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**REPORT**  
**OF THE**  
**INTERIM COMMISSION**  
**TO**  
**REVISE AND CODIFY**  
**DRAINAGE AND WATER**  
**RESOURCES LAWS**



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STATE OF MINNESOTA

**Submitted to:**  
**THE LEGISLATURE OF THE STATE OF MINNESOTA**

**1947**

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**LEGISLATIVE RESEARCH COMMITTEE**

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**Members of the Interim Commission Appointed Pursuant to  
Legislative Enactment of the 1945 Session of the Minnesota  
Legislature to Revise and Codify Drainage and Water Resources  
Laws.**

**From the Senate:**

**Senator Oscar A. Swenson, Chairman  
Nicollet, Minnesota**

**Senator A. R. Johanson  
Wheaton, Minnesota**

**Senator Norman J. Larson  
Ada, Minnesota**

**From the House:**

**Representative Ed Martinson, Vice Chairman  
Ortonville, Minnesota**

**Representative Joseph J. Daun  
St. Peter, Minnesota**

**Representative O. L. Johnson  
McGregor, Minnesota**

**Appointed by Attorney General:**

**Charles E. Houston, Assistant Attorney General  
Wheaton, Minnesota**

**Counsel—Appointed by Commission:**

**G. P. Smith  
Mankato, Minnesota**



## **ACT CREATING COMMISSION**

### **Chapter 491, Laws of Minnesota 1945**

**Section 1. That a commission of seven members be and hereby is created to consist of three members of the House of Representatives to be appointed by the speaker, three members of the Senate to be appointed by the committee on committees of the Senate, and one attorney from the attorney general's force to be designated by the attorney general, to revise and codify the laws of this state relating to drainage and to the surface and underground water resources. Such appointments shall be made forthwith upon the passage of this act, and the commission shall designate one of its members to act as chairman.**

**Sec. 2. It shall be the duty of said commission to examine and compare existing laws relating to drainage and the surface and underground water resources of this state and similar laws in adjoining states or states having like conditions, and to prepare, propose and recommend such revision and codification as shall in their opinion simplify, harmonize and complete the same, and shall be best suitable toward effectuating the ends to be gained by such laws. The commission shall prepare the same in the form of a bill for presentation at the next regular legislative session and shall file their report of such revision and codification, with such explanations thereof as may be necessary, not later than the opening day of the next legislative session.**

**Sec. 3. The commission shall have the authority and power to hold hearings at such times and places as they may designate for the purpose of taking evidence and testimony necessary or helpful in effectuating the purposes of this act.**

**Sec. 4. The members of the commission shall serve without pay but shall be allowed and paid for all expenses reasonably and necessarily incurred in the performance of their duties, within the limit of the appropriation provided herein. The commission is vested with full power and authority to employ expert and clerical aid and assistance, to purchase stationery and other supplies, to rent or otherwise provide for the use of offices and equipment, and do any and all things reasonably necessary or convenient in carrying out the purposes of this act.**

**Sec. 5. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$5,000.00, or so much thereof as may be necessary to pay all expenses**



incurred pursuant to this act. For the payment of such expenses the commission shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least one other member of said commission, and the state auditor shall thereon approve and the state treasurer shall pay such warrants as same when presented, but not exceeding in the aggregate the amount herein appropriated.

### **REPORT OF COMMISSION**

To the Honorable Members of  
The 1947 Legislature of the  
State of Minnesota:

Pursuant to Chapter 491, Laws of Minnesota 1945, a Legislative Interim Commission was authorized to study and to revise and codify the laws of Minnesota relating to drainage and water resources; and to report thereon at the next regular legislative session.

### **ORGANIZATION AND STUDIES**

Senators A. R. Johanson, Norman J. Larson and Oscar A. Swenson and Representatives Joseph J. Daun, O. L. Johnson and Ed Martinson and Assistant Attorney General Charles E. Houston were appointed members of the commission.

