

110.37 ABANDONMENT OF DAMS

HISTORY. 1951 c 667 s 7.

110.38 LIMITATIONS

HISTORY. 1951 c 667 s 8.

110.39 APPLICATION; SUPPLEMENTAL

HISTORY. 1951 c 667 s 9, 10.

CHAPTER 111

CONSERVANCY

NOTE: Excepted from Rules of Civil Procedure insofar as inconsistent or in conflict therewith.

111.04 PETITION FOR ORGANIZATION OF DISTRICTS

Under proper circumstances part of a drainage basin may be organized as a conservancy district without including the entire water shed. Wherein chapter 111 references are made for procedure to parts of chapter 106, now repealed, procedure in the law required is still a part of the law of chapter 111. The subject is one of draftsmanship and not a subject of substance. In organizing conservancy districts boundaries of political subdivisions are disregarded. OAG May 3, 1951 (983-D).

111.08 BOARD

HISTORY. Ex1919 c 13 s 7; 1945 c 81 s 3; 1951 c 395 s 1.

Rights incident to lands assessed in drainage proceedings for benefits can be taken away only by due process of law. OAG Feb. 21, 1952 (602-B).

111.09 ASSISTANTS, EMPLOYEES

HISTORY. Ex1919 c 13 s 8; 1951 c 395 s 2.

111.21 CONTRACTS

HISTORY. Ex1919 c 13 s 20; 1921 c 325 s 7; 1951 c 395 s 3.

111.36 NEGLECT OF AFFAIRS

Under proper circumstances part of a drainage basin may be organized as a conservancy district without including the entire water shed. Where in chapter 111 references are made for procedure to parts of chapter 106, now repealed, procedure in the law required is still a part of the law of chapter 111. The subject is one of draftsmanship and not a subject of substance. In organizing conservancy districts boundaries of political subdivisions are disregarded. OAG May 3, 1951 (983-D).

111.43-111.64 Repealed, 1947 c 142 s 20.

111.65 OWNERS MAY INITIATE PROCEEDINGS

The county board, with the consent of the commissioner of conservation, may apply for authority to drill wells for the purpose of maintaining levels on any public water. A majority of the owners of property abutting upon any body of

water, or the proper officials of any city or village authorized by resolution of the council thereof, liable to be affected by or assessed for the cost of the proposed improvement, may initiate a proceeding for the establishment of the uniform water level in a body of water by following the procedure outlined in section 111.65. Proceedings are taken pursuant to sections 111.66, 111.68, 111.70, 111.71, 111.76 and 111.77. If the county board considers the project in the public interest it may appropriate money for the benefit of the project under the provisions of section 475.14 and the county cannot borrow money for the project. In assessing benefits the question of how far back from the shore the property is benefited is a question of fact to be determined by the appraisers and the court. OAG Sept. 9, 1948 (273-A-23).

111.68 TABULAR STATEMENTS

The county board, with the consent of the commissioner of conservation, may apply for authority to drill wells for the purpose of maintaining levels on any public water. A majority of the owners of property abutting upon any body of water, or the proper officials of any city or village authorized by resolution of the council thereof, liable to be affected by or assessed for the cost of the proposed improvement, may initiate a proceeding for the establishment of the uniform water level in a body of water by following the procedure outlined in section 111.65. Proceedings are taken pursuant to sections 111.66, 111.68, 111.70, 111.71, 111.76 and 111.77. If the county board considers the project in the public interest it may appropriate money for the benefit of the project under the provisions of section 475.14 and the county cannot borrow money for the project. In assessing benefits the question of how far back from the shore the property is benefited is a question of fact to be determined by the appraisers and the court. OAG Sept. 9, 1948 (273-A-23).

111.71 CONFIRMATION OF ASSESSMENTS

The county board, with the consent of the commissioner of conservation, may apply for authority to drill wells for the purpose of maintaining levels on any public water. A majority of the owners of property abutting upon any body of water, or the proper officials of any city or village authorized by resolution of the council thereof, liable to be affected by or assessed for the cost of the proposed improvement, may initiate a proceeding for the establishment of the uniform water level in a body of water by following the procedure outlined in section 111.65. Proceedings are taken pursuant to sections 111.66, 111.68, 111.70, 111.71, 111.76 and 111.77. If the county board considers the project in the public interest it may appropriate money for the benefit of the project under the provisions of section 475.14 and the county cannot borrow money for the project. In assessing benefits the question of how far back from the shore the property is benefited is a question of fact to be determined by the appraisers and the court. OAG Sept. 9, 1948 (273-A-23).

111.76 AUDITORS TO PREPARE TABULAR STATEMENTS

The county board, with the consent of the commissioner of conservation, may apply for authority to drill wells for the purpose of maintaining levels on any public water. A majority of the owners of property abutting upon any body of water, or the proper officials of any city or village authorized by resolution of the council thereof, liable to be affected by or assessed for the cost of the proposed improvement, may initiate a proceeding for the establishment of the uniform water level in a body of water by following the procedure outlined in section 111.65. Proceedings are taken pursuant to sections 111.66, 111.68, 111.70, 111.71, 111.76 and 111.77. If the county board considers the project in the public interest it may appropriate money for the benefit of the project under the provisions of section 475.14 and the county cannot borrow money for the project. In assessing benefits the question of how far back from the shore the property is benefited is a question of fact to be determined by the appraisers and the court. OAG Sept. 9, 1948 (273-A-23).

111.79 STATE NOT LIABLE; COUNTY BOARDS MAY APPROPRIATE

The county board, with the consent of the commissioner of conservation, may apply for authority to drill wells for the purpose of maintaining levels on any public water. A majority of the owners of property abutting upon any body of water, or

the proper officials of any city or village authorized by resolution of the council thereof, liable to be affected by or assessed for the cost of the proposed improvement, may initiate a proceeding for the establishment of the uniform water level in a body of water by following the procedure outlined in section 111.65. Proceedings are taken pursuant to sections 111.66, 111.68, 111.70, 111.71, 111.76 and 111.77. If the county board considers the project in the public interest it may appropriate money for the benefit of the project under the provisions of section 475.14 and the county cannot borrow money for the project. In assessing benefits the question of how far back from the shore the property is benefited is a question of fact to be determined by the appraisers and the court. OAG Sept. 9, 1948 (273-A-23).

CHAPTER 112**FLOOD CONTROL**

NOTE: Excepted from Rules of Civil Procedure insofar as inconsistent or in conflict therewith.

112.02 DISTRICT COURT JUDGE MAY ESTABLISH FLOOD CONTROL DISTRICTS

NOTE: Sections 465.64 to 465.68 apply to Winona.

The city and county are not authorized to enter into a cooperative agreement with the United States agreeing to hold and save the United States free from damages due to the construction and operation of a flood control project authorized by the congressional Flood Control Act of 1950, Section 212. OAG June 17, 1953 (205).

112.14 APPEAL TO SUPREME COURT

HISTORY. 1917 c 442 s 13; 1953 c 663 s 1.

CHAPTER 113**IRRIGATION, OTHER PROVISIONS**

NOTE: Excepted from Rules of Civil Procedure insofar as inconsistent or in conflict therewith.

113.07-113.22 Repealed, 1947 c 143 s 67.

CHAPTER 114**DAKOTA-MINNESOTA CONTROLLED BOUNDARY WATERS****114.02 POWERS AND DUTIES**

The state's jurisdiction over boundary waters is concurrent with other states and the right of the state to regulate and control navigable bodies of water under the state's jurisdiction is limited to extraordinary high-water mark unless the water would have reached controlled elevation in a state of nature, or where water condi-