

**STATE OF MINNESOTA
RENVILLE COUNTY BOARD OF COMMISSIONERS
ACTING AS THE DRAINAGE AUTHORITY UNDER MINNESOTA STATUTES CHAPTER 103E
FOR RENVILLE COUNTY DITCH 59**

In the Matter of the Petition for Improvement of Renville County Ditch 59 Branches B, 203, & 194 and their Laterals (Kingstrom et al.)	FINDINGS & FINAL ORDER ESTABLISHING IMPROVEMENT
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The Renville County Board of Commissioners, acting as the drainage authority for Renville County Ditch 59, opened the final hearing on August 25, 2026, and continued the final hearing to September 8, 2026, in the matter of the Petition and Amended Petition for Improvement of Renville County Ditch 59 Branches B, 203, and 194 and their laterals. At the duly noticed and continued public hearing, Commissioner Robinson moved, seconded by Commissioner Hamre, to adopt the following Findings and Final Order:

FINDINGS:

Jurisdiction and Procedural Record

1. The Renville County Board of Commissioners (the "Board") is the public drainage authority under Minnesota Statutes, chapter 103E (the "Drainage Authority") for Renville County Ditch 59 ("CD 59").
2. CD 59 was petitioned for establishment on June 26, 1916, with construction completed on August 1, 1921. CD 59 has been modified several times since its original construction, including an extensive repair known as "Repair F" in 1967.
3. CD 59 outlets into Renville County Ditch 37 approximately two miles west of Danube, Minnesota and just north of the Twin Cities & Western Railroad.
4. The Drainage Authority received a petition dated January 15, 2024 (the "Petition") filed by David and Elizabeth Kadlec, Roger Kingstrom, and Karen Steffel requesting improvement of portions of CD 59 pursuant to Minnesota Statutes, section 103E.215. A petitioners' bond was filed with the Petition.
5. On January 23, 2024, the Drainage Authority adopted findings and an order accepting the Petition and appointing Professional Engineer Shaun Luker and Bolton & Menk, Inc. (collectively, the "Engineer") as project engineer for the improvement proceeding. The Engineer was ordered to make a preliminary survey and file a preliminary survey report pursuant to Minnesota Statutes, section 103E.245.

6. The Drainage Authority received an amended petition dated April 9, 2025 (the "Amended Petition"), signed by petitioners Roger Kingstrom and David and Elizabeth Kadlec, requesting improvement of CD 59 Branches B, 203, and 194 and their associated laterals. The Amended Petition superseded the original scope for Branch B by expanding the proposed improvement to include Branches B, 203, and 194 and associated laterals.
7. The Drainage Authority attorney reviewed the Amended Petition and bond for compliance with Minnesota Statutes, sections 103E.202 and 103E.215, and referred the Amended Petition to the Drainage Authority for further proceedings.
8. On May 27, 2025, the Drainage Authority adopted findings and an order accepting the Amended Petition, confirming the appointment of the Engineer, and directing further proceedings.
9. The Engineer subscribed to the required oath and filed an insurance commitment in lieu of bond for the Engineer appointment, as authorized by the Drainage Authority.
10. The Engineer filed a preliminary survey report titled Preliminary Engineer's Report for Improvement of County Ditch 59 Branch B, 203 & 194, dated December 2025. The preliminary survey report was transmitted to the Commissioner of Natural Resources for review pursuant to Minnesota Statutes, section 103E.255.
11. The Commissioner of Natural Resources, through the Department of Natural Resources, filed a preliminary advisory report dated January 12, 2026, which was received and considered by the Drainage Authority.
12. The Drainage Authority ordered and noticed a preliminary hearing on the preliminary survey report. The preliminary hearing was held on January 13, 2026. At the preliminary hearing, the Drainage Authority considered the Petition, Amended Petition, preliminary survey report, the Commissioner's preliminary advisory report, and public testimony.
13. Following the preliminary hearing, the Drainage Authority adopted findings and an order determining that the Petition and Amended Petition met the legal requirements for an improvement proceeding, determining the nature and extent of the proposed plan and the need for a detailed survey, directing the Engineer to make a detailed survey and file a detailed survey report, and appointing viewers.
14. The Drainage Authority appointed Jim Weidemann, Steve Johnson, and David Schmidt as viewers to determine benefits and damages to property affected by the proposed improvement and to file a viewers' report. The viewers subscribed to an oath to faithfully perform their duties.