The commission met and organized at the State Capitol at St. Paul on June 11, 1945. Senator Oscar A. Swenson was named chairman and Representative Ed Martinson was named vice chairman. G. P. Smith of Mankato, Minnesota, was chosen as counsel and Mrs. F. M. Crawford of St. Paul, Minnesota, as executive clerk.

Thereupon the commission entered upon a study of the laws of Minnesota relating to drainage and water resources and compared Minnesota laws with the related laws of other states.

Open hearings were held on September 6, October 4 and 5, and November 23, 1945, and January 3 and 4, February 28, March 1, May 2 and 3, and June 5 and 6, 1946.

The commission first studied the laws relating to drainage. It was decided to recommend that the entire county and judicial drainage law be rewritten but that the basic principles of the present county and judicial ditch systems be retained. After hearings and conferences a first draft was prepared. This draft



was mimeographed and sent to all members of the Legislature and to members of the Bench and Bar, County Auditors, County Attorneys, County Commissioners, Engineers and others interested, with a request for criticism or suggestions.

The proposed draft was discussed by representatives of the commission with the County Attorneys, County Auditors and County Commissioners at their respective annual state meetings during the winter of 1945-46. Much interest was evidenced and many pertinent and helpful suggestions were received from members of each group as well as from members of the legislature, judges, engineers, attorneys, and others. These suggestions were studied and a final draft of a proposed County and Judicial Ditch Law prepared for submission to the 1947 Legislature.

### RECOMMENDATIONS

1. The present county and judicial ditch laws are principally set forth in Chapter 106, Minnesota Statutes 1941, but other laws affecting county and judicial ditches appear in Chapters 105, 107, 108 and 113. It is recommended generally that all portions of these chapters relating to county and judicial ditches be repealed and a new code adopted completely covering this subject.

2. The proponents of Chapter 352, Laws 1945, have asked that this act be retained in the new code and the commission has acceded to this request and does not recommend repeal. It is the commission's opinion that Chapter 214, Laws 1945, should be repealed. Investigation discloses that committees have been organized under the act and apparently are functioning satisfactorily. The author has asked that the chapter be retained. The commission recommends that it be repealed with a saving clause authorizing the continuancy of committees theretofore organized. With these two exceptions it is recommended that all laws of the state relating to county and judicial drainage be repealed and a complete new code adopted as hereinafter set forth.

3. The commission recommends that Sec. 162.11, Subd. 3, Minn. Stat. 1941, be amended to permit county highway engineers to act as engineers in ditch proceedings at the discretion of the county board.

4. The laws relating to state ditches (Chapter 470, 1907) will be found under Sections 105.13 to 105.36, Minn. Stat. 1941. It is recommended that this law be repealed and not replaced.



5. Chapter 109, Minnesota Statutes 1941, authorizes town ditches and prescribes the procedure therefor under the jurisdiction of the town boards. The commission recommends that this chapter be repealed with a saving clause for the completion of proceedings already instituted and for the repair of town ditches heretofore constructed. The commission is advised that little use is made of the town ditch law and has concluded that no adequate reason exists why it should not be repealed and future public ditch proceedings brought under the county and judicial ditch law.

6. Minnesota has in its statutes two other important laws affecting drainage; the Drainage and Conservancy Act of 1919 (Sections 111.01-111.42, Minn. Stat. 1941) and the Drainage and Flood Control Act of 1917 (Chap. 112, Minn. Stat. 1941). Each of these laws contemplates the establishment of Drainage or Flood Control Districts. Proceedings have been heretofore instituted under each of these acts but so far as the commission can learn the use of the acts has been very limited and no district has ever been carried to the point of actual construction and assessment. Each act appears to be carefully drawn and to have certain merit. The commission recommends that these two acts be left undisturbed for the present. It may be that time will show a useful purpose for them.

7. The commission was also directed to study the laws relating to surface and underground water resources of the state and to make their recommendations for revision and codification thereof. The present water resources law (Chap. 468, Laws 1937) is set forth in Sections 111.43-111.63, Minn. Stat. 1941. Related thereto are Sections 105.01-105.12, Minn. Stat. 1941, covering the division of water resources of the department of conservation and the powers and duties of the commissioner and the director of the division in the administration of the water resources and drainage laws.

