This policy is adopted by the Mille Lacs County Drainage Authority to guide the administration of public drainage systems established under Minnesota Statutes § 103E within Mille Lacs County. The purpose of this policy is to clarify the procedures for administration, maintenance, repair, and the determination of benefits.

The policy also identifies performance standards and best management practices necessary for the efficient and effective operation of public drainage systems.

Benefitted landowners that own the property surrounding the drainage systems have the lawful right to have these drainage systems maintained. Benefitted lands and their owners pay for the construction and maintenance of drainage systems without the use of public funds. State statute allows outside funds to be used for flood control and environmental purposes only, as provided for in § 103E.011.

1. DEFINITIONS

The definitions found in Minnesota Statutes § 103E.005 are incorporated by reference in this document. Definitions not found in § 103E.005 are found below.

**Ditch Inspector:** A person appointed by the Drainage Authority, pursuant to Minnesota Statutes § 103E.065, to inspect and administer the drainage systems of the Drainage Authority.

**Drainage System:** A public drainage system managed by the County or a Joint County Drainage Authority, including County, Judicial and Joint Ditches and drain tiles.

2. GENERAL INFORMATION

Minnesota Statutes § 103E regulates the repair of drainage systems. Repair is defined by Minnesota Statutes § 103E.701, Subd. 1 as “to restore all or part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved, including resloping of ditches and leveling of waste banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system and routine operation that may be required to remove obstruction and maintain the efficiency of the drainage system.”

Essentially, a repair is any activity that maintains a drainage system in the state it was constructed. All decisions regarding repairs to public drainage systems are the responsibility of the Drainage Authority. In Mille Lacs County, the Drainage Authority includes all five county commissioners. In the case of joint county ditches, a select number of commissioners are appointed by each County Board to serve as the Joint Drainage Authority.

The Drainage Authority cannot delegate its statutory responsibilities to landowners. The Drainage Authority shall not approve any action in violation of Minnesota Law regardless of the percentage of landowners requesting a particular action.

Once a drainage system is established, the Drainage Authority has an affirmative duty to maintain the system and any required grass buffer strips. The drainage system is to be inspected on a regular basis.
3. **INSPECTIONS**
   
   **A. Scheduled**
   The Mille Lacs County Ditch Inspection Schedule is included in this document as Appendix A. The Ditch Inspector shall provide a written report to the Drainage Authority for inclusion in the drainage system record. The report shall list the necessary repairs and violations found at the time of inspection. The Ditch Inspector will include an estimated cost of any necessary repairs or maintenance.

   **B. Unscheduled**
   The Drainage Authority shall respond to requests for inspections to determine the existence of any issues. The Ditch Inspector shall provide a written report to the Drainage Authority for inclusion in the drainage system record. The report shall list the conditions found at the time of inspection. The Ditch Inspector will include an estimated cost of any necessary repairs or maintenance.

   **C. Construction**
   The Ditch Inspector will make inspections of any work in progress and make a final inspection after the work has been completed to ensure that construction has been performed in a satisfactory manner.

4. **MEETINGS**

   The Drainage Authority meets on the first and third Tuesday of each month as necessary. The Drainage Authority may also hold special meetings as necessary; notice of these meetings will be published in the official newspaper, and available on the Mille Lacs County website. Minutes of each meeting shall be incorporated within the Mille Lacs County Board meeting minutes, and filed in the Mille Lacs County Administrative Services Office. These materials, along with meeting agendas, are available on the Mille Lacs County website.

5. **RECORDS RETENTION**

   Records on each drainage system should be retained in perpetuity, in both paper and electronic format. Documents should be maintained electronically through the use of Application Xtender Document Manager, or any subsequent document management software utilized by the Drainage Authority. Original records shall be filed with the Auditor in accordance with Minnesota Statutes.

6. **ADDITIONAL DRAINAGE**

   **A. Private Drainage for Property Benefitted by Public Drainage System**
   Landowners of benefitted property may seek approval from the Drainage Authority to drain water into the public drainage system by ditch or drain tile in accordance with Minnesota Statutes § 103E.225. Landowners seeking approval to construct a new outlet shall contact the Ditch Inspector for approval and on-site verification of outlet construction standards. Landowners bringing additional drainage into the system shall be responsible for ensuring that an adequate outlet is provided, consistent with Article 14 of this document and local conservation practices.

   **B. Private Drainage for Property Not Benefitted by Public Drainage System**
Landowners of property not assessed benefits for an existing drainage system may seek approval from the Drainage Authority to drain water into the public drainage system by ditch or drain tile in accordance with Minnesota Statutes § 103E.401.

C. Municipalities
A municipality may seek approval from the Drainage Authority to use the public drainage system as an outlet in accordance with Minnesota Statutes § 103E.411.

7. DRAINAGE SYSTEM IMPROVEMENTS
All improvements to an existing drainage system require a landowner petition and proceeding before the Drainage Authority in accordance with Minnesota Statutes § 103E.215.

