

STATE OF MINNESOTA
Before the
HERON LAKE WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY FOR
JACKSON COUNTY JUDICIAL DITCH 3

In the Matter of:

**Petition for Improvement of Jackson
County Judicial Ditch 3**

**ORDER AND NOTICE OF
PUBLIC HEARING**

At a public meeting conducted by the Board of Managers of the Heron Lake Watershed District ("Board"), sitting as the drainage authority for Jackson County Judicial Ditch 3 ("JD 3"), on Wednesday, May 19, 2021, Manager Cory moved, seconded by Manager Freking to adopt of the following Findings and Order:

Findings:

1. The Board is the drainage authority for JD 3.
2. On April 5, 2017, a petition for improvement of JD 3 was filed with the drainage authority.
3. On May 16, 2017, the drainage authority adopted findings and an order accepting the petition and appointing Chuck Brandel of ISG as the project engineer. Chuck Brandel was ordered to prepare a preliminary survey and report and file a preliminary engineering survey and report pursuant to Minnesota Statutes § 103E.241 with the drainage authority.
4. The preliminary engineering survey and report was filed with the secretary on October 25, 2019.
5. On December 16, 2019, the drainage authority held a duly noticed preliminary hearing on the preliminary engineering survey and report. The drainage authority adopted findings and voted to issue an order accepting the preliminary engineering survey and report, ordering the engineer to proceed with the detailed survey, and

appointing three viewers to determine benefits and damages. On January 15, 2020, the Board approved the order authorizing the engineer to proceed with the detailed survey and report, and the order appointing three viewers to determine benefits and damages.

6. On February 26, 2021, the engineer filed the detailed survey report with the secretary. A copy of the detailed survey report was mailed to the commissioner of natural resources for review.
7. On May 5, 2021, the viewers filed the viewers' report with the secretary along with a detailed statement showing the actual time the viewers were engaged and the costs incurred.
8. Within 30 days after the filing of the viewers' report, the secretary made a property owners' report from the information in the viewers' report in conformance with the requirements of Minn. Stat. § 103E.323, subd. 1. A copy of the property owners' report shall be mailed to each owner of property affected by the proposed drainage project, with an affidavit of mailing to be on file with the drainage authority.
9. A commissioner's final advisory report was filed with the drainage authority on April 22, 2021
10. Pursuant to Minnesota Statutes § 103E.325, subdivision 3, the final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Jackson County JD 3, hereby orders as follows:

- A. That a final hearing on the detailed survey report and viewers' report for Jackson County JD 3 will be held before the Board on June 21, 2021 at 8:00 a.m. in the Heron Lake Community Center, 312 10th Street, Heron Lake, Minnesota.
- B. That the secretary shall achieve the posting, publication, and mailing of the attached notice of hearing pursuant to the requirements of Minnesota Statutes § 103E.325.
- C. Within one week after the first publication of notice, the secretary shall give notice by mail of the time and location of the final hearing to the commissioner of natural resources, all property owners, and others affected by the proposed drainage project and listed in the detailed survey report and the viewers' report.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 5 yeas, 0 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
BARTOSH	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREKING	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LUBBEN	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RASCHE	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REITH	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Wayne Rasche
Wayne Rasche, President

Dated: 5-19-21

* * * * *

I, Cory Reith, Heron Lake Watershed District 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 Heron Lake Watershed District and find the same to be a true and correct transcript thereof. The above order was filed with me, Heron Lake Watershed District Secretary, on 5/19/2021

IN TESTIMONY WHEREOF, I hereunto set my hand this
19 day of May, 2021.



Cory Reith

STATE OF MINNESOTA
Before the
HERON LAKE WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY FOR
JACKSON COUNTY JUDICIAL DITCH 3

In the Matter of:

**the Petition for Improvement of
Jackson County Judicial Ditch 3**

NOTICE OF FINAL HEARING

PLEASE TAKE NOTICE that the Board of Managers of the Heron Lake Watershed District, sitting as the drainage authority for Jackson County Judicial Ditch 3 (“JD 3”), will hold a final hearing on the pending Petition for Improvement of Jackson County JD 3, the engineer’s detailed survey and report, and the viewers’ report of benefits and damages for JD 3. The engineer’s and viewers’ reports were filed with the drainage authority on February 26 and May 5, 2021, respectively, and are available for inspection at the offices of the Heron Lake Watershed District. The hearing shall be held at on June 21, 2021 at 8:00 a.m. in the Heron Lake Community Center, 312 10th Street, Heron Lake, Minnesota. At the final hearing, the drainage authority will accept public comment regarding the engineer’s and viewers’ reports. Any party having an interest in the proceedings may appear and provide comment. Written comments will be accepted at the hearing and by mail through the date of the hearing at the following address: Heron Lake Watershed District, 1008 3rd Ave., P. O. Box 345, Heron Lake, MN 56137 .

The proposed drainage project involves an improvement to JD 3 by cleaning and/or gaining depth within the mainline, Branch 1, Branch 1-1, Branch 2, and Branch H open ditches, as well as improving below-industry standard culvert crossings, to increase the capacity of the public tiles by approximately 49% to achieve the industry standard drainage coefficient. The JD 3 watershed provides drainage to approximately 17,058 acres. The JD 3 watershed boundary lies west of the City of Lakefield within Rost, Hunter, Heron Lake, and West Heron Lake Townships, and outlets into the southwestern end of South Heron Lake. The JD 3 watershed drains from the NE quarter of Section 5 of Hunter Township into Heron Lake in the NE corner of Section 25 of West Heron Lake Township, and includes an open mainline, open ditch branches, tile branches, and laterals.

The following properties are affected by the work identified in the engineer's report and the viewers' report of benefits and damages:

<Name of Township> Township, T ___ N-R ___W, Sections: <section #s>;

<Name of Township> Township, T ___ N-R ___W, Sections: <section #s>;

<Name of Township> Township, T ___ N-R ___W, Sections: <section #s>;

all in <name of county> County.

The following owners of property are affected by the <name of project>:

<name of all property owners in engineer's report and viewers' report>

The following governmental entities are affected by the <name of project>:

<name of all governmental entities>



Wayne Rasche, President

Dated: May 19, 2021