

Before the Board of Managers for the Middle-Snake-Tamarac Rivers Watershed District
as Drainage Authority for Judicial Ditch No. 21

**PETITION TO IMPOUND, REROUTE AND DIVERT
JUDICIAL DITCH NO. 21 DRAINAGE SYSTEM WATERS**

Pursuant to Minnesota Statute § 103E.227, Petitioner seeks approval to impound, reroute and divert system waters on the Judicial Ditch No. 21 system for beneficial use. For its Petition, the undersigned Petitioner states and alleges the following:

1. Petitioner seeks approval to impound, reroute and divert drainage system waters on the Judicial Ditch No. 21 system including Branch 3 located in New Maine Township, Marshall County, for beneficial use.
2. The purpose of the impounding, rerouting and diverting of said waters is to allow those waters to come under the control of the City of Newfolden Flood Prevention Project. The proposed project will allow better control of flooding on the Middle River along its floodplain within the City of Newfolden, achieving enough flood reduction to remove most of the City of Newfolden from the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
3. To facilitate implementation of the City of Newfolden Flood Prevention Project, Petitioner must impound, reroute and divert portions of Judicial Ditch No. 21 and its Branch 3 as currently located on or across the following properties: (*see attached plans*)
4. Dillon Nelson, a licensed professional engineer with HDR Engineering, Inc., 213 LaBree Avenue North, Suite 203, Thief River Falls, Minnesota 56701-2022, has investigated the potential and feasibility of impounding, rerouting and diverting portions of Judicial Ditch No. 21 and its Branch 3 and has found that a feasible impoundment, reroute and diverted drainage system alternative will bring the waters of Judicial Ditch No. 21 under substantial control, reduce downstream flooding, and achieve the goal of removing most of the City of Newfolden from the FEMA Flood Insurance Rate Map.
5. Attached to this Petition and labelled as 'Exhibit A' is a matrix listing the property owners, the property description, and address of lands directly affected by the proposed reroute of the ditch.
6. Attached to this Petition and labelled as 'Exhibit B' are the preliminary plans for the proposed impoundment, reroute, and diversion developed by HDR Engineering, Inc. These plans include a map of the areas likely to be affected by the impoundment, reroute and diversion of the drainage system waters.

7. The rerouting of Judicial Ditch No. 21 in the described location will include the following: The rerouting of Judicial Ditch No. 21 will begin in the Southeast Quarter (SE¼) of Section 27 on the north side of 350th Street Northwest (CSAH 30) and will proceed west on the north side of 350th Street Northwest to 130th Avenue Northwest (CSAH 8) where it will pass under CSAH 8, into the proposed impoundment in the Northeast Quarter (NE¼) of Section 33. The rerouting will continue in the impoundment to the terminus of the reroute in the Southwest Quarter (SW¼) of Section 33.
8. The Petitioner agrees to be responsible for the costs of installation and construction of the structures as well as the engineering and the legal costs associated with this Petition.
9. The Petitioner has consulted with the Minnesota Department of Natural Resources, and determined that a Dam Safety Permit is required for this impoundment, reroute and diversion. An application on the MnDNR Water Permitting and Reporting System will be submitted for this impoundment, reroute and diversion. Approval of this impoundment, reroute and diversion is conditioned upon approval of the application of any and all other required permits.
10. A bond is not required in this matter since the Petition is being filed by the Middle-Snake-Tamarac Rivers Watershed District.
11. Petitioner shall acquire, in writing, all property rights, rights-of-way, or flowage easements necessary before construction.
12. The sources of funding to secure the necessary land rights and to construct alterations to the ditch in the amount and rational for any drainage system assessment fund request is set forth below:
Minnesota Department of Natural Resources Flood Hazard Mitigation Grant, the City of Newfolds, the Red River Water Management Board, and Middle-Snake-Tamarac Rivers Watershed District.

Sep. 13, 2021
Date

MIDDLE-SNAKE-TAMARAC RIVERS
WATERSHED DISTRICT

For: Mori Maher (Administrator)
Bill Peterson, President