8. VIOLATIONS
Violation inspection reports prepared by the Ditch Inspector should contain photos, drawings, GPS locations, written descriptions of observations, and necessary repairs to fix identified violations. Failure to remedy violations defined in Minnesota Statutes § 103E.081 is a misdemeanor and subject to criminal prosecution. The Drainage Authority reserves the right to seek enforcement of violations in accordance with Minnesota Statutes § 103E.085.

The Drainage Authority is required to notify landowners of a violation of a grass buffer strip established under Minnesota Statutes § 103E.021. The Ditch Inspector, after being informed of the area in violation, shall provide the landowner with a Notice of Violation in accordance with Minnesota Statutes § 103E.705. An example of this Notice of Violation is found in Appendix B. The landowner shall have 60 days from the issuance of a Notice of Violation to bring the area into compliance. If the area is not brought into compliance during this time period, the Ditch Inspector shall notify the Drainage Authority, and proceed as described in § 103E.021.

9. REPAIR PROCEDURES
A. Procedures to Initiate Repairs
There are two methods that may be used to initiate a repair to a drainage system and grass buffer strip.

(1) § 103E.705: The most common method is for the Drainage Authority order the repair without a petition in accordance with Minnesota Statutes § 103E.705. The Ditch Inspector must file a written reports to the Drainage Authority after each inspection. Upon receiving the inspection report, the Drainage Authority may order a repair identified in the report without bids, so long as the cost of repairs for one year will be less than the greater of $100,000.00 or $1,000.00 per mile of open ditch in the drainage system. These limits do not apply to repairs and construction after a disaster.

In the case of a joint ditch, any repairs require the authorization of a majority of the Joint Drainage Authority.

The process for the administration of a repair in this manner is illustrated in Appendix C.
§ 103E.715: The second method of initiating a repair is by petition to the Drainage Authority. The petition may be signed by “anyone with an interest in the drainage facility.” After receiving the petition, the Ditch Inspector will conduct an inspection to determine if the drainage system is in need of repair, and make a recommendation to the Drainage Authority at their next meeting. If the Drainage Authority determines that the drainage system needs repair, the Drainage Authority will appoint an engineer to examine the drainage system and make a report.

Once the report is received from the engineer, a public hearing must be held with mailed notices to the petitioners as well as owners of property and political subdivisions likely to be affected by the repair. The notice must be mailed at least ten days before the public hearing. Minnesota Statutes § 103E.715, Subd. 4 restricts the Drainage Authority’s ability to reject the petition if at least 26% of landowners sign the repair petition. Minnesota Statutes § 103E.715, Subd. 6 requires the appointment of viewers to assess damages and benefits if certain repairs are necessary.

The process for the administration of a repair in this manner is illustrated in Appendix D.

B. Replacement of Drain Tile
When replacing drain tile lines, it is Mille Lacs County policy to use drain tile with the same size and rate of flow, and to locate the new drain tile at the same depth and original location as nearly as practicable. Exceptions to this policy are:

1. Minnesota Statutes § 103E.701 Subd. 6 specifically allows for drain tiles or open ditches to be realigned as a repair if the realignment is for the “preservation, restoration, or enhancement of wetlands,” in accordance with § 103E.701, Subd. 6.

2. Incidental straightening of a drain tile system resulting from the tile-laying technology used to replace drain tiles, in accordance with Minnesota Statutes § 103E.701, Subd. 1.

3. Replacement of drain tiles with the next larger size that is readily available if the original size is not readily available, in accordance with Minnesota Statutes § 103E.701, Subd. 1.

C. Payment of Damages during a Repair
It is Mille Lacs County Drainage Authority policy to pay damages for damaged crops that result from a repair. Damages to grass or cover crop will not be paid if the replanting is performed by the contractor as part of the repair. Damages to crops planted in violation of an established buffer strip easement will not be paid.

D. Drainage System Repair Funds
Repair funds are held in a separate drainage system account for each system. As required by Minnesota Statutes § 103E.735, the balance in this fund shall not exceed $100,000.00 or 20% of the assessed benefits of the drainage system, whichever is greater. The annual repair assessment levies are limited to 20% of the assessed benefits of the drainage system, $1,000.00 per mile of open ditch in the drainage system, or $100,000.00, whichever is greater.

A reasonable balance must be maintained in each account to allow for the payment of most repairs without borrowing funds from another account. The Ditch Inspector will recommend to the Drainage Authority which systems should have repair funds and how much the annual assessments should be. An annual review of the fund balance will be done by the Ditch Inspector and recommendations made to the Drainage Authority to replenish the fund.
10. **CHANGES IN BENEFITS**

Once a drainage system is established, benefits can only be changed by petition and hearing as required by Minnesota Statutes § 103E.

**A. Petition to Remove Land From a Drainage System**

1. Once a drainage system is established, land cannot be removed from the system unless the landowner making the petition has physically diverted the water from the system. Diversions of waters can be done through an impoundment or diversion of water to a different public or private system. The petition to remove land from a drainage system must be made under Minnesota Statutes § 103E.805.

