

STATE OF MINNESOTA

BEFORE THE BOARD OF MANAGERS
OF THE TWO RIVERS WATERSHED
DISTRICT

In the Matter of the Improvement of)
Kittson County Ditch #13)
in the Two Rivers Watershed District)

**ORDER APPROVING PRELIMINARY ENGINEER’S REPORT, DIRECTING THE
PREPARATION OF A DETAILED SURVEY REPORT, AND DIRECTING THE
APPOINTMENT OF VIEWERS**

The above-entitled matter came on for final hearing before the Board of Managers on Thursday, May 2, 2024, at 8:00 a.m. at the District Office in Hallock, Minnesota. The matter came before the Board after due written notice to each affected landowner and published notice in the Kittson County Enterprise. After calling the hearing to order, and after brief introductions, the chair called on the Administrator to announce all written materials that comprised the record, including the Affidavits of Mailing and the Affidavit of Publication of Notice, and further to read to all aloud the comments of the Regional Manager of the DNR Division of Ecological and Water Resources and of the Chief Engineer of the MN BWSR. Following said reading, the chair called on legal counsel Jeff Hane of Brink Lawyers PA to give an opinion regarding the legal sufficiency of the Petition. Following Hane’s testimony, the chair called on engineer Tony Nordby, PE from Houston Engineering, Inc. to present the proposed improvement and to give testimony regarding the same.

Following the engineer’s report, the chair invited all present to give testimony. No persons present gave any testimony against the proposed improvement. The chair also called upon the Administrator to read any written comments received. The Administrator reported that no written materials were received from the public regarding the proposed improvement.

The Board, having receiving and reviewed the report of the engineer, and having heard the engineer's presentation, determined that the reports relevant hereto are complete, and having considered all the testimony herein, and having considered all other materials presented to the Board relevant to this matter, and having deliberated before the public, hereby determines:

- (a) The petition meets the legal requirements;
- (b) The proposed drainage project is feasible and there is necessity for the proposed project;
- (c) The proposed drainage project will be of public benefit and promote the public health adverse, and the environmental impact is less than the public benefit and utility after considering the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subdivision 1, and the engineer has reported a plan to make the proposed drainage project feasible and acceptable;
- (d) the proposed drainage project is of public benefit or utility; and
- (e) no changes are necessary in the proposed drainage project from those outlined in the petition.
- (f) the outlet is adequate.

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THEREFORE, IT IS HEREBY ORDERED that


- (a) For all further proceedings, this Order modifies the petition and must be considered with the petition;
- (b) These findings are conclusive only for the signatures and legal requirements of the petition, the nature and extent of the proposed plan, and the need for a detailed survey, and only for the persons or parties shown by the preliminary survey report as likely to be affected by the proposed drainage project. All questions related to the practicability and necessity of the proposed drainage project are subject to additional investigation and consideration at the final hearing.
- (c) the Petition is GRANTED preliminary approval.
- (d) The engineer is directed to prepare plans and specifications sufficient to prepare a detailed survey report as required under Minn. Stat. Ch. § 103E.265, et. seq., and as shall allow for the detailed viewing and surveying as necessary to determine the benefits and damages associated with the Project.


(e) The Administrator is directed to engage, hire, and charge viewers to examine the effected properties, find the proper benefits and damages associated with the Project, and prepare a viewers report as required under Minnesota Statue § 103E.305, et. seq.

(f) To the extent necessary, the Petitioners must file additional surety to meet or exceed the expected costs of all further proceedings from the present up to adoption of a final order establishing the improvement.

2. Any person aggrieved this Order may appeal as allowed under Minnesota law.

Dated this May 2nd, 2024.


Rick Sikorski, President


Dan Money, Administrator