It is recommended that the laws noted be repealed and that a new act be adopted which shall adequately cover the subject of water resources and administration in one simplified chapter.

8. One other related subject has been studied; the laws relating to the improvement of bodies of water by counties and municipalities. See Sections 110.01-110.10, 110.12, 111.64-111.80, 162.22, 378.07, 37.08, 465.26-465.48 and 465.49, Minn. Stat. 1941. Certain of these acts are ambiguous and in conflict. The commission recommends that Sections 110.01 to 110.10 inclusive, Minn.



**Stat. 1941, be repealed and a new act adopted giving county and municipal bodies general authority to improve bodies of water situated wholly or partly within the county or municipality.**

**Some desire has been evidenced for a new law authorizing proceedings for the improvement of lakes on petition of abutting owners with assessments based on benefits on abutting lands; a law similar in form to the drainage law. Your committee deems such law beyond the scope of its authority but does suggest the problem to the attention of the Legislature.**

### **CONCLUSION**

**Following this report are set forth the commission's recommendations for a proposed**

- (1) County and Judicial Ditch Law,**
- (2) Water Resources Law,**
- (3) Waters Improvement Law,**
- (4) Form of Repeal—Town Ditch Law, and**
- (5) Form of repeal—Chap. 214, Laws 1945.**

**Notes are appended referring to the source of each section and calling attention to major changes recommended. An appendix has also been prepared showing section numbers of the present law referred to in the proposed acts.**

**The commission is indebted to Mr. Walter S. Olson, director of the division of water resources, for his advice and assistance, and desires also to express its appreciation to the Attorney General's staff and the committees from the county auditors', county attorneys' and county commissioners' associations who have each made valuable suggestions.**

**The legislative members have served without compensation as directed by the act authorizing the work. The work has been completed and this report prepared in June 1946 for study by the legislators before the next legislative session.**

**Dated June 6th, 1946.**

**Respectfully submitted**

**A. R. JOHANSON  
NORMAN J. LARSON  
JOSEPH J. DAUN  
O. L. JOHNSON  
CHARLES E. HOUSTON  
Members of Commission**

**OSCAR A. SWENSON, Chairman  
ED MARTINSON, Vice Chairman**



**PROPOSED COUNTY AND JUDICIAL DITCH LAW**  
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**Sec. 67. Laws Repealed.** Sections numbered 105.13 to 105.36, both inclusive, Chapter 106, Chapter 107, Chapter 108, and Sections numbered 113.07 to 113.18, both inclusive, of Minnesota Statutes 1941, Chapters 241, 405 and 626 of the General Laws of 1943, and Chapters 33, 71, 82, 97 and 112 of the General Laws of 1945 are hereby repealed save only as to unfinished proceedings instituted under any of said chapters or sections and not completed at the date of this Act. Any proceedings so instituted and incomplete at the date of the passage of this Act, may be completed under the provisions of the laws under which the same were instituted; and for such purpose the provisions of such laws shall continue and apply to such proceedings.

**Sec. 68. Effective Date.** This Act shall take effect and be in force from and after its passage.

## **PROPOSED WATER RESOURCES LAW**

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## **PROPOSED WATER RESOURCES LAW**

**Section 1. Words, Terms and Phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words and terms, for the purposes of this act, shall have the meanings subjoined to them:

**Subdivision 1. Commissioner.** "Commissioner" means the commissioner of conservation of the State of Minnesota.

**Subd. 2. Division.** "Division" means the division of water resources and engineering of the department of conservation of the State of Minnesota.

**Subd. 3. Director.** "Director" means the director of the division of water resources and engineering of the department of conservation of the State of Minnesota.

**NOTE:** Section 1 is taken from Section 105.01. The definition of "ditch" has been eliminated and definition of "commissioner" has been added.

