



# Wendland Sellers Law Office

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REPLY TO BLUE EARTH OFFICE

August 28, 2019

Darren Esser  
Faribault County Auditor/Treasurer/Coordinator  
415 North Main, PO Box 130  
Blue Earth, MN 56013



RE: Petition for Outlet to Faribault County Ditch No. 12

Dear Mr. Esser:

Our office represents petitioners for the proposed petition for outlet to Jackson County Ditch No. 12 ("C.D. 12" or "the system"). Pursuant to Minn. Stat. §103E.401, a private drainage system that drains property not assessed for benefits for an established public drainage system must obtain express authority from the drainage authority having jurisdiction over the drainage system proposed to be used as the outlet, and a person seeking authority to use an established drainage system as an outlet must petition the drainage authority. As such, on behalf of Petitioners, enclosed please find the following:

1. Petition for Outlet to Faribault County Ditch No. 12 ("Petition");
2. A Map referred to and incorporated as "Exhibit A" depicting the current watershed boundaries of C.D. 12;
3. A Map referred to and incorporated as "Exhibit B" depicting the Petitioners' property area currently within the assessed areas of C.D. 12;
4. Two (2) separate maps referred to and incorporated as "Exhibit C" and "Exhibit D", respectively, depicting the proposed property area Petitioners are requesting to be assessed to C.D. 12 for outlet; and
5. Memorandum dated August 27, 2019 from Chuck Brandel describing the existing conditions and proposed conditions of the system, and further providing the hydrologic analysis and conclusion.

All information depicted on the enclosed exhibits were obtained from I+S Group engineers ("ISG") using the Surface Water Hydrology Atlas from Minnesota State University-Mankato, current Geographical Information Systems software, Lidar Contour Lines, ArcGIS, and original tile maps received from Faribault County. The parcel data and landowner information was obtained using the information available through the Faribault County GIS website and using the online Beacon software.

\* Qualified Neutral under Rule 114 of Minnesota General Rules of Practice

REAL ESTATE ▪ PROBATE ▪ ESTATE PLANNING ▪ CIVIL LITIGATION ▪ DEFENSE OF PUBLIC ENTITIES ▪ EMPLOYMENT  
▪ PRIVATE/PUBLIC DRAINAGE ▪ PERSONAL INJURY ▪ CORPORATE/BUSINESS ▪ CONTRACTS ▪ FAMILY LAW

August 28, 2019

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As you will note from the enclosed Memorandum, Petitioners have consulted with Chuck Brandel, civil engineer with ISG, regarding this proposed request, and, after his review of the existing and proposed hydrologic conditions, Mr. Brandel concluded that the additional acres to C.D. 12 would not have a significant effect on the drainage capabilities of the system.

I would respectfully request you consult with the drainage authority and set a time and location for a hearing on the Petition to consider the capacity of the outlet, determine the conditions for use of the system as an outlet, and to set the amount to be paid as an outlet fee.

Please contact me at your earliest convenience if you have further questions, require further information, or believe there are issues that need to be addressed prior to setting a time for a hearing. Thank you in advance for your consideration and prompt attention with this matter.

Sincerely yours,

WENDLAND SELLERS LAW OFFICE

A handwritten signature in cursive script that reads "Bruce E. Sellers".

Bruce E. Sellers  
FOR THE FIRM

Enc.

**PETITION FOR AN OUTLET TO  
FARIBAULT COUNTY DITCH NO. 12**

TO THE FARIBAULT COUNTY BOARD OF COMMISSIONERS AS DRAINAGE  
AUTHORITY IN RELATION TO FARIBAULT COUNTY DITCH NO. 12

Pursuant to the provisions of Minn. Stat. §103E.401, Petitioner herein makes the following representations:

WHEREAS, Faribault County Ditch No. 12 ("C.D. 12" or "the system") is situated in Sections 1, 2, and 11 of Pilot Grove Township, Faribault County and consists of subsurface drainage tile as depicted on Exhibit A attached hereto and incorporated herein for reference; and

WHEREAS, Petitioner is the owner of approximately 114.50 acres, more or less, of cultivated agricultural farm land located in the Northeast Quarter of the Northwest Quarter (NE ¼ NE ¼) and the North Half of the Northeast Quarter (N ½ NE ¼) of Section 2 of Pilot Grove Township, Faribault County; and

WHEREAS, approximately 28.6 acres, more or less, of the above-described property area is currently within the assessed areas of Faribault County Ditch No. 12 as depicted on Exhibit B attached hereto and incorporated herein for reference; and

WHEREAS, pursuant to Minn. Stat. §103E.401, Petitioner requests the express authority for an outlet into C.D. 12 for land not already assessed into the system, said additional property area consisting of approximately 70.7 acres, more or less; and

WHEREAS, the proposed property area Petitioner requests to be assessed to C.D. 12 for outlet is depicted on Exhibit C and Exhibit D attached hereto and incorporated herein for reference; and

