

Redetermination of Benefits Examples

Martin County

Judicial Ditch No. 32: (all subsurface tile system)
Original benefits of \$21,130 for 337 acres in 1914. After redetermination of benefits in 2005, the drainage system has benefits of \$349,601 for 952 acres. Redetermination cost was \$2.88 per acre.

County Ditch No. 11: Original benefits of \$137,682 for 2,312 acres in 1908. After redetermination of benefits in 2009, total benefits of \$6,807,504 for 11,003 acres. A total of 56.7 acres of buffer strips were acquired and established by the drainage system. Redetermination cost was \$2.36 per acre.

Kandiyohi County

County Ditch No. 10: Original benefits of \$904,170 for 8,004 acres in 1898. After redetermination of benefits in 2010-11, total benefits of \$6,537,384 for 15,722 acres. A total of 30.8 acres of buffer strips will be acquired and established by the drainage system. Redetermination cost was \$3.18 per acre.

County Ditch No. 38: (all subsurface tile system)
Original benefits of \$22,995 for 472 acres in 1917. After redetermination of benefits in 2010-11, total benefits of \$765,867 for 1,206 acres. Redetermination cost was \$3.75 per acre.

Bois de Sioux Watershed District

Judicial Ditch No. 2: Original benefits of \$20,507 for 17,577 acres circa 1900. After redetermination of benefits in 1999, total benefits of \$3,927,667 for 59,690 acres. A total of 15.1 acres of buffer strips were acquired and established by the drainage system. Redetermination cost was approximately \$2.00 - \$3.00 per acre.

Drainage Work Group Membership

Drainage Authorities

Association of Minnesota Counties (AMC)
MN Assn. of Watershed Districts (MAWD)

Farm Groups

Minnesota Farm Bureau (MFB)
Minnesota Farmers Union (MFU)
MN Ag. Water Resources Coalition (MAWRC)
Agricultural Drainage Mgmt. Coalition (ADMC)
Representative for several other Ag Groups

Environmental Groups

MN Center for Enviro. Advocacy (MCEA)
Fish and Wildlife Legislative Alliance (FWLA)
Minnesota Conservation Federation (MCF)

Other Associations

Minnesota Association of Soil and Water
Conservation Districts (MASWCD)
Minnesota Viewers Association (MVA)
MN Assn. of County Officers (MACO)
MN Assn. of Drainage Inspectors (MADI)
Red River Water Mgmt. Board (RRWMB)
MN Association of Townships (MAT)

State Agencies

Board of Water and Soil Resources (BWSR)
Department of Natural Resources (DNR)
MN Department of Agriculture (MDA)
MN Pollution Control Agency (MPCA)

State Legislature

Legislators and/or House and Senate Staff

Minnesota Statutes Chapter 103E – Drainage

Redetermination of Benefits and Damages for Drainage Systems



**An Overview Prepared in
Collaboration with the
Stakeholder
Drainage Work Group
for
Drainage Authorities,
Landowners and Others**

www.bwsr.state.mn.us/drainage
(under “Drainage Work Group”)

Key Definitions

Redetermination of Benefits and Damages:

A procedure in Chapter 103E, Section 103E.351 to update the determination of benefits and damages for affected parcels and properties of a drainage system, and the total value of benefits for the drainage system.

Drainage Authority: County or watershed district boards, or joint county boards, authorized by Minnesota statutes to administer public drainage systems under Chapter 103E.

Viewers: Residents of Minnesota who are qualified to determine benefits and damages of drainage systems and are appointed by the drainage authority for that purpose.

Minnesota Viewers Association

www.mndrainageviewers.org

Why Redetermine Benefits

- 1) Benefited lands and benefits of many public drainage systems have not been updated for decades, some for over a century.
- 2) Drainage system benefits are determined at one point in time, with no provision in Chapter 103E to index for inflation over time. The cost of a repair cannot exceed the total value of benefits of the drainage system on record.
- 3) The drainage system repair fund limit is 20% of the total assessed benefits of the system, or \$100,000, whichever is greater.
- 4) Chapter 103E projects that require right-of-way (establishment, improvement, or repair by resloping of ditch side slopes) must have viewers appointed to determine associated benefits and damages. Partial system projects can create benefit inequities.

- 5) As new private drainage is outlet into a public drainage system, the total benefits of the system and the relative benefits to land parcels and other infrastructure change. These benefits and associated assessments for repairs can only be updated via a redetermination of benefits and damages.

How Benefits and Damages are Redetermined

Viewers first verify or identify the land parcels, roads and other infrastructure served by a Chapter 103E drainage system. Viewers then use mass appraisal methods to determine benefits of the drainage system. A number of variables, including land use, productivity and value, drainage outlet potential, and drainage system requirements or impacts are used by viewers to determine drainage system benefits and damages. The redetermined benefits replace those used to apportion drainage system repair or maintenance assessments.

Systematic Redetermination of Benefits

A number of drainage authorities in Minnesota have undertaken a systematic redetermination of benefits and damages for all of the Chapter 103E drainage systems under their jurisdiction, including surface ditches and subsurface tile systems. These drainage authorities include: Freeborn, Martin, Steele, Sibley, Kandiyohi and Faribault Counties. Freeborn County started in 1995 and will complete redeterminations for all of its 119 Chapter 103E public drainage systems in 2011. Martin County started in 2001 and is well along with redeterminations for its 200+ Chapter 103E public drainage systems.

Required Drainage Ditch Buffer Strips

Section 103E.021 requires the establishment of minimum 1-rod (16.5 ft.) buffer strips of perennial vegetation along Chapter 103E drainage ditches whenever viewers are appointed, including for a redetermination of benefits. Land rights for the buffer strips are acquired by the drainage system. Harvesting of perennial vegetation remains a right of the landowner or assigns. The primary purposes of these buffer strips are to improve ditch bank stability and reduce ditch maintenance by setting back tillage from the top of the ditch bank, and to trap sediment and nutrients from adjacent wind erosion and runoff.



Until buffer strip right-of-way is acquired by the drainage system, eligible agricultural lands can sign up for the USDA Continuous Conservation Reserve Program (CCRP). For land enrolled in CCRP prior to right-of-way acquisition by the drainage system, the landowner can collect annual program payments for 10 to 15 years, as well as payment for the land rights acquired by the drainage system. CCRP buffers must be at least 30 ft. wide and harvesting is not allowed. Alternatively, land for buffer strips may be eligible for other state and local buffer programs.