

MINNESOTA STATUTES 1977 SUPPLEMENT

DIVISION OF WATERS, SOILS AND MINERALS 105.401

CHAPTER 102. COMMERCIAL FISHING

Sec.
102.28 Lake Superior fishing.

102.28 Lake Superior fishing.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. Gill nets for taking herring and ciscoes shall not be less than 2 1/4 inch mesh and shall not exceed 2 3/4 inch mesh, extension measure.

The amount of gill net to be licensed in Minnesota waters of Lake Superior shall not exceed 300,000 feet for the taking of herring and 300,000 feet for the taking of ciscoes.

A licensee shall not be permitted to operate more than 6,000 feet of gill net for the taking of herring or 25,000 feet of gill net for the taking of ciscoes. The commissioner may authorize gill net footage in excess of the individual limits when he determines in any license year that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated. The commissioner must allocate this excess gill net footage equitably among those licensees who have applied for it.

[For text of subd 5, see M.S.1976]

[1977 c 240 s 2]

CHAPTER 105. DIVISION OF WATERS, SOILS AND MINERALS

Sec.		Sec.	
105.401	Water planning board. [New]	105.44	Procedure upon application.
105.41	Appropriation and use of waters.	105.45	Permits and orders of commissioner; notice.
105.415	Rules governing permits.	105.461	Orders to restore.
105.416	Irrigation from groundwater. [New]	105.462	Investigations; orders without a permit application.
105.417	Water appropriations from surface sources. [New]	105.47	Repealed.
105.418	Conservation of public water supplies. [New]	105.482	Dams; repair, reconstruction; grants.

105.401 Water planning board.

Subdivision 1. **Membership, officers, staff.** There is created in the executive branch of the state government a water planning board. The members of the board are: (1) the commissioner of natural resources; (2) the commissioner of health; (3) the director of the pollution control agency; (4) the commissioner of agriculture; (5) the director of the energy agency; and (6) the chairman of the state soil and water conservation board, or their designees. The governor shall appoint the chairperson of the board, with the advice and consent of the senate to serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chairperson shall not be a representative of the state agencies listed, but shall be the seventh member of the board and also shall represent the governor on the federal-state river basin commissions. The board shall supersede and replace the Minnesota water resources council created by executive order of the governor.

Subd. 2. **Duties.** The board shall perform the following duties:

- (1) Direct the preparation of the framework water and related land resources plan proposed to the legislative commission on Minnesota resources in October, 1976, if so requested by the commission;
- (2) Assure the participation of the public and of all units of government in the preparation and implementation of all state water resource planning activities;
- (3) Direct all state involvement in activities undertaken pursuant to the federal Water Resource Planning Act, Public Law 89-80, including but not limited to administration of Title III funding;

105.401 DIVISION OF WATERS, SOILS AND MINERALS

(4) Evaluate state participation in the federal-state river basin commissions and make recommendations to the governor and the legislature concerning continued state involvement;

(5) Evaluate and recommend improvements in state laws, rules and procedures in order to reduce overlap, duplication or conflicting jurisdictions among the many state and interstate agencies having jurisdiction in the area of public water resource management and regulation; and

(6) Coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area.

The chairperson of the board may seek the assistance of any public agency and may appoint subcommittees he deems necessary to properly discharge the duties of the board. The board shall meet quarterly, and at the request of three of its members or at the discretion of the chairperson. The final report of the board shall be delivered to the governor and the legislature before July 1, 1979. The board ceases to exist June 30, 1979.

[1977 c 446 s 1]

105.41 Appropriation and use of waters.

Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner. Nothing in this section shall be construed to apply to the use of water for domestic purposes serving less than 25 persons. The commissioner shall establish a statewide training program to provide training in the conduct of pumping tests and data acquisition programs.

Subd. 1a. The commissioner shall submit to the legislature by January 1, 1975, for its approval, proposed rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water:

First priority. Domestic water supply, excluding industrial and commercial uses of municipal water supply.

Second priority. Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority. Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Fourth priority. Power production, involving consumption in excess of 10,000 gallons per day.

Fifth priority. Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversion of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans. The commissioner shall not modify or restrict the amount of appropriation from a groundwater source authorized in a permit issued pursuant to section 105.44, subdivision 8, between May 1 and October 1 of any year, unless the commissioner determines the authorized amount of appropriation endangers any domestic water supply.

