

**ENGINEER'S REPORT
ANNEXATION
DRAINAGE DISTRICT NO. 6
WORTH COUNTY, IOWA
2026**

The Drainage District No. 6 Trustees have appointed Bolton & Menk, Inc. as engineer to investigate and recommend the annexation of benefited lands not now included in Drainage District No. 6. The included map shows the area of land now assessed for benefits from the DD 6 facilities and the 236.84 acres now recommended for annexation.

During the course of the investigation the engineer reviewed each parcel under consideration for benefit. Extensive drainage district records on file in the County Auditor's office and publicly available aerial photographs, land surface elevations and soils information were reviewed and utilized to determine the elevation and condition of drainage with relation to the several facilities of Drainage District No. 6. It is this engineer's opinion that all of the land areas shown in blue hatching on the included map, totaling approximately 236.84 acres, shed surface and/or subsurface water to the existing DD 2 facilities and are materially benefited by the facilities of Drainage District No. 2. DD 2 facilities, which convey surface runoff and its associated sediment and/or subsurface drainage water (including terrace drains), have been sized to serve all lands within the benefit area.

Damage as a Benefit

In addition to shedding water upon the several district facilities, we find a benefit defined by the Iowa Supreme Court in the 1932 ruling *Board of Supervisors of Pottawattamie County v. Board of Supervisors of Harrison County*, Case No. 40961. This ruling involves the common outlet assessment of Pigeon Creek DD 2 upon Pigeon Creek DD in Harrison County. The ruling is written specifically to the case of benefits derived by the Harrison District including the clogging of the servient district with silt and debris by the dominant district:

“Obviously, it is equitable that the drainage districts that discharge their waters into said common outlet, and thereby necessarily contribute to its becoming clogged with silt and debris, should bear their proportionate share of the cost and expense of cleaning out said ditch and maintaining it in a proper manner for the successful operation of the several ditches discharging therein.”

We acknowledge that the quote above refers to drainage districts, but believe the logic also applies to private landowners as well.

Impact of Elevation on Benefit

We acknowledge the fact that the hill ground being proposed for annexation has a lower need for drainage than the flatter lands at the bottom of the hill due to the significant elevation advantage enjoyed, but the availability of an improved outlet is a benefit, even if small. The 1932 case discusses the fact that the dominant drainage district does not connect directly to the servient district's facilities, but instead is separated by a reach of unimproved natural channel. In that case, the supreme court quoted what is now Iowa Code Section 468.621:

468.621 Drainage in course of natural drainage — reconstruction — damages. *Owners of land may drain the land in the general course of natural drainage by constructing or reconstructing open or covered drains, discharging the drains in any natural watercourse or depression so the water will be carried into some other natural watercourse, and if the drainage is wholly upon the owner's land the owner is not liable in damages for the drainage unless it increases the quantity of water or changes the manner of discharge on the land of another.*

According to 468.621, water entering a natural creek is not sufficient on its own to mean the dominant landowner is free of responsibility for downstream damages resulting from improved

drainage. If that unimproved creek flows into an improved reach of channel downstream, 468.621 intends that the dominant landowner still comply with the limitation on increasing quantity. If this were not the case, the language would not include the qualifier “*so the water will be carried into some other natural watercourse*”. With the inclusion of this qualifier, only water draining to a natural stream or depression which itself only drains through unimproved streams to the boundaries of the state are free of the concern of downstream damages.

This logic means that all lands draining either directly or through natural waterways to DD 6 facilities are intended by the legislature to be eligible for annexation due to the benefits of damage and availability of an improved outlet. There is no threshold for the quantity of benefit necessary for inclusion in a drainage district in Iowa Code. The threshold for inclusion is simply, is there any benefit. If the answer to that test is yes, the land should be included in the district. The quantity of benefit, whether large or exceedingly small, is then to be accounted for through the process of classification laid out in Iowa Code.

Summary of Benefits

Based on the information available to this engineer it is recommended that the trustees pursue the annexation of the several benefiting parcels described herein. Listed for each legal parcel being recommended for annexation are the owner(s) of record, the legal description, approximate number of benefited acres within the parcel and an indication of the benefits received. A summary of the primary benefits is provided below, the annexation table included in this report specifies the benefit and benefiting facility for each parcel recommended for annexation:

- Surface Runoff from these lands to the facilities of DD 6 and are carried away to the district outlet.
- Subsurface drainage outlets are provided throughout the district by the many district facilities, landowners are welcome to avail themselves of these outlets. Whether a parcel actually uses the subsurface outlet made available does not matter, as it is the availability of such an outlet which is deemed a benefit

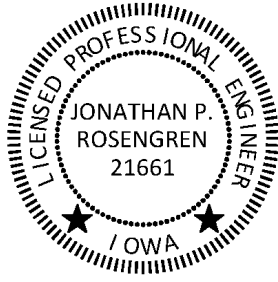
Actual benefited acres in each parcel will be established at the time the lands are classified. Benefiting county road rights-of-way which adjoin the annexed parcels, will also be made eligible for assessment by this action. A schedule of lands benefited by the existing DD 6 facilities and recommended for annexation is included with this report.

