



**Benefits and Damage Statement for the Redetermination of Benefits  
Le Sueur County Ditch 23 Amendment 3**

In accordance with Minnesota Statute (MS) 103E.351, we the viewers, submit the following Viewers' Report:

The fundamental principle for the determination of benefits and damages is based upon a comparison of the conditions prior to the construction of the ditch system with the conditions that exist after the implementation of the ditch system or proposed drainage project.

The undersigned viewers, pursuant to the order of the Le Sueur County Drainage Authority, did meet prior to commencing duties on the 18<sup>th</sup> day of February, 2020 at the office in Le Center, Minnesota. Having taken the oath as required by MS 103E.305, did view, all lands affected by said proposed drainage system and further, we did determine the damages to lands affected by establishment of a grass strip, permanent and temporary damages.

We were able to determine the boundaries of the benefited area by processing and analyzing maps using "Light Detection and Ranging" (LiDAR) along with visually viewing the project area. Meetings were held with landowners, and Le Sueur staff. We viewed each County Assessors' records to determine the number of acres of land in each parcel of each 40-acre tract of land. Other sources of information used were USDA-Natural Resources Conservation Service Web Soil Survey, 12 years of USDA satellite imagery, US Fish and Wildlife Service National Wetland Inventory (NWI) maps, and Le Sueur County Assessors' sales data and annual report.

We have determined the extent and basis of benefits and damages as prescribed under MS 103E.315 and MS 103E.321. We have indicated in tabular form, for each lot, 40-acre tract, and fraction of a lot or tract under separate ownership that is benefited or damaged (see Exhibit A).

An easement, in the form of an additional restriction on the use of real property adjacent to the open channel of the drainage system, will be acquired and, therefore, damages will be awarded for the establishment of a permanent strip of perennial vegetation approved by the drainage authority that will not impede future maintenance of the drainage system as required in MS 103E.021. We determined these damages at two separate values. Grass Strip damages "A" acres, lands which current land use will not change, but will still have permanent restrictions of future land use. Grass Strip damages "B" acres, lands demanding a higher value based on current land use. The value determined for "A" acres is \$3,422 and the value for "B" acres is \$6,937.

Right of way damages, having been determined and paid in the original proceedings for establishment of the drainage system, based on the area contemplated and included in the

proceeding for the establishment or subsequent improvement of the drainage system, were not considered.

We have determined the following direct drainage benefits and indirect (outlet) benefits on and related to the redetermination of benefits for Le Sueur CD 23. Benefits were determined based on the drainage system operating in its as constructed condition.

#### Direct Benefits – Class 1 (Mapped as Red)

Taking into consideration market value and/or increased production value, giving consideration for the lands' geographic location in the watershed, location relative to the outlet, proximity to the ditch bottom elevation, soil types, slopes, runoff curve numbers, contribution to system capacity, as well as analyzing direct sales data for competitive properties in the marketplace, we determined the existing market values of land in an unimproved condition as well as in an improved condition. Though this description may not describe your lands exactly, your lands fell broadly under this category.

Class 1 lands, prior to the existence of the drainage system, had a value range of \$1,510 to \$1,669 per acre. They consisted mostly of lowlands that may have been farmed, but not without substantial risk. With the establishment of adequate drainage to these lands, the production value and/or market value has increased. These lands consist of soils that benefit greatly from good drainage and/or impact the drainage systems need for capacity. Class 1 lands are often the lowest lands closest to the drainage system. Class 1 lands are the lands that benefit the most in the drainage system's watershed.

The viewers have determined based on these values, along with allowances for private improvement costs, that Le Sueur CD 23 provides for an increased market value/benefit to agricultural/cropland acres in Class 1 by the rate of \$3,921 per acre.

#### Direct Benefits – Class 2 (Mapped as Yellow)

Using the direct market value and/or increased production value, giving consideration for the lands' geographic location in the watershed, location relative to the outlet, proximity to the ditch bottom elevation, soil types, slopes, runoff curve numbers, contribution to system capacity, as well as analyzing direct sales data for competitive properties in the marketplace, we determined the existing market values of land in an unimproved condition as well as in an improved condition. Though this description may not describe your lands exactly, your lands fell broadly under this category.

Class 2 lands, prior to the existence of the drainage system, had a value range of \$3,630 to \$4,013 per acre. Although some intense crop production took place in this land class, it was not without substantial risk of loss to the grower or great tax upon the system's capacity. Now that adequate drainage has been established through these lands, the production value has increased, market value has increased and/or the burden placed on adjacent landowners is carried away via the drainage system. These lands typically consist of soils that benefit from good drainage and/or impact the drainage systems need for capacity. Class 2 lands are the

second most benefitted lands in the drainage system's watershed.