WHEREAS, the names and addresses of affected owners within Faribault Co. Ditch No. 12 are as follows:

PIN: 14.002.0400

Owner/Address:

Steven P. & Brenda J. Lawrence Trust  
1120 Highland Dr.  
Blue Earth, MN 56013

PIN: 14.002.0700

Owner/Address:

Lawrence Land, LLC  
1120 Highland Dr.  
Blue Earth, MN 56013

PIN: 14.002.0100

Owner/Address:

Steven P. & Brenda J. Lawrence Trust  
1120 Highland Dr.  
Blue Earth, MN 56013

PIN: 14.002.0300

Owner/Address:

Dale & Jerrie Sorgatz  
42247 245<sup>th</sup> St.  
Delavan, MN 56023

PIN: 14.002.0201

Owner/Address:

United States of America, Division of Realty  
U.S. Fish & Wildlife Service  
5600 American Blvd. W.  
Suite 990  
Bloomington, MN 55437

PIN: 14.002.0200

Owner/Address:

David L. & Cindy Jo Lein  
20 North Shore Dr.  
Winnebago, MN 56098

PIN: 14.002.0600

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.002.0501

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.002.0500

Owner/Address:

David L. & Cindy Jo Lein  
20 North Shore Dr.  
Winnebago, MN 56098

PIN: 14.001.0200

Owner/Address:

Gerald L. Sonnek  
58124 240<sup>th</sup> St.  
Mankato, MN 56001

PIN: 14.002.0900

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.001.0201

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.002.1000

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.002.1100

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.001.0301

Owner/Address:

United States of America  
U.S. Fish & Wildlife Service  
1 Federal Dr.  
Bishop Henry Whipple Federal Building  
Fort Snelling, MN 55111

PIN: 14.001.0302

Owner/Address:

Harlan E. & Susan M. Schavey  
6164 360<sup>th</sup> Ave.  
Blue Earth, MN 56013

PIN: 14.001.0300

Owner/Address:

Raymond Hornke  
6315 350<sup>th</sup> Ave.  
Blue Earth, MN 56013

PIN: 14.011.0301

Owner/Address:

Charles R. & Joann

P.O. Box 612

Frost, MN 56033

PIN: 14.011.0502

Owner/Address:

Carol Eberline

41915 140<sup>th</sup> St.

Blue Earth, MN 56013

PIN: 14.011.0300

Owner/Address:

David J. & Kathryn A. Anderson

8740 385<sup>th</sup> Ave.

Blue Earth, MN 56013

PIN: 14.011.0100

Owner/Address:

Terry Lynn Caflisch

7768 200<sup>th</sup> St. N.

Forest Lake, MN 55025

PIN: 14.011.0800

Owner/Address:

Pilot Grove Cemetery Association


c/o Reta Steele


35675 95<sup>th</sup> St.


Blue Earth, MN 56013

WHEREAS, in support of its request, Petitioners submit for consideration of the Drainage Authority a Memorandum dated August 6, 2019 from Chuck Brandel, civil engineer with I+S Group experienced in the area of private and public agricultural drainage, providing a hydrologic analysis and conclusion that the additional acres to C.D. 12 would not have a significant effect on the existing outlet or drainage capabilities of the system.

NOW THEREFORE, Petitioner requests the Faribault County Auditor to present this petition to the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County C.D. 12 (after examination by its legal counsel), and further request a hearing be held, pursuant to Minn. Stat. §103E.401, Subd. 3, to grant an outlet and to set any outlet fee and benefits.

Owner Signature	Property Owned
 Steven P. & Brenda J. Lawrence Trust  By: Steve Lawrence, Trustee  Dated: August <u>28</u> , 2019	Parcel ID: 14.002.0400

Owner Signature	Property Owned
 Lawrence Land, LLC  By: Steven P. Lawrence  Its: President  Dated: August <u>28</u> , 2019	Parcel ID: 14.002.0700