[For text of subs 1b to 5, see M.S.1976]

MINNESOTA STATUTES 1977 SUPPLEMENT

DIVISION OF WATERS, SOILS AND MINERALS 105.416

Subd. 6. Any appropriation or use permit may be transferred if the permittee conveys the real property where the source of water is located to the subsequent owner of the real property. The subsequent owner shall notify the commissioner of natural resources immediately after an appropriation or use permit is transferred pursuant to this section.

[1977 c 446 s 2-4]

105.415 Rules governing permits.

Notwithstanding the provision in section 105.41, subdivision 1a, stating that the commissioner of natural resources shall submit to the legislature by January 1, 1975, for its approval proposed rules governing the allocation of waters among potential water users, and notwithstanding the provision in section 105.42, subdivision 1a, stating that the commissioner shall recommend by January 15, 1975, to the legislature a comprehensive law containing standards and criteria governing the issuance and denial of permits under the section, the commissioner shall prior to January 30, 1978, adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

[1977 c 446 s 5]

105.416 Irrigation from groundwater.

Subdivision 1. **Permit.** Permit applications required by section 105.41, for appropriation of groundwater for purposes of agricultural irrigation shall be processed as either class A or class B applications. Class A applications are for wells located in areas for which the commissioner of natural resources has adequate groundwater availability data. Class B are those for all other areas. The commissioner shall evaluate available groundwater data, determine its adequacy, and designate areas A and B, statewide. The commissioner shall solicit, receive, and evaluate groundwater data from soil and water conservation districts, and where appropriate revise his area A and B designations. The commissioner of natural resources shall file with the secretary of state a commissioner's order defining these areas by county and township. Additional areas may be added by a subsequent order of the commissioner. Class A and B applications shall be processed in the order received.

Subd. 2. **Class B permits; information requirements.** Class B applications are not complete until the applicant has supplied the following data:

(a) A summary of the anticipated well depth and subsurface geologic formation expected to be penetrated by the well. For glacial drift aquifers, this data shall include the logs of test holes drilled for the purpose of locating the site of the proposed production well;

(b) The formation and aquifer expected to serve as the groundwater source;

(c) The maximum daily, seasonal and annual pumpage expected;

(d) The anticipated groundwater quality in terms of the measures of quality commonly specified for the proposed water use;

(e) The results of a pumping test supervised by the commissioner or his designee, conducted at a rate not to exceed the proposed pumping rate for a period not to exceed 72 hours for wells under water table conditions and not to exceed 24 hours for wells under artesian conditions. Before, during and after the pumping test the commissioner shall require monitoring of water levels in one observation well located at such distance from the pumping well which he has reason to believe may be affected by the new appropriation. The permit applicant shall be responsible for all costs of the pumping tests and monitoring in the one observation well. He shall be responsible for the construction of this one observation well if suitable existing wells cannot be located for this purpose. If the commissioner believes that more than one observation well is needed he shall instruct the applicant to install and monitor additional observation wells. The commissioner shall reimburse the applicant for these added costs; and

MINNESOTA STATUTES 1977 SUPPLEMENT

105.416 DIVISION OF WATERS, SOILS AND MINERALS

(f) Upon determination of the area of influence of the proposed well, the location of existing wells within the area of influence which were reported pursuant to section 156A.07, together with readily available facts on depths, geologic formations, pumping and nonpumping water levels and details of well construction as related to the board of health "Water Well Construction Code".

The commissioner may in any specific application waive any of the requirements of clauses (d) to (f) when the necessary data is already available.

Subd. 3. Issuance of new permits; conditions. The commissioner shall issue permits for irrigation appropriation from groundwater only where he determines that proposed soil and water conservation measures are adequate based on recommendations of the soil and water conservation districts and that water supply is available for the proposed use without reducing water levels beyond the reach of vicinity wells constructed in accordance with the water well construction code, contained in the rules of the Minnesota state board of health, MHD 217 to 222.

[1977 c 446 s 18]

105.417 Water appropriations from surface sources.

Subdivision 1. Waiver. The commissioner may waive any limitation or requirement in subdivisions 2 to 5 for just cause.

Subd. 2. Natural and altered natural watercourses. Where data are available, permits to appropriate water from natural and altered natural watercourses shall be limited so that consumptive appropriations are not made from the watercourses during periods of specified low flows in order to safeguard water availability for in-stream uses and for downstream higher priority users located in reasonable proximity to the site of appropriation.

Subd. 3. Waterbasins. (a) Permits to appropriate water for any purpose from waterbasins shall be limited so that the collective annual withdrawals do not exceed a total volume of water amounting to one-half acre-foot per acre of waterbasin based on Minnesota department of conservation bulletin No. 25, "An Inventory of Minnesota Lakes."

