

STATE OF MINNESOTA

IN DISTRICT COURT

County of Norman

Fourteenth Judicial District

In The Matter of the Formation of a)
Drainage and Conservancy District)
Pursuant to Chapter 111 Minnesota)
Statutes of 1941 as Amended to be)
known as the Wild Rice-Marsh River)
Drainage and Conservancy District)
)

O R D E R

The above entitled matter came regularly before the Court at the courtroom in the Norman County Courthouse, in the City of Ada, Norman County, Minnesota, pursuant to notice duly given, on April 25, 1949, at the hour of two o'clock in the afternoon of said day, the Hon. Paul A. Lundgren, Judge, presiding. That at said time and place a petition to amend the original petition to include Section 24 and Section 13 of Halstad Township, described as Township 145 Range 48, Norman County, Minnesota, signed by six resident freeholders and owners was presented to the Court.

After due consideration of the evidence adduced at said hearing and of all the files and records in said proceeding and it appearing to the Court that these proceedings were instituted under and by virtue of Chapter 111 Minnesota Statutes of 1941, as amended, the Court makes and files the following Findings of Fact and Order:

FINDINGS OF FACT

1 That all persons appearing at said hearing who expressed a desire to be heard either for or against the granting of the relief prayed for in the petition in said proceedings testified at said hearing.

2 That a petition in due form, signed by more than sixty residents and freeholders of the territory mentioned therein and setting forth the facts required by said Chapter 111 was duly filed in the office of the Clerk of said Court on February 7, 1949, and that said petition substantially describes and designates the lands of the proposed district within the watershed of the Wild Rice and Marsh Rivers within Norman County, Minnesota.

3 That at the time of filing said petition the bond required

10811

by said Chapter 111 to be filed by the petitioners, duly approved by said Court, was filed with said Clerk of Court.

4 That thereafter said Clerk notified a Judge of said Court of the filing of said petition and bond as provided by said Chapter 111.

5 That on the 15th day of March, 1949, the Hon. Paul A. Lundgren, one of the Judges of the Fourteenth Judicial District of the State of Minnesota, signed an Order and caused the same to be filed with said Clerk of Court, wherein the said Judge fixed the time and place of hearing on said petition as provided in said Chapter 111.

6 That due and proper notice of said time and place of said hearing has been made by the publication of a Notice of said hearing for three successive weeks in a legal weekly newspaper within the County of Norman, to-wit: the Norman County Index; and that the last publication of said Notice occurred at least ten days prior to the date fixed in said Notice for hearing on said petition; that due proof of said publication has been filed in the office of said Clerk of Court.

7 That the lands described in the petition to amend the original petition, adding to the proposed district Sections 24 and 13 of Halstad Township, described as Township 145 Range 43, Norman County, Minnesota, were by order of the Court included in and made a part of the original proceedings herein, said petition to amend having been received and filed without objection.

8 That the territory described in Paragraph 10 of these Findings is situate within the drainage basin of the Wild Rice and Marsh Rivers in the County of Norman and State of Minnesota; that said territory consists principally of agricultural lands; that a large area of the lands in said territory are in need of drainage; that in times of high water the Wild Rice and Marsh Rivers overflow their banks causing a large territory to be overflowed and inundated, resulting in great damage to lands and growing crops and also having a tendency to injure the public health; that under the conditions

now existing in said territory the waters in said district are not properly conserved.

9 That it is for the best interest of the lands hereinafter described in Paragraph 10 of these Findings, and the purposes of said Chapter 111 will be best subserved by the inclusion of the lands described in the petition to amend the original petition herein.

10 That all of the lands and territory situate within the boundary line hereinafter in this paragraph designated is included within the drainage basin of the Wild Rice and Marsh Rivers in Norman County, Minnesota, and said boundary line is hereby designated as follows, to-wit:

Commencing at the Northwest corner of Section 19, Township 145 Range 47, thence south along the section line 2 miles to the Southwest corner of Section 30, 145-47, thence East 1 mile to the Southeast corner of said Section 30, thence South 1 mile to the Southwest corner of Section 32, 145-47, thence East to the Northeast corner of Sec. 6, 144-47, thence South 10 miles to the Southwest Corner of Sec. 20, 143-47, thence East 5 miles to the Southeast corner of Sec. 24, 143-47, thence North 3 miles to the Northeast corner of Sec. 12, 143-47, thence East 3 miles to the Southeast corner of Sec. 4, 143-46, thence North 1 mile to the Northeast corner of said Sec. 4, thence East 2 miles to the Southeast corner of Sec. 35, 144-46, thence North 1 mile to the Northeast corner of said Sec. 35, thence East 2 miles to the Southeast corner of Sec. 29, 144-45, thence North 1 mile to the Northeast corner of said Sec. 29, thence East 1 mile to the Southeast corner of Sec. 21, 144-45, thence North 3 miles to the Northeast corner of Sec. 9, 144-45, thence West 2 miles to the Southwest corner of Sec. 5, 144-45, thence North 1 mile to the Northwest corner of said Sec. 5, thence West 6 miles to the Southwest corner of Sec. 32, 145-46, thence North 1 mile to the Northwest corner of said Sec. 32, thence West 4 miles to the Southwest corner of Sec. 27, 145-47, thence North 2 miles to the Northwest corner of Sec. 22, 145-47, thence West 3 miles to the place of beginning and that said territory included within said

