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May 3, 2019

Ms. Stephanie Buss  
Stevens County Auditor  
400 Colorado Avenue, Suite 303  
Morris, MN 56267

Re: Stevens County Ditch No. 5 Improvement  
Our File No. 33130-001

Dear Ms. Buss:

Enclosed for filing, please find a Petition for Improvement of County Ditch 5. Mr. Doug Wulf will contact you directly about filing a bond or making a \$10,000.00 security deposit in lieu of a bond.

I am copying this letter and enclosures to Mr. Jordan so he can review them within the 30-day period provided by Minn. Stat. § 103E.238.

Assuming Mr. Jordan refers the Petition to the drainage authority pursuant to Minn. Stat. § 103E.238(2), then this is to request that within 30 days thereafter, the drainage authority appoint an engineer to make a preliminary survey within a prescribed time, as specified by Minn. Stat. § 103E.241, subd. 1.

Please contact me if you have questions or need anything else at this time. Thank you for your consideration.

Yours truly,



Jeff C. Braegelmann

JCB:slo  
Enclosure

cc: Mr. Aaron K. Jordan (w/enc.)  
Mr. Doug Wulf (w/enc.)

STATE OF MINNESOTA  
COUNTY OF STEVENS



In Re:

Stevens County Ditch No. 5,  
Steven County, Minnesota.

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**PETITION FOR IMPROVEMENT OF DRAINAGE SYSTEM**

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TO: STEVENS COUNTY BOARD OF COMMISSIONERS, ACTING AS THE DRAINAGE AUTHORITY FOR STEVENS COUNTY DITCH NO. 5, STEVENS COUNTY, MINNESOTA.

Petitioners respectfully represent, state and request the following:

**1. Jurisdiction.**

The undersigned Petitioners constitute (1) at least 26% of the owners of the property affected by the proposed improvement; (2) at least 26% of the owners of property that the proposed improvement passes over; (3) the owners of at least 26% of the property area affected by the proposed improvement; or (4) the owners of at least 26% of the property area that the proposed improvement passes over.

**2. Designation of Drainage System.**

This Petition requests the improvement of the drainage system known by and designated as County Ditch No. 5 located in Stevens County, Minnesota.

**3. Need for Improvement.**

The drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet.

**4. Description of Improvement.**

The improvement would extend the main line of the open ditch of CD 5 from the current outlet in the Southeast Quarter of the Northwest Quarter of Section 32, Morris Township, to the end of the straightened portion of the unnamed stream in the Northwest Quarter of the Southwest Quarter of Section 32, Morris Township. Also, the entire length of the main line open ditch would be deepened from the outlet of the ditch extension in Section 32, Morris Township, to Section 33, Morris Township. Two culvert crossings in the main line open ditch are proposed to be improved.

The improvement also would deepen the main line open ditch that runs parallel to and on the south side of 210<sup>th</sup> Street along the current ditch centerline from the Northeast Quarter of the Northeast Quarter of Section 33, Morris Township, to the Northwest Quarter of the Northwest Quarter of Section 33, Morris Township. This improvement option would require moving 16 electric utility poles to accommodate a slight widening of the ditch top.

Also, Branch 1 would be deepened from its outlet into the main line open ditch in the Northwest Quarter of the Northeast Quarter of Section 33, Morris Township, to the Northwest Quarter of the Northwest Quarter of Section 34, Morris Township. There is one culvert crossing through Branch 1, and it is proposed to be improved.

The starting point and general course of the proposed improvement, the approximate location and course the proposed improvement, the approximate watershed limits in the area of the proposed improvement, the parcels over which the proposed improvements would pass and the approximate location of the properties affected by the proposed improvement are shown on the map attached hereto and incorporated herein as **Exhibit A**.

Set forth below is a list of the of the forty-acre tracts or Government Lots that the proposed improvement would pass over, together with the names and addresses of the owners of those tracts. The parcel number on the list below corresponds to the parcel number shown on Exhibit A.

