

STATE OF MINNESOTA
HIGH ISLAND CREEK WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY FOR
RENVILLE SIBLEY MCLEOD JUDICIAL DITCH 11

In the Matter of the Petition for
Improvement to Renville Sibley McLeod
Judicial Ditch 11 Laterals H-2 & H-3 Tile
(Carlson & Forst)

**PETITION FOR IMPROVEMENT TO
RENVILLE SIBLEY MCLEOD
JUDICIAL DITCH 11 LATERALS H-2 & H-3 TILE**

TO: THE HIGH ISLAND CREEK WATERSHED DISTRICT BOARD OF MANAGERS, ACTING AS THE DRAINAGE AUTHORITY FOR THE PROPOSED IMPROVEMENT TO RENVILLE SIBLEY MCLEOD JUDICIAL DITCH 11 LATERALS H-2 & H-3

Pursuant to Minnesota Statutes, section 103E.215, the undersigned Petitioners seek an improvement to Laterals H-2 & H-3 of the Renville Sibley McLeod Judicial Ditch 11 drainage system. For their Petition, the undersigned Petitioners state and allege, and respectfully request, the following:

1. **Designation of Drainage System.** Petitioners seek improvements to an established and constructed drainage system designated as Judicial Ditch 11 ("JD 11") in Renville, Sibley, and McLeod Counties.
2. **Necessity for Drainage Project.** The existing drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet.

The proposed improvements are necessary to prevent flooding, erosion, and adverse effects on agricultural land. Even in a repaired state, JD 11 is inadequate to support beneficial drainage for current farming and drainage practices.

Further, the drainage system is in need of repair and has remained in service since its original construction. The improvement project petitioned for herein is for a separable portion of the drainage system. Therefore, a portion of the cost may be assessed as a repair. See Minn. Stat. § 103E.215, subd. 6. Because JD 11 Laterals H-2 & H-3 need repair, Petitioners request, to the fullest extent practicable, that the Drainage Authority consider, under Minnesota Statutes, section 103E.215, subdivision 6, the separable maintenance portion of the work when assessing costs of the improvement.

3. **Description of Proposed Improvement.** The proposed drainage project consists of improving and enlarging Laterals H-2 and H-3 along their entire length. The location of the proposed improvements, subject to any alterations deemed prudent or necessary by the appointed project engineers, are depicted on the maps attached hereto as **EXHIBIT A**

and are in Martinsburg and Wellington Townships of Renville County, Minnesota. Laterals H-2 and H-3 consist of buried tile and are proposed to be enlarged and their capacity increased to meet the High Island Creek Watershed District standard of 3/8" per day drainage coefficient.

4. **Jurisdiction.** The undersigned Petitioners constitute at least 26% of the owners of property that the proposed improvement passes over and the owners of at least 26% of the property area that the proposed improvement passes over. Minn. Stat. § 103E.215, subd. 4(a).

Pursuant to Minnesota Statutes, section 103E.215, subd. 4(c)(4) (2023), set forth below is a list of the 40-acre tracts or government lots that the proposed improvements would pass over, together with the names and addresses of the owners of those tracts, all of which are in Renville County, Minnesota:

	Owner	Address	PID	Descr.	Sec.	Twp.	Rge.
1	Buboltz/ Jerry D & Joyce M	72514 510th St. Hector, MN 55342	17-00810-00	NENE	36	114N	32W
2	Buboltz/ Jerry D & Joyce M	72514 510th St. Hector, MN 55342	17-00810-00	SENE	36	114N	32W
3	Janet V Forst Revocable Trust	63693 260th St. Gibbon, MN 55335	17-00840-00	NESE	36	114N	32W
4	Buboltz/ Jerry D & Joyce M	72514 510th St. Hector, MN 55342	17-00820-00	NWSE	36	114N	32W
5	Buboltz/ Jerry D & Joyce M	72514 510th St. Hector, MN 55342	17-00820-00	NESW	36	114N	32W
6	Janet V Forst Revocable Trust	63693 260th St. Gibbon, MN 55335	17-00840-00	SESW	36	114N	32W
7	Janet V Forst Revocable Trust	63693 260th St. Gibbon, MN 55335	17-00840-00	SWSE	36	114N	32W
8	Joyce C. Carlson Living Trust	73174 490th St. Hector, MN 55342	26-00030-00	NENW	1	113N	32W
9	Joyce C. Carlson Living Trust	73174 490th St. Hector, MN 55342	26-00030-00	NWNW	1	113N	32W

5. **Public Utility and Health.** The proposed improvement will be of public utility because it will protect property and roads from overflow and flooding and render property suitable for cultivation. Further, the proposed improvements will promote the public health because they will improve the general sanitary condition of property by drainage and prevent overflow that produces or tends to produce unhealthful conditions on agricultural land.