(b) As a condition to any surface water appropriation permit, the commissioner of natural resources shall establish an elevation for the subject waterbasin, below which no appropriation shall be allowed. During the determination of the elevation, which for the purposes of this section shall be known as the "protection elevation," the commissioner shall take into account the elevation of important aquatic vegetation characteristics related to fish and wildlife habitat, existing uses of the waterbasin by the public and riparian land owners, the total volume within the waterbasin and the slope of the littoral zone.

(c) As part of any application for appropriation of water for any purpose from a waterbasin of less than 500 acres in surface area, the applicant shall obtain a signed statement from as many landowners with land riparian to the subject waterbasin stating their support to the proposed appropriation as he is able to obtain and it shall indicate the number whose signature he is unable to obtain.

Subd. 4. Trout streams. Permits issued after June 3, 1977 to appropriate water for any purpose from streams designated trout streams by the commissioner's orders pursuant to section 101.42, shall be limited to temporary appropriations.

Subd. 5. Contingency planning. No application for use of surface waters of the state for any purpose is complete until the applicant submits, as part of the application, a contingency plan which describes the alternatives he will utilize if further appropriation is restricted due to the flow of the stream or the level of a waterbasin. No surface water appropriation for any purpose shall be allowed unless the contingency plan is feasible or the permittee agrees to withstand the results of no appropriation.

[1977 c 446 s 19]

105.418 Conservation of public water supplies.

During periods of critical water deficiency as determined by the governor and

MINNESOTA STATUTES 1977 SUPPLEMENT

DIVISION OF WATERS, SOILS AND MINERALS 105.44

declared by order of the governor, public water supply authorities appropriating water shall adopt and enforce restrictions consistent with rules adopted by the commissioner of natural resources within their areas of jurisdiction to restrict lawn sprinkling, car washing, golf course and park irrigation, and other non-essential uses, together with appropriate penalties for failure to comply with the restrictions. The commissioner may adopt emergency rules pursuant to section 15.0412, subdivision 5 relating to matters covered by this section during the year 1977. Disregard of critical water deficiency orders, even though total appropriation remains less than that permitted, shall be adequate grounds for immediate modification of any public water supply authority's appropriator's permit.

[1977 c 446 s 20]

105.44 Procedure upon application.

Subdivision 1. **Permit.** Each application for a permit required by sections 105.37 to 105.55 shall be accompanied by maps, plans, and specifications describing the proposed appropriation and use of waters, or the changes, additions, repairs or abandonment proposed to be made, or the public water affected, and such other data as the commissioner may require. This data may include but not be limited to a statement of the effect the actions proposed in the permit application will have on the environment, such as: (a) changes in water and related land resources which are anticipated; (b) unavoidable but anticipated detrimental effects; (c) alternatives to the actions proposed in the permit. If the proposed activity, for which the permit is requested, is within a city, or is within or affects a watershed district or a soil and water conservation district, a copy of the application together with maps, plans and specifications shall be served on the secretary of the board of managers of the district and the secretary of the board of supervisors of the soil and water conservation district and on the mayor of the city. Proof of such service shall be included with the application and filed with the commissioner.

[For text of subd 1a, see M.S.1976]

Subd. 2. **Authority.** The commissioner is authorized to receive applications for permits and to grant the same, with or without conditions, or refuse the same as hereinafter set forth. Provided, that if the proposed activity for which the permit is requested is within a city, or is within or affects a watershed district or a soil and water conservation district the commissioner may secure the written recommendation of the managers of said district and the board of supervisors of the soil and water conservation district or the mayor of the city before granting or refusing the permit. The managers or supervisors or mayors shall file their recommendation within 30 days after receipt of a copy of the application for permit.

Subd. 3. **Waiver of hearing.** The commissioner in his discretion may waive hearing on any application and make his order granting or refusing such application. In such case, if any application is granted, with or without conditions, or is refused, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the mayor of the city may within 30 days after mailed notice thereof file with the commissioner a demand for hearing on the application together with the bond required by subdivision 6. The application shall thereupon be fully heard on notice as hereinafter provided, and determined the same as though no previous order had been made. Any hearing pursuant to this section shall be conducted as a contested case in accordance with chapter 15. If the commissioner elects to waive a hearing, and if no demand for hearing be made, or if a hearing is demanded but no bond is filed as required by subdivision 6, the order shall become final at the expiration of 30 days after mailed notice thereof to the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the mayor of the city and no appeal of the order may be taken to the district court.

