

MINNESOTA STATUTES 1953

CHAPTER 113

IRRIGATION, OTHER PROVISIONS

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113.01 DAMS AND DIKES AUTHORIZED FOR IRRIGATION PURPOSES.

The owner of any land in this state which is suitable for the culture of wire grass, cranberries, rice, or other crops requiring irrigation, may, upon being licensed, as hereinafter provided, construct upon the lands so owned, and across or upon that portion of any public ditch, drain, or watercourse situated within the boundaries of the land, such dams, dikes, or other regulating or controlling works, as may be necessary to secure the use of the water for irrigation. Any dam so constructed shall contain properly constructed gates of sufficient size to carry off the flood water above high-water mark within 24 hours.

[1915 c. 189 s. 1] (6927)

113.02 LICENSE TO BE SECURED FROM STATE DRAINAGE ENGINEER.

Any owner desiring to avail himself of the provisions of sections 113.01 to 113.06 shall apply for license so to do to the state drainage engineer, who shall issue a license to the applicant for the same, under such rules and regulations and guarantees as he may require.

[1915 c. 189 s. 2] (6928)

113.03 BOND. Before any license is granted the licensee shall execute a bond to the State of Minnesota for the use of all persons who may be injured by the construction, conditioned for the payment of all damages to persons or property by reason of the construction of the dams, dikes, or the use of the water.

[1915 c. 189 s. 3] (6929)

113.04 UNDER SUPERVISION OF ENGINEER. All dams, dikes, or other works or structures constructed or erected under the provisions of sections 113.01 to 113.06 shall be under the supervision and direction of the state drainage engineer.

[1915 c. 189 s. 4] (6930)

113.05 NOT TO INTERFERE WITH PUBLIC DITCHES. Nothing in sections 113.01 to 113.06 shall be construed as authorizing any act interfering with the benefit and utility of any public ditch, drain, or watercourse, nor to in any manner authorize the use of the water to the damage or injury of the land of any other person; and, if at any time it appears that the structures herein authorized cannot be maintained without impairing the utility of a public drain or watercourse, nor without depriving other land owners of the benefit thereof, then and in that case, such license shall, upon demand of the owner or owners of such other land, be immediately revoked.

[1915 c. 189 s. 5] (6931)

113.06 VIOLATION A MISDEMEANOR. Any person violating any provision of sections 113.01 to 113.05 shall be guilty of a misdemeanor.

[1915 c. 189 s. 6] (6932)

113.07 to 113.22 [Repealed, 1947 c 143 s 67]

113.23 PUBLIC ROAD DITCHES. Subdivision 1. **Improving and draining.** For the purpose of draining public roads and preventing accumulations of water in road ditches, the overflow of which may damage adjacent lands, the various authorities having supervision over public roads, in addition to all other powers granted to said authorities, are authorized and empowered to expend moneys from funds available therefor in repairing, cleaning out, deepening, widening and improving

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public road ditches within the jurisdiction and supervision of such authorities. The necessity for such work shall be determined by the authorities which now have the supervision of said public roads; provided, that before said work may be done said road supervising authority shall determine that said road ditch as so improved will be provided with an adequate outlet.

Subd. 2. **Rental of ditch machinery by county board to municipalities.** The county board of any county now or hereafter owning machinery or equipment used in the construction and maintenance of ditches may lease such machinery and its incidental appliances to municipalities within such county upon such rate of rental and upon such terms and conditions as the county board may prescribe.

[1945 c. 36]