Parcel No.	Owner	Address	Description	Sec.	Twp.	Rge.
51	Everlyn T. Raasch c/o David Raasch	35296 Fair Point Road Kasota, MN 56050	NW¼ SW¼	32	125N	42W
39	Gerald Jost	21511 505 <sup>th</sup> Avenue Morris, MN 56267	SW¼ NW¼	32	125N	42W
40	Gerald Jost	21511 505 <sup>th</sup> Avenue Morris, MN 56267	SE¼ NW¼	32	125N	42W
Part of 41	Gerald Jost	21511 505 <sup>th</sup> Avenue Morris, MN 56267	Part of SW¼ NE¼	32	125N	42W
Part of 41	Arlyn Lampert Trust	62729 130 <sup>th</sup> Street Chokio, MN 56221	Part of SW¼ NE¼	32	125N	42W
42	Arlyn Lampert Trust	62729 130 <sup>th</sup> Street Chokio, MN 56221	SE¼ NE¼	32	125N	42W
30	Arlyn Lampert Trust	62729 130 <sup>th</sup> Street Chokio, MN 56221	NE¼ NE¼	32	125N	42W
43	John Lampert Trust	62729 130 <sup>th</sup> Street Chokio, MN 56221	SW¼ NW¼	33	125N	42W
31	John Lampert Trust	62729 130 <sup>th</sup> Street Chokio, MN 56221	NW¼ NW¼	33	125N	42W

Parcel No.	Owner	Address	Description	Sec.	Twp.	Rge.
32	Michael and Karon White	48490 210 <sup>th</sup> Street Morris, MN 56267	NE¼ NW¼	33	125N	42W
33	Robert C. and Beatrice Libbon	4004 London Road, #1104 Duluth, MN 55804	NW¼ NE¼	33	125N	42W
34	Robert C. and Beatrice Libbon	4004 London Road, #1104 Duluth, MN 55804	NE¼ NE¼	33	125N	42W
35	Dale M. Mathison Trust	P.O. Box 388 Clearwater, MN 55320	NW¼ NW¼	34	125N	42W

**5. Public Utility and Health.**

The proposed improvement will be of public utility and will promote the public health.

**6. Agreement by Petitioners.**

The undersigned Petitioners have been informed and understand that they may not withdraw as a petitioner at any time after this Petition is accepted by the drainage authority, except with the written consent of all other Petitioners on the filed Petition. Also, the undersigned Petitioners acknowledge and agree that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.

**7. Cost Bond.**

One or more petitioners shall cause a bond to be filed in the amount of at least \$10,000.00 payable to the drainage authority. The bond will be conditioned to pay the costs incurred if the proceedings are dismissed or if a contract is not awarded to construct the proposed improvement described in the petition.

**8. Separable Maintenance.**

Petitioners request that the drainage authority consider whether it is appropriate to employ separable maintenance in connection with the improvement project.

WHEREFORE, the Petitioners respectfully request the following:

- a. That the drainage authority accept this Petition, review it and determine that it is legally adequate; and
- b. That the drainage authority appoint Chuck Brandel, ISG, as engineer for purposes of the proposed improvement and direct the engineer to prepare an engineer's preliminary report for the proposed improvement, including allowing the engineer to analyze other potential routes for the proposed improvement.