Recommendations

Annexation of the lands recommended herein is considered feasible, practicable and for the public good. It is therefore recommended that the Trustees take appropriate steps to accomplish the following:

1. Tentatively approve this report.
2. Subject to qualified legal guidance, schedule and give formal notice of and conduct the required public hearing or hearings as needed.
3. Annex to Drainage District No. 6 the lands ultimately determined to be benefited.

Respectfully submitted,
Bolton & Menk, Inc.

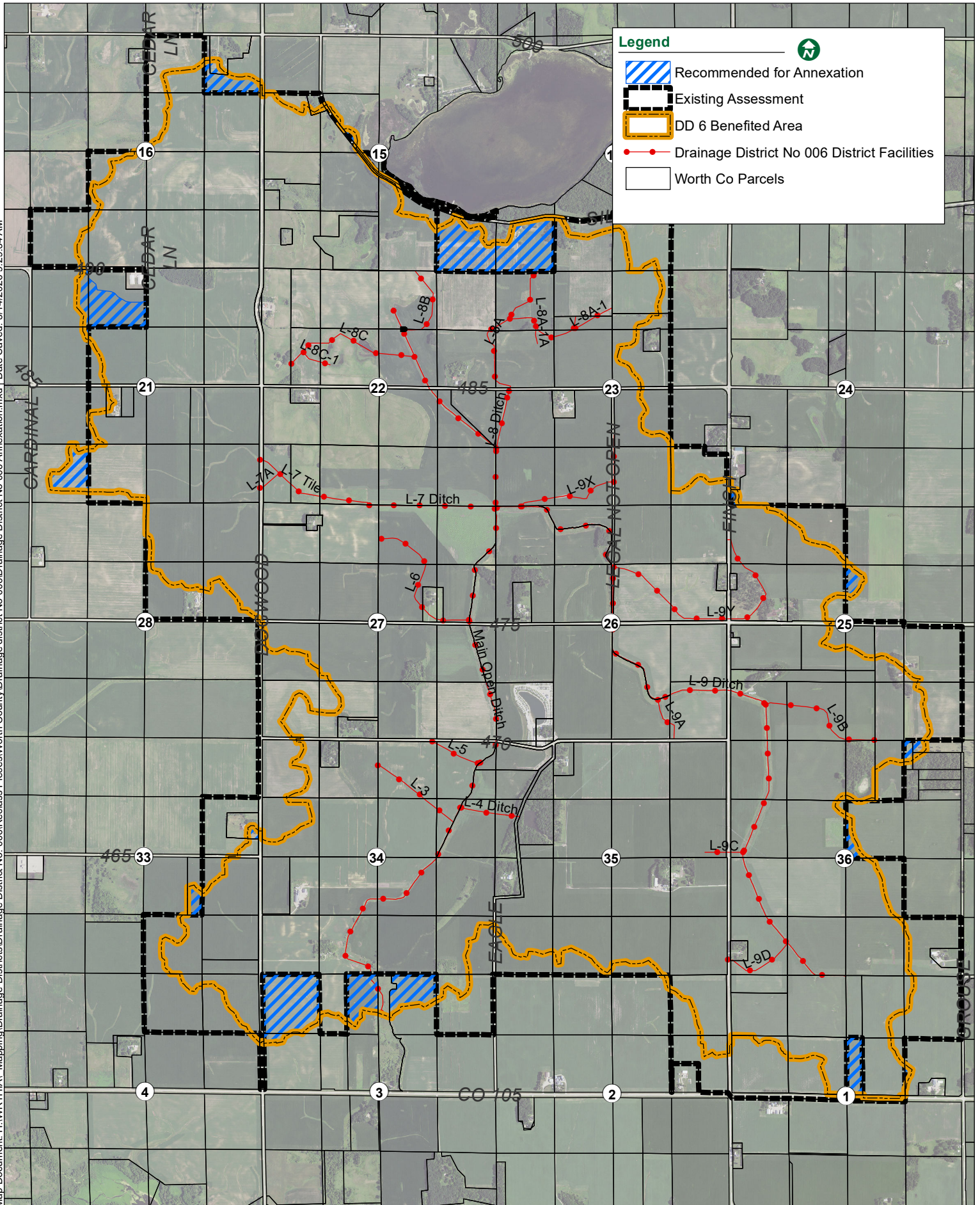


I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa. My renewal date is December 31, 2026.






