

STATE OF MINNESOTA
MURRAY COUNTY BOARD OF COMMISSIONERS
REDWOOD COUNTY BOARD OF COMMISSIONERS
LYON COUNTY BOARD OF COMMISSIONERS
SEATED JOINTLY PURSUANT TO MINNESOTA STATUTES SECTION 103E.235 FOR THE PURPOSE
OF ESTABLISHING A JOINT DRAINAGE AUTHORITY FOR MURRAY COUNTY JUDICIAL DITCH 28

The matter of the Redetermination of Benefits
for Murray County Judicial Ditch 28

**Order establishing Joint Drainage
Authority, ratifying actions, and
directing further proceedings**

The County Boards of Commissioners of Murray, Redwood and Lyon Counties, upon proper notice, met jointly on _____, 2025, for the purpose of considering the establishment of a Joint Drainage Authority for Murray County Judicial Ditch (JD) 28 and to ratify certain actions of the Murray County Board initiating a redetermination of benefits for JD 28 and appointing viewers. After a presentation and discussion of the matters herein, Commissioner _____ (_____ County) made a motion to adopt the following Findings and Order:

WHEREAS, the Murray County Board of Commissioners, Drainage Authority for Murray County Judicial Ditch (JD) 28, investigated whether conditions exist to warrant the redetermination of benefits of JD 28; and

WHEREAS, upon investigation, the Board determined the following:

1. Benefits for JD 28 were last determined prior to the enactment of various laws, regulations and programs protecting wetlands.
2. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the ability of landowners to convert wetlands for agricultural purposes.
3. Additionally, since the most recent determination of benefits and damages, land uses and drainage practices have evolved, changing the nature and value of benefits accruing to lands from the drainage systems' construction.
4. Since the most recent determination of benefits and damages, additional lands not previously determined to be benefitted have improved drainage to take advantage of JD 28 as an outlet for drainage.
5. Since the most recent determination of benefits and damages, land values have changed within the benefitted area of JD 28.

WHEREAS, based upon its determinations, the Murray County Board of Commissioners found that the conditions required for the initiation of a redetermination of benefits for JD 28 existed, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed; and

WHEREAS, the Murray County Board of Commissioners ordered a redetermination of Benefits for JD 28, appointed viewers Bryan Murphy, Aaron Goemann, Larry Murphy, Robert Conely and Kenneth DeGier of H2Over Viewers, LLC to redetermine and report the benefits and damages for JD 28; and

WHEREAS, the Murray County Auditor-Treasurer ordered the viewers to confirm their qualification and execute oaths as required by statute; and

WHEREAS, Bryan Murphy later disqualified himself as a viewer in the proceedings; and

WHEREAS, Aaron Goemann's employment with the viewing services provider, H2Over Viewers, LLC, ended and the Murray County Board of Commissioners rescinded Mr. Goemann's appointment as a viewer on September 3, 2024; and

WHEREAS, upon review, it was determined that Scott Henderson is a disinterested resident of Minnesota qualified to assess benefits and damages and meets the qualifications and the requirements of Minnesota Statutes, section 103E.305 to serve as viewer for the redetermination of benefits and damages of Murray County Judicial Ditch 28; and

WHEREAS, during their initial viewing the viewers discovered property in Redwood and Lyon Counties that is potentially benefitted by JD 28. Upon this discovery, the Murray County Board recessed the proceedings in order to establish a Joint Drainage Authority for the Redetermination of Benefits; and

THEREFORE, based on the foregoing, the Boards of Commissioners of Murray, Redwood and Lyon Counties, seated jointly, adopt the following:

ORDER

1. The Boards hereby establish a Joint Drainage Authority pursuant to Minnesota Statutes Section 103E.235 for Murray County Judicial Ditch 28.
2. The Joint Drainage Authority shall consist of the following initial members:

Woelber	(Murray County, District 1)
Carlson	(Murray County, District 2)
Zins	(Murray County, District 5)

_____ (Redwood County, District ___)
_____ (Lyon County, District ___)

3. Future vacancies on the Joint Drainage Authority shall be filled by the successor Commissioner from the district indicated.
4. Murray County is designated as the “majority” county for the Joint Drainage System resulting from the redetermination of benefits. The Murray County Auditor-Treasurer and appropriate staff shall coordinate with the Redwood County Auditor and Lyon County Auditor and proceed with future management and administration of the resulting Joint System according to Minnesota Statutes Chapter 103E.
5. Except for the original appointment of Bryan Murphy and Aaron Goemann as viewers in the proceedings, the Boards hereby ratify and readopt the findings, determinations, and orders of the Murray County Drainage Authority Board initiating the redetermination of benefits and appointing viewers and any amendments; ratify and accept the Auditor’s Orders and Viewers’ Oaths; and direct continued work on the redetermination.
6. The Joint Drainage Authority appoints Scott Henderson as a replacement viewer in the proceedings and directs the Murray County Auditor-Treasurer to obtain viewer qualification and oaths as required by statute.
7. The Joint Drainage Authority established herein shall be perpetual until either dissolved or modified by future action of the Murray, Redwood and Lyon County Boards of Commissioners, seated jointly.

The motion was seconded by Commissioner _____ (_____ County), and after discussion, the motion **Passed** and the Findings and Order were **Adopted** by a majority of Commissioners from each County.

Dated this ___ day of _____, 2025

MURRAY COUNTY BOARD OF COMMISSIONERS

By _____
Chairperson

Dated this ___ day of _____, 2025

REDWOOD COUNTY BOARD OF COMMISSIONERS

By _____
Chairperson

Dated this ____ day of _____, 2025

LYON COUNTY BOARD OF COMMISSIONERS

By _____
Chairperson