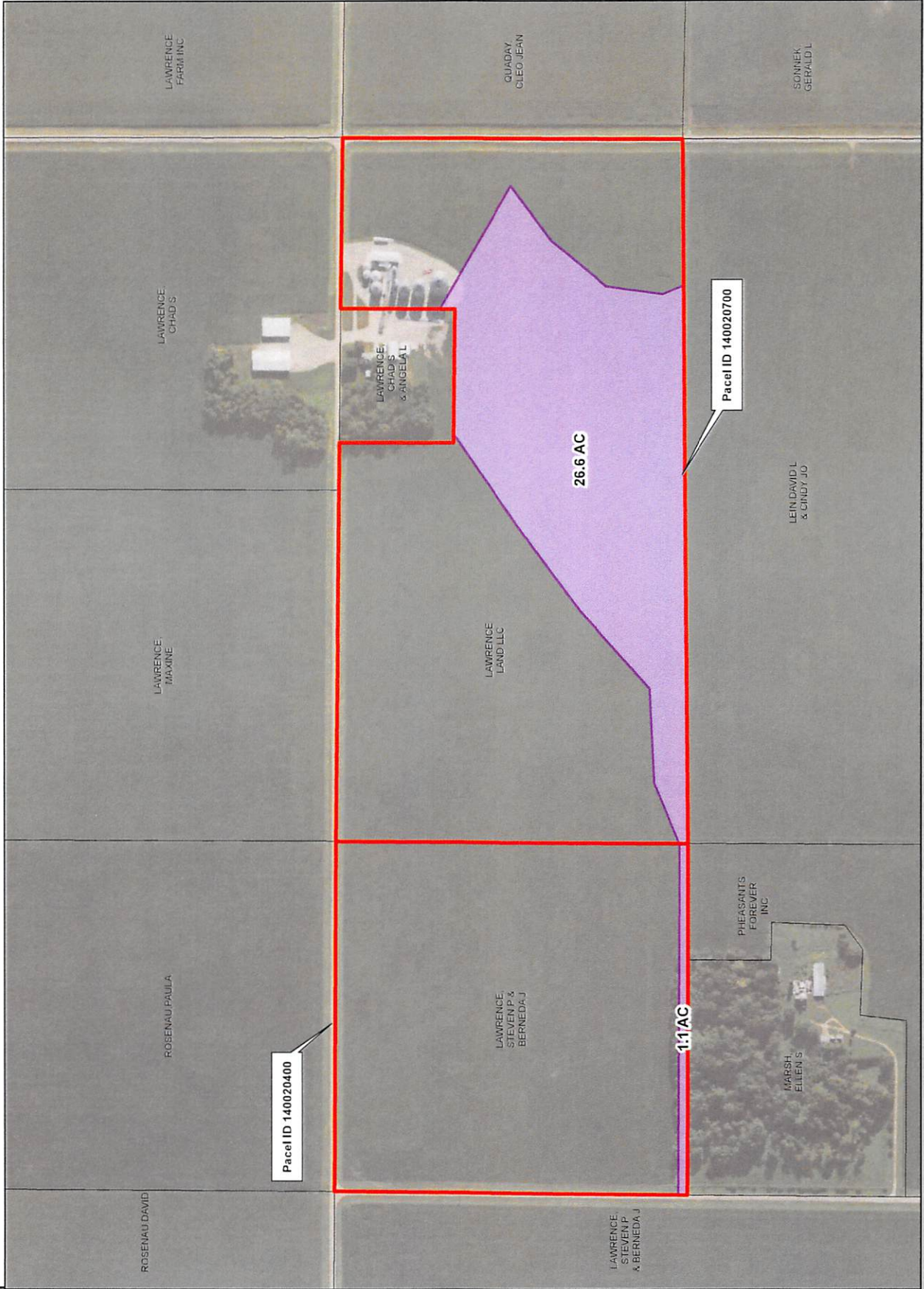
  
 Bruce E. Sellers  
 Attorney for Petitioners  
 Wendland Sellers Law Office  
 825 East Second Street  
 P.O. Box 247  
 Blue Earth, MN 56013  
 507-526-2196

This petition is prepared by:  
 Bruce E. Sellers, Attorney at Law  
 Wendland Sellers Law Office  
 P.O. Box 247  
 825 East Second Street  
 Blue Earth, MN 56013  
 507-526-2196