Subd. 4. **Time.** The commissioner shall act upon all applications, except for appropriations for irrigation, pursuant to subdivision 8, within 30 days after the ap-

105.44 DIVISION OF WATERS, SOILS AND MINERALS

plication and all required data is filed in his office; either waiving hearing and making an order thereon or directing hearing thereon.

Subd. 5. **Notice.** The notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and shall show the waters affected, the levels sought to be established or any control structures proposed. The notice shall be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner, once each week for two successive weeks prior to the day of hearing in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the mayor of any municipality or the watershed district and the soil and water conservation district affected. The commissioner shall also fulfill any notice requirements prescribed by section 15.0418 and rules of the chief hearing examiner.

Subd. 6. **Hearing costs.** Except where a public hearing is demanded by a public authority which is not the applicant, the applicant shall pay the following, if after the hearing the commissioner's action, taken pursuant to subdivision 2, is affirmed without material modification: (1) Costs of the stenographic record and transcript, (2) rental expenses, if any, of the place of hearing, (3) costs of publication of orders made by the commissioner; however, in no event shall the applicant pay more than \$750.

Where the public hearing is demanded by a public authority which is not the applicant, the public authority making the demand shall pay the costs and expenses listed above if the commissioner's action is affirmed without material modification. An applicant filing a demand for a public hearing shall execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner, and in an amount and form fixed by the commissioner. The bond or security shall be conditioned for the payment of all costs and expenses of the public hearing if the commissioner's action taken pursuant to subdivision 2 is affirmed without material modification. No bond or security is required of a public authority which demands a public hearing. The commissioner, in his discretion, may waive the requirement for a bond or other security. In all other instances, costs of the hearing shall be borne in the manner prescribed by chapter 15 and the chief hearing examiner.

Subd. 7. **Witnesses; contempt.** The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred.

Subd. 8. **Permit to irrigate agricultural land.** When an application for permit to irrigate agricultural land from public waters is made, the soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to a comprehensive soil and water conservation plan approved pursuant to section 40.07, subdivision 9, within 30 days of the receipt of the application. Within 30 days of receipt of the application the commissioner may require additional specific information from the applicant. Upon receipt of all additional specific information required of the applicant, the commissioner shall have an additional 60 days to review that information, consider the soil and water conservation recommendations and decide whether to grant or deny the permit; provided that if the commissioner orders a hearing, then the time within which he must grant or deny the application shall be ten days after receipt of the report of the hearing officer. In the case of an application for permit to irrigate agricultural land, failure of the commissioner to act thereon within the specified time period, shall be deemed an order granting the application. This order shall be

DIVISION OF WATERS, SOILS AND MINERALS 105.45

deemed granted ten days after the applicant has given written notice to the commissioner stating his intention to proceed with the appropriation.

[For text of subd 9, see M.S.1976]

Subd. 10. **Permit fees.** Each application for a permit authorized by sections 105.37 to 105.64, shall be accompanied by a permit application fee in the amount of \$15 to defray the costs of receiving, recording, and processing the application. The commissioner may charge an additional permit application fee in excess of the fee specified above, in accordance with a schedule of fees adopted by rules promulgated in the manner provided by chapter 15, which fee schedule shall be based upon the project's costs and the complexity of the permit applied for.

For projects requiring a mandatory environmental assessment pursuant to chapter 116D the commissioner may charge an additional field inspection fee of not less than \$25 for each permit applied for under sections 105.37 to 105.64. The commissioner shall establish pursuant to rules adopted in the manner provided by chapter 15, a schedule for field inspection fees which shall include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4, do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16.011, or federal governmental agency applying for a permit.

[1977 c 162 s 1-5; 1977 c 446 s 6-13]

105.45 Permits and orders of commissioner; notice.

The commissioner shall make findings of fact upon all issues necessary for determination of the applications considered by him. All orders made by the commissioner shall be based upon findings of fact made on substantial evidence. He may cause investigations to be made, and in such event the facts disclosed thereby shall be put in evidence at the hearing or any adjournment thereof.

If the commissioner concludes that the plans of the applicant are reasonable, practical, and will adequately protect public safety and promote the public welfare, he shall grant the permit, and, if that be in issue, fix the control levels of public waters accordingly. In all other cases the commissioner shall reject the application or he may require such modification of the plan as he deems proper to protect the public interest. In all permit applications the applicant has the burden of proving that the proposed project is reasonable, practical, and will adequately protect public safety and promote the public welfare.

In granting a permit the commissioner may include therein such terms and reservations with respect to the amount and manner of such use or appropriation or method of construction or operation of controls as appears reasonably necessary for the safety and welfare of the people of the state.

