

BEFORE THE MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
ACTING AS DRAINAGE AUTHORITY FOR JUDICIAL DITCH #28

**Findings of Fact and Order Regarding Redetermination of Benefits of Judicial
Ditch #28 Pursuant to Minnesota Statutes 103E.351**

The Middle Snake Tamarac Rivers Watershed District Board of Managers sitting as the Drainage Authority for Judicial Ditch #28, pursuant to MN Statutes §103E.351, at the regular meeting of Board of Managers, held August 2, 2021, Manager Bill Petersen moved, seconded by Mr. Keith Szczepanski to adopt the following Findings and Order:

FINDINGS

1. The Middle Snake Tamarac Rivers Watershed District is the drainage authority for Judicial Ditch #28.
2. Judicial Ditch #28 was established in 1913. Benefits for Judicial Ditch #28 were determined concurrent with the establishment in 1913, prior to the initiation of modern, intensive farming and drainage practices within the Watershed District.
3. The current 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.
4. Since the original establishment of Judicial Ditch #28 and the original determination of benefits and damages, land uses and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of Judicial Ditch #28.
5. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed.

ORDER

WHEREAS, after review by the Board of Managers and staff, the Middle-Snake-Tamarac Rivers Watershed District Board of Managers, acting as the drainage authority for Judicial Ditch #28, hereby orders as follows:

1. The Board shall follow the procedures of MN Statute § 103E.351 to conduct a redetermination of benefits for Judicial Ditch #28.

NOW, THEREFORE, it is hereby ordered that a Redetermination of Benefits is to be completed on Judicial Ditch #28, pursuant to Minnesota Statutes §103E.351. That further Robert Wagner, Roger Beiswenger, and Mike Baumgartner are appointed viewers and are requested to prepare a Viewers' Report concerning the Redetermination of Benefits on Judicial Ditch #28. The Middle Snake Tamarac Rivers Watershed District Staff will provide technical information as required or requested by the viewers.

Dated this 18th day of October, 2021.

MIDDLE-SNAKE-TAMARAC RIVER
WATERSHED DISTRICT

By



Bill Petersen

MSTRWD Chairman