

JOHNSON, HADLEY & FLEMING

ATTORNEYS AT LAW
ANOKA UNION BUILDING
231 JACKSON STREET
ANOKA, MINNESOTA

ROBERT W. JOHNSON
CHARLES S. HADLEY
WILLIAM J. FLEMING

ROBERT W. JOHNSON
COUNTY ATTORNEY
ANOKA COUNTY

November 27, 1957

Board of County Commissioners
County of Anoka
County Office Building
Anoka, Minnesota

Gentlemen:

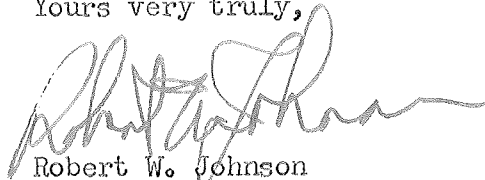
Pursuant to your request, I have had conferences with the Attorney General for the State of Minnesota and have researched a problem which is contained in a certain question which you submitted to me, the question being as follows: "Can a private land owner whose property is adjacent to a county ditch and whose property is drained by a lateral from his property to the county ditch build a dike between his property and the county ditch and then install a pump in the lateral which will drain the property more rapidly than the originally designed lateral would have drained it?"

In 157 Minnesota 493 in the case of Lupkes vs. the Town of Clifton, it held in effect that a ditch is designed to carry surface water off from certain properties at a certain rate and that any interferences with this original design is not proper.

Subsequent cases follow this same general pattern of reasoning and it is necessary to review the facts of each case to see to what extent they apply to the general principal of law involved.

It is my opinion that any artificial stimulant to the draining of the water that causes the water to drain off a given piece of property at an increased rate is not a proper part of any county ditch system.

Yours very truly,



Robert W. Johnson
Anoka County Attorney

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