to the auditor of each of the counties so affected, who shall present same to the respective county boards, and the notice of hearing thereon determined upon by the joint body shall be published in each such county as provided in section 378.02. The auditor of the county in which the petition was filed shall make and file certified copies of the resolution so adopted in the office of the register of deeds of each county affected at the expense of the petitioners.

[1925 c. 157 s. 4] (751-5)

378.05 NAMES NOT TO BE DUPLICATED. In choosing and fixing the name of any river, lake, stream, or other body of water, the county board or boards shall, as far as possible, not duplicate names of existing lakes, rivers, streams, or other bodies of water, and shall select and approve such names therefor, as shall in their judgment be for the permanent good and best interests of the county or counties affected. To that end, the auditor of the county wherein a petition shall be filed shall cause a copy thereof, together with a copy of the notice of hearing thereon, to be forwarded by mail to the director of water resources and engineering, who shall compare the names suggested in the petition with the names of other lakes, rivers, streams, or bodies of water within the state and report back to the auditor before the date of the hearing, his findings and recommendations.

[1925 c. 157 s. 5] (751-6)

378.06 PETITIONERS TO GIVE BONDS. Before any such petition shall be acted upon or the notice of hearing given, the petitioners shall give a bond to be approved by the county attorney of the county wherein the petition has been filed, conditioned upon the full payment of all reasonable expenses which the county or counties shall incur in such proceeding; provided, that the State Geographic Board shall not be required to give bond hereunder.

[1925 c. 157 s. 6; 1937 c. 35 s. 1] (751-7)

378.07 MAINTAINING WATER IN CERTAIN LAKES. When the whole of any navigable lake is situated in a single county, the county board, in order to improve navigation thereon or to promote the public health or welfare, may appropriate not exceeding in any one year, the sum of \$300.00 for erecting and maintaining sufficient dams or embankments upon and along the shores of such lake to keep and maintain the water in such lake at its natural and usual height and level. The money so appropriated shall be expended under the direction of such county board.

[1907 c. 104 s. 1] (751)

378.08 LAND ACQUIRED TO SECURE ACCESS TO NAVIGABLE LAKES OR STREAMS; USE AS PARK AND PLAYGROUND. The county board of any county may acquire by purchase, gift, or devise, land contiguous to the meander line of any navigable lake or stream wholly or partly within such county but not entirely within the corporate limits of any city or village, and not exceeding ten acres in area, for public access to such lake or stream, and may improve, equip, and maintain the same as a park and playground.

[1925 c. 254] (751-1)

378.09. FISH SCREENS IN CERTAIN NAVIGABLE LAKES. When the whole or major part of any navigable lake which has been stocked with fish by the United States government is situated in a single county, the county board thereof, in order

to maintain such fish therein and prevent their escape therefrom, may erect and maintain, at the inlets and outlets thereof, screens necessary for such purpose, and such county board shall have power to appropriate from the county treasury all necessary moneys for the erection and maintenance of such screens; when such lake is situated in two or more counties, the county boards thereof may jointly provide for the erection and maintenance of such screens, the expense thereof to be borne equally between such counties, and such county boards shall have power to appropriate from the county treasury of their respective counties all necessary moneys for such purpose.

[1913 c. 87 s. 1] (752)

378.10 FISH HATCHERIES IN CERTAIN COUNTIES. In any county in this state now having, or which shall hereafter have, a population of 275,000, or more, the board of county commissioners is hereby authorized and empowered to locate, equip, develop, and maintain, within the county, a fish hatchery for the propagation and cultivation of fish, and the same shall be known as the county fish hatchery of such county.

