

Attention

Dani Blaschko

## Le Sueur Co. Ditch 43 resolve

4/5/2021

To:

Le Sueur Co. ditch authority

Since before 2005 the land owners in ditch 43 watershed have been requesting a ditch clean out. After cease and desist in 2005, the land owners had petitioned to continued cleaning through Tyler lake ( which was originally drained for the purpose of road ways and a drainage system for the land owners west of 221<sup>st</sup> ave.) and continue to Co. road 11 where the road has been deteriorating ever since. The County neglected their duties to serve there public tax payers and nothing was done. Through further research the County commissioners wrongfully gave the DNR permission to deem Tyler lake as public waters and restricted the County ditch authority to make common sense decisions regarding the help to the County tax payers with their drainage needs. Tyler Lake was legally drained and by the DNR 's definitions, would not qualify for public waters. The DNR claims they do not control water elevations, so why are they controlling this body of water. Perhaps a land grab or something bigger? After years of asking for clean outs, in 2017 the Commissioners took it upon themselves to hire ISG to survey and study the ditch 43 system. The conclusion was that ditch 43 needs cleaning and the legal ditch bottom through Tyler lake was lower than the outlet culvert at 221<sup>st</sup> ave., proving Tyler lake had been legally drained when the ditch system was originally constructed in 1916. The County has had evidence of these findings years before the ISG survey. The County has wasted tax payers money, time and potential revenue from valuable farm land being flooded and eroded, due to incompetent commissioners and county authority. Common sense and past records show how the ditch was designed and needed to be maintained. We the land owners (Tax Payers) had petitioned once again in 2018 and once again no results. Endless meetings, over the top expenses, bowing down to the DNR, unnecessary surveys and structures is not what the land owners requested. We have been requesting a ditch clean out for adequate drainage of our personal property and perhaps a County roadway system, so that we can get to work and pay for your wages. What have we received in return, for the last 40 years of paying taxes and ditch liens? As farmers are struggling and land values are dropping due to flooding property, we believe an option would be is to spot clean mainline up to 221<sup>st</sup> ave and clean west of 221<sup>st</sup> ave to Tyler lake outlet and restart at inlet of Tyler lake until the flow is adequate for drainage of existing tile lines and Co. rd. 11 wright of way. In the last 40 plus years the land owners west of 221<sup>st</sup> ave have paid and sacrificed the most and have received the least amount of benefits. We believe our debts towards this project have been paid many times over and would like compensation back with 4% interest or perhaps ditch 43 be cleaned out with no structures and no added cost to land owners west of 221<sup>st</sup> ave.. Please ask yourself if you would accept losing lost income and property values for over 40 years and how long would you and your families be able to put up with these kinds of actions from elected officials?

Thanks



The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ) of Section Sixteen (16) and the East One-Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-one (21), that lies Northerly of the center line of the main ditch of County Ditch Number 43 which said premises includes Government Lot Two (2) in said Section Sixteen (16), and Government Lot One (1) in Section Twenty-one (21) and the bed of Tyler Lake drained conveyed to August Ehmke as contained in that certain deed filed in the Office of the Register of Deeds in and for the said County and State in Book 66 of Deeds on page 208, all in Township One Hundred Eleven (111) North, Range Twenty-four (24) West, Le Sueur, County, Minnesota. Subject to all easements of record. Said description being in accordance with the recorded maps and plats thereof on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota.

## Definition of public waters

Public waters are designated as such to indicate which lakes, wetlands, and watercourses over which DNR Waters has regulatory jurisdiction. The statutory definition of public waters includes public waters and public waters wetlands.

### Minnesota Statute 103G.005, Subdivision 15

a. *Public Waters* means:

1. water basins assigned a shoreline management classification by the commissioner, under sections 103F.201 to 103F.221, except wetlands less than 80 acres in size that are classified as natural environment lakes;
2. waters of the state which have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
3. meandered lakes, excluding lakes that have been legally drained;
4. water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
5. water basins designated as scientific and natural areas under Section 84.033;
6. water basins located within and totally surrounded by publicly owned lands;
7. water basins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
8. water basins where there is publicly owned and controlled access that is intended to provide for public access to the water basin;
9. natural and altered watercourses with a total drainage area greater than 2 square miles in area;
10. natural and altered watercourses designated by the commissioner as trout streams; and
11. public waters wetlands, unless the statute expressly states otherwise.

- b. Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream or water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

### Minnesota Statute 103G.005, Subdivision 15a

The DNR does not control the water level elevation of lakes. In general, the water level of a lake is entirely dependent upon the amount of snowfall and precipitation that an area receives, how much of the resultant moisture is contributed by runoff into the lake, how much water is recharged to or discharged from the lake through ground water and how much water evaporates from the lake. In some instances, the water level is controlled by illegal human activity or beaver activity. See also the [DNR Lake Level Minnesota Program \(/climate/waterlevels/lakes/index.html\)](#), for information about lake gage measurements and lake levels.