

LARSEN DRAINAGE BOARD NEWSLETTER

APRIL 2017

HELLO EVERYONE

It doesn't seem like three years since our last update on the cleanout of the ditch. There has been progress and many setbacks. When the drainage board started this work, we had no idea of what problems we would encounter. Even though this is a manmade ditch, we are not only answering to the State Drainage Commission but also the Department of Agriculture and also to the DNR. They don't always agree what permits are required. This we have found out the hard way.

We were informed that it was necessary to have the ditch completely surveyed. McMahan Engineering surveyed the ditch and developed a list of property owners who directly benefit from it. After that was completely accomplished, it was necessary to investigate whether any permits were necessary. This is a manmade ditch and not a designated waterway. The Board called a meeting of the DNR and Wisconsin Department of Agriculture. The Department of Agriculture sent a representative and the DNR did not. According to the Department of Agriculture, the Board had completed the surveying and obtained the necessary permits required.

Cleanout started and after a period of time Chairman Eckstein received correspondence from the DNR that the cleanout was in violation and must stop and proper permits gotten. The Board contacted Attorney Roger Clark of Herrling & Clark who was the Drainage Ditch Attorney. A meeting between Chairman Eckstein, Attorney Clark and the DNR was scheduled. The Attorney presented the DNR with all documents required and again stressed this was a manmade ditch constructed in 1910 for the purpose of draining approximately 4,290 acres of farmland which is directly affected. In this watershed there is approximately 18,340 acres. Northeast Asphalt drains the quarry in Larsen into the ditch as does the Larsen Winchester Sanitary District drain their ponds into the ditch several times a year. The Board waited for the DNR to respond. After well over a year and no correspondence from the DNR, work again was resumed since it was assumed everything was in order.

After considerable time the Wisconsin Department of Justice sent a letter advising Chairman Eckstein and Tom Eckstein, who was doing the excavating, that they were being fined \$5,000 each since no permit had been gotten or archeological study had been done in the Arrowhead

River which was being cleaned out. Chairman Eckstein advised that Arrowhead River was known as Mud Creek previously until a name change was requested. A meeting between Attorney Clark, the Ecksteins. and the Department of Justice was scheduled. They were advised of the fine and told the fine would increase if work on the ditch continued.

Due to the fact it is navigable in areas; the DNR becomes involved even though it's a manmade ditch. The Drainage Board made a decision that an attorney more knowledgeable in drainage ditches was necessary. Attorney Kent of Madison was hired. He works with other drainage districts in the state.

Following is a breakdown of money spent from 2000 through December 2016:

| | |
|----------------|--------------|
| Ditch Cleaning | \$ 92,730.50 |
| Engineering | 47,321.08 |
| Legal | 12,861.35 |
| Administration | 23,265.27 |
| | <hr/> |
| | \$176,178.20 |

Ditch cleaning includes culverts, gravel, excavating, and tree removal and erosion control. Administration includes per diem, permits and recording secretary costs.

Taxes collected from the Towns of Clayton, Winchester and Winneconne have changed over the years. In 2016 the revenues were \$13,399.49. This includes taxes from Northeast Asphalt and the sanitary district. The Winnebago County treasurer collects and disburses the money. The balance on hand as of December 31, 2016 is \$213,728.19.

Work still needs to be done once permits are obtained. Once ditch is cleaned, work will always be ongoing since erosion areas need to be addressed, trees removed, grassy areas along ditch need to be monitored and culverts added as necessary,

Any questions or comments are welcome. Your board is as follows:

| | |
|------------------------|----------|
| Abe Eckstein, Chairman | 836-2886 |
| Jerry Peterson | 836-2537 |
| David Sleik | 252-2955 |