15. The Engineer filed a detailed survey report titled Final Engineer's Report for Improvement of County Ditch 59 Branch B, 203 & 194, certified by Engineer Shaun Luker and dated June 22, 2026 (the "Final Engineer's Report"). The Final Engineer's Report was transmitted to the Commissioner of Natural Resources for final review.
16. On July 14, 2026, the viewers filed a viewers' report and a Benefits and Damages Statement with the Drainage Authority (collectively, the "Viewers' Report").
17. From the information in the Viewers' Report, Drainage Authority staff prepared property owners' reports in accordance with Minnesota Statutes, section 103E.323. A copy of the property owners' report was mailed to each owner of property affected by the proposed improvement, and evidence of mailing is on file in the record of proceedings.
18. The Drainage Authority set a final hearing for August 25, 2026, at 8:30 a.m., or shortly thereafter as the agenda allowed, in the Commissioners' Room of the Renville County Government Services Center, 105 South 5th Street, Olivia, Minnesota. Notice of the final hearing was provided by publication, posting, and mailing as required by Minnesota Statutes, section 103E.325. The notice also provided notice of the potential use of separable maintenance under Minnesota Statutes, section 103E.215, subdivision 6, to persons owning property affected by CD 59.
19. The final hearing was opened on August 25, 2026. Commissioners Carlson, Hamre, and Robinson were present. Commissioners Mertens and Snow were unavailable for the August 25 hearing session. The Engineer or the Engineer's representative and at least one viewer were present.
20. At the August 25 hearing session, the Drainage Authority considered the Petition and Amended Petition, the Final Engineer's Report, the Viewers' Report, the Commissioner's Final Advisory Report, the Engineer's response to the Commissioner's Final Advisory Report, and written and oral testimony and evidence presented by interested persons.
21. Petitioners appeared and testified in favor of the proposed improvement. Other landowners affected by the proposed improvement and the potential use of separable maintenance appeared and testified in opposition to establishment of the improvement or to allocation of project costs by separable maintenance.
22. The written hearing record includes an August 23, 2026 written comment from Jeff Kubesh supporting establishment of the improvement and stating that the watershed needs improvement and that old and shallow tile lines require recurring repair. The written hearing record also includes a written statement submitted by Kevin Braun and signed by assessed property owners encouraging the Drainage Authority not to approve the improvement petition.

23. Two landowners objected to the benefits recommended for their properties by the viewers, contending that their properties do not benefit from the proposed improvement or do not benefit to the extent determined by the viewers.
24. During deliberations on August 25, 2026, the Drainage Authority considered testimony opposing separable maintenance and testimony concerning the financial burden of other CD 59 watershed assessments. The Drainage Authority recognizes that assessment timing and cumulative assessment burden are important practical concerns for affected landowners. However, the Drainage Authority finds that its decision must be made under the standards in Minnesota Statutes, chapter 103E. If the required statutory findings for establishment and separable maintenance are made, general opposition to special assessments or the timing of other drainage assessments is not an independent statutory basis to refuse to establish the improvement or to refuse to apply separable maintenance. The Drainage Authority reserves future order issues concerning financing, bonding, assessment terms, interest, and installment schedules.
25. On August 25, 2026, the Drainage Authority continued the final hearing to September 8, 2026, at 10:30 a.m., or thereafter as the agenda allowed, in the Commissioners' Room of the Renville County Government Services Center, 105 South 5th Street, Olivia, Minnesota. The continuance preserved the August 25 hearing record, allowed Commissioners Mertens and Snow to review the record and participate in Board deliberations before a final decision, and directed the viewers to re-examine the two properties for which landowners objected to the viewers' recommended benefits.
26. On August 26, 2026, the viewers filed a viewers' reexamination report. The viewers re-examined the two properties identified during the August 25 hearing session and did not recommend any change to the benefits or damages determined in the original Viewers' Report for those parcels.
27. The continued final hearing was held on September 8, 2026. At the continued final hearing, the Drainage Authority considered the August 25 hearing record, the written submissions received before and during the August 25 hearing session, the viewers' August 26, 2026 reexamination report, the Final Engineer's Report, the Viewers' Report, the Commissioner's Final Advisory Report, the Engineer Response, and the entire record of proceedings, together with any additional testimony or evidence received at the continued final hearing. The record of public comments and written submissions is incorporated into these findings by reference.