boundary lines, together with Sections 13 and 24 of Halstad Township, described as Township 145, Range 43, Norman County, Minnesota, which by amendment of petition is hereby added to the proposed territory, is contiguous territory situate in the County of Norman, State of Minnesota.

11 That a survey has heretofore been made of said territory by the United States Corps of Army Engineers in its survey of the Red River of The North drainage basin; that in and by said report filed on August 13, 1913, the following channel improvements were recommended:

A Rectification, cleaning and enlargement of channel approximately 13 miles in the Wild Rice River;

B Rectification, cleaning and enlargement of the channel of the Marsh River approximately 17 miles;

that said report has been approved by the Congress of The United States as an authorized project.

12 That it is necessary and expedient that an authority be established over said area as provided for in Chapter 111 Minnesota Statutes of 1941, as amended, for the following purposes, to-wit:

A To cooperate with the Federal Government in securing the proposed channel improvements;

B For regulating streams, channels or water courses and the flow of water therein by changing, widening, deepening, straightening the same, or otherwise improving the use and capacity thereof;

C For regulation and control of flood waters and the prevention of floods by deepening, widening, straightening or diking of any stream or water course and by the construction of reservoirs or other means to hold and control such water.

13 That the establishment of a drainage and conservancy district as provided by Chapter 111 Minnesota Statutes, 1941, as amended, will be conducive to public health, safety and convenience and promote the welfare of the inhabitants of the district and be of public benefit to the district.

14 That the average annual loss to the district by floods is in excess of \$100,000.00; that there is need for the work as proposed by the Corps of United States Army Engineers; that said proposed work will be conducive to public health, safety and convenience and promote the welfare of the inhabitants of said territory.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the lands and territory herein described in Paragraph 10 of these Findings be and the same hereby is organized as a body corporate under and pursuant to the provisions of said Chapter 111 Minnesota Statutes, 1941, as amended, and that the name of said body corporate shall be:

"The Wild Rice - Marsh River Drainage and Conservancy District," and that the same shall include all the lands and territory embraced within the boundary line thereof, together with Sections 13 and 24, Township 145, Range 48, of Norman County, Minnesota; and the boundary line thereof is hereby designated as set forth in said Paragraph 10 of these Findings;

That the office and principal place of business of said Wild Rice - Marsh River Drainage and Conservancy District shall be at the City of Ada, Norman County, Minnesota;

That the Board of Directors of said district shall be and consist of five (5) Commissioners and that the following named persons, resident freeholders of said territory, shall be and hereby are appointed as the first Board of Directors thereof, to-wit: R. C. Canning of Hendrum, Minnesota and L. R. Batrum of Ada, Minnesota, who shall hold their office for a period of two (2) years; and Mike Reesch of Ada, Minnesota, Stennes Austinson of Hendrum, Minnesota, and W. C. Ripley of Ada, Minnesota, who shall hold their office for a period of four (4) years;

That said Commissioners shall first qualify and then organize as provided by Section 111.08 Minnesota Statutes, 1941, as Amended;

Let The Clerk of said Court forthwith notify each of said Commissioners of his appointment.

Dated April 25, 1949.

BY THE COURT:

Paul A. Anderson

Judge, Fourteenth Judicial District

STATE OF MINNESOTA
COUNTY OF NORMAN

IN DISTRICT COURT
FOURTEENTH JUDICIAL DISTRICT

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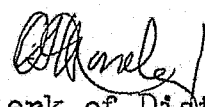
O R D E R

I, O. H. Nordby, Clerk of District Court for the County of Norman, State of Minnesota, Fourteenth Judicial District, do hereby certify that I have compared the paper writing, to which this Certificate is attached, with the original

O R D E R

in the above entitled matter, as the same appears of record and on file in my office, and that the same is a true and correct copy of said original and the whole thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the official seal of said District Court, at Ada, Minnesota, this 30th day of April, 1949.


Clerk of District Court,
Norman County, Minnesota.

10811