• • • • •

**Sec. 2. Water Conservation; Declaration of Policy.** In order to conserve and utilize the water resources of the state in the best interests of the people of the state, and for the purpose of promoting the public safety and welfare, it is hereby declared to be the policy of the state (1) that subject to existing rights, all waters in streams and lakes wholly within the state and such portions of all boundary streams and lakes as lie within the state, which are capable of substantial beneficial public use, shall be public waters, and shall be subject to the control of the state, (2) the state, so far as practicable, shall control the appropriation and use of surface and underground waters of the state, and (3) the state shall control and supervise, so far as practicable, the construction, reconstruction, repair, removal, or abandonment of dams, reservoirs, and all control structures in any of the public waters of the state.

**NOTE:** Section 2 is taken from Section 111.43. The definition of public waters has been changed from waters navigable in fact to waters capable of a substantial beneficial public use.



**Sec. 3. Authority and Powers of Commissioner. Subdivision 1. Water Conservation Program.** The commissioner shall devise and develop a general water resources conservation program for the state. The program shall contemplate the conservation, allocation and development of all the waters of the state, surface and underground, for the best interests of the people. The commissioner shall be guided by such program in the issuance of permits for the use and appropriation of the waters of the state and the construction, reconstruction, repair, removal, or abandonment of dams, reservoirs and other control structures, as provided by this act.

**Subd. 2. Surveys and Investigations.** The commissioner is authorized to cause to be made all such surveys, maps, investigations and studies of the water resources and topography of the state as he may deem necessary to provide the information to formulate a program and carry out the provisions of this act.

**Subd. 3. Administration over Waters and Water Power.** The commissioner shall have administration over the use, allocation and control of public waters and water power, the establishment, maintenance and control of lake levels and water storage basins, and the determination of the natural ordinary high water level of any public waters.

**Subd. 4. Power to Acquire Property. Eminent Domain.** The commissioner shall have the power to acquire title to any private property for any authorized purpose by purchase or by the exercise of the right of eminent domain; and the use of such property in the furtherance of lawful projects under this act is hereby declared to be a public purpose. On request by the commissioner, the attorney general shall proceed to acquire the necessary title to private property for such use under the provisions of Chapter 117, Minnesota Statutes 1941.

**Subd. 5. Contracts.** The commissioner is authorized to approve contracts for all works under this act, to change the plans thereof when necessary, and to supervise, control, and accept the same when complete. He is further authorized to cause the same, together with expenses incurred in connection therewith, to be paid for out of any funds made available to the use of the commissioner.

**NOTE:** Section 3 is taken from Sections 111.45, 105.03 and a part of 105.05.



**Sec. 4. Duties of Director. Qualifications.** The director of the division of water resources and engineering of the department of conservation shall be a registered professional engineer, skilled in hydraulics. Under the direction of the commissioner, he shall make the surveys and engineering investigations required by this act and perform the following duties:

A complete copy of all preliminary and final engineers' maps, plans and reports on all public ditches hereafter initiated in the state shall be filed in the office of the director by the respective county auditor or clerks of district court, and the director shall report thereon to the county boards of commissioners or judges of the district court, as required by the county and judicial ditch laws of this state.

Upon request by any county board or judge of the district court or engineer on any public ditch, the director shall advise them relative to any engineering questions or problems arising in connection with any public ditch.

When any field survey or investigation of any public ditch is deemed necessary by the director or is requested in writing by the county board or district judge, the director may make the same. If the field survey or investigation be made at the request of the board or judge, the expense thereof shall be reported to the board or court and paid by the county as are other ditch expenses.

The director is authorized to prepare and publish run-off data and information as to the capacity of tile drains and open ditches within the state together with forms of specifications for drain tile, open ditches and ditch construction and standard procedural forms for public ditch proceedings, and to furnish the same to engineers and public officials for their advice and information.

The director is authorized to investigate the methods employed in the manufacture of drain tile and the causes of any failures thereof, and to conduct research and experimentation for the purpose of improving the quality of drain tile. He may make inspections and tests of manufacturing processes and materials used and the resultant product in any manufacturing plant in the state where drain tile is made and sold to the general public. The director, or his authorized representative, shall have free access to all such manufacturing plans for the purpose of such inspections and tests, and the results thereof shall be made public for



the information of officials concerned in public ditch proceedings, tile manufacturers, and others interested in the use of drain tile.