2. The procedures for the total abandonment of a public drainage system are found in Minnesota Statutes § 103E.811.

**B. Distribution of Benefits after the Subdivision of Land**

The distribution of benefits resulting from the subdivision of ownership in lands benefitted by a drainage system may be determined by a Drainage Authority or by the landowners splitting the parcel using the Notice of Ditch Assessment Division Agreement included as Appendix E. The benefits attributed to each new parcel must reasonably represent the benefits received by each parcel. Any party may ask for a hearing before the Drainage Authority to determine the distribution of benefits.

11. **STRUCTURES PROHIBITED OVER DRAIN TILE LINES**

Permanent structures of any type shall not be built over a public drain tile line. Landowners who do build any type of structure over or near a drain tile line assume liability for any damage caused by the failure of the drain tile line.

12. **DRAINAGE SYSTEM FINANCES**

Each county drainage system is established as a standalone financial entity. Funding for drainage projects comes from the landowners benefitted by the system.

**A. Drainage System Levies**

It is recommended that an annual meeting be held each August to discuss future maintenance and repairs, and evaluate any necessary levy adjustments to be made. The Ditch Inspector, in coordination with the Auditor, will arrange the meeting and distribute any requisite notices.

Through scheduled inspections, systems will be maintained such that petitioned repairs are expected to be minimal. The cost of any necessary large repairs should be evaluated, and brought into consideration for the purposes of determining the following year’s levy.

Following the annual meeting in August, the Ditch Inspector will prepare the annual levy amount recommendations for Drainage Authority approval, and work with the Administrative Services Office to schedule adoption of the following year’s levy amounts. The Auditor will assess all applicable parcels with the approved levy, collect assessments with taxes, and post
applicably. The Auditor shall maintain all records of applicable parcels for each system, and balances in each account.

B. Insufficient Funds
Annually, by early December, the Auditor will determine if any transfers are needed from the general fund to cover any negative drainage system fund balances. The Auditor will provide the board with this information for a work session if requested. The board may, by unanimous resolution, transfer funds from the county general revenue fund to the drainage system account. In accordance with Minnesota Statutes § 103E.655 the money transferred, plus interest, must be reimbursed from the proceeds of the drainage system account. The interest rate must be established by the board following the same standards established for drainage system liens.

Following Drainage Authority approval of a transfer from another account, the Auditor will process the request. The resolution shall include the full amount of the transfer requested, applicable interest rate, and term for repayment. These transfers should be processed before year’s end to ensure that drainage system accounts are not in a negative balance at year’s end.

Annually, the Ditch Inspector will provide notice to the Auditor to apply tax settlements collected to the loans owed. Such payments will be made on an annual basis. The annual levy established for each drainage system should specify the portion of funds levied for payment on any loaned funds, and the amount designated for repair and maintenance of the drainage system.

C. Drainage System Liens
In some instances where a loan was required from the County’s general fund to cover negative drainage system balances a lien may be considered. A lien is to be filed only if the complete assessment is to be paid in more than annual one installment.

In the instance multiple annual installments will be required to satisfy a loan from the general fund, the Auditor shall make a drainage lien statement in accordance with Minnesota Statutes § 103E.601 Subd. 2. This drainage lien statement must be certified by the Auditor and will be recorded on each tract free of charge by the county recorder. Before establishment and recording of the drainage lien statement, the Auditor shall provide notice to the affected landowners showing the total principal and interest due on each individual parcel, along with available options for pre-payment.

Each drainage lien shall include interest. The interest rate on a drainage lien must be set by the County Board, but may not exceed the rate determined by the state court administrator for judgments under section Minnesota Statutes Section 549.09. The interest and installment due must be entered on the tax lists for the year.

After recording the drainage lien, the Auditor shall maintain a drainage lien record for each lien showing the amount of unpaid lien remaining on each parcel. Once a drainage lien with
accumulated interest is fully paid, the Auditor shall issue a Certificate of Payment, and record the certificate with the County Recorder. This may be done as a blanket drainage lien release for all parcels, or on an individual basis following a landowner request.

D. Reporting
Monthly, the Administrative Financial Specialist will send an Integrated Financial Systems (IFS) report of activity on each drainage system account to the Ditch Inspector. Any other parties benefiting from such reports may request the Administrative Financial Specialist to send necessary reports.

The Auditor-Treasurer’s Office shall maintain the ditch account balances and make account and loan balances available upon request.

E. Journal Entries
Each applicable department conducting work billable to a drainage system will prepare information on an annual basis as to the number of hours worked, rate of pay, fringe benefit rate calculation, total amount to be paid, hours used for vehicle or equipment and amount to be paid, and the drainage system account number.

The Administrative Financial Specialist will complete data for commissioner’s per diems for drainage system activity to move such expense from the commissioner’s per diem account to the applicable accounts. Per diems must go through payroll as other per diems to allow for posting to the commissioners payroll accounts, and then moved to the expense account after it is paid.