Notice of all orders made after hearing shall be given by publication of the order once each week for two successive weeks in a legal newspaper in the county where the hearing was held, and by mailing copies of the order to all parties who entered an appearance at such hearing.

The commissioner shall make his order pursuant to hearing within 60 days after the completion of the hearing.

[1977 c 162 s 6]

105.461 DIVISION OF WATERS, SOILS AND MINERALS

105.461 Orders to restore.

As a part of any order granting or denying a permit, whether or not a hearing has been held, the commissioner may order the applicant to take any action necessary to restore the public waters or beds thereof to the condition existing before unlawful activities, if any, were undertaken by the applicant. This restoration may include, but not be limited to, filling beds unlawfully dredged, removing fill unlawfully placed, or restoring water unlawfully appropriated. If a hearing on the application was not held, the applicant may, within 30 days of the receipt of an order to restore public waters or beds, contest the order and shall be afforded a contested case hearing in the manner prescribed by chapter 15.

[1977 c 162 s 7]

105.462 Investigations; orders without a permit application.

When the commissioner determines that the public interest so requires, he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing the commissioner may make findings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. Thereafter the matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. However, if no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken to the district court.

[1977 c 446 s 14]

105.47 [Repealed, 1977 c 162 s 8]

105.482 Dams; repair, reconstruction; grants.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. **Commissioner's duties.** From money appropriated for the following purposes from time to time, the commissioner of natural resources may repair or reconstruct state owned dams and may grant aid to local governmental units to repair or reconstruct dams owned by local governmental units and to make necessary engineering evaluations related to the repair or reconstruction. No grant to a local governmental unit shall exceed the amount contributed to the project by the local governmental unit from funds raised locally exclusive of federal grants.

[For text of subd 4, see M.S.1976]

Subd. 5. **Limitations.** If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than \$50,000, the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit without the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is \$50,000 or more but less than \$100,000, the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is \$100,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the executive council, the commissioner may direct that a state owned dam be repaired or

MINNESOTA STATUTES 1977 SUPPLEMENT

DRAINAGE 106.371

reconstructed or a grant be made to a local governmental unit where he determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will be suffered if such action is not promptly taken.

[For text of subd 6, see M.S.1976]

[1977 c 446 s 15,16]

CHAPTER 106. DRAINAGE

Sec.	Sec.
106.015 Drainage system in two or more counties.	106.465 Redetermination of benefits. [New]
106.371 Payment of liens; interest.	106.471 Repairs.
106.411 Bond issues.	106.673 Ditches, planting with permanent grass.

106.015 Drainage system in two or more counties.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. Any judicial ditch or judicial drainage system in existence on June 30, 1977, is a joint county ditch or drainage system. Any judicial ditch proceeding pending on June 30, 1977, shall be continued as a judicial ditch proceeding to conclusion but thereafter the ditch or drainage system involved shall be a joint county ditch or drainage system. The files and records of a judicial ditch or judicial drainage system that becomes a joint county ditch or drainage system shall be transferred from the clerk of the district court to the county auditor of the county containing the largest area of land over which the ditch passes. Thereafter, the county boards of the respective counties shall proceed to appoint members of the respective boards as an administrative authority as provided in subdivision 2. The ditch authority shall have the same powers as provided in subdivision 3 and the county boards of the respective counties shall have the same duties and powers as provided in subdivision 4.

[For text of subd 6, see M.S.1976]

[1977 c 135 s 1]

106.371 . Payment of liens; interest.

[For text of subd 1, see M.S.1976]

Subd. 2. The principal of the lien shall bear interest at a rate to be fixed by the board, not to exceed seven percent per annum from the date of the filing of the lien statement in the office of the county recorder. All interest shall constitute an additional lien on all lands and properties until fully paid and shall be due and payable as follows:

Subsequent to November 1 of each year, after the filing of the lien statement until the whole amount of the lien and interest is paid, and before the tax lists for such year are turned over to the county treasurer, the auditor shall compute the interest on the unpaid balance of the lien at the rate fixed by the board, and enter such interest, together with the instalment, if any then due, on the tax lists for the year. Such amount, instalment and interest, shall be collected in the same manner as real estate taxes for that year on the property in question are collected, collecting one-half of the total of such instalment and interest with and as a part of the real estate taxes on or before May 31 and one-half on or before October 31 of the succeeding year. The amount of interest to be entered shall be reckoned from the date of filing the lien to August 15 of the succeeding calendar year and thereafter from August 15 to August 15 of each succeeding year on the whole of the principal of the lien remaining from time to time unpaid. Interest on any lien may be paid at