By: Jonathan P. Rosengren
Jonathan P. Rosengren, P.E.
License No. 21661


Date: 5-14-2026

Map Document: H:\WR\THIA_Mapping\Drainage Districts\Drainage District No. 006\Reclass_Pieces\Worth County\Drainage District No. 006\Drainage District No. 006 Annexation.mxd | Date Saved: 5/14/2026 9:29:34 AM



Legend

-  Recommended for Annexation
-  Existing Assessment
-  DD 6 Benefited Area
-  Drainage District No 006 District Facilities
-  Worth Co Parcels



**PARCELS RECOMMENDED FOR ANNEXATION
DRAINAGE DISTRICT NO. 6
WORTH COUNTY, IOWA**

Deedholder(s)	Parcel Number	Legal Description	Benefited Acres
BETZ, SHARON ANN	0121300003	SECTION:21 TOWNSHIP:100 RANGE:22 SW SW SILVER LAKE	14.60
FORLAND, STEVEN L REVOCABLE TRUST	0114300008	SECTION:14 TOWNSHIP:100 RANGE:22 GOV LOT 6 SILVER LAKE	31.64
FORLAND, STEVEN L REVOCABLE TRUST	0115400009	SECTION:15 TOWNSHIP:100 RANGE:22 LOT 6 EX PAR SILVER LAKE	29.80
GASKILL, MARCUS JAMES	0503200006	SECTION:03 TOWNSHIP:99 RANGE:22 FRL NW NE EX PT OF PAR "A" BRISTOL	16.90
HAGEN ENTERPRISES INC, GORDON	0133400002	33 100 22 E. 10 A. NW SE	4.60
HAGEN, GORDON & GORDON, JEAN	0503100003	3 99 22 SW NW	2.30
HAGEN, GORDON & JEAN	0502200001	SECTION:02 TOWNSHIP:99 RANGE:22 FRL NW NE BRISTOL	1.50
HAGEN, GORDON & JEAN	0503100001	3 99 22 FRL. NW NW	37.20
HELGESON, SCOTT N	0503100008	3 99 22 E 700' FRL. NE NW	14.60
KINGLAND, DOUGLAS R REVOCABLE TRUST	0136200006	SECTION:0036 TOWNSHIP:100 RANGE:22 S 10 A E 17 A N 1/2 NE NE SILVER LAKE	0.30
KINGLAND, EDWIN K RESIDUARY TRUST	0501200004	1 99 22 PAR. IN SW NE	9.10
KINGLAND, JAMES	0136200010	SECTION:36 TOWNSHIP:100 RANGE:22 SW NE SILVER LAKE	4.00
KINGLAND, JAMES	0501200007	SECTION:01 TOWNSHIP:99 RANGE:22 SE NE EXC PAR BRISTOL	2.50
KNUDTSON, VICTOR D RESIDUARY TRUST	0121100001	21-100-22 NW NW	6.60
KNUDTSON, VICTOR D RESIDUARY TRUST	0121100003	21-100-22 SW NW	0.30
KNUDTSON, VICTOR D RESIDUARY TRUST	0121100005	SECTION:21 TOWNSHIP:100 RANGE:22 NE NW EX PAR "A" SILVER LAKE	34.00
MERRITT, BRETT	0116200006	SECTION:16 TOWNSHIP:100 RANGE:22 PAR "A" & "B" NE NE SILVER LAKE	1.90
NELSON, BRIAN & CRYSTAL	0136200003	36 100 22 W. 3 A. N 1/2 NE NE	2.50
NELSON, BRIAN & CRYSTAL	0136200005	36 100 22 PAR. IN N 1/2 NE NE	2.50
NELSON, KEVIN R	0124300006	SECTION:24 TOWNSHIP:100 RANGE:22 SW SW EX PAR "G" SILVER LAKE	1.30
NELSON, KEVIN R	0125200003	25-100-22 SW NE	3.30

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			Benefited
ROGSTAD, DENNIS & DARLA	0116200005	SECTION:16 TOWNSHIP:100 RANGE:22 NE NE EX PAR "A" & "B" SILVER LAKE	11.90
SAXERUD, WAYNE C REVOCABLE TRUST	0504200004	4 99 22 SE NE	0.70
SORBO FARMS INC	0115100005	SECTION:15 TOWNSHIP:100 RANGE:22 GOV'T LOT 3 E OF RD SILVER LAKE	1.80
WOGEN, ALLAN S & RHONDA L	0133200006	33 100 22 PAR. IN SE NE	1.00
Total Recommended Worth County Annexation Area			236.84 Ac