

CHAPTER 378

BODIES OF WATER

378.01 NAMING LAKES, RIVERS, STREAMS, AND BODIES OF WATER; PETITION.

HISTORY. 1925 c. 157 s. 1; M.S. 1927 s. 751-2; 1937 c. 35 s. 1.

See numerous special laws and general laws of special application regarding the improvement of navigable lakes.

378.02 HEARINGS BY COUNTY BOARD.

HISTORY. 1925 c. 157 s. 2; M.S. 1927 s. 751-3; 1937 c. 35 s. 1.

378.03 NOTICES OF HEARINGS.

HISTORY. 1925 c. 157 s. 3; M.S. 1927 s. 751-4; 1937 c. 35 s. 1.

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

HISTORY. 1925 c. 157 s. 4; M.S. 1927 s. 751-5.

378.05 NAMES NOT TO BE DUPLICATED.

HISTORY. 1925 c. 157 s. 5; M.S. 1927 s. 751-6.

378.06 PETITIONERS TO GIVE BONDS.

HISTORY. 1925 c. 157 s. 6; M.S. 1927 s. 751-7; 1937 c. 35 s. 1.

378.07 MAINTAINING WATER IN CERTAIN LAKES.

HISTORY. 1907 c. 104 s. 1; G.S. 1913 s. 746; G.S. 1923 s. 751; M.S. 1927 s. 751.

The county commissioners of Blue Earth county took steps to erect a permanent dam across the natural outlet of Jackson Lake. Plaintiff, by this action, sought to enjoin the board from proceeding with the construction of the dam because her land would thereby be permanently destroyed for agricultural purposes. The trial court was justified in finding that the effect of the dam would be to restore the natural outlet to its original height, and that the board had a right to maintain the water of the lake at its natural level. The damage which plaintiff would experience would be merely incidental to an authorized act. *Stenberg v County of Blue Earth*, 112 M 117, 127 NW 496.

Certiorari to review the final order of the district court in establishing how judicial ditch which, if constructed, will drain Round Lake, a meandered lake. Formerly the lake was of considerable depth, with well defined banks, sandy beaches, and concededly a navigable lake. The water receded and a vegetable growth appeared, and the lake became of less public use. After the commencement of the ditch proceeding and before the first hearing, the county board by resolution, fixed the level of the lake at a point below the original high water mark, and a dam was built at the outlet and the lake assumed the proportions of a navigable lake. The order of the county board was valid and should be given effect, and the order establishing the judicial ditch is disproved. *State ex rel v District Court*, 146 M 150, 178 NW 595.

In drainage proceedings, bulkheads and spillways, designed to keep waters outside the drainage basin in statu quo, may be constructed. *Blomquist v Sanders*, 162 M 296, 202 NW 496.

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The evidence supported the findings that the dam did not do more than the law authorized, and plaintiffs are not entitled to damages. **Melander v County**, 170 M 378, 212 NW 590.

The county may participate in and purchase materials in conjunction with a WPA project to restore water levels, and is not limited to \$300.00. OAG Nov. 22, 1937 (273a-23).

The board cannot make an appropriation for a "dredging project" unless the purpose of the dredging is to maintain the water level. OAG Aug. 11, 1938 (273a-6).

The county board may operate a pumping plant to maintain the water level of a lake, and the county is not liable to damages to riparian owners as long as the water level is not raised above the natural high water mark. 1938 OAG 14, Sept. 13, 1938 (273a).

Laws 1937, Chapter 455, relating to Hennepin county is constitutional. OAG Nov. 25, 1944 (107b-1).

378.08 LAND ACQUIRED, ACCESS TO NAVIGABLE WATERS; PARK AND PLAYGROUND.

HISTORY. 1925 c. 254; M.S. 1927 s. 751-1.

The county board has no power to condemn land to be used as entrance to a lake. OAG March 21, 1933.

378.09 FISH SCREENS.

HISTORY. 1913 c. 87 s. 1; G.S. 1913 s. 753; G.S. 1923 s. 752; M.S. 1927 s. 752.

378.10 FISH HATCHERIES.

HISTORY. 1909 c. 219 s. 1; G.S. 1913 s. 754; G.S. 1923 s. 753; M.S. 1927 s. 753.

378.11 LAND FOR FISH HATCHERY.

HISTORY. 1909 c. 219 s. 2; G.S. 1913 s. 755; G.S. 1923 s. 754; M.S. 1927 s. 754.

378.12 MANAGEMENT AND CONTROL.

HISTORY. 1909 c. 219 s. 3; G.S. 1913 s. 756; G.S. 1923 s. 755; M.S. 1927 s. 755.

378.13 APPROPRIATION.

HISTORY. 1909 c. 219 s. 4; G.S. 1913 s. 757; G.S. 1923 s. 756; M.S. 1927 s. 756.

378.14 FISH HATCHERIES IN ITASCA COUNTY.

HISTORY. 1925 c. 54 s. 1; M.S. 1927 s. 756-1.
Need for constitutional revision. 11 MLR 209.

378.15 LANDS FOR COUNTY FISH HATCHERY.

HISTORY. 1925 c. 54 s. 2; M.S. 1927 s. 756-2.

378.16 MANAGEMENT AND CONTROL.

HISTORY. 1925 c. 54 s. 3; M.S. 1927 s. 756-3.

378.17 APPROPRIATION.

HISTORY. 1925 c. 54 s. 4; M.S. 1927 s. 756-4.

378.18 BATHING BEACHES.

HISTORY. 1925 c. 401 s. 1; M.S. 1927 s. 756-5.

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A county having established a bathing beach is impliedly authorized to spend money for the operation thereof. OAG April 24, 1930.

378.19 CONDEMNATION OF LAND.

HISTORY. 1925 c. 401 s. 2; M.S. 1927 s. 756-6.

Governmental responsibility for torts; counties, towns, and school districts.
26 MLR 328.