

STATE OF MINNESOTA
LE SUEUR COUNTY, DRAINAGE AUTHORITY FOR LE SUEUR COUNTY DITCH 58

The matter of the modification of hydraulic control on Le Sueur County Ditch (CD) 58 (Lake Henry outlet and Lake Management Plan)

Petition for modification of drainage system (103E.227) and use of drainage system as outlet for lake management purposes (103E.401)

Petitioner, Minnesota Department of Natural Resources (DNR), alleges and petitions as follows:

1. Pursuant to Public Waters Work Permit 2020-2536, the State authorized Le Sueur County (the County) to reconstruct the existing outlet control structure from Lake Henry in Le Sueur County, Minnesota to CD 58.
2. The prior structure provided a fixed outlet elevation of known hydraulic efficiency.
3. The prior structure was in a failing condition. Concurrent with its authorization, the State request the County to add elevation control to the new outlet structure along with safety features and channel excavation from the new structure to the open water portion of Lake Henry (“Project”).
4. The Project is intended to allow water level management, improve water quality and aquatic habitat, and improve public recreational opportunities – ecological services deemed by both the State and County to be beneficial to Lake Henry, the surrounding community, and the State.
5. The prior outlet structure was established and constructed as part of CD 58.
6. The new structure was designed to replicate the function of the prior structure when all stop-logs are installed, and outlet control is maintained at elevation 1024.87’ (NAVD 88).
7. Removal of stop logs for the purpose of lake level management will alter the function of the structure as an established part of CD 58.
8. The State and County desire to establish the authority and responsibility for long-term operation and maintenance of the Project and implementation of the Henry Lake Management Plan to include active lake level management and periodic, though infrequent, drawdown of Lake Henry.
9. Subject to the interest of CD 58, the outlet structure is currently administered and maintained by the County.

10. Statutes section 103E.227 requires a petition for the modification of a public drainage system, including impoundment, diversion, and re-alignment, for beneficial public and private interests.
11. Statutes section 103E.401 requires authorization to use a public drainage system as an outlet for beneficial drainage from lands or property interests not assessed for benefits for the public drainage system.
12. Authorization to use a public drainage system as an outlet for beneficial drainage or to modify such use to increase capacity demand on the public drainage system requires consideration of the capacity of the drainage system.
13. By this petition the DNR seeks review of its proposed use of CD 58 as an outlet for lake management purposes – as use not previously contemplated by the establishment of CD 58; authorization to modify CD 58 by removing stop logs in the new outlet structure pursuant to the Management Plan; and authorization to use CD 58 as an outlet for lake management purposes.
14. Attached to this petition are the following supporting documents:
 - a. Lake Henry Lake Management Plan
 - b. Design Plan and Outlet Analysis for Lake Henry Outlet Structure
15. Pursuant to the Joint Powers Agreement between the DNR and County, the DNR requests waiver of costs in the proceedings.
16. Pursuant to Minn. Stat. § 103E.227, subd. 2(b), a bond is not required because this petition is filed by the DNR, a state agency.

Minnesota Department of Natural
Resources

Date: _____, 2025

Signature: _____

Cheryl Kelley-Dobie
Assistant Director, LAM