The director, with the approval of the commissioner, may make cooperative agreements with and cooperate with any person, corporation or governmental authority for the purpose of effectuating the provisions of this section.

**NOTE:** Section 4 is taken from Sections 105.03, 105.04, 105.06, 105.07 and 105.10. It has been materially shortened as to detail.

\* \* \* \* \*

**Sec. 5. Appropriation and Use of Waters.** 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, previously obtained upon written application therefor to the commissioner. The commissioner may give such permit subject to such conditions as he may find advisable or necessary in the public interest. Nothing in this section shall be construed to apply to the use of water for domestic purposes serving at any time less than 25 persons nor to any beneficial uses and rights in existence on July 1, 1937.

**NOTE:** Section 5 is taken from Section 111.46. Two changes are suggested. One authorizes the commissioner to give permits subject to conditions. The second eliminates the exemption of municipalities and would require application for permits within the limits of municipalities.

\* \* \* \* \*

**Sec. 6. Permission Required to Build Dams.** It shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state, to construct, reconstruct, remove, or abandon or make any change in any reservoir, dam or waterway obstruction on any public water; or in any manner, other than in the usual operation of dams beneficially using water prior to July 1, 1937, to change or diminish the course, current or cross-section of any public waters, wholly or partly within the state,



without a written permit from the commissioner previously obtained. Applications for such permit shall be in writing to the commissioner on forms prescribed by him.

**NOTE:** Section 6 is taken from Section 111.47 as amended by Chapter 344, Laws 1943. The exemption from control of future water powers has been eliminated.

\* \* \* \* \*

**Sec. 7. Applications for Establishment of Lake Levels.** Application for authority to establish and maintain levels on any public water and applications to establish the natural ordinary high water level of any body of public water may be made to the commissioner by any public body or authority; or, for the purpose of conserving or utilizing the water resources of the state, the commissioner may initiate proceedings therefor.

**NOTE:** Section 7 is new. The provision of Section 106.03 that minimum levels may not be lower than in a state of nature has been eliminated.

\* \* \* \* \*

**Sec. 8. Procedure upon Application.** Subdivision 1. **Application for Permit.** Each application for a permit required by this act 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.

Subd. 2. **Authority of Commissioner.** 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.

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 be granted with conditions or be refused, the applicant may within ten days after mailed notice thereof file with the commissioner a demand for hearing on the application. The application shall thereupon be fully heard on notice as hereinafter provided, and determined the same as though no previous order had been made. If no demand for hearing be made, the order shall become



final at the expiration of ten days after mailed notice thereof to the applicant.

**Subd. 4. Time.** The commissioner shall act upon all applications within twenty days after the application 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 applicant, or by the commissioner if the proceeding is initiated by him, 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 chief executive official of any municipality affected.

**Subd. 6. Hearing.** The hearings shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

**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, or refusal to be sworn, or to answer as a witness, 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.

**NOTE:** Section 8 combines the provisions of Sections 111.49 and 111.51 relative to hearings.



**Sec. 9. Permits and Orders of Commissioner. Notice Thereof.** The commissioner shall make findings of fact upon all issues necessary for determination of the applications heard 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 provide for the most practical use of the waters of the state 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. If the commissioner concludes that the proposed appropriation or use of state waters or the proposed construction is inadequate, wasteful, dangerous, or impractical, or detrimental to the public interest, he shall reject the application or he may require such modification of the plan as he deems proper to protect the public interest.

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.

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

NOTE: Section 9 is taken from Section 111.53 and in part from subdivision 2 of Section 111.49. The provision for fishways, and the requirement that the sill of any dam may not be lower than the natural outlet, have been eliminated.

\* \* \* \* \*

**Sec. 10. Time Limit.** The commissioner shall fix the time within which all construction authorized in the permit must be completed, or within which the appropriation or use of water must be made, which time shall not exceed five years from the date of



the permit. Such time may be thereafter extended by the commissioner for good cause shown.

