

STATE OF MINNESOTA)
 SS
COUNTY OF WILKIN)

IN DISTRICT COURT
SIXTEENTH
JUDICIAL DISTRICT

In the Matter of the Petition of)
the County of Wilkin and the City)
of Breckenridge, both Municipal)
Corporations, and Others for the)
Establishment of a Drainage and)
Conservancy District in the County)
of Wilkin, State of Minnesota)

ORDER and DECREE

The above entitled matter came on before the Court for hearing at a General Term of the above Court, held at Breckenridge, Minnesota, on the 15th day of May 1950, at 10 o'clock A. M., pursuant to an order for hearing heretofore issued and on the petition for the establishment of a drainage and conservancy district in the county of Wilkin, state of Minnesota. The petitioner, County of Wilkin, appeared by its attorney R. N. Nelson of Breckenridge, Minnesota, and the petitioner, City of Breckenridge, appeared by its attorney Leo A. Reuther of Breckenridge, Minnesota. A great number of individual petitioners appeared in support of said petition and no one appeared in opposition thereto. It was made to appear to the Court that this is a proceeding brought for the establishment of a drainage and conservancy district under Sections 111.01 to 111.42 of the Statutes of Minnesota for 1949, and that due notice of the hearing on said petition by the publication of the order of this court had been given as required by law. The Court having heard the evidence adduced by the petitioners in support of the petition, and being fully advised in the premises, makes the following

FINDINGS OF FACT

1. That the petition herein filed has been signed by more than 25% of the resident freeholders of the proposed district.
2. That the proposed district is necessary for the purpose of regulating

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streams, channels and water courses, and the flow of water therein by changing, widening, deepening the same, and otherwise improving the use and capacity thereof, and for reclaiming by drainage, dyking, or otherwise protecting lands subject to overflow, and for the regulation and control of flood waters and prevention of floods by deepening, widening, straightening and dyking the channels of the Otter Tail River and for providing for sanitation and public health, and that generally the creation of said district will serve the purposes outlined in Sections 111.01 to 111.42 of the Statutes of Minnesota, and is particularly necessary for the purposes set forth in Section 111.03 of said Statute in sub-divisions 1, 2, 5, 6, 7 and 8 thereof.

3. That the said proposed improvement will promote the welfare of the inhabitants of the district and will be of public benefit, and will be conducive to the public health, safety and convenience of the inhabitants of the district.

4. That the proposed improvement is one which has been developed by cooperation of local interests, and the federal government, and is a part of the comprehensive plan authorized by an Act of Congress to improve flood conditions in the Red River Valley. That the Otter Tail River is a tributary of the Red River of the North and is navigable throughout its length in Wilkin County, Minnesota. That said river is now subject to overflow in times of high waters and such waters which escape from said river spread out over a large area of agricultural lands. That the City of Breckenridge, a municipality in Wilkin County, Minnesota, is dependent upon the flow of water in the river for its water supply and sewerage disposal. That as a result of the obstructions in the channel of said river, the flow is so reduced that in extremely cold weather the entire channel can freeze up, depriving the City of Breckenridge from its water supply.

5. That it is for the best interests of the territory described in said petition and the inhabitants thereof, that a conservancy district be established.

6. That the lands which are likely to be affected, benefited or damaged by the proposed improvement are generally described as follows:

All of Sections 4, 5, 6, 7, 8, 17 and 18 in Bradford Township in Wilkin County, Minnesota;

The East Half and Southwest Quarter of Section 33, the Southwest Half of Section 32, all of Section 31 and the Southwest Quarter of Section 30 in Foxhome Township in Wilkin County, Minnesota;

All of Sections 1, 2, 3, 4, 10, 11, 12, 13, and 14 and all that part of Sections 15, 16, and 9 lying easterly or northerly of the Great Northern Railway Company right-of-way in East Brandrup township in Wilkin County, Minnesota;

All of Sections 17, 18, 19, 20, 21, 28, 27, 26, 33, 34, 35, 36 and the South Half of Section 23, the South Half and Northwest Quarter of Section 22 and the Southwest Quarter of Section 16, the South Half and Northwest Quarter of Section 25, all in Sunnyside Township in Wilkin County, Minnesota;

All of Sections 13, 11 and 10, the Northeast Quarter of Section 14, the South Half of Sections 3 and 12, all in Breckenridge Township in Wilkin County, Minnesota; and

The city of Breckenridge as a municipality and the County of Wilkin as a municipality.

7. That it is not possible or practical to include all of the territory in the water shed of the Otter Tail River in the proposed drainage and conservancy district for the reason that the river above the proposed district is adequate in capacity to take care of all water coming into said river and the people owning lands in such territory would have no interest in the proposed improvement.

Based upon the foregoing Findings of Fact, IT IS ORDERED, that the lands hereinbefore described be organized into a drainage and conservancy district under the name of "The Wilkin County Drainage and Conservancy District No. I" and that the office or place of business of said district shall be located in the City of Breckenridge in Wilkin County, Minnesota.

That the first board of directors shall consist of three (3) members and the following members are hereby appointed as the first directors of said district, to-wit:

A. R. Coleman -
for a four year term;

R. M. Aarestad -
for a four year term;

Earl Sharp -
for a two year term;

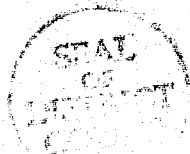
In the event that anyone of said members should fail to qualify as director, then the Court appoints as alternate, Jorgen Ellingson, for the term of such appointee who may not qualify.

That the district hereby created is a body corporate endowed with all the rights, privileges and authority designated by statute.

Dated this 20th day of May 1950.

/s/ E. R. Selnes

DISTRICT JUDGE



State of Minnesota }
County of Wilkin } ss.

I, K. W. Erdmann,

Clerk of the District Court, in and for said County, hereby certify that I have compared the foregoing copy of Order and Decree in the action entitled, "In the Matter of the Petition of the County of Wilkin and the City of Breckenridge, both Municipal Corporations, and Others for the Establishment of a Drainage and Conservancy District in the County of Wilkin, State of Minn. and dated May 20, 1950" with the records remaining on file in this office, that the same are correct transcripts from, and of the whole of such original records.

Witness my hand and seal of said District Court at Breckenridge, Minnesota, in said County this 27th day of May 19 50

K. W. Erdmann Clerk
By Deputy

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 7 1950
Mike Holm
Secretary of State