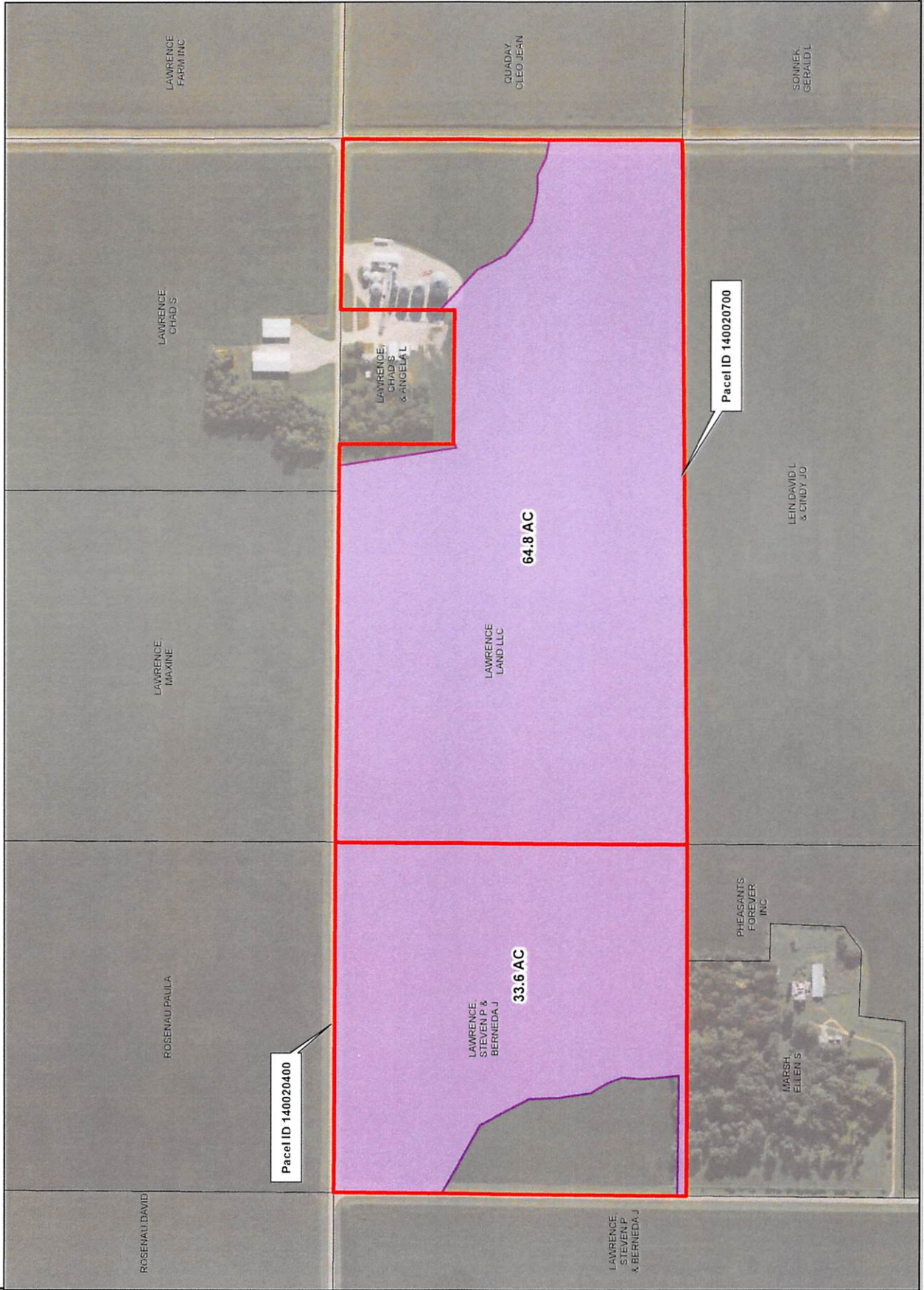


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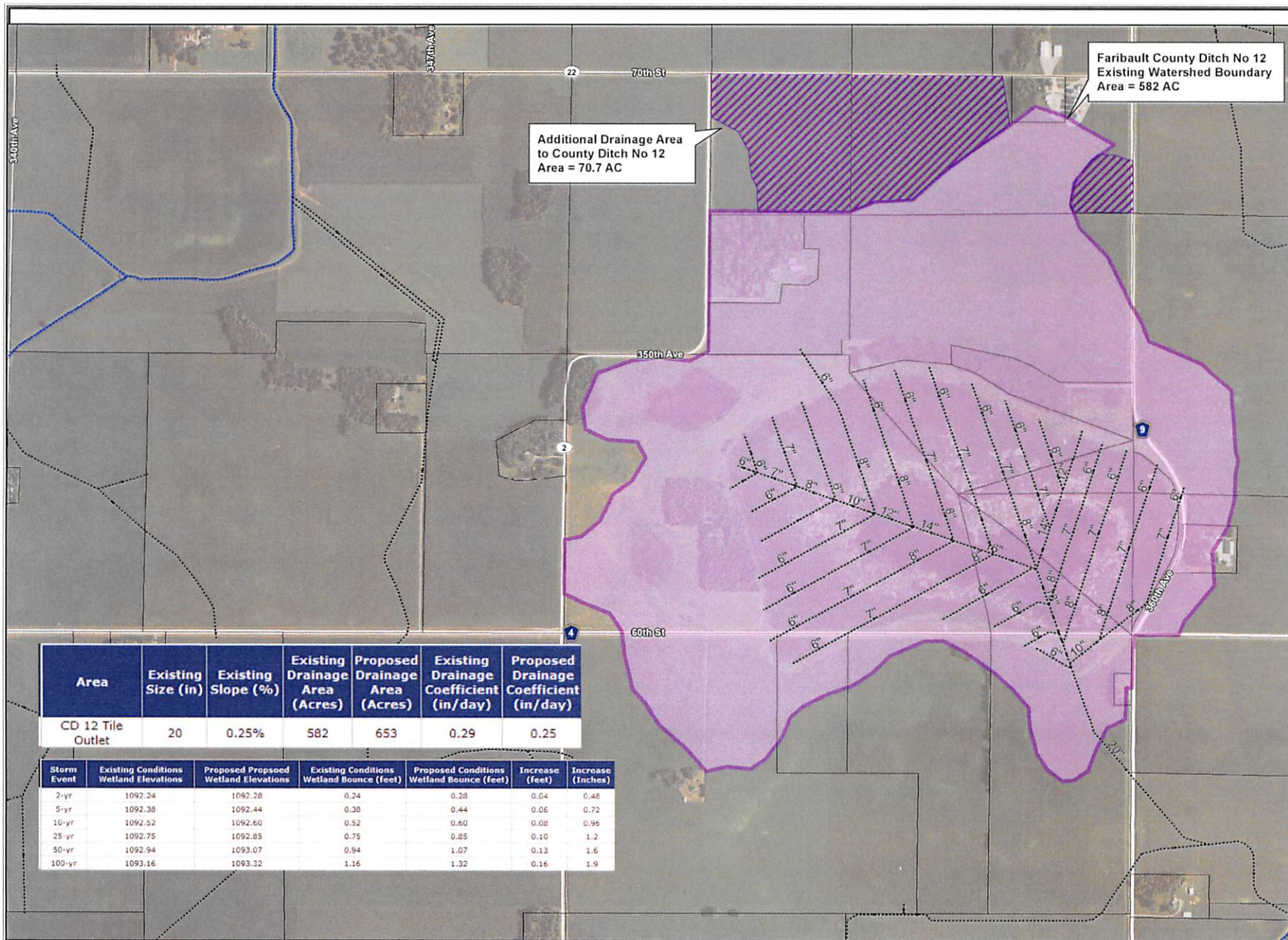












