

**STATE OF MINNESOTA
BEFORE THE HIGH ISLAND CREEK WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY
FOR RENVILLE COUNTY DITCH 103**

In the Matter of:
Petition for Improvement to Renville
County Ditch 103

PRELIMINARY FINDINGS AND ORDER ACCEPTING PETITION

WHEREAS, a Petition for an Improvement of Renville County Ditch No. 103 in Renville County, State of Minnesota, has been filed by Triple T Farms, LLC, E&K Farms, Inc., Jill Bruns and Steve Bruns, Keith Peterson and Sandy Peterson, and the Estate of Lois J. Peterson, (collectively "Petitioners") with the High Island Creek Watershed District Board of Managers pursuant to Minn. Stat. § 103D.625, subd. 4.

WHEREAS, High Island Creek Watershed District ("HICWD") has jurisdiction over improvements to Renville County Ditch No. 103 ("CD 103") pursuant to Minn. Stat. § 103D.625, subd. 4, because CD 103 is located within the High Island Creek Watershed; and

WHEREAS, HICWD, sitting as the drainage authority for CD 103, considered the Petition during its regularly scheduled meeting on April 27, 2026; and

WHEREAS, Pursuant to Minn. Stat. § 103D.625, subd. 4, proceedings for the improvement of a drainage system in the watershed district must conform to Chapter 103E of the Minnesota Statutes.

WHEREAS, Minn. Stat. § 103E.215 sets forth the requirements for a petition for improvement of a drainage system,

WHEREAS said Board of Managers of HICWD has received and considered the Petition;

NOW, THEREFORE, on motion duly made by Manager DF, and seconded by Manager KM, HICWD adopts the following findings and makes the following orders:

1. Said Board hereby finds that:
 - a. At least 26% of the owners of the property that the proposed improvement passes over have signed the petition. The proposed improvement passes over property owned by Triple T Farms, LLC, E&K Farms, Inc., the Estate

of Lois J. Peterson, and John Ebertz. Because the Petition is signed by Triple T Farms, LLC, E&K Farms, Inc., and the Estate of Lois J. Peterson, the Petition meets the signature requirement of Minn. Stat. 103E.215, subd. 4(a)(2).

- b. The Petition adequately designates the drainage system proposed to be improved, by identifying CD 103.
- c. The Petition states that CD 103 has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet.
- d. The Petition does not propose any extension of CD 103.
- e. The Petition adequately describes the improvement, including describing the names and addresses of the owners of the 40-acre tracts or government lots and property that the improvement passes over.
- f. The Petition states that the proposed improvement will be of public utility and will promote the public health.
- g. The Petition contains an agreement by the Petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.
- h. The Petition is adequate and meets the legal requirements applicable to this proceeding.
- i. Pursuant to Minn. Stat. § 103E.215, because Petitioners have presented a Petition that meets the legal requirements applicable to an improvement proceeding, the Board is required to appoint an engineer to examine the drainage system and make an improvement report.
- j. Pursuant to Minn. Stat. § 103E.202, and Minn. Stat. § 103D.705, Petitioners must post a bond or deposit security conditioned on paying all costs and expenses incurred by HICWD in the event the project petitioned for is not constructed or the proceedings are dismissed. Petitioners have submitted a check for \$10,000 payable to HICWD in lieu of a bond. This check has been received by Dean M. Zimmerli, attorney for the Board.

2. The Board appoints Bill Helget of Bolton & Menk to serve as an engineer for this proposed improvement.

3. The engineer shall prepare a preliminary improvement report and file said report as promptly as possible. The preliminary improvement report shall comply with Minn. Stat. § 103E.245.

4. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the auditor. The bond shall be in the amount of \$5,000.00

and must be conditioned to pay any person or the HICWD for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings or construction provided that the engineer will diligently and honestly perform the engineer's duties. In lieu of a bond, the engineer may submit an insurance commitment and provide proof of general liability and professional liability policies in an amount equal to a minimum of \$1,000,000 per occurrence and per claim, respectively, to be maintained during the entirety of the Engineer's appointment, and HICWD shall be named as an additional insured.

5. The preliminary improvement report shall include an investigation of the current condition of the portion of the project proposed to be improved and provide a recommendation on separable maintenance allocations of project costs.

6. The preliminary improvement report shall include an investigation of the scope of the improvement, alternatives to the proposed improvement, the impact of any regulatory, permitting, and wetland requirements, and other environmental factors. The preliminary improvement report shall include analysis of downstream impacts of the proposed improvement on drainage, flooding, water quality, and similar environmental factors.

Dated this 27 day of April, 2026.



President of the High Island Creek Watershed
District Board of Managers