*[Signature Pages to Follow]*

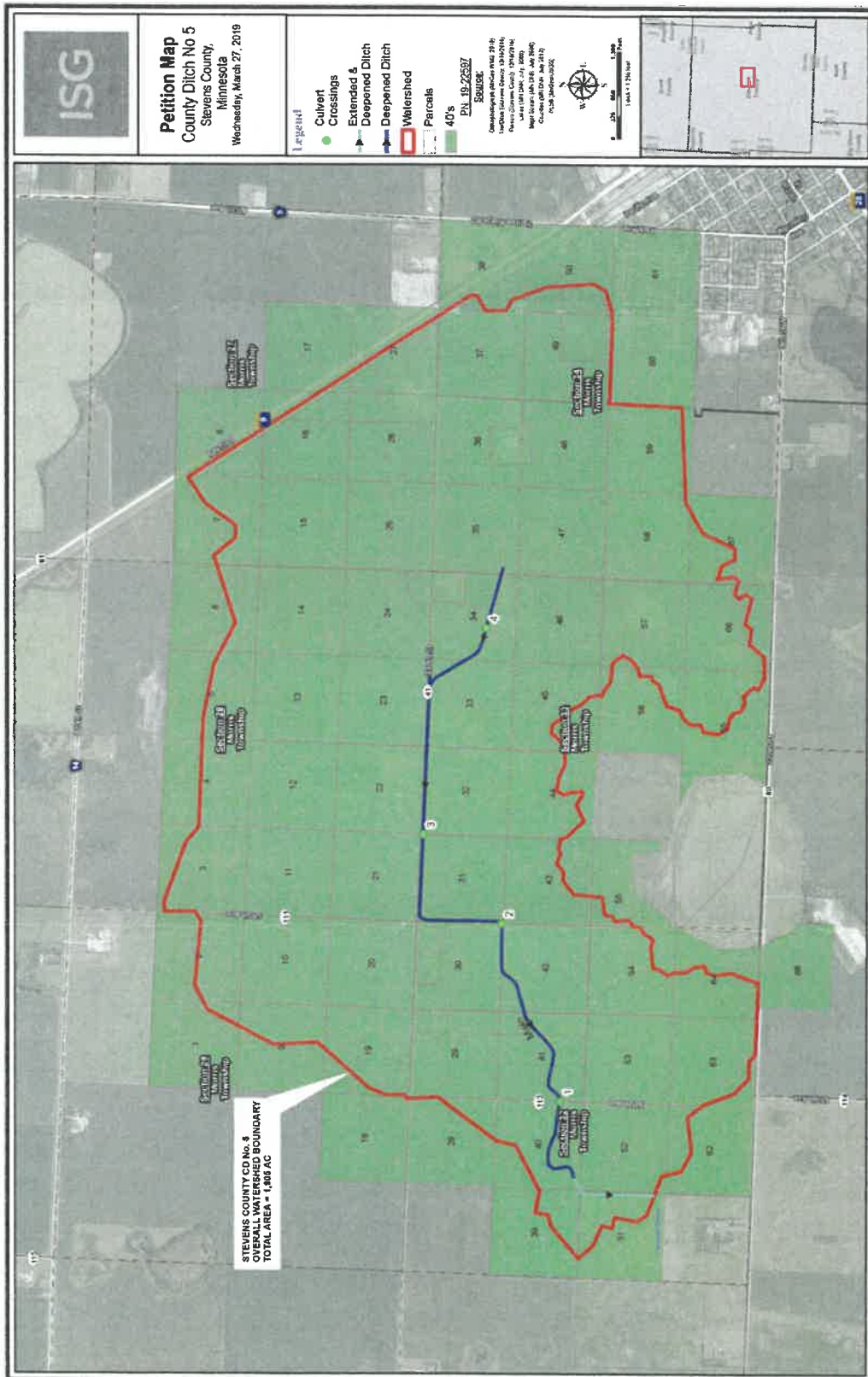
Dated this 2<sup>nd</sup> day of May, 2019.



