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In Re the Matter of Drainage District 88

Order of Formation of Drainage  
District 88

Case No. 09 CV 795

Case Code:

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This case came on for trial on August 29, 2011, the Dodge County Drainage Board appeared by attorney Joseph G. Sciascia and Robert Goetsch, Chairman, Dennis Giese appeared in person and by attorney Mark Hazelbaker, the Lake Sinissippi Improvement District appeared by Commissioner Greg Farnham and attorney MaryBeth Peranteau, the Department of Natural Resources appeared by attorney Edwina Kavanaugh who appeared telephonically. The following petitioners were also present:

Daryl Poellesch, John Meylink, Ken Wooock, Marion Barsch, and John Butterbrodt.

The Parties advised the court that all objections to the petition are being withdrawn and that they have entered into a stipulation which provides that the district shall be constructed with the recommendations of Jay Settersten and Robert Montgomery, whose reports were received into evidence as exhibits one and two.

The Court finds that the jurisdictional requirements of Chapter 88 have been met and that the proposed drain meets all of the requirements of Chapter 88. Specifically, the Court makes the following Findings of Fact:

- 1) That the petition has sufficient signers.
- 2) That the lands described in the petition together with any additional lands recommended by the Board for drainage will be improved by the proposed work.
- 3) That the public health or public welfare will be promoted thereby.
- 4) That the cost of construction will not exceed 75% of the benefits to be derived from the proposed work.
- 5) That the proposed work will not materially injure or impair fish habitat or wildlife habitat or scenic beauty or the conservation of natural resources or other public rights or interests.
- 6) That the following person have stipulated to the granting of the petition in open court, with the benefit of competent legal counsel,

and are bound by this order and the attached stipulation regardless of their failure or refusal to sign the stipulation: The Wisconsin Department of Natural Resources, Dennis Giese.

NOW THEREFORE, in accordance with Section 88.34 Wis. Stats. the Court hereby ORDERS

- 1) that the drainage district be and hereby is organized, and
- 2) that the Dodge County Drainage Board is hereby directed to proceed with all convenient speed with the final design and construction of the district drain as required and authorized by law.
- 3) That the stipulation approved in open court a copy of which is attached hereto, is approved in all respects and adopted by reference as the Order of this Court.

Dated this 17 day of Oct, 2011. *Nunc pro tunc  
to Aug 22, 2011*

By the Court:



Hon. Steven Bauer  
Circuit Court Judge