

**STATE OF MINNESOTA
RENVILLE COUNTY BOARD OF COMMISSIONERS
SEATED AS THE DRAINAGE AUTHORITY FOR RENVILLE COUNTY DITCH 63**

In the Matter of the Petition to Impound, Reroute, and Divert Renville County Ditch 63 (Mertens)	PETITION
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Pursuant to Minn. Stat. § 103E.227, Petitioners seek to impound, reroute, and divert drainage system waters of Renville County Ditch 63 Lateral J for beneficial use. For their Petition, the undersigned Petitioners state and allege the following:

1. Petitioners Gregory & Dawn Mertens are the owners of the following described real property currently within the benefitted area of County Ditch 63:

Property Owners/Address	Parcel I.D. #	Description
Mertens/Gregory & Dawn 34522 830th Ave. Olivia, MN 56277	04-01181-00	6-115-34 W450 of S 1275 of SW4 of SE4

2. Petitioner Renville County Soil and Water Conservation District is a special purpose unit of government that manages and directs natural resources management programs within Renville County, and promotes sustainable use of water and soil resources through innovative and mutually beneficial conservation activities with local stakeholders.
3. To conserve and make a more adequate use of water resources and to incorporate water quality enhancing elements as authorized by Minnesota Statutes, section 103E.011, subdivision 5, Petitioners request that the Renville County Board of Commissioners, acting as the drainage authority under Minnesota Statutes, chapter 103E for Renville County Ditch 63, impound, reroute, and divert the Renville County Ditch 63 Lateral J drainage system waters within Section 6 of Township 115 North, Range 34 West (Bird Island Township), Renville County.
4. Attached hereto as **Exhibit A** is a concept plan for the proposed project, including the location of the proposed installation and a map identifying the areas likely to be affected by the project.
5. The proposed impoundment, reroute, and diversion will provide temporary and permanent water storage for the Renville County Ditch 63 drainage system waters, which flow to Beaver Creek. The water storage, controlled release, and reduction in peak flows are intended to reduce erosion and sedimentation and to reduce sediment and nutrient loading in Renville County Ditch 63 and ultimately in Beaver Creek.
6. Petitioners anticipate that a significant portion of the project costs will be paid from grant funds made available through Minnesota's Clean Water Fund for eligible water quality, conservation,

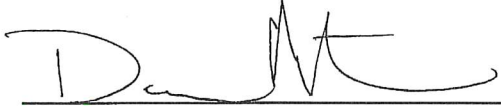
and related project components. Petitioners request drainage system funds in the amount of project costs not paid by grant funds or other non-drainage sources, as determined through the engineer's report and approved by the Drainage Authority, for costs attributable to modifying the drainage system, securing necessary rights-of-way and flowage easements, construction, and any other benefits to the drainage system. The requested use of drainage system funds is intended to supplement, and not replace, Clean Water Fund grant funding.

7. The rationale for the requested drainage system funds is that the proposed project will modify Renville County Ditch 63 Lateral J in a manner that benefits the drainage system while advancing water quality purposes. The project will conserve and make more adequate use of drainage system waters by temporarily storing and controlling the release of those waters; reduce downstream peak flows and flooding potential; reduce erosion and sedimentation; protect and improve water quality; and maintain the utility of the drainage system without depriving affected landowners of its benefit. To the extent the engineer identifies separable repairs or avoided repair costs within the project boundaries, Petitioners request that those costs and other drainage system benefits be considered in determining the amount, if any, of drainage system funds to contribute to the project.
8. Petitioners do not believe a public-waters-work permit or a water-use permit from the commissioner of natural resources is required under Minnesota Statutes, chapter 103G for the project, but Petitioners or the Drainage Authority will obtain any permit required before installing or constructing the project.
9. Pursuant to Minnesota Statutes, section 103E.227, subd. 2(b), a bond is not required because this Petition is filed by the Renville County Soil and Water Conservation District.
10. Pursuant to Minnesota Statutes, section 103E.227, subsd. 3 to 5, Petitioners request the Renville County Drainage Authority appoint an engineer to investigate the effect of the proposed installation and file a report of findings; give notice and conduct a public hearing on the Petition and the engineer's report; and, if the statutory criteria are met, issue an order modifying the drainage system and authorizing the project, including the amount, if any, of drainage system funds approved for the project and the parties responsible for construction, operation, and maintenance of the drainage system modification.
11. The proposed project is of public and private benefit, and will not impair the utility of the Renville County Ditch 63 drainage system or deprive affected landowners of its benefit.
12. Petitioners will cooperate with the Renville County Drainage Authority in granting the necessary rights-of-way and flowage easements for the proposed project.

Respectfully submitted as of the last date below, by Petitioners:


Gregory Mertens

Date: 6/17/20


Dawn Mertens

Date: 6/17/20

Renville County Soil and Water Conservation District:


By Phil Smith, Chair
Board of Supervisors

Date: 7-9-20



