

AMENDED
PETITION FOR IMPROVEMENT OF DRAINAGE SYSTEM
JUDICIAL DITCH NO. 15 BRANCH 56

TO: THE BOARD OF MANAGERS OF THE BUFFALO CREEK WATERSHED DISTRICT AS THE DRAINAGE AUTHORITY FOR JUDICIAL DITCH NO. 15 (RENVILLE, SIBLEY, MCLEOD COUNTIES)

Petitioners respectfully represent, state and request the following:

1. Jurisdiction.

The undersigned Petitioners constitute: (1) at least 26% of the owners of the property affected by the proposed improvement; (2) at least 26% of the owners of property that the proposed improvement passes over; (3) the owners of at least 26% of the property area affected by the proposed improvement; or (4) the owners of at least 26% of the property area that the proposed improvement passes over.

2. Designation of Drainage System.

This Petition requests the improvement of the drainage system known by and designated as Judicial Ditch No. 15 located in Renville County, Minnesota.

3. Need for Improvement.

The drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet. The drainage system is out of repair and the improvement petitioned for herein is for a separable portion of the drainage system. Therefore, a portion of the cost may be assessed as a repair.

4. Description of Proposed Improvement.

The proposed improvement would consist of improving Branch 56 of JD 15, along with certain tributary branches of Branch 56 of JD 15. These branches currently consist of buried tile. These branches would be enlarged and their capacity increased to meet the maximum permitted drainage coefficient currently in effect, which Petitioners understand to be 3/8th of an inch drainage coefficient. The improvement would occur along Branch Nos. 37, 56, 61, 62, and 64, (all tributaries of Branch 56 of JD 15) along the entire length of such branches to the point where Branch 56 outlets into the open ditch portion of JD 15. A map showing the proposed improvement is attached hereto as **Exhibit A**.

Set forth below is a list of the 40-acre tracts or government lots that the proposed improvement would pass over, together with the names and addresses of the owners of those tracts; to-wit:

**	Owner	Address	PID	Description	Sec	Twp	Rge	County
5	Gayle O. Degler Trust and Lois J. Degler Trust	541 Pineview Ct. Chanhassen, MN 55317	18-01860-00	SWNE	26	115	33	Renville
11	Richard and Neune Nicolai Trusts	1404 Hillcrest Dr NE Watertown, SD 57201	18-01850-00	NWSE	26	115	33	Renville
15	Dennis and Marlys Sopkowiak Trusts	9790 125 th Ave NE Foley, MN 56329	18-01890-00	SESW	26	115	33	Renville
16	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-01900-00	SWSE	26	115	33	Renville
17	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-01900-00	SESE	26	115	33	Renville
18	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-01820-00	SWSW	25	115	33	Renville
20	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-02090-00	NWNE	35	115	33	Renville
22	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-02145-00	NWNW	36	115	33	Renville
25	Donn and Valerie Cunningham Trusts	1186 Oakwood Court NW Hutchinson, MN 55350	18-02090-00	SWNE	35	115	33	Renville

* ID numbers correspond to 40-acre identification numbers on Exhibit A.

5. Public Utility and Health.

The proposed improvement will be of public utility and will promote the public health.

6. Agreement by Petitioners.

The undersigned Petitioners have been informed and understand that they may not withdraw as a 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 improvement proceedings are dismissed.

7. Cost Bond.

One or more petitioners shall cause a bond to be filed or a check to be delivered in the amount of at least \$10,000.00 payable to the drainage authority. The bond or payment will be

conditioned to pay the costs incurred if the proceedings are dismissed or if a contract is not awarded to construct the proposed improvement described in the petition.

WHEREFORE, the Petitioners respectfully request the following:

- a. That the drainage authority accept this Petition, review it and determine that it is legally adequate; and
- b. That the drainage authority appoint an engineer for purposes of the proposed improvement and direct the engineer to prepare an engineer's preliminary report for the proposed improvement, including allowing the engineer to analyze other potential routes for the proposed improvement and whether separable maintenance may be employed. Petitioners request that **ISG, Inc. engineers** be appointed as project engineers because of their familiarity with the feasibility study previously completed for this project.