Expenses billable to each drainage system include any and all expenses incurred by county staff in the administration of the system. This generally includes: staff wages, staff benefits, equipment, and supplies. Labor rates for staff include actual hourly wages, in addition to a fringe benefit rate at 64% of the hourly rate. Equipment will be billed to the system using rental rates establish by the Public Works Department.

All of this information, along with applicable back up documentation, is utilized to prepare a resolution authorizing year-end ditch fund transfers. This resolution should be brought before the Board for approval at the first meeting of the new year, authorizing payments, transfers, and loans effective December 31 of the preceding year. An example resolution has been included as Appendix F.

F. Bill Payment
Bill payment for expenses incurred by each county drainage system generally follows standard procedures already established for payment of expenses.

Invoices and bills received for drainage system expenses should be forwarded to the Ditch Inspector for review. Following review and verification of applicable expenses, the Ditch Inspector will generate a claim form for payment, and forward this to the County Administrator for approval.
G. Expenses Attributable to Multiple Drainage Systems

In some circumstances an expense may be attributable to all county drainage systems, or a combination of multiple systems. In order to provide for an equitable distribution of expenses, the total cost should be distributed by the number of benefitted acres. The following table contains the number of benefitted acres along each drainage system, and the percentage of total benefitted acres.

<table>
<thead>
<tr>
<th>County Ditch</th>
<th>Acres</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>County Ditch 14</td>
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</table>

13. PRIVATE AND PUBLIC CROSSINGS AND CULVERTS

The installation, repair, or replacement of a private crossing or culvert over a public drainage system requires written approval from the Drainage Authority before any work is done. Private crossings or culverts that were built as part of the public drainage system will be repaired and costs charged to the repair account. A list of all crossings constructed as part of drainage proceedings has been included as Appendix G. Private crossings not built as part of the public drainage system are the responsibility of the landowner. If a private crossing or culvert, not built as part of the public drainage system, is removed or repaired by the Drainage Authority, the costs may be assessed to the landowner.

A landowner wishing to construct a new private crossing or culvert over a public drainage system must submit a written request to, and get permission from, the Drainage Authority prior to construction. The Drainage Authority may set the width, depth, and size of the crossing or culvert. The Drainage Inspector will inspect the crossing or culvert after installation. The Drainage Authority may seek the advice of a licensed engineer to determine if the proposed crossing or culvert will impair or restrict the drainage system.

The Drainage Authority reserves the right to remove, at the landowner’s expense, any improperly installed crossing or culvert, extension of a crossing or culvert, or any crossing or culvert installed without prior approval from the Drainage Authority.

Increasing the width or capacity of a crossing or culvert is not a repair and all costs for such an improvement must be paid by the landowner requesting the increase in capacity or width.

The Drainage Authority has no obligation to grant a permit for improving or installing a crossing or culvert. The Drainage Authority reserves the right to use alternative methods to maintain a landowner’s right of access, including, but not limited to, replacement of a bridge or culvert with another suitable material, or obtaining an alternative legal right-of-way. To the extent possible, the Drainage Authority will require the consolidation of crossings and culverts.
If a landowner places an additional crossing or culvert over a public drainage system or extends an existing crossing or culvert, the Landowner must follow the following guidelines:

1. All costs of widening or extending the crossing or culvert must be paid by the landowners requesting the improvement.
2. Any new culvert must be bedded properly and installed at the same invert as the original culvert.
3. All materials used in the installation must be of the same or better quality than the original construction.
4. The flow under the crossing or through the culvert, to the extent practicable, must remain the same as the original flow characteristics.
5. The landowner responsible for improving the crossing or culvert shall be responsible for all repairs or maintenance caused by improper installation.
6. If at some future date an extended crossing or culvert is replaced as a repair, the landowners shall be responsible for replacement of the extended portion of the crossing or culvert.

Irrigation crossings shall be of a bridge-type that will not affect the flow of water, must be installed in a manner that will not restrict repairs on a system, and must be able to be removed easily. All costs associated with irrigation crossings shall be the responsibility of the landowner. The Drainage Authority reserves the right to regulate the width, depth and size of the crossing. If, after inspection, the crossing does not meet the Drainage Authority’s requirements, the crossing must be modified to meet the requirements or removed at the landowner’s expense.

The installation, repair, or replacement of a public crossing is handled in a similar manner. The cost of repair and maintenance of a public crossing over a county drainage system is the obligation of the road authority or political subdivision whose duty it is to maintain the crossing. The responsibility to inspect public crossings remains with the Drainage Authority.

14. EROSION CONTROL

The Drainage Authority shall actively promote erosion control measures that reduce future costly ditch clean outs and protect the downstream environment. Erosion control methods include, but are not limited to, the following:

A. Vegetation Control

   **Spraying Program.** The intent of vegetation control is primarily to prevent a growth of any type of tree or brush within the public drainage system or its right-of-way as a method to reduce future repair and maintenance costs. The Ditch Inspector shall conduct regular inspections of the public drainage system. After inspection, the Ditch Inspector may recommend a spraying program to the Drainage Authority for approval.