Final Engineer's Report and Recommended Improvement

28. The Final Engineer's Report describes the improvement of CD 59 Branch B, Branch 203, and Branch 194 in Renville County. The proposed improvement lies within a large watershed in the north-central portion of Renville County and includes approximately 3.9 miles of tile from 6-inch to 30-inch diameter pipe serving portions of Sections 1 and 2 in

Troy Township and portions of Sections 24, 25, 26, 27, 34, 35, and 36 in Winfield Township.

29. The Final Engineer's Report states that CD 59 serves as the outlet for Branch B, Branch 203, and Branch 194. CD 59 outlets into Renville County Ditch 37 about two miles west of Danube, Minnesota and just north of the Twin Cities & Western Railroad. The proposed improvement represents approximately 2.9 square miles of drainage area within the CD 59 watershed.
30. The Final Engineer's Report states that the portion of the system proposed for improvement consists of underground tile. Based on petitioner reports and engineering analysis, the existing system is not able to drain the watershed adequately, resulting in extended ponding, crop stress, and crop loss.
31. The Engineer estimated the capacity of the existing tile using the Manning equation. The Final Engineer's Report concludes that Branch B Main is at or under 1/4 inch per day, that Branch 203 generally drains at about 3/16 inch to 1/4 inch per day, and that Branch 194 generally drains at about 3/16 inch to 1/3 inch per day. When compared to the NRCS-recommended 1/2 inch per day standard, the Engineer concluded that the existing drainage system has inadequate capacity to provide for efficient row crop production.
32. The proposed Branch B improvement consists of new tile to replace Branch B Main up to Branch B5, a portion of Branch B5, and all of Branch B6. A portion of Branch B will be rerouted into Branch 203 in the Northeast Quarter of Section 35 in Winfield Township.
33. The proposed Branch 203 improvement consists of new tile to replace a portion of the existing system, together with portions of Branch B and Branch 194 rerouted into Branch 203.
34. The proposed Branch 194 improvement consists of new tile to replace portions of the existing system, including the outlet of Branch 194 and Branch 194-84. A portion of Branch 194 will also be rerouted into Branch 203 in the Northeast Quarter of Section 35 in Winfield Township.
35. The proposed improvement includes water quality and storage features, consisting of a permanent storage pond and four water and sediment control basins (WASCOBs), to temporarily store water, reduce peak flows, settle suspended solids, and reduce downstream erosion.
36. The Final Engineer's Report identifies the proposed storage features as a pond on parcel 27-01791-00 and WASCOBs on parcels 27-01820-00, 27-01800-00, and 27-01712-00. The proposed storage features collectively create approximately 24.0 acre-feet of storage. The Drainage Authority finds that the pond and WASCOBs are part of the recommended improvement and should be included in the scope of the improvement.

37. The Final Engineer's Report evaluated alternatives, including a "do nothing" alternative, wetland creation, WASCOB construction, and repair. The Engineer concluded that the do-nothing alternative would not solve the drainage problem; wetland creation remained potentially viable only with willing landowners and sufficient funding, but was estimated at approximately \$6.03 million to \$7.78 million depending on design depth; WASCOBs provide lower-cost storage and water-quality benefits; and repair alone would not solve localized flooding because the existing system is undersized.
38. The Final Engineer's Report states that a repair of the existing system would cost approximately \$2,742,464.00, or approximately 82 percent of the total project cost, but would not provide the capacity needed for the proposed improvement.
39. The Final Engineer's Report states that an MPCA construction stormwater and erosion control permit will be necessary for the project, and that a MnDOT permit will be necessary for work within the Trunk Highway 71 right-of-way. The Engineer also evaluated wetlands, public and private benefits and costs, agricultural effects, water quality, fish and wildlife, shallow groundwater, environmental impact, and land use.
40. The Final Engineer's Report states that National Wetland Inventory maps do not show wetlands within the project watershed, while also noting that wetlands on farm ground often do not show up on those maps. The report advises that impacts of the potential drainage system on individual land parcels will be evaluated by NRCS upon filing of Form AD-1026 by landowners.
41. For water quality, the Final Engineer's Report states that the proposed water quality and storage features are estimated to reduce nitrogen by 449 pounds per year, phosphorus by 61.6 pounds per year, and sediment by 6.4 tons per year. The report also states that riprap, Hickenbottom intakes, storage areas, erosion control, and rapid stabilization will help reduce erosion and maintain water quality during and after construction.
42. For fish and wildlife, the Final Engineer's Report states that no trees will be removed as part of the improvement and that no impact to the northern long-eared bat or bald eagle is expected. Existing buffers and open ditch areas temporarily impacted during construction will be restored or improved following construction.
43. For shallow groundwater, the Final Engineer's Report states that the proposed improvement will not significantly lower the bottom of the ditch or tile system and that no change in groundwater availability, distribution, or use is anticipated beyond what is necessary for the sufficient production of crops within the watershed.
44. For land use, the Final Engineer's Report states that the present use of land in the improvement watershed is largely agricultural and that this use is expected to continue into the future.

