

**STATE OF MINNESOTA  
COUNTY OF RICE**

**In the matter of the Redetermination  
Of Benefits of Rice County Ditch 33,  
Rice County, Minnesota**

**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 33, Rice County, Minnesota.

1. **THIS IS NOT A BILL.** You do not owe this amount. The Redetermination only sets your percentage of future repairs.
2. The name and address of the property owner is shown on the landowner's spreadsheet report.
3. The description of each lot or tract and its area that is benefitted or damaged is shown in the accompanying portion of the landowner's report.
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 inevitable water body under United States Code, Title 33, Section 402, 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 in the accompanying portion of the landowner's report.
9. The amount that each tract or lot will be benefitted or damaged is shown in the accompanying portion of the landowner's report.
10. The net damages or benefits to the property owner are as shown on the accompanying portion of the landowner's report.
11. No construction is planned as part of this proceeding.
12. A copy of the benefits and damages statement under 103E.321, Subdivision 2, Paragraph (A), relating to the property owner is on the next page.
13. The estimated share of the cost to be assessed to the property owner in future repair and maintenance proceedings is shown in the accompanying portion of the tabular landowner's report.
14. That the redetermination of benefits and damages and damages 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 33 drainage system.

FINAL  
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15. The full Viewer's Report is available for public inspection at the office of the Rice County Auditor-Treasurer, at 320 3<sup>rd</sup> Street NW, Faribault, MN 55021. (507-332-6104)
16. The Viewers will be available to answer questions from interested parties on September 11<sup>th</sup> 2014 from 6:30 PM to 8:00PM at 320 3<sup>rd</sup> Street NW, Faribault, MN 55021.

**BENEFITS AND DAMAGES STATEMENT**

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. 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. Land affected by the drainage system has potential to produce above average yields.
3. The benefits or damages from the drainage system: Damages were awarded in the previous proceedings for the established open ditches. 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 permanent vegetation. Therefore, a change of circumstances exists which requires award of damages to provide for such grass strip. Damages from the drainage system are related to the fair market value of the property required for the permanent grass strip under 103E.021 and additional right of way. 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 as a result of the previous construction of the drainage system; or (B) an increase in the potential for agricultural production as a result of the previous construction and continued maintenance of the drainage system.

**RECOMMENDATIONS**

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

Chris Christianson *Chris Christianson*

Mark Behrends *mark Behrends*

Wesley Tennis *Wesley Tennis*

Robert Hansen *Robert Hansen*

Submitted this 15<sup>TH</sup> day of SEPTEMBER 2014

*71-11-01  
WPH/A*