



February 10, 2021

Heron Lake Watershed District

1008 3rd Ave

Heron Lake, MN 56137

Dear Board of Managers,

I am writing to you today to express our concern over the consequences of the proposed JD 3 drainage improvement project and we request our concerns be read into the record at the next public meeting.

While we understand the impetus for the JD 3 project and similar drainage activities is to enhance agricultural production, we wish to point out that while these benefits will be reaped by some, they likely come at the expense of others. Downstream farmers, riparian owners adjacent to public waters and others may, in fact, have their properties negatively influenced by the JD 3 project.

We ask two simple questions-Why are the property rights of downstream landowners subservient to those at higher elevations or in the upper reaches of the watershed? Should the District and the Board of Managers create a situation where the public is not equally served by such a project?

If a landowner takes actions to impound water on his or her private property and such water crossed into his neighbor's farm, he or she would be required to secure a flowage easement from the neighbor. This is not only "neighborly", it ensures that the actions of one landowner cannot negatively impact the neighbor without their explicit consent expressed in an easement. Yet, in projects such as JD 3, the interests of downstream landowners, who may be miles from the drainage, see no such relief.

Good government acts to settle disputes in those instances where one's rights are infringed upon by another. We simply believe that the full scope and range of consequences (both positive and negative) be clearly understood before permitting the JD3 drainage project or projects of similar affect.

We appreciate your consideration of our perspective.

Sincerely,

John L, Devney

Chief Policy Officer

Thank you
for your consideration
of our perspective.

CC: Jackson County Commissioners

Ms. Kelly Rasche