45. The Final Engineer's Report evaluates the adequacy of the outlet using a HydroCAD model at the County Road 59 crossing. The model compares historic, existing, proposed without storage, and proposed with storage conditions for 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year events. The Engineer concluded that the proposed condition with storage has similar flow rates to existing conditions except for a 5 cubic feet per second increase in the 2-year event, and that proposed peak flows with storage are lower than historic peak flows for all modeled events.
46. The Engineer concluded that the outlet is adequate for the proposed improvement and that the proposed improvement is feasible, practical, and necessary to provide drainage for the cultivation of crops in the watershed area.
47. The Final Engineer's Report estimates the total project cost with storage at approximately \$3,369,178.00. The report estimates the total cost of storage at \$391,656.00, with a net additional cost of approximately \$380,535.00 for approximately 24.0 acre-feet of storage.
48. The Engineer recommends that the Final Engineer's Report be approved, that storage be included in the scope of the improvement, that the Drainage Authority continue working with the SWCD for grants to help offset the cost of storage, and that the Drainage Authority order preparation of final plans and specifications.

Commissioner's Final Advisory Report and Engineer's Response

49. The Commissioner of Natural Resources, through the Department of Natural Resources ("DNR"), filed a final advisory report dated July 30, 2026 (the "Final Advisory Report") pursuant to Minnesota Statutes, section 103E.301.
50. The Final Advisory Report states that the detailed survey report is complete and the plan appears to conform to the general requirements of Minnesota Statutes, chapter 103E; that the detailed survey report is an acceptable plan to drain the property affected; that the Commissioner does not approve or disapprove the plan; that the proposed drainage appears to be of public benefit or utility under the environmental, land use, and multipurpose water management criteria in Minnesota Statutes, section 103E.015, subdivision 1; and that a soil survey is not required for the project.
51. The Final Advisory Report recommends that the Drainage Authority ensure that the project is consistent with the Hawk Creek - Middle Minnesota River Watershed Comprehensive Watershed Management Plan approved in 2022.
52. The Final Advisory Report requested clarification or additional information regarding drainage area calculations, proposed diversions into Branch 203, decommissioning of existing tile, flow duration, volume, and velocity information, the 5 cubic feet per second

increase in peak flow for the 2-year event, wetland restoration alternatives, and compatibility with watershed plan goals.

