

RICE COUNTY COUNTY DITCH NO. 25

Engineer's Advisory Report Redetermination of Benefits and Damages

September 15, 2017



**JONES
HAUGH
SMITH**
Engineers + Surveyors

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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Steven J. Penkava

STEVEN J. PENKA
Date: *9-15-17*

Lic. No. 43895

STATE OF MINNESOTA
COUNTY OF RICE

IN THE MATTER OF REDETERMINATION OF BENEFITS AND DAMAGES OF
COUNTY DITCH NO. 25
RICE COUNTY, MINNESOTA

ENGINEER'S ADVISORY REPORT

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS:

The undersigned Licensed Professional Engineer, Steven J. Penkava, representing Jones, Haugh & Smith Inc., Consulting Engineers, duly appointed by Order of said Board of County Commissioners, dated August 23, 2016, having qualified as provided by law and assumed the duties of the office of Engineer, would now respectfully report on the investigation and examination of said drainage system as follows:

ORDER

The Rice County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values; or that the benefited or damaged areas have changed.

HISTORY

County Ditch No. 25 (CD 25) is primarily located in Wheatland Township. The watershed was first drained by CD 5 in 1907 and improved around 1954 with the establishment of CD 25. The ditch consists of approximately 56,600 feet of open ditch and 3,500 feet of subsurface tile.

A 1980 improvement project sought to improve the outlet of CD 25 into Cody Lake and drainage for low lying lands within the watershed. Construction consisted of installation of a pumping station on the north side of Union Trail Lake Trail. The project and construction of the pumps was controversial. The pumps were in operation for approximately five years and later removed due to high operating costs and disputes over assessing the benefits of said pumps.

In 1983 landowners petitioned for a Redetermination of Benefits and Damages and the Viewers found the CD 25 watershed to be approximately 8,382 acres. The Viewers Report recommended assessing approximately 137 acres 45 percent of benefits and the remaining acres 55 percent of the benefits. The report was appealed and turned back to the County Board. The Redetermination was revisited and approved in 1986.

In 1984 Lateral 1 to Spur 2 was established. Construction consisted of approximately 250 feet of open ditch and 2,050 feet of 12 inch tile located in Section 29, Wheatland Township.

The upper portion of Lateral 4-A open ditch and tile located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Wheatland Township appear to have been abandoned and replaced with a wetland restoration. No formal abandonment proceedings were noted in the file.

In 2013 the Hatch Lake outlet structure was repaired. The inplace structure deteriorated allowing the lake level to drop to the level of a natural berm at the outlet. The structure washed out approximately one year later after numerous heavy rains. The structure has been repaired numerous times since establishment of the CD 25 and due to poor soils on the site the repairs have been unsuccessful. A long term solution requires extensive soil exploration, possible soil correction and construction of an alternative outlet control structure.

The established outlet of CD 25 is into Cody Lake in the SE ¼ Section 32, Wheatland Township approximately 513 feet downstream of Union Lake Trail. Cody Lake is the upper most lake in a chain that includes Phelps Lake, Rice Lake and Lake Sanborn. Over the years, the outlet channel linking the lakes has become overgrown with vegetation and blockages. Blockages within the channel raise the level of Cody Lake and subsequently restrict drainage of the low lying lands within the CD 25 watershed. The ordinary high water level of Cody Lake is 1030.9. The elevation of low lying lands within the CD 25 watershed range between elevations 1031 to 1034.

Since the original construction of CD 25, there has been substantial development of private surface and subsurface drainage systems within the watershed. There have also been numerous repairs of CD 25 over the years.

FINDINGS

Maps of previous proceedings for CD 25 were reviewed and used to determine watershed divides and current drainage use of the system. Aerial photography, U.S. Geological Survey contour maps, Lidar and other technological advances provide more accurate location of watershed divides than methods used years ago. The original CD 25 watershed was approximately 8,382 acres in size. The current watershed is approximately 8,896 acres of which approximately 318 acres are within the City of Lonsdale.

RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 25. The 1952 Engineer's Final Report recommends a 100-foot right-of-way, 50 feet either side of centerline be acquired. Records are unclear on the exact area and amount if any were paid for said right-of-way.

The right-of-way for the one-rod permanent grass strip adjacent to the top of the ditch bank is considered necessary. A list of tracts for which the one-rod grass strip is needed is listed in Exhibit B under the "RIGHT-OF-WAY REQUIRED". The list contains the description of each tract, the name of the recorded owner, and the area required for right-of-way.

Damages for acquisition of the one-rod grass strip should be shown separately in the Viewer's Report.

RECOMMENDATIONS

Landowners should realize that no construction is proposed and that benefits determined will be the basis for future repair and maintenance of County Ditch No. 25. Hearings should be held to consider the Viewer's Report and watershed modifications shown on Exhibit A to this report. Subject to discussions during the hearings, the Ditch Authority should adopt the Engineer's Report and the Viewer's Report as accepted or amended during these proceedings.

ATTACHMENTS

Exhibit A: Title Sheet, Watershed Map.

REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 25
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	One-Rod Grass Strip (ac)
<u>County Ditch No. 25 - Main Open Ditch</u>			
CD 25 south of Union Lake Trail		32-112-22	0.36
James Duban	SE NE	32-112-22 0132175001	1.19
John Duban	NE NE	32-112-22 0132125001	0.52
Dan Rahman	NE NE	32-112-22 0132100003	0.39
Dan Matejcek	NW NW	33-112-22 0133225002	0.30
John Skluzacek	SW SW	28-112-22 0128350001	1.04
Eleanor Skluzacek	NW SW	28-112-22 0128325001	0.50
Joseph Korbel	NW SW	28-112-22 0128300001	0.50
Eleanor Skluzacek	SW NW	28-112-22 0128250001	0.33
John Skluzacek	SW NW	28-112-22 0128275001	1.12
John Skluzacek	SE NW	28-112-22 0128275001	0.81
Brian Velishek	NE NW	28-112-22 0128225002	0.26
Edward Smisek	NE NW	28-112-22 0128225001	0.14
Edward Smisek	NE NW	28-112-22 0128200001	0.41
Douglas Ziskovsky	NW NE	28-112-22 0128125001	0.51
Greg Wacker	SW SE	21-112-22 0121450001	1.11
Steven Vikla	NE SE	21-112-22 0121425001	1.03
E&W Nuetzman	SW NE	21-112-22 0121150002	1.08
Tonya Bigley	NW NE	21-112-22 0121125001	0.92
James Novak	NE NE	21-112-22 0121100001	0.29
Steven Vikla	SW SE	16-112-22 0116450001	0.38
Dale Zimanske	SE SE	16-112-22 0116475001	0.61
Charles Haecherl	NE SE	16-112-22 0116400001	1.00
Charles Haecherl	SE NE	16-112-22 0116400001	1.00
<u>County Ditch No. 25 - Spur 1</u>			
John Skluzacek	SW NW	28-112-22 0128275001	0.32
Brian Velishek	NW NW	28-112-22 0128225002	0.39
Marvin Skluzacek	NE NE	29-112-22 0129100002	0.76
Edward Smisek	NW NW	28-112-22 0128225001	0.19
Edward Smisek	SW SW	21-112-22 0121375001	1.28
Edward Smisek	NW SW	21-112-22 0121375001	0.62
Pieper Family Farm	NW SW	21-112-22 0121325001	0.62
Pieper Family Farm	SE NE	20-112-22 0120175001	0.76
Pieper Family Farm	SE NE	20-112-22 0120100001	0.35
Pieper Family Farm	NE NE	20-112-22 0120100001	1.22

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COUNTY DITCH NO. 25
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RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	One-Rod Grass Strip (ac)
<u>County Ditch No. 25 - Spur 1 continued</u>			
Pieper Family Farm	SE SE	17-112-22 0117475002	0.77
Steven Vikla	SE SE	17-112-22 0117475001	0.26
Myron Simon	SE SE	17-112-22 0117425001	0.26
Myron Simon	NE SE	17-112-22 0117425001	0.24
<u>County Ditch No. 25 - Spur 2</u>			
John Skluzacek	SW SW	28-112-22 0128350001	0.37
John Duban	SE SE	29-112-22 0129475002	0.23
Norbert Skluzacek	SE SE	29-112-22 0129475001	0.23
Norbert Skluzacek	NE SE	29-112-22 0129400001	0.03
John Duban	NE SE	29-112-22 0129450001	0.32
Chris Neisen	NE SE	29-112-22 0129425001	0.29
<u>County Ditch No. 25 - Spur 3</u>			
Edward Smisek	NE NW	28-112-22 0128200001	0.14
John Skluzacek	SE NW	28-112-22 0128275001	0.14
Douglas Ziskovsky	NW NE	28-112-22 0128125001	0.50
John Skluzacek	SW NE	28-112-22 0128275001	0.50
<u>County Ditch No. 25 - Spur 4</u>			
John Skluzacek	SW SW	28-112-22 0128350001	0.53
James Langeberg	SW SW	28-112-22 0128375002	0.22
James Langeberg	SE SW	28-112-22 0128375002	0.51
Sandra Carlson	SE SW	28-112-22 0128375001	0.51
Richard Peters	SW SE	28-112-22 0128425001	0.64
Sandra Carlson	SW SE	28-112-22 0128450001	0.26
Richard Peters	NW SE	28-112-22 0128425001	0.74
Joseph Korbel	NE SE	28-112-22 0128400001	0.97
Anthony Trcka	SE NE	28-112-22 0128175002	0.49
<u>County Ditch No. 25 - Spur 5</u>			
Stanley Stepka	NE NE	16-112-22 0116100010	0.45
Charles Haecherl	NE NE	16-112-22 0116100006	0.65
Paul Otting	SW NW	15-112-22 0115250003	1.04

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RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	One-Rod Grass Strip (ac)
<u>County Ditch No. 25 - Lat 1 to Spur 1</u>			
Pieper Family Farm	SW SE	17-112-22 0117475002	0.67
Myron Simon	SW SE	17-112-22 0117425001	0.57
Chris Hertaus	NE SW	17-112-22 0117300001	1.68
Tim Strawhacker	SE NW	17-112-22 0117275002	0.99
Mark Simon	NE NW	17-112-22 0117200001	0.69
<u>County Ditch No. 25 - Lat 1 to Spur 2</u>			
Adrain Skluzacek	NE SE	29-112-22 0129150001	0.26
<u>County Ditch No. 25 - Lat 4-A</u>			
Joseph Schiprett	SE SE	28-112-22 0128475001	1.34
Joseph Korbel	SE SE	28-112-22 0128400001	0.53
Joseph Schiprett	NE NE	33-112-22 0133100001	0.65
Helen Rimpila	NW NW	34-112-22 0134225002	0.33
John Duban	NW NW	34-112-22 0134225001	0.45
Mark Thieding	SW NW	34-112-22 0134250001	0.52
<u>County Ditch No. 25 - Lat 5-A</u>			
Paul Otting	SW NW	15-112-22 0115250003	0.61