NOTE: Section 10 is taken from Section 111.55.

\* \* \* \* \*

**Sec. 11. Appeals.** Any party in interest may appeal from any determination of the commissioner to the district court of the county in which the project is wholly or partly located, at any time within 30 days after notice of the commissioner's order. Notice by publication shall be sufficient.

The appellant shall serve the notice of appeal on the commissioner and on the attorney for any adverse party who appears of record in the proceeding. The notice of appeal with proof of service thereof shall be filed with the clerk of the court to which such appeal is taken within five days after the service thereof; thereupon the district court shall have jurisdiction over the appeal. The notice of appeal shall set forth the order appealed from and the grounds upon which the appeal is taken.

When an appeal is taken from any order of the commissioner under the provisions of this act, the commissioner shall forthwith cause to be made a certified transcript of all proceedings had and of all pleadings, exhibits and files and all testimony taken or offered before him upon which said order is based, and shall file the same with the clerk of the district court where the appeal is pending.

Upon such appeal being perfected, it may be brought on for trial at any time by either party upon 10 days' notice to the other, and shall then be tried by the court without a jury, and determined upon the record. At such trial the findings of fact made by the commissioner shall be prima facie evidence of the matters therein stated, and his orders shall be deemed prima facia reasonable. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed. If the court finds that the order appealed from is unjust, unreasonable, or not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it.

Any person aggrieved may appeal to the supreme court from the judgment of the district court made therein as in a civil action, except that the appeal must be taken within 30 days from date of the entry of such judgment.



The pendency of any such appeal shall not stay the operation of the order of the commissioner, but the district court or the supreme court in their discretion may suspend the operation of the commissioner's order pending a determination of the appeal; provided the appellant shall file an appropriate bond approved by the court conditioned that he shall answer for all damages caused by the delay in the enforcement of the commissioner's order.

NOTE: Section 12 is taken from Section 111.60 with this important difference: Section 111.60 says that appeals should be taken as provided by law as for appeals from the Railroad and Warehouse Commission as provided in Section 237.25. Section 237.25 in turn refers to Sections 216.24 and 216.25. This reference has been eliminated and in lieu thereof, we have endeavored to incorporate in Section 12 all necessary provisions relating to appeals.

\* \* \* \* \*

**Sec. 12. Dam Construction and Maintenance by State.** The commissioner, in order to improve navigation, protect and improve domestic water supply, protect and preserve fish and other wild life, protect the public interest in the shore and shore lines of public waters, and promote public health, shall have power to construct, maintain, and operate all necessary dikes, dams and other structures necessary to maintain such uniform water levels as may be established under this Act.

For the purposes of this act the commissioner is authorized to acquire lands or any necessary interest therein by purchase, gift or condemnation.

All dams owned by the state or erected upon lands owned or controlled by the state shall be maintained under the direction of the commissioner and the same shall be operated under his direction and control.

The commissioner is authorized to accept from local governmental and civic agencies or persons funds for the purpose of constructing, maintaining, or operating dams and control structures or acquiring the lands required therefor.

NOTE: Section 12 is taken from the first paragraph of Section 111.64 and from paragraph 111.58. No material change has been made.



**Sec. 13. Cooperation with Other Agencies.** The commissioner may cooperate and enter into agreements with the United States government, any department of the State of Minnesota, or any state or country adjacent to the State of Minnesota for the purpose of effecting any of the provisions of this Act. He may cooperate with any department of the government of the United States in the execution of surveys within the state.

**NOTE:** Section 13 is taken from Subdivision 7 of Section 105.04 and from Section 105.12. No material change has been made.

\* \* \* \* \*

**Sec. 14. Commissioner to Appear for State.** The commissioner may appear, represent and act for the state in any matter relating to any application to be made to the federal government relating to waters within the state or the use thereof; and he may do and perform such acts in connection therewith as he deems proper to protect the interests of the people of the state consistent with the provisions of this Act.