53. The Engineer filed a written response dated August 6, 2026 (the "Engineer Response") addressing the Final Advisory Report. The Engineer Response is incorporated into the record and supplements the Final Engineer's Report.
54. The Engineer Response states that the drainage area discrepancy is the result of inclusion of WASC0B 3 and a typographical error in the proposed table; that Branch 194 should have a total drainage area of 381 acres rather than 392 acres; and that rounding of the reported areas results in approximately 2.9 square miles.
55. The Engineer Response states that the proposed Branch 203 profile was selected based on existing ground elevations to avoid heavy-duty pipe and unnecessary excavation, while noting that the Board could direct a flatter section near the outlet if it desired to limit capacity and slow velocity.
56. The Engineer Response states that existing tile proposed to be improved will be abandoned and decommissioned at intervals of 200 feet along the tile alignment and that existing tile outlets will be removed and decommissioned.
57. The Engineer Response states that the hydrographs provided with the Final Engineer's Report show flow duration and flow volume information, that velocity is directly proportional to flow rate, and that the largest increase from existing conditions for required storm events is 1 cubic foot per second. The Engineer also states that the 2-year event analysis was included as additional context and that a 1.2 percent change is not considered significant or likely noticeable or measurable from an engineering perspective.
58. The Engineer Response states that the project is compatible with local land-use plans because the report evaluates outlet adequacy, includes water quality and storage features, and shows pollutant reduction. The response further states that, considering all three CD 59 projects within the watershed, total pollutant reductions are estimated at 267 acre-feet of live storage, 5,457 pounds per year of nitrogen, 640 pounds per year of phosphorus, and 50 tons per year of sediment, compared to relevant 1W1P goals for Beaver Creek A235 of 3,174 pounds per year of nitrogen, 91 pounds per year of phosphorus, and 25.2 tons per year of sediment.
59. The Engineer Response concludes that the Final Engineer's Report should be approved with the Engineer Response as clarification to DNR's comments, that storage should be included in the scope of the improvement, and that the Drainage Authority should order preparation of final plans and specifications.
60. The Drainage Authority has considered the Final Advisory Report, the Engineer Response, the Final Engineer's Report, the applicable environmental, land use, and multipurpose

water management criteria in Minnesota Statutes, section 103E.015, subdivision 1, and the testimony and evidence presented at the final hearing. Based on the record, the Drainage Authority finds that the Engineer Response substantially addresses the Final Advisory Report for purposes of the final hearing and that the project is practicable, of public utility and benefit, and will promote the public health.

Viewers' Report, Benefits, and Damages

61. The Viewers' Report was filed on July 14, 2026. The Benefits and Damages Statement states that the report covers the determination of benefits for improvement of a previously constructed drainage system and is based on a comparison of the condition that would exist with the existing drainage system in a reasonable state of repair and the condition that will exist with the improvement of Branch B, Branch 203, and Branch 194.
62. The viewers performed field observations in April 2026, made an on-site inspection of each 40-acre or smaller parcel, and determined that approximately 1,769 acres are benefited within the proposed improvement.
63. The viewers used soil survey manuals and maps of Renville County, FSA aerial photographs, topographic and LiDAR maps, yield averages and production costs from Farm Business Management Reports, visual inspection, original ditch files, maps and profiles, information from Bolton & Menk engineering, and sales data from the Renville County Assessor's Office.
64. The viewers calculated land classification benefit values based on potential increased agricultural production from construction of the drainage project and reconciled those values with recent sales values. Existing individual land management practices were not considered, and present land use was evaluated using an estimated best land management practice standard.
65. The viewers gave special consideration to areas determined to be in native/non-converted condition or identified as wetlands and restricted from drainage by federal or state regulations.
66. The viewers used benefit classifications A, B, C, and D. The Viewers' Report identifies rounded benefit values of \$5,815 per acre for class A, \$5,380 per acre for class B, \$2,545 per acre for class C, and \$785 per acre for class D. The viewers also identified an industrial agricultural benefit value of \$3,330 per acre for land used for industrial agricultural purposes.
67. The viewers applied a hydraulic efficiency factor and proximity rate to each benefited parcel to discount potential benefits as parcel distance from the county ditch increases and to account for the construction of public or private laterals required to improve each parcel's drainage to the recommended NRCS standard.

