

STATE OF MINNESOTA
Before the
HERON LAKE WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY FOR
HERON LAKE WATERSHED DISTRICT PROJECT 4

In the Matter of:

**the Redetermination of Benefits of Heron
Lake Watershed District
Project 4**

FINDINGS AND ORDER
INITIATING THE REDETERMINATION OF
BENEFITS AND APPOINTING VIEWERS

The Board of Managers (Board) of the Heron Lake Watershed (HLWD), sitting as the drainage authority for Heron Lake Watershed District Project 4, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Wayne Rasche moved, seconded by Harvey Kruger to adopt the following Findings and Order:

Findings:

1. The Order Establishing Ditch for Project 4 was approved by the Board of the HLWD (previously known as the Middles Des Moines Watershed District) on February 21, 1976.
2. Pursuant to Minn.Stat. § 103D.625, the Board of Managers of the HLWD is the drainage authority for HLWD Project 4.
3. Benefits for HLWD Project 4 were determined concurrent with establishment in 1976, prior to the initiation of modern, intensive farming and drainage practices within the HLWD.
4. The 1976 benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties prevailing at that time.
5. Since the 1976 establishment of HLWD Project 4, the original determination of benefits and damages, land uses and drainage practices have changed resulting in the acceleration of and increase to the flow of water within the drainage system changing the nature and value of benefits accruing to lands from construction of HLWD Project 4.

6. Since the 1976 determination of benefits and damages, land values have changed significantly within the benefited area of HLWD Project 4 and do not reflect reasonable present day land values.
7. On February 3, 2015, the Jackson County Commissioners ordered a redetermination of benefits for HLWD Project 4. It was later determined that Jackson County is not the drainage authority for this ditch system, rather the HLWD is the drainage authority for the ditch system.
8. Hence, based upon the foregoing, the HLWD finds that the conditions required for the initiation of a redetermination of benefits as set forth in Minn.Stat. § 103E.351, Subd. 1, exist and that a redetermination of benefits is therefore warranted.

Order:

Based on the foregoing Findings, the Board of the HLWD, acting as the drainage authority for HLWD Project 4, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for HLWD Project 4.
- B. That Ron Ringquist, Dan Ruby, Chuck Bauer, Tom Mahoney, and alternate Greg Tusa are hereby appointed as viewers to redetermination and report the benefits and damages for HLWD Project 4.
- C. That within five days of this Order, the Auditor shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Secretary's Order along with a certified copy of this Order.

After discussion, the Board President called the question. The question was on the adoption of the foregoing findings and order, and there were five yeas and zero nays.

Upon vote, the Board President declared the motion passed and the Findings and Order adopted.



Bruce Leinen, President

Dated: 3-20-17

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I, Harvey Kruger, HLWD Secretary, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the HLWD and find the same to be a true and correct transcript thereof. The above order was filed with me, HLWD Secretary, on March 20, 2017.

IN TESTIMONY WHEREOF, I hereunto set my hand this
20th day of March, 2017.



Harvey Kruger, Secretary