# Exhibit D County Ditch No. 12 Faribault County, Minnesota Tuesday, August 27, 2019

- Legend**
- Open Ditch
  - Tile
  - Additional Watershed
  - CD12
  - Faribault Parcels

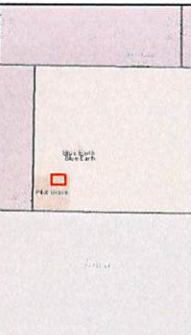
PN: 19-23304  
Source:  
Orthophotograph (Minneapolis, 2015)  
TAC/Don, AA County, 12/16/2016  
Parsons, AA County, 12/16/2016  
Larus, ME (DPR, July 2016)  
Hager, Minnesota (MNDNR, July 2016)  
Larus, Minnesota (MNDNR, July 2016)  
PL 55 (Minnesota, 2015)

N  
W  
E  
S

0 195 390 780 Feet  
1 inch = 528 feet

Area	Existing Size (in)	Existing Slope (%)	Existing Drainage Area (Acres)	Proposed Drainage Area (Acres)	Existing Drainage Coefficient (in/day)	Proposed Drainage Coefficient (in/day)
CD 12 Tile Outlet	20	0.25%	582	653	0.29	0.25

Storm Event	Existing Conditions Wetland Elevations	Proposed Conditions Wetland Elevations	Existing Conditions Wetland Bounce (feet)	Proposed Conditions Wetland Bounce (feet)	Increase (feet)	Increase (Inches)
2-yr	1092.24	1092.28	0.24	0.28	0.04	0.48
5-yr	1092.30	1092.44	0.30	0.44	0.06	0.72
10-yr	1092.52	1092.60	0.52	0.60	0.08	0.96
25-yr	1092.75	1092.85	0.75	0.85	0.10	1.2
50-yr	1092.94	1093.07	0.94	1.07	0.13	1.6
100-yr	1093.16	1093.32	1.16	1.32	0.16	1.9



# MEMORANDUM

**DATE:** August 27, 2019  
**TO:** Faribault County Drainage Authority  
**FROM:** Chuck Brandel  
**CC:** Bruce Sellers;  
**SUBJECT:** Watershed Analysis for Faribault CD 12

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The following memo summarizes the analysis for private tiling proposed on two parcels owned by Steve Lawrence in the N ½ of NE ¼ of Pilot Grove Township (Parcel ID 140020700) and NE ¼ NW ¼ of Pilot Grove Township (Parcel ID 140020400) in Faribault County. The proposed private tiling will alter the contributing amount of watershed into Faribault County Ditch No. 12 (CD 12), Faribault County Ditch No. 52 (CD 52), and Faribault County Judicial Ditch No. 514 (JD 514). The attached exhibit, *Location Map*, illustrates the existing extents of the watersheds and locations of the parcels that are proposing private tile additions. The analysis summarizes the changes in contributing watershed size to each watershed, and if the proposed tiling project will effect the drainage capabilities.

## **Existing Conditions**

Currently, there is existing private tile that drains the eastern parcel of interest. An attachment provided by drainage attorney, displays the existing private tile with red dashed lines. The existing tile primarily sends water to the south towards CD 12 outlet. There is one segment of existing tile that sends water to CD 52 in the NE corner of the property. According to the latest viewers watershed files, the benefitting acres of each parcel is displayed on the attached exhibit, *Existing Benefitting Acres*. With the existing tile, there is 72.8 acres contributing to JD 514, 27.7 acres contributing to CD 12, and 15 acres contributing to CD 52.

