

## DRAINAGE AND WATERS

## CHAPTER 105

## DIVISION OF WATER RESOURCES AND ENGINEERING

Sections 105.01 to 105.12, repealed by Laws 1947, Chapter 142, Section 20.

Sections 105.13 to 105.36, repealed by Laws 1947, Chapter 143, Section 67.

NOTE: L. 1858, c. 73 (Aug. 8, 1858) related to the drainage of lands; L. 1874, c. 57, to highway ditches; and L. 1877, c. 91, authorized private parties to drain wet lands, and where necessary to petition the town supervisors to direct the manner of construction and assess damages.

The first general drainage act, L. 1883, c. 108, empowered the county commissioners upon petition to lay out a drainage ditch or system and assess damages. L. 1883, c. 139, authorized the county board to drain shallow lakes.

L. 1887, c. 97, entirely revised all laws relating to county ditches; L. 1887, c. 98, provided for the formation and organization of county drainage districts; and L. 1887, c. 99, revised the laws relating to town ditches.

L. 1893, c. 221, appropriated \$100,000, contributed by the Great Northern Railway Company, to be expended under the direction of an appointed board for the purpose of expediting better drainage by the Red River and its tributaries.

L. 1897, c. 318, created a board of state drainage commissioners consisting of three members appointed by the governor.

The drainage laws were completely revised by L. 1901, c. 258; L. 1905, c. 230; L. 1907, c. 448; L. 1909, c. 469; and L. 1925, c. 415.

L. 1905, c. 230, inaugurated a plan for construction of judicial ditches operating in two or more counties; and created a state drainage commission composed of the governor, state auditor, and secretary of state, empowered to drain state lands. Additional powers and duties were imposed upon the commission by L. 1907, c. 470. The commission was abolished, and a department of drainage and waters created under the supervision of a single commissioner appointed by the governor. This department was continued under the reorganization act, L. 1925, c. 426, art. 5.

The department of drainage and waters became a division of the department of conservation pursuant to L. 1931, c. 186, further amended by L. 1937, c. 310, and L. 1943, c. 60, s. 3.

Laws 1945, c. 491, created a legislative interim commission to study, revise, and codify the laws relating to drainage and water resources. Based upon the report of the commission, L. 1947, cc. 103, 122, 123, 142, 143, and 571, were enacted. The water resources law (L. 1937, c. 468, coded as sections 411.43 to 411.63) was repealed, together with sections 105.01 to 105.12 relating to the powers and duties of the commissioner of conservation and of the director of the division of water resources and engineering. Superseding the repealed sections, the legislature enacted L. 1947, c. 142, coded as sections 105.37 to 105.55.

Laws 1947, c. 571, relating to use of stoplogs is coded as sections 105.60 to 105.62.

**105.37 DEFINITIONS.**

**HISTORY.** 1947 c. 142 s. 1.

Power of the state to control use of natural resources. 11 MLR 129, 233.

**105.38 DECLARATION OF POLICY.**

HISTORY. 1947 c. 142 s. 2.

Where, in the judgment of the commissioner, the public interests are not involved to any substantial extent, an application by individuals to appropriate and use public water or a minor portion of the beds of lakes, may be granted without holding a public hearing. OAG July 11, 1944 (983-N).

As to water levels and control of the flow of waters, established statutory agencies may not proceed to make changes without the consent of the commissioner of conservation. 1944 OAG 60, July 28, 1944 (983-D).

The legislature has not authorized the granting of leases or permits for the use of the beds of navigable or public waters below the low water mark for the purpose of placing dykes therein to prevent seepage into a mine. OAG Jan. 3, 1947 (311-D-5).

**105.39 AUTHORITY AND POWERS OF COMMISSIONER.**

HISTORY. 1947 c. 142 s. 3.

On application to appropriate and use public water or occupy a minor portion of a lake bed, or make repairs on property having riparian rights, if the public interests are not involved, the commissioner may grant permission without holding public hearings. 1944 OAG 59, July 11, 1944 (983-N).

The commissioner of conservation has the veto power over other statutory agencies in matters relating to water levels and control of the flow of water. 1944 OAG 60, July 28, 1944 (983-D).

Minnehaha Creek is a navigable stream. OAG June 29, 1945 (273-a-14).

**105.40 DUTIES OF DIRECTOR; QUALIFICATIONS.**

HISTORY. 1947 c. 142 s. 4.

**105.41 APPROPRIATION AND USE OF WATERS.**

HISTORY. 1947 c. 142 s. 5.

**105.42 PERMISSION REQUIRED TO BUILD DAMS.**

HISTORY. 1947 c. 142 s. 6.

**105.43 APPLICATION FOR ESTABLISHMENT OF LAKE LEVELS.**

HISTORY. 1947 c. 142 s. 7.

**105.44 PROCEDURE UPON APPLICATION.**

HISTORY. 1947 c. 142 s. 8.

**105.45 PERMITS AND ORDERS OF COMMISSIONER; NOTICE THEREOF.**

HISTORY. 1947 c. 142 s. 9.

**105.46 TIME LIMIT.**

HISTORY. 1947 c. 142 s. 10.

**105.47 APPEALS.**

HISTORY. 1947 c. 142 s. 11.

# MINNESOTA STATUTES 1947 ANNOTATIONS

## 105.48 WATER RESOURCES AND ENGINEERING

300

### 105.48 DAM CONSTRUCTION AND MAINTENANCE BY STATE.

HISTORY. 1947 c. 142 s. 12.

### 105.49 COOPERATION WITH OTHER AGENCIES.

HISTORY. 1947 c. 142 s. 13.

### 105.50 COMMISSIONER TO APPEAR FOR STATE.

HISTORY. 1947 c. 142 s. 14.

### 105.51 OWNERS TO CAP ARTESIAN WELLS.

HISTORY. 1947 c. 142 s. 15.

### 105.52 EXAMINATION AND REPAIR OF DAMS AND RESERVOIRS.

HISTORY. 1947 c. 142 s. 16.

### 105.53 APPLICATION OF ACT.

HISTORY. 1947 c. 142 s. 17.

### 105.54 VIOLATION A GROSS MISDEMEANOR.

HISTORY. 1947 c. 142 s. 18.

### 105.55 MAY ENFORCE ORDERS OF COMMISSIONER.

HISTORY. 1947 c. 142 s. 19.

### 105.60 ACQUISITION OF EASEMENTS FOR THE USE OF STOPLOGS.

HISTORY. 1947 c. 571 s. 1.

### 105.61 USE OF STOPLOGS UPON INSTITUTION OF PROCEEDINGS.

HISTORY. 1947 c. 571 s. 2.

### 105.62 EXPENSE PAID FROM CERTAIN WATER CONTROLLED PROJECTS.

HISTORY. 1947 c. 571 s. 3.