68. The Viewers' Report identifies total improvement benefits of \$693,709.13. The Viewers' Report identifies total damages of \$112,990.00, consisting of estimated temporary crop damages and permanent easement damages.
69. Although the viewers' roll identifies a total estimated project cost of \$3,375,935.00, the Final Engineer's Report estimates a total estimated project cost of \$3,369,178.00; estimated separable maintenance cost of \$2,742,464.00; and grant money of \$85,000.
70. The damages reported by the viewers include estimated temporary crop damages for 68.93 acres at \$600 per acre, estimated temporary crop damages for 13.56 acres at \$1,200 per acre, and permanent easement damages for 3.46 acres at \$16,000 per acre. The Drainage Authority finds that temporary crop damages may be finally adjusted after construction to reflect actual construction impacts as reported by the Engineer and allowed by law.
71. Based upon the costs estimated in the Final Engineer's Report, the estimated cost of the improvement portion of the project is \$628,714.00 or \$543,714.00 after allocating the \$85,000 grant to the improvement portion.
72. The Drainage Authority finds that the viewers properly determined benefits and damages in accordance with Minnesota Statutes, sections 103E.315 and 103E.321, and that the Viewers' Report is complete and correct as filed and as confirmed by this order.
73. The Drainage Authority finds that the net improvement benefits determined by the viewers (\$693,709.13) are greater than the total estimated improvement cost, including damages (\$628,714.00) ($\$693,709.13 - \$628,714.00 = \$64,995.13$). After allocating the \$85,000 grant to the added-improvement portion, the net added-improvement cost of \$543,714.00 remains less than the net improvement benefits of \$693,709.13 ($\$693,709.13 - \$543,714.00 = \$149,995.13$).
74. The Drainage Authority has considered the testimony objecting to the viewers' recommended benefits for two properties. The Drainage Authority directed the viewers to re-examine those properties, and the viewers filed their August 26, 2026 reexamination report recommending no change to the benefits or damages in the original Viewers' Report for those parcels.
75. Based on the Viewers' Report, the Benefits and Damages Statement, the viewers' field observations, the viewers' use of hydraulic efficiency and proximity adjustments, the viewers' August 26, 2026 reexamination report, and the testimony and evidence in the record, the Drainage Authority finds that the viewers properly determined benefits and damages and that the objections to the viewers' recommended benefits do not warrant amendment of the Viewers' Report.

Separable Maintenance

76. The Amended Petition and Final Engineer's Report identify that the portion of CD 59 proposed for improvement is in need of repair and that the proposed improvement is for a separable portion of the existing CD 59 drainage system.
77. Section V.D. and Exhibit 4 to the Final Engineer's Report provides the Engineer's separable maintenance statement. The Engineer estimates the proportionate cost of the proposed improvement required to repair the separable portion of CD 59 to be improved to be \$2,742,464.00 or 82% of the total project costs (\$2,742,464.00 estimated separable maintenance costs divided by total estimated project costs of \$3,369,178.00 = 81.3986%).
78. Based on the Final Engineer's Report, the existing system's age and condition, the Engineer's capacity computations, the documented inadequate tile capacity, the petitioner reports of extended ponding, crop stress, and crop loss, and the separable maintenance statement in Exhibit 4, the Drainage Authority finds that the separable portion to be improved needs repair for purposes of Minnesota Statutes, section 103E.215, subdivision 6.
79. Minnesota Statutes, section 103E.215, subdivision 6 requires the Drainage Authority to determine whether only a separable portion of the existing drainage system will be improved and if so, whether that separable portion needs repair. The possibility that the Drainage Authority could have deferred a stand-alone repair project as a matter of timing, funding, or system management does not change the repair-equivalent nature of the work included in the proposed improvement or the required proportionate allocation directed under section 103E.215, subdivision 6.
80. The final hearing notice included notice of the potential use of separable maintenance and was published, posted, and mailed as required for a final hearing and for the use of separable maintenance under Minnesota Statutes, section 103E.215, subdivision 6.
81. The Drainage Authority finds that only a separable portion of CD 59 will be improved and that the separable portion needs repair. The Drainage Authority further finds that the estimated proportionate cost of the improvement that would be required to repair the separable portion of the drainage system to be improved is \$2,742,464.00 or 81.3986%. Therefore, the gross added improvement portion of the total estimated project cost is the remaining 18.6014% of total improvement costs before grant credit allocation.
82. Benefits on CD 59 were redetermined on March 5, 2024, and total \$17,082,709.00. The Drainage Authority finds that the CD 59 drainage system benefits of record (\$17,082,709.00) are greater than the engineer's estimate of separable maintenance/repair costs (\$2,742,464.00) (\$17,082,709.00 - \$2,742,464.00 = \$14,340,245.00).

83. Based upon the proportionate estimates provided by the Engineer, the Drainage Authority determines that the proportionate cost required to repair the separable portion of CD 59 petitioned for improvement is 81.6014% of total project costs, which shall be treated as the repair portion of the improvement and shall be allocated as repairs and assessed against all property benefited by the entire CD 59 drainage system as provided by Minnesota Statutes, section 103E.731, and that the balance of the cost of the improvement shall be assessed, in addition to the repair assessment, against the property benefited by the improvement after the allocation of grant monies, as appropriate.