[1909 c. 219 s. 1] (753)

378.11 LAND FOR FISH HATCHERY, HOW ACQUIRED. The board of county commissioners of any such county is hereby authorized and empowered to acquire by gift, lease, purchase, or condemnation in the name and on behalf of the county, any real property, lands, premises, right of way, or easement, public or private, that may be necessary, convenient, or proper for the establishment and equipment and development of a fish hatchery and grounds and for the purpose of receiving and conducting to and from the hatchery waters necessary or desirable for the use of the hatchery, in such manner as the board of county commissioners may deem fit; and, in case the owner of any real property, land, or premises and the board of county commissioners cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be determined by the appraisal of three competent disinterested persons, residents of such county commissioned to ascertain the amount to be paid by the board of county commissioners to the owner or person interested; such appraisers to be appointed on application of the board of county commissioners by the judges of the district court within and for such county, according to the provisions of chapter 117, so far as reasonably applicable, which shall apply to and govern such proceedings.

[1909 c. 219 s. 2] (754)

378.12 MANAGEMENT AND CONTROL. The board of county commissioners of any such county shall have full management and control of the fish hatchery and for that purpose are hereby authorized and empowered to hire such help as may be necessary to establish and care for the fish hatchery.

[1909 c. 219 s. 3] (755)

378.13 APPROPRIATION AUTHORIZED. For the purpose of carrying out the provisions of sections 378.10 to 378.13 the board of county commissioners of any such county is hereby authorized and empowered to make an annual appropriation of not more than \$5,000 per year.

[1909 c. 219 s. 4] (756)

378.14 FISH HATCHERIES IN CERTAIN COUNTIES. In any county having an area of more than 2,500 square miles and having within its boundaries lakes or streams which are the natural habitat of game fish and no federal or state fish hatchery and having an assessed valuation of more than \$500.00 per capita of its population, the county board is hereby authorized and empowered to locate, equip, develop, and maintain within the county a fish hatchery for the propagation and cultivation of fish and the same shall be known as the county fish hatchery of such county.

[1925 c. 54 s. 1] (756-1)

378.15 TO ACQUIRE LANDS FOR COUNTY FISH HATCHERY. The county board is hereby authorized and empowered to acquire by gift, lease, purchase, or condemnation, in the name and on behalf of the county any lands, rights of way, easements, and other real and personal property that may be necessary, convenient, or proper for the establishment, equipment, and development of a fish hatchery and grounds, and for the purpose of receiving and conducting to and from the hatchery water necessary or desirable for the use of the hatchery, in such manner as the

board may deem fit. For the purposes of condemnation, when deemed necessary or desirable, the provisions of chapter 117 and acts supplemental thereto may be resorted to.

[1925 c. 54 s. 2] (756-2)

378.16 MANAGEMENT AND CONTROL. The county board shall have full management and control of the fish hatchery and for that purpose is hereby authorized and empowered to employ such help as may be necessary to establish and care for the hatchery.

[1925 c. 54 s. 3] (756-3)

378.17 APPROPRIATION AUTHORIZED. For the purpose of carrying out the provisions of sections 378.14 to 378.17, the county board is hereby authorized and empowered to make an annual appropriation of not more than \$5,000; provided the total county tax rate for the year in which any such appropriation is made shall not exceed 20 mills; and provided, in one year only, when the total county tax rate does not exceed 21½ mills, an appropriation within the amount aforesaid may be made for such purpose upon there being transferred to the general fund an equivalent amount from the road and bridge fund, which transfer is hereby authorized.

[1925 c. 54 s. 4] (756-4)

378.18 BATHING BEACH IN CERTAIN COUNTIES. Any county in this state now or hereafter having an assessed valuation of not less than \$150,000,000, exclusive of money and credits, and having a bonded indebtedness of not to exceed \$7,000,000, exclusive of bonds issued to defray the cost of permanently improving state trunk highways which the State of Minnesota has agreed to pay under the provisions of sections 167.01 and 167.02 is hereby authorized to acquire by gift or condemnation and improve and equip one tract of land within the county for use as a bathing beach. The acquiring of such land, its improvement as aforesaid, and equipping same may be paid for out of any moneys in the county treasury not otherwise appropriated.

[1925 c. 401 s. 1] (756-5)

378.19 CONDEMNATION OF LAND. The title to any such land may be acquired by condemnation in the manner and method prescribed by chapter 117.

[1925 c. 401 s. 2] (756-6)