## **Proposed Conditions**

It is proposed to private tile a majority of the two parcels of interest with 60' spacing and utilizing the existing tiles as outlets for the proposed private tile. An attachment displays the proposed tile concept with tile sizes and locations. The proposed private tile will utilize an outlet in the northwest corner, the existing tile in the northeast corner, and the existing private tiles to the south. The benefitting acres of each parcel is displayed on the attached exhibit, *Proposed Benefitting Acres*, according the private tiling concept. With the proposed tile, there is 7.6 acres contributing to JD 514, 98.4 acres contributing to CD 12, and 9.5 acres contributing to CD 52.

## **Hydrologic Analysis**

With concerns of having more water contributing to the drainage system, A HydroCAD model was created for CD 12 watershed. The model analyzes at how the additional 70.7-acres that will be tiled into the CD 12 watershed will effect the system. The CD 12 watershed has a large wetland basin consisting of 14 acres and is drained by 20-inch tile. The proposed private tile will contribute hydrology to the wetland basin. Table 1 displays the difference in water elevation of the wetland basin based off the model. The additional acres will increase the water levels in the wetland basin very small amounts showing an increase of only 1.9-inches (0.16-feet) on the 100-year rain event.

The drainage capacities were also compared for the existing and proposed conditions of CD 12. The capacity of agricultural tile is expressed as a drainage coefficient in inches per day (in/day), and is defined as the depth of water over the entire area of the upstream watershed that a tile, culvert, or open ditch can drain in a 24-hour period. The drainage coefficient was reduced by 0.03 in/day. It is recommended that the outlet for the private tile be outside of the wetland boundary and to have riprap to protect the area from overland flow erosion. A typical detail for tile outlets is shown in Figure 1.



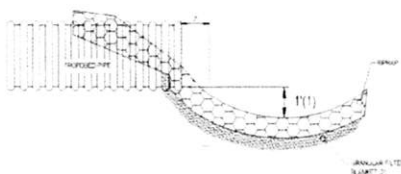
Table 1: CD 12 Wetland Elevation Comparisons

Storm Event	Existing Conditions Wetland Elevations	Proposed Proposed Wetland Elevations	Existing Conditions Wetland Bounce (feet)	Proposed Conditions Wetland Bounce (feet)	Increase (feet)	Increase (Inches)
2-yr	1092.24	1092.28	0.24	0.28	0.04	0.48
5-yr	1092.38	1092.44	0.38	0.44	0.06	0.72
10-yr	1092.52	1092.60	0.52	0.60	0.08	0.96
25-yr	1092.75	1092.85	0.75	0.85	0.10	1.2
50-yr	1092.94	1093.07	0.94	1.07	0.13	1.6
100-yr	1093.16	1093.32	1.16	1.32	0.16	1.9

Table 2: CD 12 Tile Capacities Comparisons

Area	Existing Size (in)	Existing Slope (%)	Existing Drainage Area (Acres)	Proposed Drainage Area (Acres)	Existing Drainage Coefficient (in/day)	Proposed Drainage Coefficient (in/day)
CD 12 Tile Outlet	20	0.25%	582	653	0.29	0.25

NOTES:  
 1. DIMENSIONS FOR RIPRAP SIZE AND THICKNESS WILL BE DETERMINED IN THE FUTURE.  
 2. THE PROPOSED TILE LAYOUT SHALL BE SUBMITTED TO THE LOCAL HEALTH DEPARTMENT FOR REVIEW AND APPROVAL.  
 3. THE PROPOSED TILE LAYOUT SHALL BE SUBMITTED TO THE LOCAL HEALTH DEPARTMENT FOR REVIEW AND APPROVAL.  
 4. THE PROPOSED TILE LAYOUT SHALL BE SUBMITTED TO THE LOCAL HEALTH DEPARTMENT FOR REVIEW AND APPROVAL.



DIMENSIONS	
PIPE DIA.	RIPRAP
12" TO 18"	4 CY CLASS III
21" TO 27"	9 CY CLASS III
30" TO 36"	12 CY CLASS III
42" TO 48"	18 CY CLASS III
54" & UP	20 CY CLASS IV

Figure 1: Typical Tile Outlet Detail (Not to Scale)

### Conclusion

The proposed private tiling projects will alter the direction of flow of water and therefore will change the watershed sizes for public drainage systems CD 12, CD 52, and JD 514 in Faribault County. The tiling project will reduce the amount of contributing acres to CD 52 and JD 514 and increase the number of acres to CD 12. With concerns of more water contributing to CD 12 a model was created in HydroCAD to determine the effects on the system. Due to the storage provided by the wetland basin, the additional acres to CD 12 does not have a significant effect on the drainage capabilities to the system. From the developed HydroCAD model, the wetland will experience very small increase in its water elevation. It is recommended that the landowner move forward with private tiling project as it was determined to have negligible effect to the drainage capabilities of the systems. It is also recommended that the tile outlet into CD 12 should be outside the wetland boundary and have riprap to protect from erosion. This area should be assessed an outlet fee into CD 12, if approved.

