

# FREQUENTLY ASKED QUESTIONS

## H2OVER VIEWERS REDETERMINATION PROCESS

### **Q. What is a Redetermination of Benefits & Damages?**

- A.** Redetermination of Benefits & Damages is a process used when the drainage authority determines that the original benefits or damages determined do not reflect reasonable present-day land values or that the benefited or damaged area have changed. The amount of assessment that landowners pay is based up on benefits.

### **Q. Who does this Redetermination of Benefits?**

- A.** The drainage authority has appointed a team of viewers to use data as well as groundwork to determine who benefits from the ditch and how much they benefit. Per Minnesota Statute, these viewers must be independent and not own any property in the watershed.

### **Q. Why is a Redetermination being done?**

- A.** The benefits and damages listed on the original viewers' reports (typically when the ditch was established) are outdated. Benefited lands and benefits of many drainage systems have not been updated for decades, some for over a century, and as a result:
- a.) There are lands draining into the system which were not assessed for benefits; and,
  - b.) Benefits were determined when land was selling for a small fraction of what it is selling for today and are unrealistic.

### **Q. What are benefits & damages?**

- A.** "Benefits" refers either to the impact a drainage system has on land in terms of improving the market value of the land or the impact (and costs associated with that impact) that the land has on the drainage system because of land use that accelerates drainage, transports sediment or increases volume demand in a drainage system.
- "Damages" means the reduction of value of the land taken for the permanent grass strips bordering the open channel of the drainage ditch. This is a 1 rod easement.

### **Q. I was never in the benefited area before, why am I now?**

- A.** We are required by statute to view all lands that drain towards the ditch. Technology has allowed us to create an accurate watershed delineation that accounts for all lands that add to the need for system capacity and/or maintenance.

### **Q. Why is my 80-acre parcel listed more than once on the report?**

- A.** We are required by statute to break each parcel into 40-acre tracts. In addition, our GIS program breaks the parcels down by quarter, so you may see smaller acreage broken down because of the way it lies in spatial data.

### **Q. My neighbor has tiled ground and I do not. Does he pay more than I do?**

We factor in the cost of private improvement into our benefit value per classification regardless if you tile or not. Therefore, it is up to the landowner to exercise their right and legal ability to tile if they chose.

### **Q. Didn't my grandfather/family already pay for this when the ditch was initially put in?**

Yes, he did pay for the ditch to be established. What we are establishing with the redetermination of benefits process, is what percentage of the cost each landowner would be accountable for if there are any future repairs done on the system.

### **Q. Are there any repairs planned on my system?**

- A.** Please refer to the drainage authority/ditch inspector for the answer.

### **Q. What consideration is given to residential lands?**

- A.** Although residential lands still have the need to dewater, they are not producing a crop and making an income year after year. Therefore, they are benefited, but at a lower amount.

### **Q. How do you determine your values per classification?**

- A.** We extract sales data from the townships in the footprint of the watershed, versus county wide. We include 7 years of agricultural sales with a process to eliminate extreme high sales, low sales, and family sales. MN Statute requires a benefit amount to be established to ensure that if a project is done, the benefits outweigh the cost.

### **Q. My land sits on a hilltop, why am I benefited?**

- A.** We are required by statute to look at all lands that drain toward the ditch. We also look at all lands that have an indirect or direct benefit. With a direct benefit, you can clearly see your water drain into the ditch. However, the further away from the ditch you are, you receive an indirect benefit. Your water places a burden on neighboring lands which the ditch carries away. Therefore, your lands create a need for system capacity and maintenance.

### **Q. The ditch currently is not working correctly, and my land isn't able to drain, why should I have to pay?**

- A.** Without the ditch to carry the water away, the land would more than likely be a lake or pond and you would only be able to farm the land a couple years out of 10.

### **Q. From the water of upstream landowners, why am I paying more?**

- A.** We are required by statute to look at the ditch in 2 conditions; never being constructed and in its as constructing condition. The fact that the ditch may not be working currently cannot be factored in our evaluation.

### **Q. Why are woodlots benefited?**

- A.** Woodlots add the need for system capacity and maintenance.

### **Q. What consideration is given to wetlands?**

- A.** We review the national wetland inventory and satellite imagery to determine how often the land is being farmed. Nonfarmable wetlands are not benefited as they are not allowed the ability to drain.

### **Q. My land is in CRP, why am I benefited?**

- A.** To be enlisted in CRP, you must have a proven crop record. It is a management choice to enroll your land in CRP and there is nothing stopping you or a future landowner from farming it later.

### **Q. I have made conservation efforts (RIM/CREP programs) to my land, is this considered and how?**

- A.** Yes, when we are aware of conservation efforts on your land, we do evaluate those lands differently. Since the land must be enlisted in CRP prior to RIM/CREP, we still consider the land benefited, however, it is at a lower amount.

### **Q. Are DNR lands benefited?**

- A.** We research what the management plan of DNR lands are before we determine whether they are benefited. This is a determination made on each parcel they own.

### **Q. Why does my neighbors 1 red acre have a lower benefit than mine?**

- A.** The availability of hydraulic capacity is different. You have drainage deemed optimal due to availability for capacity or the depth of the ditch to drain or tile your own land to get the optimal capacity.

### **Q. Is this a bill?**

- A.** No, this is an informational document meant to inform property owners of changes to how future costs on the listed public drainage system will be paid if this report is adopted by the Drainage Authority.