

106.531 Use of system as outlet. After the construction of any county or judicial ditch, no public or private ditch or ditch system, either open or tiled, for the drainage of land not assessed for benefits for such ditch, shall be constructed so as to use the ditch as an outlet without having first secured express authority so to do from the county board, in the case of a system lying wholly within one county, or from the district court of the county in which a system lying wholly within one county was established, in the case where the lands for which an outlet is sought lie within another county or from the district court that originally ordered the construction, in the case of a system extending into two or more counties. Any person desiring to so utilize an existing ditch shall petition the board or court. Upon filing the petition, the auditor, or clerk with the approval of the judge, shall fix a time and place for hearing thereon and shall give notice of the hearing by mailed notice and publication. Upon the hearing the board or court shall consider the capacity of the outlet ditch and, if consent be given to construct the ditch or ditch system, shall fix by order the terms and conditions for the use of the ditch as an outlet and shall fix the amount that shall be paid therefor. No private ditch or ditch system shall be constructed using the ditch as an outlet until the sum fixed by the order is paid by the petitioner to the county treasurer of the county wherein petitioner's property is located. The amount so fixed for an outlet charge for any proposed public ditch or ditch system shall be deemed a part of the cost of such proposed ditch or ditch system to be paid by assessment against the lands and properties benefited by the proposed ditch or ditch system, as provided by section 106.341, and credited to the fund of the existing ditch. The order shall also describe the property to be benefited by the ditch or ditch system and shall fix the amount of benefits to such property for the outlet. The property so benefited shall be liable for assessments thereafter levied in such ditch system, on the basis of the benefits so found, the same as though such benefits had been determined in the original order establishing the ditch.

Approved April 17, 1959.

CHAPTER 312—H. F. No. 601

[Not Coded]

An act relating to the salary of the sheriff of Wright County.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Wright County, sheriff's salary.** The salary of the sheriff of Wright county shall not exceed \$6500 per annum.

Sec. 2. Any other statute to the contrary or inconsistent herewith is hereby repealed.

Sec. 3. This act becomes effective upon approval by the county board of Wright county.

Approved April 17, 1959.

CHAPTER 313—H. F. No. 741

An act relating to the duties of appraisers with relation to watershed districts; amending Minnesota Statutes 1957, Section 112.50, Subdivision 1; repealing Minnesota Statutes 1957, Section 112.50, Subdivisions 2 and 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 112.50, Subdivision 1, is amended to read:

112.50 **Appraisers, duties.** Subdivision 1. Upon the filing of the engineer's detailed survey and report the managers shall, with the least possible delay, appoint three disinterested resident freeholders of the state to act as appraisers. These appraisers shall subscribe an oath to faithfully and impartially perform their duties, and then proceed to personally inspect and examine all lands, *including lands owned by the state of Minnesota or any department thereof*, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. *The appraisers shall be governed by Minnesota Statutes 1957, Section 106.672.* The appraisers shall receive \$25 per day and necessary expenses while engaged in the performance of their official duties, to be paid by the district and included in the cost of improvement.

Sec. 2. *Minnesota Statutes 1957, Section 112.50, Subdivisions 2 and 3, are hereby repealed.*

Approved April 17, 1959.
