

**BEFORE THE NOBLES-JACKSON JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR NOBLES-JACKSON JOINT COUNTY DITCH #9**

**Findings of Fact and Order Approving the
Redetermination of Benefits, Pursuant to
Minnesota Statutes 103E.351**

WHEREAS, the Nobles-Jackson Joint Board of Commissioners, acting as Drainage Authority for Nobles-Jackson Joint Ditch #9, ordered the Redetermination of Benefits for this system; and

WHEREAS, viewers were appointed to prepare a Redetermination of Benefits' Report; and

WHEREAS, the Viewers' Report and Amended Viewers' Report have been filed with the Nobles and Jackson County Auditors; and

WHEREAS, several public hearings were held with the last public hearing being held on Wednesday, December 9, 2020, at 1:30 p.m. at the Worthington Event Center, located in Worthington, Minnesota; and

WHEREAS, Dan Ruby, one of the duly appointed viewers, gave the updated Viewers' Report as to the Redetermination of Benefits of Nobles-Jackson Joint Ditch #9; and

WHEREAS, the viewers recommended that the Ken Meyerdirk property in Section 8 be removed from the Nobles-Jackson Joint Ditch #9 system and moved to the Nobles County Ditch #9 system; and

WHEREAS, the hearing was open for public comment and there was considerable public comment, including the following:

1. Kevin Stroup, the attorney for the Lorraine Stammer Trust property, has certain property enrolled in a permanent Reinvest in Minnesota program, which was reflected in the Amended Viewers' Report and that Section 11 has its benefits reduced from \$118,221.00 to \$34,908.00 and Section 12 has its benefits reduced from \$180,467.00

to \$126,048.00. Mr. Stroup indicated that if those changes had been made, that his client did not object to the Amended Viewers' Report.

2. On the Reinerd Bosma property, there is land that is in a permanent federal farm program and that land will be removed from the final Redetermination of Benefits' Report for any land that is in the permanent program.
3. On the Ken Meyerdirk property in Section 8 of Indian Lake Township, the final report and map will show that the acres are not in the Nobles-Jackson Joint County Ditch #9 system, but in the Nobles County Ditch #9 system. The viewers indicated that when the Redetermination is approved, the map will reflect that change.
4. Ken Meyerdirk requested that approximately 5 acres in Section 4 that was railroad property and is classified non-agricultural, be removed from the Redetermination of Benefits and Attorney Kurt Deter indicated that the Board had the authority to remove that property if they felt it was appropriate;

and

WHEREAS, there was discussion that the Redetermination of Benefits' Report is the report that is used for calculating the percentage for which each landowner is responsible when the system is repaired.

NOW, THEREFORE, based on all the evidence presented, the comments and information presented at the hearings and the Amended Viewers' Report, attached as **Exhibit A**, and all other evidence within the file, the Nobles-Jackson Joint Ditch #9 Board of Commissioners, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. That the request for reduction of benefits on the Lorraine Stammer Trust, involving RIM acres, is approved and will be reflected on the final Amended Viewers' Report, attached as **Exhibit A**.
2. That approximately 5 acres on the Ken Meyerdirk property that is former railroad property and is not an agricultural use, shall be removed from the Redetermination of Benefits, but should the land be put into agricultural use in the future, it will require a request for outlet into the Nobles-Jackson Joint Ditch #9 system.

3. That the final assessed area map reflect the change in the watershed boundary in Section 8, which moves acres from the Nobles-Jackson Joint County Ditch #9 system to the Nobles County Ditch #9 system.
4. The Amended Viewers' Report, attached as **Exhibit A**, has been made and other proceedings have been completed under Minnesota Statutes 103E.
5. The Viewers' Report, attached as **Exhibit A**, with the above-referenced changes, is complete and correct.
6. The damages and benefits have been properly determined.

ORDER

NOW, THEREFORE, it is hereby ordered that the Amended Redetermination of Benefits' Report, attached as **Exhibit A**, is hereby approved and this Redetermination of Benefits' Report shall be used in place of the original benefits and damages in all subsequent proceedings related to Nobles-Jackson Joint County Ditch #9.

Dated this 31 day of Dec, 2021. ²⁰²¹

NOBLES-JACKSON JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR JOINT DITCH #9

By Matthew Shiban
Its Chairperson