

**PETITION FOR IMPROVEMENT OF DRAINAGE SYSTEM
JUDICIAL DITCH NO. 15 BRANCH M-37**

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 M-37 of JD 15, along with certain tributary branches of Branch M-37 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. M-37, M-38, M-39, M-40, M-41, M-42, M-43, M-45, M-46, M-75, M-76, M-77, and M-78 (all tributaries of Branch M-37 of JD 15) along the entire length of such branches to the point where Branch M-37 outlets into the open ditch portion of JD 15 Branch M. 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
1	Kim & Mary Kapping	PO Box 141 Newfolden, MN 56738	22-01250-00	SW ¼ NE ¼	7	115N	31W	Renville
2	Kim & Mary Kapping	PO Box 141 Newfolden, MN 56738	22-01250-00	SE ¼ NE ¼	7	115N	31W	Renville
3	Charles & Barb Melberg Trusts	55351 Co Rd 38 Buffalo Lake, MN 55314	22-01260-00	Gov. Lot 5	7	115N	31W	Renville
4	Charles & Barb Melberg Trusts	55351 Co Rd 38 Buffalo Lake, MN 55314	22-01260-00	Gov. Lot 6	7	115N	31W	Renville
5	Marlys A Kubesh Trust	2160 Beacon Drive SW Rochester, MN 55902	22-01270-00	Gov. Lot 10	7	115N	31W	Renville
6	Marlys A Kubesh Trust	2160 Beacon Drive SW Rochester, MN 55902	22-01280-00	Gov. Lot 15	7	115N	31W	Renville
7	Marlys A Kubesh Trust	2160 Beacon Drive SW Rochester, MN 55902	22-01280-00	Gov. Lot 16	7	115N	31W	Renville
	Larry & Roxanne Schmalz	81635 530 th Street Buffalo Lake, MN 55314	22-01330-00	Gov. Lot 16	7	115N	31W	Renville
8	Larry & Roxanne Schmalz	81635 530 th Street Buffalo Lake, MN 55314	22-01330-00	SW ¼ SE ¼	7	115N	31W	Renville
9	Larry & Roxanne Schmalz	81635 530 th Street Buffalo Lake, MN 55314	22-01330-00	SE ¼ SE ¼	7	115N	31W	Renville
10	Steven G & Vicky Novotny	82371 Co Rd 8 Buffalo Lake, MN 55314	22-01291-00	Gov Lot 7	7	115N	31W	Renville
11	Loren Walter Disclaimer Trust	82382 Co Rd 8 Buffalo Lake, MN 55314	22-01310-00	Gov. Lot 8	7	115N	31W	Renville
12	Michael Melberg	55193 Co Rd 38 Buffalo Lake, MN 55314	22-01320-00	Gov. Lot 9	7	115N	31W	Renville
13	Michael Melberg	55193 Co Rd 38 Buffalo Lake, MN 55314	22-01320-00	NW ¼ SE ¼	7	115N	31W	Renville
14	Michael Melberg	55193 Co Rd 38 Buffalo Lake, MN 55314	22-01320-00	NE ¼ SE ¼	7	115N	31W	Renville
15	Larry & Roxanne Schmalz	81635 530 th Street Buffalo Lake, MN 55314	22-01612-00	NW ¼ NE ¼	18	115N	31W	Renville
16	Mark & Lisa Taylor	79219 Co Rd 8 Buffalo Lake, MN 55314	22-01620-00	Gov. Lot 1	18	115N	31W	Renville
17	Mark & Lisa Taylor	79219 Co Rd 8 Buffalo Lake, MN 55314	22-01620-00	Gov. Lot 8	18	115N	31W	Renville
18	Marlys A Kubesh Trust	2160 Beacon Drive SW Rochester, MN 55902	22-01630-00	Gov. Lot 2	18	115N	31W	Renville

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.

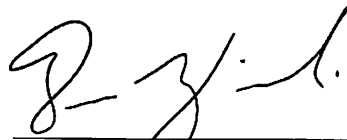
7. Cost Bond.

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: October 1, 2024



Dean M. Zimmerli #0396791
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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]

SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH M-37
 (RENVILLE, SIBLEY, MCLEOD COUNTIES, MINNESOTA)

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

Michael Melberg

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: _____)
- 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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8-2-2024


 (signature)

Dated: _____

 (signature)

Dated: _____

 (signature)

SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH M-37
 (RENVILLE, SIBLEY, MCLEOD COUNTIES, MINNESOTA)

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

Barbara Melberg

Charles Melberg

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: _____)
- Other (explanation: _____)

Statement of Authority:

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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 9-18-24

Barbara Melberg
(signature)

Dated: 9-18-24

Charles Melberg
(signature)

Dated: _____

(signature)

**SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH M-37
 (RENVILLE, SIBLEY, MCLEOD COUNTIES, MINNESOTA)**

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

Steve Novotny

Vicky Novotny

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: _____)
- Other (explanation: _____)

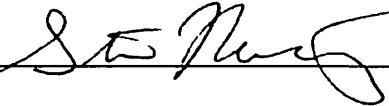
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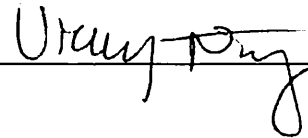
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: _____

(signature) 

Dated: _____

(signature) 

Dated: _____

(signature) _____

SIGNATURE PAGE FOR
 PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15 BRANCH M-37
 (RENVILLE, SIBLEY, MCLEOD COUNTIES, MINNESOTA)

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

Larry Schmalz
Roxanne Schmalz

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: _____)
- Other (explanation: _____)

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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 9-14-24

Larry Schmalz
 (signature)

Dated: 9-14-24

Roxanne Schmalz
 (signature)

Dated: _____






 (signature)

**EXHIBIT A
MAP OF PROPOSED IMPROVEMENT**



Renville
COUNTY
Service · Stewardship · Shared Responsibility

**JD 15 Br-37 Tile Main and
Tile Branch Overview**

-  Judicial Ditch 15
-  Tile Petitioned to be Improved
-  Section
-  Township
-  Tax Parcel