**NOTE:** Section 14 is taken from Section 111.57.

\* \* \* \* \*

**Sec. 15. Owners to Cap Artesian Wells.** For the conservation of the underground water supplies of the state, the commissioner is authorized to require the owners to control artesian wells to prevent waste.

**NOTE:** Section 15 is taken from Section 111.52.

\* \* \* \* \*

**Sec. 16. Examination and Repair of Dams and Reservoirs.** Upon complaint or upon his own initiative, the commissioner is authorized to examine any reservoir, dam or waterway obstruction. If the commissioner determines that such reservoir, dam or waterway obstruction is unsafe or needs repair, he shall notify the owner thereof to repair or remove the same as the exigencies of the case may require. The work of repair or removal shall be commenced and completed within such reasonable time as may be prescribed by the commissioner.

**NOTE:** Section 16 is taken from Section 111.54.



**Sec. 17. Application of Act.** This act shall not in any way supersede or amend the provisions of Sections 92.45 and 110.13 of Minnesota Statutes 1941.

Nothing in this act shall apply to dams, reservoirs or control works in existence on and prior to July 1, 1937, except as may be necessary to protect the health and safety of the people of the state.

**NOTE:** Section 17 is taken from Sections 111.63 and 111.59.

\* \* \* \*

**Sec. 18. Violation a Gross Misdemeanor.** Any person, partnership, association or corporation violating any of the provisions of this act shall be guilty of a gross misdemeanor.

Any public officer responsible for the violation of this Act shall be subject to removal from office by the governor.

**NOTE:** Section 18 is taken from Section 111.61.

\* \* \* \*

**Sec. 19. May Enforce Orders of Commissioner.** Upon application of the commissioner, the district court of any county in which the project is wholly or partially located, may, by injunction, enforce the compliance with, or restrain the violation of, any order of the commissioner made pursuant to this act, or restrain the violation of this act.

**NOTE:** Section 19 is taken from Section 111.62.

\* \* \* \*

**Sec. 20. Laws Repealed.** Sections numbered 105.01 to 105.12, both inclusive, and Sections numbered 111.43 to 111.64, both inclusive, of Minnesota Statutes 1941, and Chapter 344 of the General Laws of 1943 are hereby repealed save only as to unfinished proceedings instituted under any of said chapters or sections and not completed at the date of this act.

**Sec. 21. Effective Date.** This Act shall take effect and be in force from and after its passage.



## APPENDIX

### EXPLANATION OF DISPOSITION OF PRESENT LAWS RELATING TO DITCHES AND WATER RESOURCES

**EXPLANATORY NOTE:** Numbers in the left column refer to Section numbers of Minnesota Statutes, 1941. Numbers in the parallel right column preceded by the initial "D" refer to section numbers in the proposed County and Judicial Ditch Law, as D-1 refers to Section 1 of the Ditch Law. The initial "W" refers to the proposed Water Resources Law; thus W-1 means section one of the proposed Water Resources Law.

#### Chapter 105

##### Division of Water Resources and Engineering

Present Law	Proposed Law
105.01 .....	Covered by W-1
105.02 .....	Repealed Chap. 60, Laws 1943
105.03 .....	Covered by W-3 & W-4
105.04 .....	Covered by W-4, W-14 & D-12
105.05 .....	Covered by W-3
105.06 .....	Covered by W-4 & D-8
105.07 .....	Covered by W-4
105.08 to 105.11 inc.....	To be repealed as of no specific value
105.12 .....	Covered by W-4 & W-14
105.13 to 105.36 inc.....	State Ditch Law to be repealed as of no further value

#### Chapter 106

##### Drainage Act

106.01 .....	Covered by D-1
106.02 .....	Covered by D-2
106.03 .....	Covered by D-3, D-4 & D-5
106.04 .....	Covered by D-5
106.05 as Am c. 97, l. 1945.....	Covered by D-7
106.06 .....	Covered by D-8
106.07 .....	Covered by D-10
106.08 .....	Covered by D-11