**STATE OF MINNESOTA**

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

|  |  |
| --- | --- |
| **In the Matter of:****the Petition to Impound, Reroute, and Divert <Name of Drainage System>** | **FINDINGS AND ORDER** |

At a public meeting conducted by the <name of the drainage authority>, sitting as the <joint> drainage authority for <name of drainage system>, on <date>, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for adoption of the following Findings and Order:

**Findings:**

1. On <date>, Petitioners <Name of Petitioners> filed a Petition to Impound, Reroute, and Divert drainage system waters on <name of drainage system> for beneficial use.
2. The beneficial use described by the Petitioners is for the purpose of <generally describe the project>.
3. <(1) Pursuant to Minn. Stat. § 103E.227, subd. 2(b), a bond was not required to be filed with the Petition; or

(2) A bond in the amount of <$10,000> payable to <name of county(ies)/watershed district) has been filed concurrently with the Petition. The bond is of adequate surety and has been approved by the <name of county> County attorney/drainage authority attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed.>

1. The Petition conforms with the requirements of Minn. Stat. § 103E.227.
2. Pursuant to Minn. Stat. § 103E.227, subd. 3(a), the Petition requires appointment of an engineer to investigate the effect of the proposed installation and file a report of findings with the drainage authority.

**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. The Petition is hereby accepted.
2. <Name of engineer> is hereby appointed to investigate the effect of the proposed installation and file a report of findings with the <Auditor/Secretary>.
3. The engineer shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of <bond must be at least $5,000> with the <auditor/secretary>. The bond shall be subject to approval by the <auditor/secretary>. The bond shall be conditioned to pay any person or the drainage authority for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings or construction and provide that the engineer will diligently and honestly perform the engineer’s duties.
4. Upon the filing of the report of findings, the <Auditor/Secretary> shall promptly notify the Board which will, in consultation with the <Auditor/Secretary>, set a time, by order, not more than 30 days after the date of the order, for a hearing on the engineer’s report of findings. The <Auditor/Secretary> shall provide notice of the public hearing on the report of findings in accordance with Minn. Stat. § 103E.261.

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:

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| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
| <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>