   **Approved Chemicals.** Only State and Federal approved chemicals shall be applied to eliminate trees and brush within the public drainage system. If landowners spray any private drainage system that flows into the public drainage system, only approved chemical shall be used.

   **Opt Out of Spraying Program.** Landowners who disapprove of chemical application shall notify the Mille Lacs County Drainage Authority in writing each year. The Landowner shall have the option to
remove all trees and brush in the ditch right-of-way at their own expense. If, upon inspection, the removal of the trees and brush is satisfactory, that portion of the ditch will be removed from the spraying area. If the tree and brush removal is not satisfactory, the Drainage Authority may order chemical spray to be applied.

**Mowing.** The Drainage Authority may, if cost effective, consider using a mower to control weeds along a system to prevent possible contamination of the water from spray.

**Tree Removal.** Trees that need to be removed from a drainage system will be removed in a manner that will not cause erosion. Trees may be chipped, piled and burned when dry, or buried. Landowners may remove trees at their own expense and liability, including damage to the public drainage system.

**B. Drop Inlet Pipe Structures**

The Drainage Authority will install drop inlet pipe structures, as a maintenance procedure, in areas where erosion is a problem. Drop inlet pipe structures, shown in Appendix H, will include the following:

1. Forty feet of pipe; dual wall plastic pipe preferred, with the first twenty feet of the outlet end being non-perforated steel pipe;
2. Blind tee;
3. Marker flag;
4. Five feet of perforated riser or trash guard, typically six inches in diameter; and
5. All excavation necessary to install the drop inlet pipe structure.

If a landowner requests extending the horizontal pipe beyond the edge of the spoil bank, all expenses associated with the additional extension shall be paid by the landowner. A landowner who has a private drain tile system that brings sub-surface water drainage into the public drainage system shall be solely responsible for the costs and installation of an adequate outlet into the public drainage system in accordance with Mille Lacs County Drainage Authority standards shown in Appendix H.

**C. Grass Buffer Strips**

The Mille Lacs County Drainage Authority is required to notify landowners of a violation of a grass buffer strip established under Minnesota Statutes § 103E.021. In Mille Lacs County, the Ditch Inspector will notify the landowner by use of the Notice of Violation form included as Appendix B. The landowner shall have 60 days to bring the area of non-compliance into compliance. If the area is not brought into compliance during this period, the Drainage Authority will proceed in a manner described in Minnesota Statutes § 103E.021 Subd. 4 and 5.

Agricultural practices such as plowing, tilling, pasturing, or other practices, which are not consistent with the purpose of the grass buffer strip, are prohibited. The grass buffer strip may be cut for hay. Grasses used to seed slopes and grass buffer strips must be resistant to sprays and chemicals used to control brush.

**15. MUNICIPAL USE OF A PUBLIC DRAINAGE SYSTEM**

Municipalities are encouraged to request transfer of all or part of a public drainage system being used for municipal drainage to the Municipality. The laws regarding such transfers are found in Minnesota Statutes §
103E.812. Municipalities using a Drainage System as an outlet must comply with State Law. Land within a municipality which is not already listed as benefitting from a drainage system, may not use a Drainage System without a petition under § 103E.411.

16. BEAVER CONTROL

When beaver dams are reported or discovered when inspecting drainage systems, a trapper will be retained by the Drainage Authority to remove the problem beaver. It is the trapper’s responsibility to contact the DNR for appropriate approval for trapping beavers out of season.

After the beavers are removed, the Drainage Authority Representative may hire a contractor to remove the beaver dam by mechanical means whenever possible. If explosives are to be used by a contractor, the contractor must be approved by the County Sheriff and provide permits and insurance. Ditch banks and areas affected by the dam removal areas will be restored and reseeded as necessary to prevent erosion.

17. MISCELLANEOUS DRAINAGE SYSTEM ISSUES

Livestock: Livestock are prohibited from drainage ditches, except to cross at approved locations. If livestock must cross a ditch, the preferred method is to have them cross at an installed crossing to prevent the livestock from entering the water. Livestock may be watered from a ditch but the access to the ditch must be controlled.

Manure: Manure shall be spread a minimum of 100 feet from the crown of the spoils and any stockpiling of manure shall be a minimum of 300 feet from the crown of the spoils, unless greater distances are imposed by other regulations.

Fences: No permanent fence may be installed closer than 16.5 feet from the crown of the spoil bank. When drainage system repairs are performed, gates may be installed in the property line fences next to each side of the ditch to allow for the access of equipment used for repairing the ditch.

Obstructions: Any existing or proposed obstruction in a drainage system must be properly engineered, and must be permitted by the Drainage Authority only after a hearing has been conducted in compliance with Minnesota Statutes § 103E.075. The Drainage Authority must be notified of any temporary obstruction that will disrupt flow and drainage for more than 2 days.