Cost of Proceedings and Final Statutory Findings

84. The viewers, Engineer, Drainage Authority counsel, and Drainage Authority staff have kept accounts of their time, work, and expenses incurred in these proceedings, and those accounts have been or will be filed with the Drainage Authority for allowance as part of the costs of the proceedings.
85. The detailed survey report and Viewers' Report have been made, and the other proceedings have been completed under Minnesota Statutes, chapter 103E.
86. All reports made or amended in these proceedings, including the Final Engineer's Report as supplemented by the Engineer Response and the Viewers' Report as confirmed by this order, are complete and correct.
87. The damages and benefits for the proposed improvement have been properly determined.
88. The estimated benefits of the improvement are greater than the total estimated cost of the proposed improvement, including damages.
89. The benefits of the CD 59 drainage system are greater than the total estimated cost of the separable maintenance/repair portion of the proposed improvement.
90. The Drainage Authority considered testimony and written submissions opposing the project and the use of separable maintenance based on assessment burden, including concerns that other CD 59 watershed projects have already resulted in substantial special assessments. The Drainage Authority finds that those concerns have been received and considered as part of the record, but that they do not alter the statutory establishment findings, the viewers' determination of benefits and damages, the Engineer's separable maintenance statement, or the Drainage Authority's duty to allocate the repair portion as provided by Minnesota Statutes, section 103E.215, subdivision 6, when the statutory conditions are satisfied.

91. The proposed improvement will be of public utility and benefit and will promote the public health.
92. The proposed improvement is practicable after considering the environmental, land use, and multipurpose water management criteria in Minnesota Statutes, section 103E.015, subdivision 1.
93. The Drainage Authority has given proper consideration to conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters provided by law, in determining that the proposed improvement will be of public utility, benefit, and welfare.
94. The Drainage Authority has considered private and public benefits and costs; alternative measures, including measures identified in applicable state-approved and locally adopted water management plans; the present and anticipated land use within the project area; current and potential flooding characteristics of property in the project area and downstream for relevant storm events; adequacy of the outlet; effects on wetlands, water quality, fish and wildlife, and shallow groundwater; and the overall environmental impact of those criteria.
95. Based on the engineering evidence in the record, including the Final Engineer's Report, the HydroCAD model, the proposed storage features, and the Engineer Response, the Drainage Authority finds that the outlet is adequate for the proposed improvement and that the proposed improvement will not result in measurable damages to downstream areas.
96. The Drainage Authority considered testimony and observations concerning existing downstream flooding conditions. The Drainage Authority gives weight to those observations as part of the public record. However, based on the HydroCAD modeling, the proposed storage features, the Engineer's outlet analysis, and the Engineer Response, the Drainage Authority finds that the record does not establish that the proposed improvement will create measurable downstream damages or that the outlet is inadequate for the proposed improvement.
97. The Drainage Authority finds that external sources of funding and technical assistance for multipurpose drainage management and alternative measures have been investigated and that the Drainage Authority will continue to coordinate with Renville County SWCD, NRCS, DNR, BWSR, and other applicable agencies to pursue grants or other funding that may offset project costs or support storage and water-quality components of the improvement.
98. Evidence of all actions in this matter, including petitions, bonds, attorney reviews, preliminary orders, appointments, oaths, engineer reports, viewers' reports, the viewers' August 26, 2026 reexamination report, DNR advisory reports, the Engineer Response,

affidavits of mailing, publication, and posting, final hearing materials, written submissions, public comments, the August 25 and September 8, 2026 hearing proceedings, and the complete record of proceedings, is incorporated into these findings by reference.