Dated: May 6, 2024

/s/ Dean M. Zimmerli

Dean M. Zimmerli #0396791
dzimmerli@gislason.com
GISLASON & HUNTER LLP
Attorneys for Petitioners
2700 South Broadway
P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111

[Signature pages to follow]



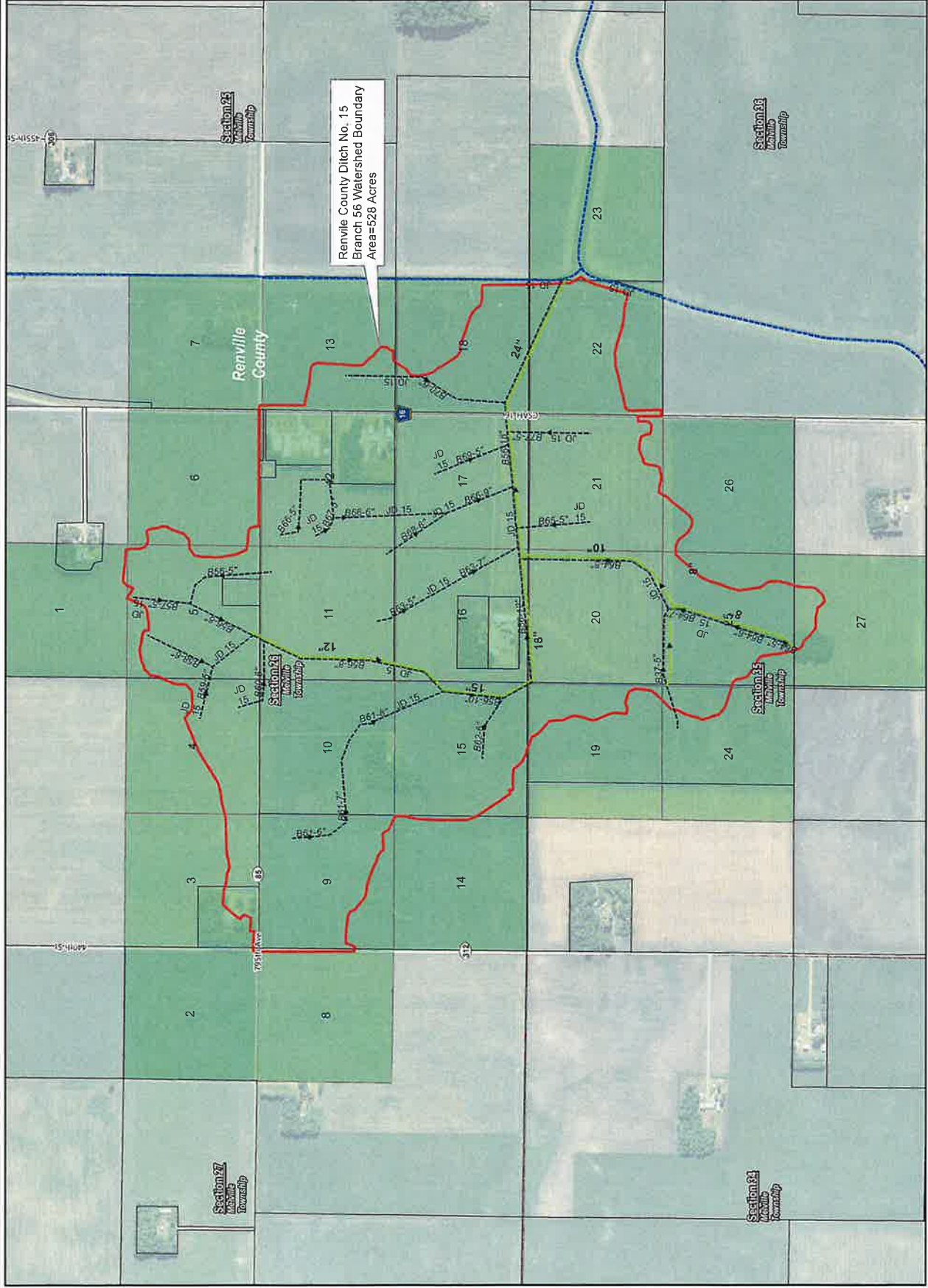
Exhibit A
 Judicial Ditch No 15
 Renville County,
 Minnesota
 Tuesday, October 24, 2023

