**STATE OF MINNESOTA**

***Before the*
<DRAINAGE AUTHORITY NAME>
SITTING AS THE DRAINAGE AUTHORITY FOR
<NAME OF DRAINAGE SYSTEM>**

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| --- | --- |
| **In the Matter of:****the Petition to Impound, Reroute, and Divert <Name of Drainage System>** | **FINDINGS AND ORDER <GRANTING/DENYING> PETITION TO IMPOUND, REROUTE, AND DIVERT DRAINAGE SYSTEM WATERS** |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received a Petition to impound, reroute, and divert drainage system waters pursuant to Minnesota Statutes, section 103E.227 by <Petitioners>, having noticed and conducted a public hearing on the engineer’s report of findings, and based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. A Petition dated <date> <and bond> was received by the <Auditor/Secretary> of the <drainage authority> requesting to impound, reroute, and divert a portion of drainage system waters on <name of drainage system>, located in Sections <#>, Township <#>, Range <#>, <Township Name>, <County>, Minnesota pursuant to Minn. Stat. § 103E.227.
2. The drainage authority met on <date> and accepted the Petition. The drainage authority also appointed <name of engineer> of <name of engineering firm> as the engineer to investigate the effect of the proposed installation pursuant to Minn. Stat. § 103E.227, subd. 3(a).
3. The Petition requests to abandon portions of <name of drainage system> located in Sections <#>, Township <#>, Range <#>, <Township Name>, <County>, Minnesota as part of the system reroute.
4. The proposed impoundment, reroute, and diversion of drainage system waters will <state the project purpose of the impoundment, reroute, and diversion>.
5. Engineer <name> filed a report of findings with the drainage authority on <date>.
6. The drainage authority, by order, set a public hearing for review of the engineer’s report of findings on <date of order setting hearing> and directed the <Auditor/Secretary> to provide at least 10 days advance notice, by mail, of the time and location of the hearing to the Petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
7. Notice of the public hearing was properly provided as required by law.
8. Petitioners <have/will> acquir(ed) the following rights-of-way and flowage easements from owners of land to be affected by the proposed project:

<description of rights-of-way and flowage easements acquired>

1. Engineer <name of engineer> determined that the proposed impounding, rerouting, and diversion of drainage system waters <will/will not> be of public <and/or> private benefit; <will/will not> impair the utility of the drainage system; and <will/will not> deprive affected landowners of their benefits.
2. <Further summary of the engineer’s report of findings on the effect of the proposed project on the drainage system>.
3. <Engineer <name of engineer> found that the portion of <name of drainage system> proposed to be impounded, rerouted, and diverted is in need of repair and the cost to repair that portion of <name of drainage system> is <separable repair costs>. These separable repair costs will be avoided as part of the impoundment, reroute, and diversion of drainage system waters>.
4. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board’s response is indicated in italics following each comment):
	1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

* 1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

1. The proposed project <will/will not> be of <public and/or private> benefit. <statements to support findings on public and/or private benefit>
2. The proposed project <will/will not> impair the utility of the drainage system. <statements to support findings on utility>.
3. The proposed project <will/will not> deprive affected land owners of its benefit. <statements to support findings on affect to benefits of land onwers>.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for <name of drainage system>, hereby orders as follows:

1. That the Petition of <name of petitioners> to impound, reroute, and divert drainage system waters is <denied/granted> <contingent on the acquisition of all required rights-of-way and flowage easements>

[Note: If the Petition is granted, the Order may also include the following.]

1. Petitioners shall be responsible for all costs associated with the design and construction of the proposed project, except that <amount> shall be contributed towards the proposed project from drainage system funds <as separable repair costs and/or benefits to the drainage system>.
2. Petitioners shall record all easements obtained for the purpose of the proposed project.
3. The original drainage system records shall be modified to reflect the abandonment of the portion of the drainage system running through the respective impoundment, reroute, and diversion locations as described in the project concept plans and engineer’s report of findings.
4. The drainage authority shall have jurisdiction over and be responsible for repairs of the rerouted portion of the drainage system. Petitioners shall be solely responsible for the maintenance of the proposed project.

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
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Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<Full Name>, Chairperson

\* \* \* \* \* \* \* \* \* \* \*

I, <Full Name>, <Name of County or Watershed District> <Auditor/Secretary>, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the <name of drainage authority> and find the same to be a true and correct transcript thereof. The above order was filed with me, <name of county of watershed district> <Auditor/Secretary>, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN TESTIMONY WHEREOF, I hereunto set my hand this
\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 <Full Name>