ORDER:

Based on the foregoing findings and the entire record of proceedings, the Renville County Board of Commissioners, acting as the drainage authority under Minnesota Statutes, chapter 103E for Renville County Ditch 59, hereby orders as follows:

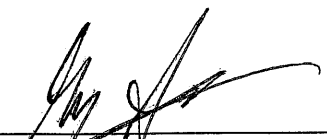
- A. That the Renville County Board of Commissioners, acting as the drainage authority for Renville County Ditch 59, hereby establishes and orders the improvement of CD 59 Branches B, 203, and 194 and their laterals according to the project described in the Final Engineer's Report, as clarified and supplemented by the Engineer Response and as confirmed by this order.
- B. That the Final Engineer's Report is hereby **APPROVED**. The Engineer Response is accepted as clarification and supplementation of the Final Engineer's Report in response to the Commissioner's Final Advisory Report.
- C. That the Drainage Authority approves inclusion of the proposed storage pond and WASCOBs in the scope of the improvement and directs the Engineer to include those storage and water-quality features in the final plans and specifications unless further order of the Drainage Authority provides otherwise.
- D. That the Viewers' Report and Benefits and Damages Statement are adopted and confirmed. The benefits and damages determined by the viewers for the proposed improvement are approved.
- E. That damages in the amount of \$112,990.00, as shown in the Viewers' Report, are awarded. Temporary crop damages are subject to final adjustment after construction based on actual construction impacts as reported by the Engineer and allowed by law.
- F. That the Drainage Authority determines that separable maintenance applies under Minnesota Statutes, section 103E.215, subdivision 6. The repair portion of the improvement is determined to be 81.3986% of final assessable project costs and shall be allocated as repairs and assessed against all property benefited by the entire CD 59 drainage system as provided by Minnesota Statutes, section 103E.731. The balance of the cost of the improvement shall be assessed, in addition to the repair assessment, against the property benefited by the improvement after credit is given to the added-improvement portion for grant monies, as appropriate.
- G. That the viewers are directed to prepare any final or consolidated rolls necessary for the Drainage Systems Manager and Drainage Authority to extend assessments for the

improvement, the separable maintenance portion of the improvement, and future repair assessments for the improvement as required by Minnesota Statutes, chapter 103E.

- H. That the Engineer is directed to prepare final plans, specifications, bid documents, and other documents necessary to proceed with bidding and construction of the established improvement. The Engineer, Drainage Systems Manager, Drainage Authority counsel, and staff are authorized and directed to take actions necessary to obtain permits, coordinate with affected agencies, pursue available grant or other external funding, secure necessary land rights, prepare procurement documents, and return to the Drainage Authority for further orders and approvals as required by Minnesota Statutes, chapter 103E.
- I. That the Drainage Authority delegates to the Engineer and the Drainage Systems Manager authority to approve non-material field adjustments and change orders that are consistent with the established improvement, do not materially alter the route or capacity of the improvement, do not materially affect additional property, and do not exceed \$10,000.00 for any single change order. All material changes and all other change orders must be presented to the Drainage Authority for review and approval.
- J. That upon completion of the improvement, the drainage system record shall be updated with the as-built alignment and conditions of the improvement.
- K. That the viewers, Engineer, Drainage Authority counsel, and staff are allowed payment of their accounts for work performed and expenses incurred in these proceedings, subject to review and approval as required by law and County procedures.
- L. That the Drainage Systems Manager shall transmit the Engineer Response, meeting minutes, these Findings and Final Order, and any other documents requested by the DNR to the DNR Regional Drainage email address.
- M. That the Drainage Authority reserves to itself, by future order, the decision to issue bonds or otherwise finance the proposed improvement and separable maintenance portion, and to determine the terms, duration, interest, installment schedule, and other conditions for assessments.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 4 yeas, 1 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
CARLSON	☒	☐	☐	☐
HAMRE	☒	☐	☐	☐
MERTENS	☐	☒	☐	☐
ROBINSON	☒	☐	☐	☐
SNOW	☒	☐	☐	☐



Greg Snow, Chairperson
Renville County Board of Commissioners

Dated: September 8, 2026

* * * * *

I, Seth Sparks, Renville County Drainage Systems Manager, do hereby certify that I have compared the above motion and findings and order with the original thereof as the same appears of record and on file with the Renville County Drainage Authority and find the same to be a true and correct transcript thereof. The above order was filed with me, Renville County Drainage Systems Manager, on September 8, 2026.

IN TESTIMONY WHEREOF, I hereunto set my hand this 8th day of September, 2026.

A handwritten signature in black ink that reads "Seth Sparks". The signature is written in a cursive, flowing style. The first name "Seth" is written in a larger, more prominent script, and "Sparks" follows in a similar but slightly smaller script. The signature is positioned above a horizontal line.

Seth Sparks, Drainage Systems Manager
Renville County, Minnesota

