

Definitions

(Note: While most definitions are from 103E, there are some definitions taken from other sources, which are identified appropriately.)

Affected: "Affected" means benefitted or damaged by a drainage system or project. ([Minn. Stat. § 103E.005, Subd. 2](#)).

Auditor: "Auditor" means the auditor of the county where the petition for a drainage project was properly filed. ([Minn. Stat. § 103E.005, Subd. 3](#)).

Benefits: "Benefits" refers either to the impact a drainage system has on land in terms of improving the market value of the land or the impact (and costs associated with that impact) that the land has on the drainage system because of land use that accelerates drainage, transports sediment or increases volume demand in a drainage system. These two bases for benefits are referred to in this manual as "market value based" or "charge-based" benefits. For an extensive discussion of direct and indirect benefits, see this manual, Chapter 4, Section IV, Assessment of Drainage Benefits.

Best Management Practice: In this manual, a best management practice (BMP) is a structural or non-structural practice that minimizes water quality and/or quantity (peak flow or volume reduction) impacts within a public drainage system or its watershed and/or downstream.

Board: "Board" means the board of commissioners of the county, a joint county board, the board of managers of the watershed district, or a metropolitan watershed management organization that serves as the drainage authority where the drainage system or project is located. ([Minn. Stat. § 103E.005, Subd. 4](#)).

Certiorari: "Certiorari" means a writ issued by a court to an inferior tribunal directing a review of its proceedings. ([Minn. Stat. § 606.01 et. seq.](#)).

Commissioner: "Commissioner" means the commissioner of natural resources. ([Minn. Stat. § 103E.005, Subd. 5](#)).

Damages: "Damages" means the reduction of value resulting from the construction of a drainage system, including the value of the land actually taken for an open channel and for the permanent grass strips bordering it, severance damages, loss of crop production during project construction, and diminished productivity due to increased overflow. ([Minn. Stat. § 103E.315, Subd. 8](#)). For an extensive discussion of damages, see this manual, Chapter 4, Section V, Extent of Damages.

Director: "Director" means the director of the Division of Ecological and Water Resources in the Department of Natural Resources. ([Minn. Stat. § 103E.005, Subd. 6](#)).

Dismissal of proceedings: "Dismissal of proceedings" means that the petition and proceedings related to the petition are dismissed. ([Minn. Stat. § 103E.005, Subd. 7](#)).

Ditch: "Ditch" means an open channel to conduct the flow of water. ([Minn. Stat. § 103E.005, Subd. 8](#)).

Ditch lien: "Ditch lien" is a common term for drainage lien. based on an assessment to the property for expenses on a drainage system. The lien is often recorded if the assessment is to be collected over a

period of years. A ditch lien should be treated as any other tax lien or special assessment. ([Minn. Stat. § 103E.605.](#)).

Division: "Division" means the Division of Waters of Ecological and Water Resources of the the Department of Natural Resources. ([Minn. Stat. § 103G.005, Subd. 10.](#)).

Drainage authority: "Drainage authority" means the board or joint county drainage authority having jurisdiction over a drainage system or project. ([Minn. Stat. § 103E.005, Subd. 9.](#)) Pursuant to Minn. Stat. § 103D.625, the managers of a watershed district established pursuant to Minn. Stat. 103D shall take over a joint county or county drainage system within the watershed district and the right to maintain and Repair the drainage system if directed by a joint county drainage authority or a county board.

Drainage code: "Drainage code" as herein used refers to Minn. Stat. 103E.

Drainage lien: "Drainage lien" means a lien recorded on property for the costs of drainage proceedings and construction and interest on the lien, as provided under Minn. Stat. 103E. ([Minn. Stat. § 103E.005, Subd. 10.](#)).

Drainage project: "Drainage project" means a new drainage system, an improvement of a drainage system, an improvement of an outlet, or a lateral. ([Minn. Stat. § 103E.005, Subd. 11.](#)).

Drainage system: "Drainage system" means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets, established and constructed by a drainage authority. "Drainage system" includes the improvement of a natural waterway used in the construction of a drainage system and any part of a flood control plan proposed by the United States or its agencies in the drainage system. ([Minn. Stat. § 103E.005, Subd. 12.](#)).

Easement: "Easement" means a right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property in the owner. (The Law Dictionary).

Engineer: "Engineer" or "Project Engineer" means the engineer for a drainage project appointed by the drainage authority under Section 103E.241, Subd. 1. ([Minn. Stat. § 103E.005, Subd. 13.](#)).

Established: "Established" means the drainage authority has made the order to construct the drainage project. ([Minn. Stat. § 103E.005, Subd. 14.](#)).

Improvement: "Improvement" means the tiling, enlarging, extending, straightening, or deepening of an established and constructed drainage system including construction of ditches to realign or replace tile and construction of tile to replace a ditch. ([Minn. Stat. § 103E.215, Subd. 2.](#)).