6. **Agreement by Petitioners.** The undersigned Petitioners have been informed and understand that they may not withdraw as petitioner at any time after this Petition is accepted by the Drainage Authority, except with the written consent of all other Petitioners on the filed Petition.

Also, the undersigned Petitioners acknowledge and agree that they will pay all costs and expenses that may be incurred if the proceedings for this improvement are dismissed or the contract for construction of the proposed improvement is not awarded. See Minn. Stat. § 103E.215, subd. 4(c)(6).

7. **Bond.** One or more Petitioners shall cause a bond to be filed or a check to be delivered in the amount of at least \$10,000 payable to the Drainage Authority to pay the costs incurred if these proceedings are dismissed or a contract is not awarded to construct the improvement proposed in the Petition. See Minn. Stat. § 103E.202, subd. 5. Petitioners acknowledge and agree that additional bonds may be required as additional costs are incurred in the proceedings.

8. **Request.** The Petitioners respectfully request the following of the Drainage Authority:
- a. That the Drainage Authority accept the filing of this Petition and the bond and refer the Petition and bond to its legal counsel to determine if the Petition and bond meet the requirements of Minnesota Statutes, chapter 103E for an improvement proceeding;
 - b. That the Drainage Authority appoint an engineer for purposes of evaluating the proposed improvement project and direct the engineer to prepare an engineer's preliminary report for the proposed improvement project, including allowing the engineer to analyze other potential routes for the proposed improvements;
 - c. That the Drainage Authority direct the appointed engineer to investigate and report on the need for repair of the separable portion of the drainage system petitioned for improvement and include in the detailed survey report a statement showing the proportionate estimated cost of the proposed improvement required to repair the separable part of the existing system and the estimated proportionate cost of the added work required for the improvement;
 - d. That the notice of hearing on the detailed survey report be given by publication and mailing to all persons owning property affected by the existing JD 11 drainage system and that a hearing on Petitioners' request for the application of separable maintenance be held at the same time and location as the establishment hearing on the proposed improvement (see Minn. Stat. 103E.215, subd. 6(a));

- e. That at the establishment hearing, the Drainage Authority determine that only a separable portion of the existing drainage system will be improved and that the portion needs repair, and determine and assess, by order, the proportionate cost of the improvement that would be required to repair the separable portion of the drainage system to be improved be allocated as repairs and assessed against all property benefited by the entire JD 11 drainage system, as provided by Minnesota Statutes, section 103E.731, and the balance of the cost of the improvement assessed in addition to the repair assessment against the property benefited by the improvement;
- f. That Professional Engineer Shaun Luker and Bolton & Menk, Inc. be appointed as the project engineers; and
- g. That the proposed improvements be established and constructed as part of the Renville Sibley Mcleod Judicial Ditch 11 drainage system.

[Petitioner Signature Pages to Follow]

This Petition was drafted by:

Dated: Jan. 14, 2025



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SIGNATURE PAGE FOR
PETITION FOR PROPOSED IMPROVEMENT
TO RENVILLE SIBLEY MCLEOD JUDICIAL DITCH 11
LATERALS H-2 & H-3

PETITIONER:

By signing below, I state and represent that I have authority to execute this Petition on behalf of the Joyce C. Carlson Living Trust.

JOYCE C. CARLSON LIVING TRUST


By Leroy Carlson, Trustee

Date: 01-08-2025


By Joyce Carlson, Trustee

Date: 01-08-2025

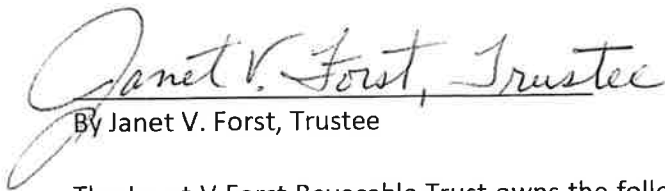
The Joyce C. Carlson Living Trust owns the following tracts, which the proposed improvement will pass over: the N1/2NW1/4 Section 1, Township 113 North, Range 32 West, Renville County, Minnesota (Parcel ID 26-00030-00).

