

**State of Minnesota
County of Rice**

**In the matter of the Redetermination
Of Benefits of Rice County Ditch 23
Rice County, Minnesota
August 11th, 2015**

Property Owners Report

Pursuant to Minnesota Statute 103E.323, the following is the Property Owners Report from information in the Viewers Report, in the matter of the redetermination of benefits and damages, and damaged and benefitted acres of Rice County Ditch 23, Rice County, Minnesota.

1. This redetermination of benefits sets the percentage that you will be required to pay for all future repairs and maintenance on Rice CD-23.
2. The name and address of the property owner is shown on the Excel spreadsheet for Rice County CD-23.
3. The description of each lot or tract and its area that is benefitted or damaged is shown on the Excel spreadsheet for Rice County CD-23.
4. There are no acres added to any tract or lot and there are no public waters, wetlands, and other areas not currently being cultivated that are proposed to be drained in this proceeding.
5. There are no acres which before the drainage benefits could be realized would require a public waters work permit to work in public waters under 103G.245 to excavate or fill a navigable water body under United States Code, Title 33, Section 403, or a permit to discharge into waters of United States under United States Code, Title 33, Section 1344.
6. There are no acres being assessed for drainage of areas that would be considered conversion of a wetland under United States Code, Title 16, Section 3821, if the area was placed in agricultural production.
7. There are no damages to riparian rights.
8. The amount or right-of-way acreage required is shown on the Excel spreadsheet for Rice County CD-23.
9. The amount that each tract or lot will be benefitted or damaged is shown on the Excel spreadsheet for Rice County CD-23.
10. The net damages or benefits to the property are shown on the Excel spreadsheet for Rice County CD-23.
11. No construction is planned as part of this proceeding.
12. A copy of the benefits and damages statement under 103E.321, Subdivision 2, relating to the property owner is in the Rice CD-23 Viewers Report and the Rice CD-23 Property Owners Report.
13. The percentage of the cost to be assessed to the property owner in future repair and maintenance proceedings is shown on the Excel spreadsheet for Rice County CD-23.

14. The redetermination of benefits and damages and damaged and benefitted areas shall be used in place of the original benefits and damages and benefitted and damaged areas in all subsequent proceedings relating to the Rice County Ditch 23 drainage system.
15. The full Viewer's Report is available for public inspection at the office of the Rice County Auditor-Treasurer, at the Rice County Courthouse, located in Faribault, MN. (507-332-6104)
16. The Viewers will be available to answer questions from interested parties on August 11th, 2015 from 9:00 AM to 9:30 AM. at the Rice County Courthouse, 320 3rd Street NW, Faribault, MN 55021.

Benefits and damages statement

This report covers the redetermination for a previously constructed drainage system. The basis for determining benefits and damages is therefore, based upon a comparison of the conditions that would have existed prior to the ditch systems construction, with those that do exist with the drainage system in a reasonable state of repair.

Supporting documentation for the analysis and conclusions of the report are contained in our files and are available for inspection. The figures stated herein are based on a full and fair comparison of all pertinent facts and information that we were aware of at the time of this redetermination process. The following aids were used in this viewing process.

- Rice County online GIS site
- USDA web soil survey
- Google Earth aerial satellite photos
- Yield averages taken from USDA national agriculture statistics service
- Production costs taken from University on Minnesota FinBin
- Sales data from the Rice County Assessor.
- Visual inspection of each 40 acre parcel or less.
- Consultation with the Rice County Auditor-Treasurer and the Rice County ditch inspector.

The Viewers determined that the lands affected by the drainage system are generally similar and that the following comments refer to all such tracts.

1. **Existing land use, property value and economic productivity:** Land is presently used for building sites, roads, and for agricultural purposes. It is the Viewers opinion that 7% of the land in the CD-23 watershed are non-benefitted acres and therefore are not assessed. The property value is consistent with most agricultural land sales within Rice County. Agricultural lands are primarily used for the production of corn and soybeans. The land has good economic productivity when properly drained.
2. **Potential land use, property value and economic productivity from the drainage system:** The drainage system has been in existence for many years and provides drainage for agricultural purposes. The property value is consistent with most agricultural land sales within Rice County. Land affected by the drainage system has the potential to produce average yields.

3. **The benefits or damages from the drainage system:** Damages were awarded in the previous proceedings for the established open ditch. We have awarded damages for additional ditch right of way. Due to M.S. 103E.021, a one-rod wide grass strip on each side of the ditch must be planted with a permanent strip of perennial vegetation. Therefore, a change of circumstances exists which requires award of damages to provide for the grass strip. Damages from the drainage system are related to the fair market value of the property required for the permanent grass strip and additional right of way, under 103E.021. Benefits derived by lands affected by the drainage system are due to (A) Improved capacity to remove surface waters due to previous construction and maintenance of the open ditch, which results in an increase in the current market value of property; or (B) an increase in the potential for agricultural production as a result of the previous construction and continued maintenance of the drainage system.
4. There is no damage to any riparian rights.
5. There are no acres added to any tract or lot and there are no public waters, wetlands, and other areas not currently being cultivated, that are proposed to be drained in this proceeding.
6. There are no acres which before the drainage benefits could be realized would require a public waters work permit to work in public waters under 103G.245 to excavate or fill a navigable water body under United States Code, Title 33, Section 403, or a permit to discharge into waters of United States under United States Code, Title 33, Section 1344.
7. There are no acres being assessed for drainage of areas that would be considered conversion of a wetland under United States Code, Title 16, Section 3821, if the area was placed in agricultural production.

RECOMMENDATIONS

We, the Viewers appointed to view the property, recommend that the benefits, as redetermined, and the damages for grass strip and additional right of way, be adopted.

Mark Behrends mark Behrends

Chris Christianson Chris Christianson

Robert Hansen Robert Hansen

Wesley Tennis Wesley Tennis

Submitted this _____ day of _____ 2015