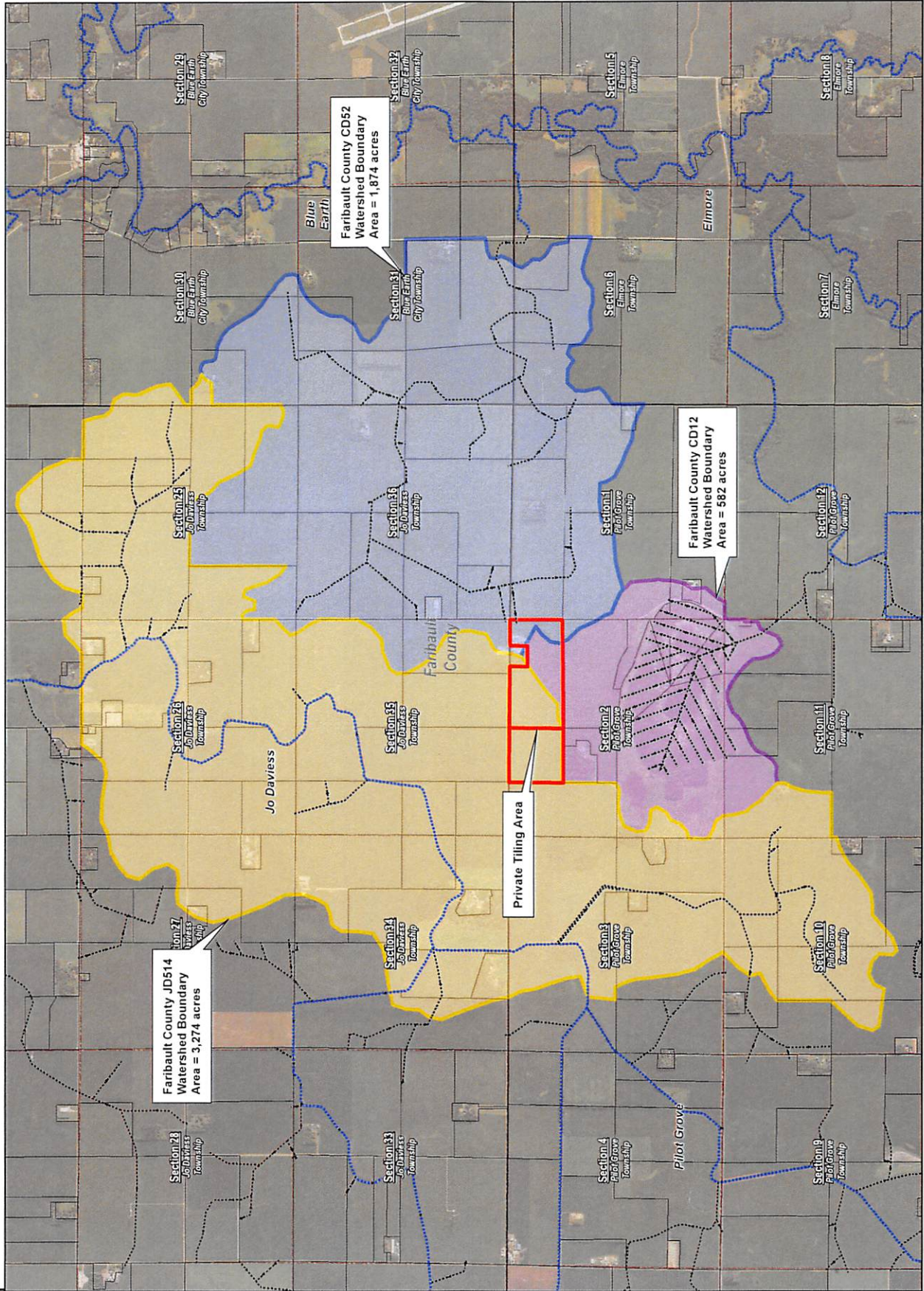


ISG

# Location Map

CD12, CD52, and JD514  
Faribault County,  
Minnesota  
Tuesday, August 6, 2019

- Legend**
- Open Ditch & Stream
  - Tile
  - Private Tiling Area
  - Viewers Watersheds
    - CD12
    - CD52
    - JCD514MF
  - Faribault Parcels
- PN: 19-23004
- Source:**  
Aerial Imagery: 2018  
Map Data: 2018  
Parcel Data: 2018  
County Data: 2018  
Tiling Data: 2018  
Map Date: July 2019  
Map Scale: 1:250,000  
Map Projection: NAD83  
Map Units: Feet







