

**STATE OF MINNESOTA**  
*Before the*  
**HERON LAKE WATERSHED DISTRICT**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**HERON LAKE WATERSHED DISTRICT PROJECT 6**

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**In the Matter of:**

**the Redetermination of Benefits of  
Heron Lake Watershed District  
Project 6**

**FINDINGS AND ORDER  
INITIATING THE REDETERMINATION OF  
BENEFITS AND APPOINTING VIEWERS**

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The Board of Managers (Board) of the Heron Lake Watershed (HLWD), sitting as the drainage authority for Heron Lake Watershed District Project 6, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Jim Buschena moved, seconded by Gary Ewert to adopt the following Findings and Order:

**Findings:**

1. The Order Establishing Ditch for Project 6 was approved by the Board of the HLWD (previously known as the Middles Des Moines Watershed District) on July 15, 1978.
2. Pursuant to Minn.Stat. § 103D.625, the Board of Managers of the HLWD is the drainage authority for HLWD Project 6.
3. Benefits for HLWD Project 6 were determined concurrent with establishment in 1978, prior to the initiation of modern, intensive farming and drainage practices within the HLWD.
4. The 1978 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 1978 establishment of HLWD Project 6, 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 6.
6. Since the 1978 determination of benefits and damages, land values have changed significantly within the benefitted area of HLWD Project 6 and do not reflect reasonable present day land values.

7. 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 6, hereby orders as follows:

1. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for HLWD Project 6.
2. That Chuck Bowers, Dan Ruby, Greg Tusa, and alternate Ron Ringquist are hereby appointed as viewers to redetermine and report the benefits and damages for HLWD Project 6.
3. That within five days of this Order, the Secretary 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.

Dated: this 18<sup>th</sup> day of December 2018.

  
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Bruce Leinen  
President of the Board of Managers  
Heron Lake Watershed District

ATTEST:

  
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Jan Voit  
District Administrator  
Heron Lake Watershed District