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Jeff C. Braegelmann #174701  
GISLASON & HUNTER LLP  
Attorneys for Petitioners  
2700 South Broadway  
P. O. Box 458  
New Ulm, MN 56073-0458  
Phone: 507-354-3111  
Fax: 507-354-8447

# EXHIBIT A



SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Dale Mathison

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: \_\_\_\_\_)
- Partner (name of partnership: \_\_\_\_\_)
- Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- Trust (complete name of trust: Dale M Mathison TRUST)
- Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range
<u>35, 36, 47, 48, 58, 59, 67</u>	<u>34</u>	<u>125N</u>	<u>42W</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Dated: 4/19/19

  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Michael James White  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual
- \_\_\_\_\_ Co-Owners (# of co-owners: \_\_\_\_\_)
- \_\_\_\_\_ Partner (name of partnership: \_\_\_\_\_)
- \_\_\_\_\_ Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- \_\_\_\_\_ Trust (complete name of trust: \_\_\_\_\_)
- \_\_\_\_\_ Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range
<u>7, 8, 15, 16, 25, 26, 27</u>	<u>27</u>	<u>125N</u>	<u>42W</u>
<u>32, 44, 43</u>	<u>33</u>	<u>125N</u>	<u>42W</u>
_____	_____	_____	_____
_____	_____	_____	_____

Dated: 4-13-2019

Michael White  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)



SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Ailyn Lompart  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: \_\_\_\_\_)
- Partner (name of partnership: \_\_\_\_\_)
- Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- Trust (complete name of trust: Ailyn Lompart Trust by FNL)
- Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
<u>30742</u>	<u>32</u>	<u>125N</u>	<u>42W</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Dated: 4-17-19

Ailyn Lompart by John H. Lompart  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

**SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)**

Name of Petitioner(s) (please print or type):

John Lampert  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: \_\_\_\_\_)
- Partner (name of partnership: \_\_\_\_\_)
- Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- Trust (complete name of trust: John A Lampert Trust)
- Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range
<u>31, 43</u>	<u>33</u>	<u>125 N</u>	<u>42 W</u>
<u>1, 2</u>	<u>29</u>	<u>125 N</u>	<u>42 W</u>

Dated: 4-17-19

John A Lampert  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

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

\_\_\_\_\_  
 (signature)

SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Gary Lampert  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: \_\_\_\_\_)
- Partner (name of partnership: \_\_\_\_\_)
- Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- Trust (complete name of trust: \_\_\_\_\_)
- Other (explanation: Life Estate)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range
<u>11, 12, 21, 22</u>	<u>28</u>	<u>125N</u>	<u>42W</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Dated: 4-13-19 \_\_\_\_\_

Gary Lampert  
 (signature)

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

(signature)

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

(signature)

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

(signature)

**SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)**

Name of Petitioner(s) (please print or type):

Douglas Wulf  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual
- Co-Owners (# of co-owners: \_\_\_\_\_)
- Partner (name of partnership: \_\_\_\_\_)
- Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)
- Trust (complete name of trust: The Douglas W and Joyce K. Wulf Living Trust)
- Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

#	Tract Description	Section	Township	Range
# 32		34	125 N	42 W
# 49		34	125 N	42 W

Dated: 4-9-19 \_\_\_\_\_  
 (signature) Douglas Wulf (Trustee)

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_

SIGNATURE PAGES FOR  
 PETITION FOR IMPROVEMENT TO COUNTY DITCH NO. 5  
 (STEVENS COUNTY, MINNESOTA)

Name of Petitioner(s) (please print or type):

Gerald Jost  
 \_\_\_\_\_  
 \_\_\_\_\_

Ownership (check one):

- Individual  
 Co-Owners (# of co-owners: \_\_\_\_\_)  
 Partner (name of partnership: \_\_\_\_\_)  
 Corporation or limited liability company (name of corporation or LLC: \_\_\_\_\_)  
 Trust (complete name of trust: \_\_\_\_\_)  
 Other (explanation: \_\_\_\_\_)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range
<u>28, 29, 39, 40, 41, 52, 53, 54</u>	<u>32</u>	<u>125N</u>	<u>42W</u>
<u>62, 63, 64</u>	<u>32</u>	<u>125N</u>	<u>42W</u>
_____	_____	_____	_____
_____	_____	_____	_____

Dated: 4-15-19 \_\_\_\_\_  
 (signature) Gerald J. Jost

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_

Dated: \_\_\_\_\_  
 (signature) \_\_\_\_\_