

## CHAPTER 106

## DRAINAGE

106.011	Repealed.	106.371	Repealed.
106.015	Repealed.	106.381	Repealed.
106.021	Repealed.	106.383	Repealed.
106.031	Repealed.	106.391	Repealed.
106.041	Repealed.	106.401	Repealed.
106.051	Repealed.	106.411	Repealed.
106.061	Repealed.	106.421	Repealed.
106.071	Repealed.	106.431	Repealed.
106.081	Repealed.	106.441	Repealed.
106.091	Repealed.	106.451	Repealed.
106.101	Repealed.	106.461	Repealed.
106.111	Repealed.	106.465	Repealed.
106.121	Repealed.	106.471	Repealed.
106.131	Repealed.	106.481	Repealed.
106.141	Repealed.	106.491	Repealed.
106.151	Repealed.	106.501	Repealed.
106.161	Repealed.	106.511	Repealed.
106.171	Repealed.	106.521	Repealed.
106.181	Repealed.	106.531	Repealed.
106.191	Repealed.	106.541	Repealed.
106.201	Repealed.	106.551	Repealed.
106.211	Repealed.	106.561	Repealed.
106.221	Repealed.	106.571	Repealed.
106.231	Repealed.	106.581	Repealed.
106.241	Repealed.	106.591	Repealed.
106.251	Repealed.	106.601	Repealed.
106.261	Repealed.	106.611	Repealed.
106.271	Repealed.	106.621	Repealed.
106.281	Repealed.	106.631	Repealed.
106.291	Repealed.	106.641	Repealed.
106.301	Repealed.	106.651	Repealed.
106.311	Repealed.	106.652	Repealed.
106.321	Repealed.	106.661	Repealed.
106.331	Repealed.	106.671	Repealed.
106.341	Repealed.	106.672	Repealed.
106.351	Repealed.	106.673	Repealed.

**106.011** [Repealed, 1985 c 172 s 133]**106.015** [Repealed, 1985 c 172 s 133]**106.021** [Repealed, 1985 c 172 s 133]**106.031** [Repealed, 1985 c 172 s 133]**106.041** [Repealed, 1985 c 172 s 133]**106.051** [Repealed, 1985 c 172 s 133]**106.061** [Repealed, 1985 c 172 s 133]**106.071** [Repealed, 1985 c 172 s 133]**106.081** [Repealed, 1985 c 172 s 133]**106.091** [Repealed, 1985 c 172 s 133]**106.101** [Repealed, 1985 c 172 s 133]**106.111** [Repealed, 1985 c 172 s 133]**106.121** [Repealed, 1985 c 172 s 133]**106.131** [Repealed, 1985 c 172 s 133]**106.141** [Repealed, 1985 c 172 s 133]**106.151** [Repealed, 1985 c 172 s 133]**106.161** [Repealed, 1985 c 172 s 133]**106.171** [Repealed, 1985 c 172 s 133]**106.181** [Repealed, 1985 c 172 s 133]**106.191** [Repealed, 1985 c 172 s 133]

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**106.361** [Repealed, 1985 c 172 s 133]  
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**106.451** [Repealed, 1985 c 172 s 133]  
**106.461** [Repealed, 1985 c 172 s 133]  
**106.465** [Repealed, 1985 c 172 s 133]  
**106.471** [Repealed, 1985 c 172 s 133; 1985 c 102 s 2; 1Sp1985 c 16 art 2 s 19 subd 2]  
**106.481** [Repealed, 1985 c 172 s 133]  
**106.491** [Repealed, 1985 c 172 s 133]  
**106.501** [Repealed, 1985 c 172 s 133]  
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**106.541** [Repealed, 1985 c 172 s 133]  
**106.551** [Repealed, 1985 c 172 s 133]  
**106.561** [Repealed, 1985 c 172 s 133]  
**106.571** [Repealed, 1985 c 172 s 133]  
**106.581** [Repealed, 1985 c 172 s 133]  
**106.591** [Repealed, 1985 c 172 s 133]  
**106.601** [Repealed, 1985 c 172 s 133]  
**106.611** [Repealed, 1985 c 172 s 133]

**106.621 [Repealed, 1985 c 172 s 133]****106.631 [Repealed, 1985 c 172 s 133]**

NOTE: Subdivisions 2 and 4 were amended by Laws 1985, chapter 248, sections 28 and 29, to read as follows:

"Subd. 2. **Procedure on appeal.** (a) Any person appealing on the first or second ground named, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days after the filing of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice.

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situated in the county other than the county where the drainage proceedings are pending, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of the district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceedings so far as they pertain to the matters on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(c) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision."

"Subd. 4. **Appeal from orders.** Any party aggrieved thereby may appeal to the district court of the county where the proceedings are pending from any order made by the county board dismissing the petition for any drainage system or establishing or refusing to establish any drainage system. The appellant shall serve notice of appeal. Upon such appeal being perfected, it may be brought on for trial by either party upon ten days notice to the other, and shall then be tried by the court without a jury. The court shall examine the whole matter and receive evidence to determine whether the findings made by the county board can be sustained. At such trial the findings made by the county board shall be *prima facie* evidence of the matters therein stated, and the order of the county board shall be deemed *prima facie* reasonable. If the court shall find that the order appealed from is lawful and reasonable, it shall be affirmed. If the court finds that the order appealed from is arbitrary, unlawful, or not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it or remand such matter to the county board for further proceeding before the board. After determination of the appeal, the county board shall proceed in conformity therewith.

If such appeal be from an order establishing a ditch, the trial of any appeals from benefits or damages in the ditch proceeding shall be stayed pending the determination of such appeal; and, if the order establishing be affirmed, any such appeals from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to establish a ditch, and if the court thereafter by order establishes the ditch, the county auditor shall give notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the ditch by number or other descriptive designation and recites the purpose of the order and the date of filing in the court. Any person aggrieved thereby may appeal to the district court upon the grounds and as provided by subdivisions 1 and 2, and such appeal shall be made as required by subdivision 2 within 30 days after the completion of publication of notice as herein required."

**106.641 [Repealed, 1985 c 172 s 133]****106.651 [Repealed, 1985 c 172 s 133]****106.652 [Repealed, 1985 c 172 s 133]****106.661 [Repealed, 1985 c 172 s 133]****106.671 [Repealed, 1985 c 172 s 133]****106.672 [Repealed, 1985 c 172 s 133]****106.673 [Repealed, 1985 c 172 s 133]**