

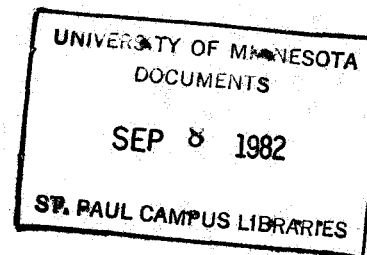
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WATER USER RIGHTS AND DUTIES

Minnesotans who own land adjoining a lake or stream enjoy certain water use rights and are bound by certain duties set by state legal precedent.

Minnesota courts follow the "riparian doctrine." In theory this means that only the owners of land adjoining a natural watercourse, the riparians, may use those waters. Lakes and streams with a public access point, such as a public beach or boat launching, are open to specific uses by the state's citizens

The Rights The riparian owner has a wide range of user rights. He or she may build a wharf into the water to a navigable depth, take water for agricultural and household needs, use land added by permanent shifts in the shoreline; take ice, fish, boat, swim, hunt, and make other reasonable uses. The riparian has the right to make normal use of a lake over its entire surface.

The landowner's title extends to the low-water mark of commercially navigable waters. The beds of these lakes and rivers are owned by the state. Beds of non-navigable waters are owned by the riparians in various ways, depending on whether or not the lake or river follows a straight or twisting course. These ownership questions are especially important when mineral deposits are discovered in the beds.

add one--water use rights

The Duties In Minnesota, riparians must exercise their rights without unreasonably interfering with the rights of others. For example, the lakeshore owner cannot dike off and drain, or fence off part of the lake. It is considered a public nuisance and misdemeanor to, according to law, "interfere with, obstruct or render dangerous for passage...waters used by the public." A riparian cannot cause harm or inconvenience to others through pollution or excessive diversion of water. Exactly what is, and is not reasonable, must be determined by court or jury on the facts of each case.

Regulation. The Minnesota Department of Natural Resources (DNR) regulates the use of surface and ground waters. A DNR permit is required if you plan to use at least 10,000 gallons of water in any one day or one million gallons in a year. Permits to consume surface water are very difficult to get.

Minnesota statutes set these priorities for times when water becomes so scarce there is not enough to satisfy all types of user needs:

1. Domestic water supply
2. Any use consuming less than 10,000 gallons per day
3. Agricultural irrigation or processing of farm products when use is over 10,000 gallons daily
4. Power production when use is over 10,000 gallons daily
5. All other uses in excess of 10,000 gallons daily.

Note: Winston Grant has studied law and holds a masters degree in agricultural economics. He is a six-year staff member of the Department of Agricultural and Applied Economics where he has twice taught an experimental course in agricultural law and coordinates the statewide Law for Laymen program co-sponsored by the Minnesota Bar Association and the Agricultural Extension Service. Readers are invited to send comments and questions to him at that department, University of Minnesota, St. Paul, Minn., 55108.

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