The viewers have determined based on these values, along with allowances for private improvement costs, that Le Sueur CD 23 provides for an increased market value/benefit to agricultural/cropland acres in Class 2 by the rate of \$2,972 per acre.

#### Direct Benefits – Class 3 (Mapped as Green)

Using the direct market value and/or increased production value, giving consideration for the lands' geographic location in the watershed, location relative to the outlet, proximity to the ditch bottom elevation, soil types, slopes, runoff curve numbers, contribution to system capacity, as well as analyzing direct sales data for competitive properties in the marketplace, we determined the existing market values of land in an unimproved condition as well as in an improved condition. Though this description may not describe your lands exactly, your lands fell broadly under this category.

Class 3 lands, prior to the existence of the drainage system, had a value range of \$7,306 to \$8,075 per acre. These lands were mostly utilized for crop production, although the lands location to the drainage system allows for a need for increased drainage system capacity and/or maintenance. Now that the drainage system has been established, the land is able to have the burden they create on adjacent lands carried away by utilizing the system as an outlet. As a result, the market value has increased.

The viewers have determined based on these values, along with allowances for private improvement costs, that Le Sueur CD 23 provides for an increased market value/benefit to agricultural/cropland acres in Class 3 by the rate of \$1,713 per acre.

#### Indirect Benefits – Class 4 (Mapped as Blue)

Class 4 lands are lands which have not had an increase in market value after the construction of the drainage system. However, they have been altered from their pre-settlement state in such a manner that they are now farmed. As a result, they burden the drainage system's capacity, thus increasing a sediment load and causing a need for increased maintenance. Taking into consideration the percentage of Class 4 acres in the watershed, regular ditch maintenance, and sediment loading, we determined the rate per acre that Le Sueur CD 23 provides as an outlet or contribution benefit to these lands. Though this description may not describe your lands exactly, your lands fell broadly under this category. The viewers have determined the Class 4 outlet benefit rate to be \$514 per acre.

Example of how benefits were calculated:

Production and/or Market Value Before Project:	\$1,000
Production and/or Market Value After Project:	\$3,000
Increase in Production and/or Market Value:	\$2,000
Less Private Improvement Costs:	\$1,000
Net Benefits:	\$1,000

### Road Benefits

The viewers have determined outlet as well as reduced maintenance cost benefits for all State, County, and Township roads located within the boundary of Le Sueur CD 23 at a rate of \$2,378 per acre.

### Residential Land Benefits

Outlet benefits were applied to residential lands within the watershed of Le Sueur CD 23. The outlet benefit was calculated based on runoff burden to the drainage system and use of the drainage system as an outlet. The viewers have determined the outlet benefits for residential lands at the rate of \$206 per acre. Urban residential lands have a rate of \$411 per acre

### Woodlot Benefits

Benefits were applied to woodlot lands within the watershed of Le Sueur CD 23. These lands receive a benefit because the ditch conveys their water burden away from adjacent landowners and adds to the need for system capacity and system maintenance. The viewers have determined the benefit for woodlot lands at the rate of \$185 per acre.

### Benefit Variables

Based on criteria used to determine the likelihood of future improvements, each sub catchment within the watershed of the public drainage system has been given a grade of its as constructed condition relative to its ability to utilize the public drainage system efficiently. This grading system varies the benefit amount according to aforementioned ability within each sub catchment.

### Non-benefiting Acres

Based on current land use and regulatory restrictions, permanent program restrictions (i.e. RIM or CREP) or other permanent restriction and restoration to pre-settlement landscape conditions or creation of wetland areas, we determined some areas to be non-benefited from the drainage system and restricted from taking future benefit from the drainage system. For example, we determined that lands restored to pre-settlement conditions and permanently restricted from future modification would not drain in any altered manner such that the drainage system would be burdened by the land other than such burden as nature would have provided. Further, for example, nonconverted wetlands that are so restricted from conversion by regulation that conversion is unlikely, were not determined to benefit from the system.

At the completion of our examination, we did sum up the total benefits Le Sueur CD 23. We found that the total benefits are \$12,873,565.20. Damages for CD 23 are \$347,077.94. Outlet benefits for CD 6 are \$1,288,643.88 and for CD 21 are \$252,321.88. (See Exhibit A for tabular report of benefits.)

We recommend that the Le Sueur CD 23 Drainage Authority hold a final hearing on the report and confirm the benefits and damages for Le Sueur CD 23.

Dated this 4<sup>th</sup> day of May, 2021.

*[Signature Page to Follow]*

Respectfully submitted,

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Bryan Murphy

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Ken DeGier