SIGNATURE PAGE FOR
PETITION FOR PROPOSED IMPROVEMENT
TO RENVILLE SIBLEY MCLEOD JUDICIAL DITCH 11
LATERALS H-2 & H-3

PETITIONER:

By signing below, I state and represent that I have authority to execute this Petition on behalf of the Janet V Forst Revocable Trust.

JANET V FORST REVOCABLE TRUST


By Janet V. Forst, Trustee

Date: 1-8-25

The Janet V Forst Revocable Trust owns the following tracts, which the proposed improvement will pass over: the SE1/4SW1/4; E1/2SE1/4; and SW1/4SE1/4 Section 36, Township 114 North, Range 32 West, Renville County, Minnesota (Parcel ID 17-00840-00).

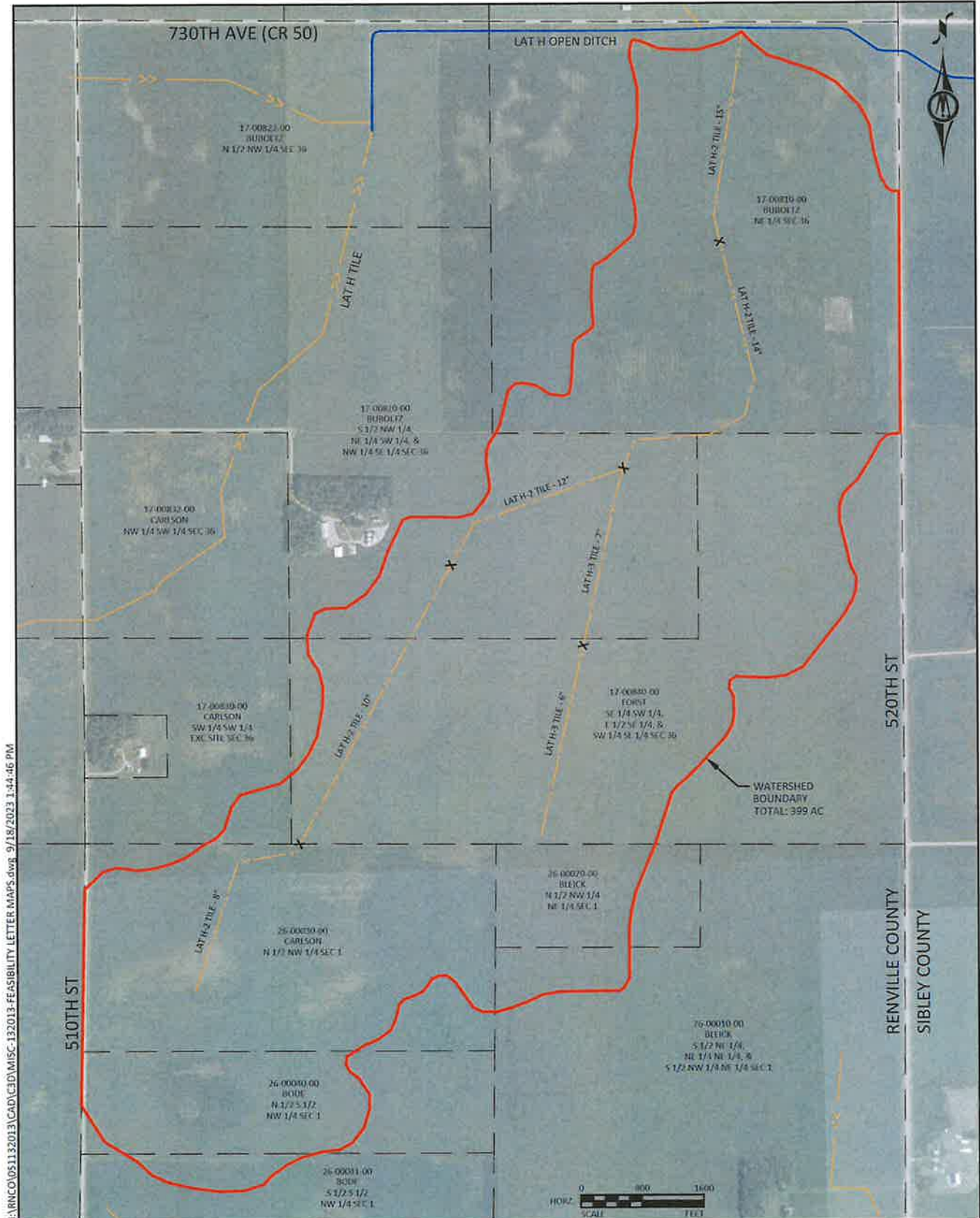


EXHIBIT A

RENVILLE COUNTY, MN

SEPT 2023

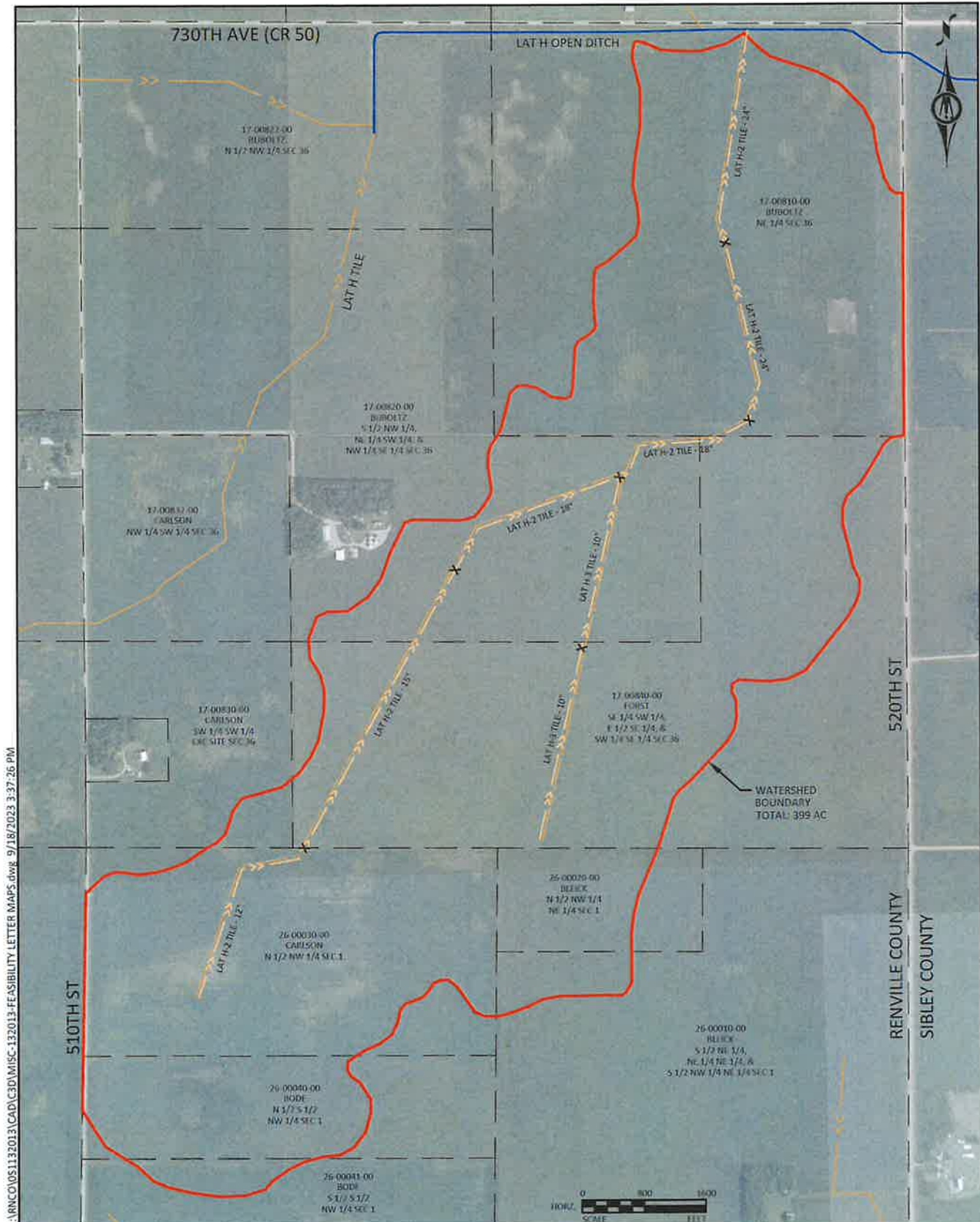


EXHIBIT A