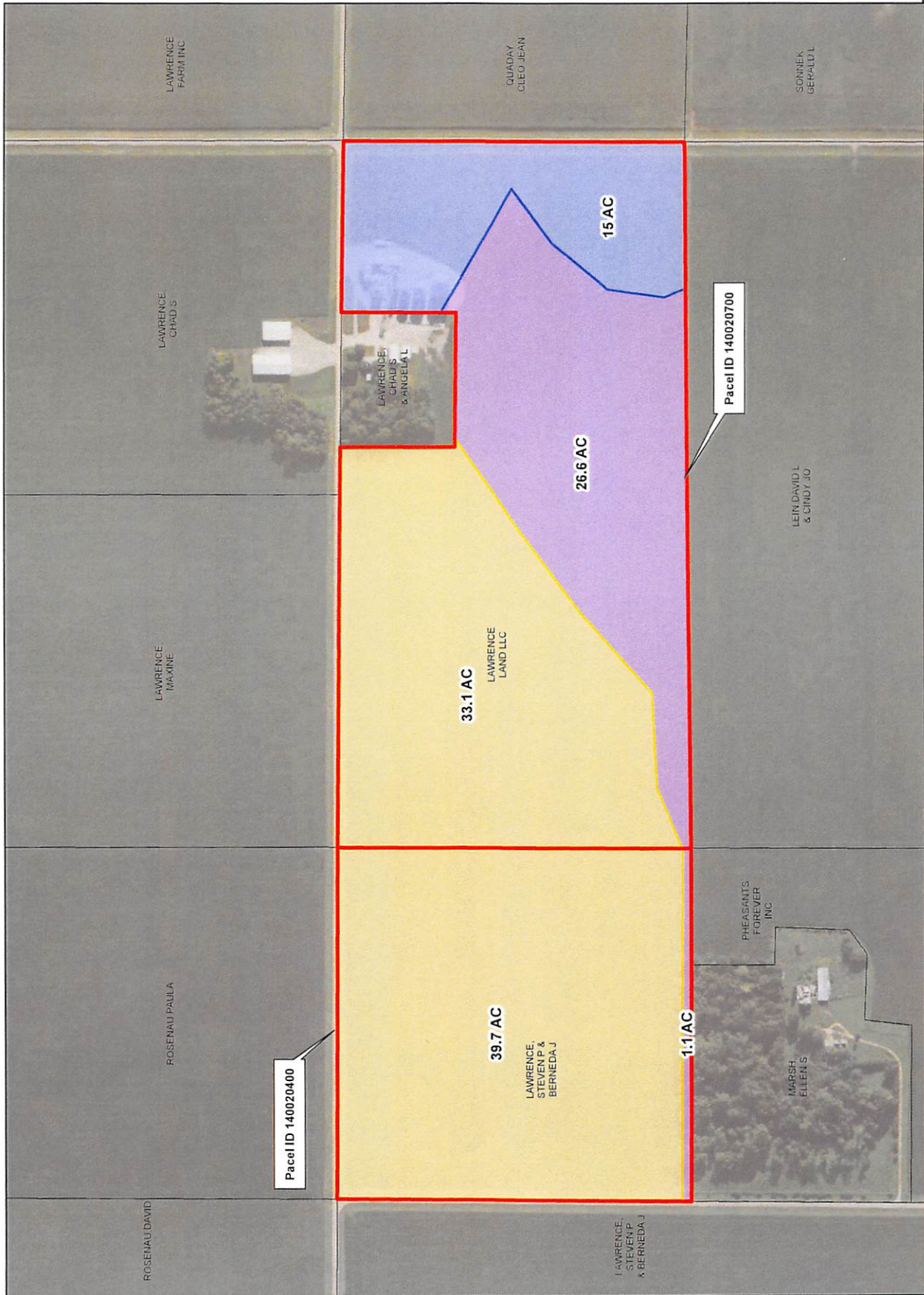
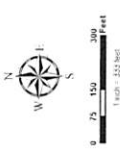




**Legend**

- Private Tiling Area
- CD12
- CD52
- JCD514MF
- Fairbault Parcels

PN: 19-23304  
Source:  
Orthopedic Surgery (Musculoskeletal) (2015)  
Lakeland, FL County, 12/16/2015)  
Parade, FL County, 12/16/2015)  
Lakeland, FL County, 12/16/2015)  
Major Stream (MS) (2015, July 2018)  
Countryside (MS) (2015, July 2018)  
MS, 15 (MS) (2015, July 2018)







**Proposed  
Benefiting Acres**  
Farbault County,  
Minnesota  
Tuesday, August 6, 2019

- Legend**
- Private Tiling Area
  - CD12
  - CD52
  - JCD514MF
  - Farbault Parcels

PN: 19-23304  
Source:  
Orthophotograph (June 2018, 2019)  
McGraw-Hill County, 12/15/2018  
Farbault County, 12/15/2018  
Parcel ID (PID) July 2018  
State Street (S) 101 (NW) July 2018  
County (M) 101 (NW) July 2018  
PLSS (M) 101 (NW) July 2018

0 75 150 300 Feet  
1 inch = 333 feet

