

**STATE OF MINNESOTA
BEFORE THE HIGH ISLAND CREEK WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY
FOR HIGH ISLAND CREEK WATERSHED DISTRICT PROJECT 10**

In the Matter of the Petition
for Improvement to High Island Creek Watershed District Project 10

FINDINGS AND ORDER ON PRELIMINARY HEARING

WHEREAS, a Petition for an Improvement of High Island Watershed District Project No. 10 (the "Petition") has been filed by Robert A. Kloth and R H Grand, LLC (collectively "Petitioners") with the High Island Creek Watershed District ("HICWD"), acting as the drainage authority for High Island Creek Watershed District Project 10 ("Project 10"); and

WHEREAS, the HICWD, by its June 24, 2019 Preliminary Findings and Order Accepting Petition, found that the Petition met the statutory requirements under 103E.215 and appointed Roger Clay of Ulteig Engineers (the "Engineer") to prepare a preliminary improvement report pursuant to Minn. Stat. § 103E.245; and

WHEREAS, on or about October 28, 2019, the Engineer delivered its Preliminary Engineers Reports for High Island Creek Watershed District, Proposed Improvements to Project 10 (the "Preliminary Engineer's Report"); and

WHEREAS, on November 25, 2019, HICWD held a preliminary hearing to consider the Petition and the Preliminary Engineer's Report, and the Engineer was present to report on his findings and recommendations;

WHEREAS, at the Preliminary Hearing, on oral motion approved by a majority of the managers, HICWD determined, based upon the Preliminary Engineer's Report, the public testimony, and other evidence presented at the hearing or in writing, to move forward with ordering a final engineer's report and appointing viewers, and directed counsel to prepare draft findings and order to that effect;

NOW, THEREFORE, on motion duly made by Manager Kevin Miller, and seconded by Manager Bryan Peris, the HICWD adopts the following findings and makes the following orders:

FINDINGS

1. The Petition meets the legal requirements of Minn. Stat. 103E.215.

2. Mailed notice of the preliminary hearing was provided to all current Project 10 landowners, who are the persons likely to be affected by the proposed improvement, as well as political subdivisions likely to be affected.
3. A copy of the Preliminary Engineer's Report was provided to the Commissioner of the Minnesota Department of Natural Resources, which provided an initial preliminary advisory report to HICWD concerning the proposed improvement and the Preliminary Engineer's Report. The MN DNR's advisory report was publicly read at the November 25, 2019 hearing.
4. The Petition originally proposed improvements consisting of increasing the pumping capacity of the existing lift-station Project 10 by replacing the existing 2,000 gallons per minute (gpm) pump with a new 15,000 gpm pump, and relocating the lift-station closer to Sibley County Road 64 and utilize the road culvert as a restriction for the purpose of water quality management. The Engineer found that the improvement, as proposed, is not feasible, because of the risk of downstream scour and erosion.
5. The Engineer also evaluated alternatives of doing nothing and modifying the proposed improvement. The Preliminary Engineer's Report describes "Alternative 2" which would not move the existing pump station, would add a 7,500 gpm pump to the existing 2,000 gpm pump, and would increase the size of the culvert under County Road 64.
6. Alternative 2, as recommended by the Engineer, is feasible.
7. Alternative 2, as recommended by the Engineer, is necessary in that it would provide a public benefit or utility by speeding drainage in the Project 10 watershed areas, and would improve the ability of landowners to farm the land.
8. Alternative 2, as recommended by the Engineer, would be of public benefit and promote public health, after considering the environmental, land use, and multipurpose water management criteria in section 103E.015, subd. 1.
9. The outlet for the project is adequate.
10. Pursuant to Minn. Stat. 103E.261 subd. 7, all questions related to practicability and necessity of the proposed improvement project are subject to additional investigation and consideration at the final hearing.
11. The three persons identified below to be appointed as viewers are disinterested residents of the State of Minnesota and are qualified to assess benefits and damages for the proposed project.

ORDER

1. The engineer is hereby directed to make a detailed survey with plans and specifications for the project and submit that detailed survey to the drainage authority as soon as possible, pursuant to Minn. Stat. §§ 103E.265—103E.291.

2. The following persons are hereby appointed as viewers for the proposed project and the auditor is hereby directed to set the time and location for the first meeting of viewers and obtain their oath all as provided by Minn. Stat. § 103E.305; to-wit:

1. Bon Ringquist
2. +/b/a
3. +/b/a

3. All introductory clauses in these Findings and Order are made part of this Findings and Order.

Pursuant to the above-described motion, these Findings and Order were adopted, with the Managers of the High Island Creek Watershed District voting as follows:

Manager Miller: Y / N / Abstain
Manager Polzin: Y / N / Abstain
Manager Schlueter: Y / N / Abstain
Manager Mueller: Y / N / Abstain
Manager Peris: Y / N / Abstain

Dated this 23rd day of ~~June~~, 2019.
December



President of the High Island Creek Watershed
District Board of Managers