Deer Stands: Deer stands and other facilities used for recreation shall not be placed closer than 16.5 feet from the crown of the ditch. Any structure blocking maintenance to the ditch will be removed by the Drainage Authority regardless of its distance from the ditch.

Rock and Debris: Rock and debris are prohibited within the in-slope of a drainage ditch. Debris shall not be dumped within 16.5 feet of the crown of the spoil bank.

Building Setbacks: No permanent structure shall be built within 200 feet on each side of the centerline of official county ditches in accordance with the Mille Lacs County Development Ordinance.
18. REMOVAL AND ABANDONMENT

Removal of property or abandonment of any section of drainage system will follow Minnesota Statutes § 103E.805 or § 103E.811.

THIS POLICY IS ADOPTED AND EFFECTIVE __March 7, 2017__ BY THE MILLE LACS COUNTY DRAINAGE AUTHORITY.
APPENDIX A – INSPECTION SCHEDULE

The ditch inspections referred to maintenance requests and repairs will be conducted in addition to the regularly scheduled inspections. With the discovery of a violation, these scheduled inspections will be completed regardless of the current condition or pending requests for maintenance alone.

Each ditch will be inspected on a 5 year schedule as required by Minnesota statute 327D. Inspections are spread out to allow for repeat inspections as needed.

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<th>Miles Inspected</th>
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<th>5.36</th>
<th>6.89</th>
<th>5.86</th>
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| County Ditch 3  |      |      |      |      |      |      |
| County Ditch 14 |      |      |      |      |      |      |
| County Ditch 11 |      |      |      |      |      |      |
| County Ditch 7  |      |      |      |      |      |      |
| County Ditch 6  |      |      |      |      |      |      |
| County Ditch 5  |      |      |      |      |      |      |
| Branch 1-5      |      |      |      |      |      |      |
| Branch 4        |      |      |      |      |      |      |
| Branch 2        |      |      |      |      |      |      |
| County Ditch 1  |      |      |      |      |      |      |

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<td>2019</td>
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<tr>
<td>2018</td>
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<tr>
<td>2017</td>
</tr>
<tr>
<td>2016</td>
</tr>
<tr>
<td>2015</td>
</tr>
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</table>
<Date>

<Address>

Re: Notice of Violation
P.I.D # XX-XXX-XXX

Dear <Landowner>,

The purpose of this letter is to notify you that you are in violation of Minnesota Statutes Chapter 103E.705 with regard to the permanent vegetated buffer strips along <drainage system ID>.

I am the Drainage Inspector for Mille Lacs County and on <date> I observed the following: [Provide detailed description of violation from inspection report, Include information such as photos, drawings, GPS locations, written descriptions of observations.]

You must remedy the violation by <date – 60 days from notice>. To remedy the violation, you must [provide detailed summary of repairs necessary to fix violation].

If you fail to remedy the violation by <date – 60 days from notice>, Mille Lacs County will perform the work and charge you for the costs pursuant to Minnesota Statutes Chapter 103E.705 Subd. 2.

Please contact me with questions.

Sincerely,

<Inspector>

Enclosure: <Photos/documentation>
APPENDIX D – PETITIONED REPAIR FLOW CHART

Additional Right-of-Way Not Required

Petition for Repair
NOTICE OF DITCH ASSESSMENT DIVISION AGREEMENT

TO: COUNTY RECORDER FOR MILLE LACS COUNTY

Notice is hereby given that on ____________, 20__, a Ditch Assessment Division Agreement (the “Agreement), which is attached as Exhibit A, was entered into by <> and <> (the “Parties”) regarding <ditch name and number>. This Agreement was entered into to clarify how future benefits for <ditch name and number> would be calculated for the subdivided property described in Exhibit B. The allocation of ditch benefits prior to and subsequent to the property subdivision is described in Exhibit A.

The Ditch Assessment Division Agreement shall be deemed to run with the land and shall be binding upon the parties’ successors and assigns.

Dated: ________________, 20__

Dated: ________________, 20__

Dated: ________________, 20__

Dated: ________________, 20__
STATE OF MINNESOTA  )
   ) SS
COUNTY OF ___________  )

   On this ____ day of ____________, 20__, before me, a Notary Public within and for said County, personally appeared ______________________, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

___________________________________
Notary Public

STATE OF MINNESOTA  )
   ) SS
COUNTY OF ___________  )

   On this ____ day of ____________, 20__, before me, a Notary Public within and for said County, personally appeared ______________________, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

___________________________________
Notary Public

STATE OF MINNESOTA  )
   ) SS
COUNTY OF ___________  )

   On this ____ day of ____________, 20__, before me, a Notary Public within and for said County, personally appeared ______________________, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

___________________________________
Notary Public

THIS INSTRUMENT DRAFTED BY:
________________________________________
________________________________________
________________________________________
Phone: (___)______________________
EXHIBIT A

DITCH ASSESSMENT DIVISION AGREEMENT

Mille Lacs County Auditor’s Office

Date Mailed: ____________
Beginning Payable: ____________

I hereby certify that the following is a correct statement of the assessment of benefits assessed against the property below described, the said assessment having been made in the matter of ______________________________
Ditch # _____________________ - (ditch name and number).