Injunction: "Injunction" means a court order commanding or preventing an action. (Black's Law Dictionary, 10th Ed.)

Lateral: "Lateral" means any drainage construction by branch or extension, or a system of branches and extensions, or a drain that connects or provides an outlet to property with an established drainage system. ([Minn. Stat. § 103E.005, Subd. 15.](#)).

Maintenance: "Maintenance" is synonymous with repair. Repair has the meaning given in [Minn. Stat. §103E.701, Subd. 1.](#)

Mandamus: "Mandamus" means a writ issued by a court to an inferior tribunal, corporation, board, or person to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station. It may require an inferior tribunal to exercise its judgment or proceed to the discharge of any of its functions, but it cannot control judicial discretion. ([Minn. Stat. § 586.01](#)).

Managers: "Managers" means the board of managers of a watershed district. ([Minn. Stat. § 103D.011, Subd. 15](#)).

Municipality: "Municipality" means a statutory or home rule charter city or a town having urban powers under Section 368.01, subdivision 1 or 1a). For purposes of sections 103E.315, 103E.611, and 103E.615, municipality includes a water management authority to which a portion of a drainage system is transferred under Minn. Stat. 103E.812. ([Minn. Stat. § 103E.005, Subd. 16](#)).

Notice by mail: "Notice by mail" means a notice mailed and addressed to each person entitled to receive the notice, if the address is known to the auditor or can be determined by the county treasurer of the county where the affected property is located. ([Minn. Stat. § 103E.005, Subd. 17](#)).

Owner: "Owner" means an owner of property or a buyer of property under a contract for deed. ([Minn. Stat. § 103E.005, Subd. 18](#)).

Passes over: "Passes over" means in reference to property that has a drainage project or system, the 40-acre tracts or government lots or property that is bordered by, touched by, or underneath the path of the proposed drainage project. ([Minn. Stat. § 103E.005, Subd. 19](#)).

Person: "Person" means an individual, firm, partnership, association, or private corporation. ([Minn. Stat. § 103E.005, Subd. 20](#)).

Political subdivisions: "Political subdivisions" means statutory and home rule charter cities, counties, towns, school districts, and other political subdivisions. ([Minn. Stat. § 103E.005, Subd. 21](#)).

Proceeding: "Proceeding" means a procedure subject to M.S. C. 103E for or related to drainage that begins with filing a petition and ends by dismissal or establishment of a drainage project. ([Minn. Stat. § 103E.005, Subd. 22](#)).

Property: "Property" means real property. ([Minn. Stat. § 103E.005, Subd. 23](#)).

Publication: "Publication" means a notice published at least once a week for three successive weeks in a legal newspaper in general circulation in each county affected by the notice. ([Minn. Stat. § 103E.005, Subd. 24](#)).

Public health: "Public health" includes an act or thing that tends to improve the general sanitary condition of the community by drainage, relieving low wetland or stagnant and unhealthful conditions, or preventing the overflow of any property that produces or tends to produce unhealthful conditions. ([Minn. Stat. § 103E.005, Subd. 25](#)).

Public waters: "Public waters" has the meaning given in Minn. Stat. § 103G.005, Subd. 15. ([Minn. Stat. § 103E.005, Subd. 26](#)).

Public welfare or public benefit: "Public welfare" or "public benefit" includes an act or thing that tends to improve or benefit the general public, either as a whole or as to any particular community or part,

including works contemplated by Minn. Stat. 103E that drain or protect roads from overflow, protect property from overflow, or reclaim and render property suitable for cultivation that is normally wet and needing drainage or subject to overflow. ([Minn. Stat. §103E.005, Subd. 27.](#)).

Repair: Repair has the meaning given in [Minn. Stat. § 103E.701, Subd. 1.](#)

Road: "Road" means any road used by the public for transportation purposes. ([Minn. Stat. § 103E.005, Subd. 28.](#)).

Secretary: "Secretary" means the secretary to the board of managers of a watershed district that has been established by the Board of Water and Soil Resources pursuant to Minn. Stat. 103D.

Spoil banks: "Spoil banks" mean a berm or a ridge made up of earthen materials resulting from the excavation of an open ditch, as referred to in [Minn. Stat. § 103E.021, Subd. 1.](#)

Viewers: "Viewers" means three persons appointed by the drainage authority to determine and report the benefits and damages to all property affected by the proposed drainage project, or existing drainage system, who are disinterested residents of the state qualified to assess benefits and damages. ([Minn. Stat. § 103E.305.](#)).

Water Management Authority: "Water Management Authority" means a county or municipality, watershed district, watershed management organization, storm water management district, lake improvement district, subordinate service district, joint powers organization or other special district organized and formed according to law for the purpose of managing storm, surface, and flood waters, or with the authority to manage storm, surface, and flood waters. ([Minn. Stat. § 103E.005, subd. 29.](#)).