Legend

- Proposed Improvement
- Open Ditch
- Existing Tile
- Branch 56 Watershed
- Parcels
- 40's

Source
 P.N. 23-29728
 Originator: (Renville County, 2018)
 Title: (Renville County, 2016)
 Parcel: (Renville County, 2022)
 Date: (DITR, July 2022)
 Modified: (DITR, July 2022)
 County: (Renville County, MN)
 County: (Renville County, MN)
 PLS: (Renville County, MN)

0 275 550 Feet



SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH 56
 (RENVILLE COUNTY AND SIBLEY COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Donn J. Cunningham

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: _____)
- Partner (name of partnership: _____)
- Corporation or limited liability company (name of corporation or LLC: _____)
- Trust (complete name of trust: Donn and Valerie Cunningham Trusts)
- Other (explanation: _____)

See The Valerie K. Cunningham Revocable Trust Agreement dated January 2, 2014

Statement of Authority:

See The Donn J. Cunningham Revocable Trust Agreement dated January 2nd, 2014

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range	County
<u>18-01900-00 SWSE</u>	<u>26</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
<u>18-01900-00 SESE</u>	<u>26</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
<u>18-01820-00 SWSW</u>	<u>25</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
<u>18-02090-00 NWNW</u>	<u>25</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
<u>18-02145-00 NWNW</u>	<u>36</u>	<u>115</u>	<u>33</u>	<u>Renville</u>

Dated: 4-6-2024

Donn J. Cunningham
 (signature)

Dated: 4-6-2024

Valerie K. Cunningham
 (signature)

Dated: _____

 (signature)

SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH 56
 (RENVILLE COUNTY AND SIBLEY COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Marlys A. Sopkowiak
Dennis J. Sopkowiak

Ownership (check one):

- Individual
 Co-Owners (# of co-owners: 2)
 Partner (name of partnership: _____)
 Corporation or limited liability company (name of corporation or LLC: _____)
 Trust (complete name of trust: Dennis & Marlys Sopkowiak TR)
 Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
<u>SW NE</u>	<u>35</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
<u>SESW</u>	<u>26</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: Jan. 4, 2024

Marlys A. Sopkowiak
 (signature)

Dated: Jan. 4, 2024

Dennis J. Sopkowiak
 (signature)

Dated: _____

 (signature)

SIGNATURE PAGE FOR
PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH 56
(RENVILLE COUNTY AND SIBLEY COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Gayle O Degler Trust
Lois J. Degler Trust

Ownership (check one):

- Individual
 Co-Owners (# of co-owners: _____)
 Partner (name of partnership: _____)
 Corporation or limited liability company (name of corporation or LLC: _____)
 Trust (complete name of trust: Gayle O Degler Trust)
 Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
<u>SW NE</u>	<u>26</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 1/6/24

Gayle Degler
(signature)

Dated: 4/19/24

Lois J. Degler
(signature)

Dated: _____

(signature)

SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH 56
 (RENVILLE COUNTY AND SIBLEY COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

RICHARD NICOLAI
JEDNE NICOLAI

Ownership (check one):

- Individual
 Co-Owners (# of co-owners: _____)
 Partner (name of partnership: _____)
 Corporation or limited liability company (name of corporation or LLC: _____)
 Trust (complete name of trust: RICHARD E. NICOLAI REVOCABLE LIVING TRUST)
 Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
<u>NWSE</u>	<u>26</u>	<u>115</u>	<u>33</u>	<u>Renville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: Jan 4, 2024

Richard Nicolai
 (signature)

Dated: 1-4-24

Jedne Nicolai
 (signature)

Dated: _____

 (signature)