<table>
<thead>
<tr>
<th>Name of Owners</th>
<th>Description of Land</th>
<th># of Acres in Tract</th>
<th>Original Amount of Benefits for Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
</tbody>
</table>

In order that any future assessments against said ditch system may be assessed separately, we the undersigned hereby agree to the following division of the benefits against the property. Described below as follows:

<table>
<thead>
<tr>
<th>Name of Owners After Property Split</th>
<th>Description of Land</th>
<th># of Acres in Tract</th>
<th>Amount of Benefits for Split Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ ( %)</td>
</tr>
</tbody>
</table>

Note - copy has been sent to all parties.

Owners Signature
Name
Address
Phone ____________ Date ________

Owners Signature
Name
Address
Phone ____________ Date ________
Exhibit B

(Subdivided Property Description)
APPENDIX F – EXAMPLE RESOLUTION FOR YEAR-END DITCH FUND TRANSFERS

Board of County Commissioners
Mille Lacs County, Minnesota

Resolution Number: 1-17-17-05

2016 END-OF-YEAR DITCH FUND TRANSFERS

WHEREAS, the County Board, acting as the Ditch Authority, must approve reimbursement from applicable ditch funds to Public Works, Land Services, and the General Fund for expenses incurred for ditch work.

To Public Works:
County Ditch 28 $293.02
County Ditch 3 $70.93
County Ditch 4 $20.93
County Ditch 148 $460.47

To the Land Services Office:
County Ditch 1 $687.63
County Ditch 28 $2,271.56
County Ditch 3 $2,670.80
County Ditch 4 $3,646.46
County Ditch 5 $697.41
County Ditch 6 $876.74
County Ditch 7 $657.56
County Ditch 11 $697.41
County Ditch 148 $3,307.72

To Per Diems:
County Ditch 1 $5.00
County Ditch 28 $95.00
County Ditch 3 $5.00
County Ditch 4 $5.00
County Ditch 5 $5.00
County Ditch 6 $5.00
County Ditch 7 $5.00
County Ditch 11 $5.00
County Ditch 148 $50.00

To Mileage:
County Ditch 1 $3.48
County Ditch 28 $15.36
County Ditch 3 $3.48
County Ditch 4 $3.48
County Ditch 5 $3.48
County Ditch 6 $3.48
County Ditch 7
County Ditch 11
County Ditch 14B

To Commissioners Professional Expenses:
County Ditch 2B
County Ditch 14B

To the General Fund:
Ditch 14A
Ditch 2A

AND WHEREAS, the accounts for County Ditches 2B and 14B do not have sufficient funds to cover the expenses and will require loans from the General Fund, with such loans to be established with an annual interest rate of 3%.

County Ditch 2B
County Ditch 14B

NOW, THEREFORE, BE IT RESOLVED that the following payments and transfers shall be effective December 31, 2016:

<table>
<thead>
<tr>
<th>From Account:</th>
<th>To Account:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-652-001-6803, CD2B</td>
<td>10-310-5591, Public Works</td>
<td>$293.03</td>
</tr>
<tr>
<td>12-653-6803, CD3</td>
<td>10-310-5591, Public Works</td>
<td>$20.93</td>
</tr>
<tr>
<td>12-654-6803, CD4</td>
<td>10-310-5591, Public Works</td>
<td>$20.93</td>
</tr>
<tr>
<td>12-664-001-6803, CD14B</td>
<td>10-310-5591, Public Works</td>
<td>$460.47</td>
</tr>
<tr>
<td>12-651-6803, CD1</td>
<td>01-107-5591, Land Services</td>
<td>$637.63</td>
</tr>
<tr>
<td>12-652-001-6803, CD2B</td>
<td>01-107-5591, Land Services</td>
<td>$2,271.56</td>
</tr>
<tr>
<td>12-653-6803, CD3</td>
<td>01-107-5591, Land Services</td>
<td>$2,670.08</td>
</tr>
<tr>
<td>12-654-6803, CD4</td>
<td>01-107-5591, Land Services</td>
<td>$3,646.46</td>
</tr>
<tr>
<td>12-655-6803, CD5</td>
<td>01-107-5591, Land Services</td>
<td>$697.41</td>
</tr>
<tr>
<td>12-656-6803, CD6</td>
<td>01-107-5591, Land Services</td>
<td>$876.74</td>
</tr>
<tr>
<td>12-657-6803, CD7</td>
<td>01-107-5591, Land Services</td>
<td>$657.56</td>
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<tr>
<td>12-661-6803, CD11</td>
<td>01-107-5591, Land Services</td>
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<td>12-664-001-6803, CD14B</td>
<td>01-107-5591, Land Services</td>
<td>$3,307.72</td>
</tr>
<tr>
<td>12-651-6803, CD1</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
<tr>
<td>12-652-001-6803, CD2B</td>
<td>01-003-6107, Per Diems</td>
<td>$95.00</td>
</tr>
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<td>12-653-6803, CD3</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
<tr>
<td>12-654-6803, CD4</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
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<td>12-655-6803, CD5</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
<tr>
<td>12-656-6803, CD6</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
<tr>
<td>12-657-6803, CD7</td>
<td>01-003-6107, Per Diems</td>
<td>$5.00</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>12-661-6803, CD11</td>
<td>01-003-6107, Per Diem</td>
<td>$5.00</td>
</tr>
<tr>
<td>12-664-001-6803, CD14B</td>
<td>01-003-6107, Per Diem</td>
<td>$95.00</td>
</tr>
<tr>
<td>12-651-6803, CD1</td>
<td>01-003-6331, Mileage</td>
<td>$3.48</td>
</tr>
<tr>
<td>12-652-001-6803, CD2B</td>
<td>01-003-6331, Mileage</td>
<td>$15.36</td>
</tr>
<tr>
<td>12-653-6803, CD3</td>
<td>01-003-6331, Mileage</td>
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<td>01-003-6331, Mileage</td>
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<td>01-003-6331, Mileage</td>
<td>$3.48</td>
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<tr>
<td>12-656-6803, CD6</td>
<td>01-003-6331, Mileage</td>
<td>$3.48</td>
</tr>
<tr>
<td>12-657-6803, CD7</td>
<td>01-003-6331, Mileage</td>
<td>$3.48</td>
</tr>
<tr>
<td>12-661-6803, CD11</td>
<td>01-003-6331, Mileage</td>
<td>$3.48</td>
</tr>
<tr>
<td>12-664-001-6803, CD14B</td>
<td>01-003-6331, Mileage</td>
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<tr>
<td>12-652-001-6803, CD2B</td>
<td>01-003-6261</td>
<td>$944.00</td>
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<tr>
<td>12-664-001-6803, CD14B</td>
<td>01-003-6261</td>
<td>$42.50</td>
</tr>
<tr>
<td>12-664-6905, CD14A</td>
<td>01-060-5910, General Fund</td>
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</tr>
<tr>
<td>12-652-6905, CD2A</td>
<td>01-060-5910, General Fund</td>
<td>$13,282.09</td>
</tr>
<tr>
<td>01-811-6905, Misc.</td>
<td>12-652-001-5910, CD2B</td>
<td>$12,788.64</td>
</tr>
<tr>
<td>01-811-6905, Misc.</td>
<td>12-664-001-5910, CD14B</td>
<td>$3,588.45</td>
</tr>
</tbody>
</table>

Adopted this 17th day of January, 2017.

ATTEST:

[Signature]
Pat Oman
County Administrator

[Signature]
Roger Tellinghuisen
County Board Chairman
<table>
<thead>
<tr>
<th>Ditch Name</th>
<th>Lateral/Breach</th>
<th>Source</th>
<th>Original Crossing Type</th>
<th>Structure Description</th>
<th>Station</th>
<th>Year Proceeding Repa</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Ditch 1</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C01-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>12345-67</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 2</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C02-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>78901-23</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 3</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C03-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>34567-89</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 4</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C04-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>90123-45</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 5</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C05-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>56789-01</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 6</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C06-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>01234-56</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 7</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C07-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>67890-12</td>
<td>1927</td>
</tr>
<tr>
<td>County Ditch 8</td>
<td>Main Ditch</td>
<td>Engineer's Report</td>
<td>C08-OS-12, 1927</td>
<td>N/A</td>
<td>Steel/Reinforced Concrete</td>
<td>12345-67</td>
<td>1927</td>
</tr>
</tbody>
</table>
Outlet Construction

See Note No. 3

Notes:
1. Pipe and must be flush with ditch bank.
2. Corrugated steel pipe must be the same or larger nominal diameter as the field tile.
3. The portion within the outlet construction must be at least four times the nominal pipe diameter.
4. Place screens in outlet and seal area necessary to maintain slope and prevent erosion.

Tile Outlet Detail

HDPE Drain Tile
Corrugated Steel Pipe
Rodent Guard

Soil Tight Joint
Wrap With Geotextile Fabric

12 in. Min.
20 ft. Min.

Butt Joint Detail

Existing Drain Tile
Corrugated Steel Pipe
Rodent Guard

Wrap Full Circumference
With Geotextile Fabric

12 in. Min.
24 in. Min.

Notes:
1. Pipe and must be flush with ditch bank.
2. Corrugated steel pipe must be the same or larger nominal diameter as the field tile.
APPENDIX I – REDETERMINATION OF BENEFITS AND DAMAGES FLOW CHART

Redetermination of Benefits and Damages
APPENDIX J – IMPOUNDMENT PETITION FLOW CHART

Imprisoning, Retarding, and Diverting Drainage System Waters