

Minnesota Drainage Law for Township Supervisors

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History of Drainage in Minnesota

1. 1903 to 1918
2. 1918 to 1955
3. 1955 to 1975
4. 1975 to Present

Understanding the Basics of Drainage

Reasonable Use Test and Criteria

- A person or entity shall not drain their property or block drainage, if it unreasonably harms their neighbor.
 - Reasonable need for drainage.
 - Reasonable care taken to avoid unnecessary damage to land downstream or upstream.
 - Use improvement of natural drainage where possible and reasonable artificial drainage system.

Public vs. Private Drainage Systems

- Ownership issues
- Responsibility issues
- Maintenance issues

Public Drainage Systems

Under Minnesota Statutes 103E

1. County Board, Joint Board or Watershed District is the Drainage Authority.
2. Types of Public Drainage Projects:
 - a) Establishment
 - b) Improvement
 - c) Repairs

Notes: 2019 Spring Short Course

Responsibility of Township as Road Authority

1. Never change a culvert unless there is a road or right-of-way reason to change culvert.
2. Responsibility of Road Authority to maintain culverts that are part of public drainage systems under Minnesota Statutes 103E.
3. Repair means to install culvert of same size and elevation as originally constructed.
4. Township should always check whether a culvert is part of a public drainage system and investigate the original size and elevation.
5. Maintaining culverts and bridge on joint township roads.
6. Minnesota Statutes § 103E.525, Subd. 5, must be paid equally by both Townships.
7. When natural drainage runs to a township road, the owner has the right to connect to drain or ditch within township road right-of-way, but only after receiving a written permit from the Township. Minnesota Statutes § 160.20.
8. The Township has the power to prescribe and enforce reasonable rules and conditions to allow the connection and petitioner has responsibility to leave township road in as good a condition as it was before the connection.

Questions and Discussion

Thank you!

Please feel free to contact Rinke Noonan if you need any additional information. www.rinkenoonan.com

Office of the Revisor of Statutes

2018 Minnesota Statutes

Authenticate 

103E.525 CONSTRUCTING AND MAINTAINING BRIDGES AND CULVERTS.

Subdivision 1. Hydraulic capacity. A public or private bridge or culvert may not be constructed or maintained across or in a drainage system with less hydraulic capacity than specified in the detailed survey report, except with the written approval of the director. If the detailed survey report does not specify the hydraulic capacity, a public or private bridge or culvert in or across a drainage system ditch may not be constructed without the director's approval of the hydraulic capacity.

Subd. 2. Road authority responsibility. Bridges and culverts on public roads required by the construction or improvement of a drainage project or system must be constructed and maintained by the road authority responsible for keeping the road in repair, except as provided in this section.

Subd. 3. Notice; charging cost. The auditor shall notify the state and each railroad company, corporation, or political subdivision that they are to construct a required bridge or culvert on a road or right-of-way under their jurisdiction, within a reasonable time as stated in the notice. If the work is not done within the prescribed time, the drainage authority may order the bridge or culvert constructed as part of the drainage project construction. The cost must be deducted from the damages awarded to the corporation or collected from it as an assessment for benefits. If the detailed survey report or viewers' report shows that the construction of the bridge or culvert is necessary, the drainage authority may, by order, retain an amount to secure the construction of the bridge or culvert from amounts to be paid to a railroad, corporation, or political subdivision.

Subd. 4. Construction on line between two cities. The costs of constructing a bridge or culvert that is required by construction of a drainage project on a public road that is not a state trunk highway on the line between two statutory or home rule charter cities, whether in the same county or not, must be paid jointly, in equal shares, by the cities. The cities shall pay jointly, in equal shares, for the cost of maintaining the bridge or culvert.

Subd. 5. Construction on town and county lines. The cost of constructing and maintaining bridges and culverts on a town or county road across a drainage system ditch constructed along the boundary line between towns or counties, with excavated material deposited on the boundary line or within 33 feet of the line, must be paid equally by the town or county where the bridge or culvert is located and the other town or county adjoining the boundary.

History: *1990 c 391 art 5 s 68; 2013 c 4 s 11*

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160.20 MS 1953 [Repealed, 1957 c 943 s 72]

160.20 DRAINAGE.

Subdivision 1. Connecting drains to highway drains. When the course of natural drainage of any land runs to a highway, the owner of the land shall have the right to enter upon the highway for the purpose of connecting a drain or ditch with any drain or ditch constructed along or across the highway, but before making the connections, shall first obtain a written permit for the connections from the road authority having jurisdiction. The connections shall be made in accordance with specifications set forth in the permits. The road authority shall have power to prescribe and enforce reasonable rules and regulations with reference to the connections. The highway shall be left in as good condition in every way as it was before the connection was made.

Subd. 2. Constructing tile drain across highway. If any person desires during construction or reconstruction of a highway to install a tile drain for agricultural benefits in a natural drainage line in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the right-of-way and the tile line must be projected across the right-of-way to a suitable outlet, the expense of both material and labor used in installing the tile drain across the roadbed shall be paid from funds available for the roads affected provided the road authority is notified of the necessity of the tile drain in advance of the construction of the roadbed so that the drain may be placed and the roadbed constructed in the same operation.

Subd. 3. Installing drain tile along or across highway. When the course of natural drainage of any land runs to a highway, the owner of the land who has been granted a permit as provided in subdivision 4 may install drain tile along or across the highway right-of-way along the general course of the natural drainageway, provided further that there will be no diversion of drainage waters away from the natural receiving drainageway immediately downstream from the highway. Any installation shall be made in accordance with specifications set forth in the permit and any rules that apply to the installations. When any installation is made pursuant to this subdivision the highway shall be left in as good condition in every respect as it was before the installation was made.

Subd. 4. Conditions. (a) A road authority may accept applications for permits for installation of drain tile along or across the right-of-way under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting a permit. Permits for installation along a highway right-of-way must ensure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. A permit must not allow open trenches to be left on the right-of-way after installation of the drain tile is completed. A road authority that grants a permit for tile drain installation is not responsible for damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(b) A person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this section is guilty of a misdemeanor.

(c) The commissioner shall take no action under this section which will result in the loss of federal aid for highway construction in the state.

(d) For the purpose of subdivisions 2 to 4, "highway" means any highway as defined in section 160.02 which is located outside the corporate limits of a home rule charter or statutory city.

History: *1959 c 500 art 1 s 20; 1979 c 294 s 1; 1984 c 417 s 2,3; 1986 c 444; 2015 c 75 art 2 s 5*