

Minnesota Water Resources Board  
555 Wabasha Street  
Room 206  
St. Paul, Minnesota  
55102

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY )

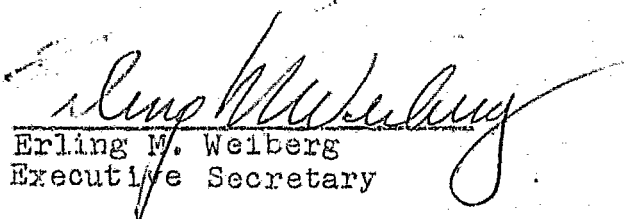
AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on  
oath, deposes and says:

THAT HE IS the Executive Secretary for the  
Minnesota Water Resources Board; that he has compared  
the attached copy of an Order relating to the \_\_\_\_\_  
Buffalo-Red River Watershed District

dated at Saint Paul, Minnesota, on the 17th day of September,  
1976, with the original thereof on file in his  
official custody; and

THAT SAID COPY is a true and correct copy of said  
original and the whole thereof.

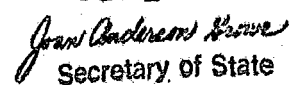
  
Erling M. Weiberg  
Executive Secretary

Subscribed and sworn to before me  
this 27 day of September 1976

  
MARIAN S. COMFORT

Notary Public, Ramsey County, Minnesota  
My Commission Expires July 25, 1979

#14826  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 27 1976

  
Secretary of State

Minnesota Water Resources Board  
555 Wabasha Street  
Room 206  
St. Paul, Minnesota  
55102

-----  
In the Matter of the Petition  
for the Enlargement of the  
South Buffalo Watershed  
District (Section 112.761)  
-----

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A petition signed by the County Boards of Commissioners of Clay and Wilkin Counties, Minnesota, was filed with the Minnesota Water Resources Board (hereinafter referred to as "the Board") on February 25, 1976, asking for the enlargement of the territory of the South Buffalo Watershed District, and a change in the name of the watershed district, all pursuant to Minnesota Statutes 1974, Chapter 112, as amended. The Board on the 7th of April 1976 approved the action of its Chairman in scheduling the hearing on the petition for April 8, 1976, which action had been previously authorized by the Board. The hearing was ordered held in the Auditorium of the Hawley High School Building, Independent School District No. 150, Hawley, Minnesota, 56549. Present with the Board were Mr. Stephen Shakman of the Attorney General's office and Mr. Erling M. Weiberg, Executive Secretary.

Mr. Paul Grinnell, Clay County Attorney, and Mr. Robert Swenson appeared as attorneys for the petitioners. Mr. Stephen Rufer, Fergus Falls, appeared as Attorney for the Red River Valley Protection Association, and others appeared on their own behalf.

The Board having heard the testimony and evidence offered and received and having duly considered the same, and having considered all the files and records of the Board pertaining

thereto, now makes the following Findings of Fact, Conclusions of Law and Order:

#### FINDINGS OF FACT

##### I. The Petition

- A. A duly executed petition for the enlargement of the South Buffalo Watershed District signed by the County Boards of Commissioners of Clay and Wilkin Counties, Minnesota, was filed with the Board on February 25, 1976; said counties being one half of the counties containing the territory which the petitioners proposed be added to the existing territory of the South Buffalo Watershed District, heretofore established. More than fifty per cent of the territory proposed to be added to the existing territory of the South Buffalo Watershed District is located in Clay and Wilkin Counties. Filed with the petition were the required proofs of service.
- B. As previously authorized by the Board, the Chairman in February 1976, ordered a hearing on the petition pursuant to statute to be held on the 8th of April 1976 beginning at 10:00 A.M., Central Standard Time, in the Auditorium of the Hawley High School Building, Hawley, Minnesota, 56549.
- C. Due and proper notice was given to owners of all lands affected, by publication of the Board's Notice of Hearing in appropriate legal newspapers and by filing the same with the County Auditors of Clay, Becker, Otter Tail and Wilkin Counties.
- D. The Board's hearing, as ordered, was held on the 8th day of April 1976 in the Auditorium of the Hawley High School Building, Hawley, Minnesota, 56549, beginning at 10:00 A.M.
- E. The Director of the Division of Waters, Minnesota Department of Natural Resources, filed a one-page report with a map of the watershed of the Buffalo River and of other watershed land adjacent to the Buffalo River Watershed.

F. The South Buffalo Watershed District, Barnesville, Minnesota, 56554, was established by Order of the Minnesota Water Resources Board dated August 31, 1960, and included the following parcels of land:

- | <u>1. Clay County</u>                           | <u>5th Principal Meridian</u>                                  |
|---|--|
| a. Township 140 North, Range 47 West (Moland)   |  |
| S $\frac{1}{2}$                                 | Section 32   |
| SW $\frac{1}{4}$                                | " 33.  |
| b. Township 139 North, Range 47 West (Glyndon)  |  |
| All of Sections                                 | Sections 4, 5, 8, 9  |
| W $\frac{1}{2}$                                 | Section 10   |
| SW $\frac{1}{4}$                                | " 14   |
| All of Sections                                 | Sections 15, 16  |
| N $\frac{1}{2}$                                 | Section 17   |
| SE $\frac{1}{4}$                                | " 17   |
| All of Sections                                 | Sections 21, 22, 23, 25,<br>26, 27, 28                         |
| E $\frac{1}{2}$                                 | Section 29   |
| E $\frac{1}{2}$                                 | " 32   |
| All of Sections                                 | Sections 33, 34, 35, 36.                                       |
| c. Township 139 North, Range 46 West (Riverton) |  |
| W $\frac{1}{2}$                                 | Section 24   |
| All of Sections                                 | Sections 25, 26, 27, 28,<br>29, 30, 31, 32,<br>33, 34, 35, 36. |
| d. Township 139 North, Range 45 West (Hawley)   |  |
| SW $\frac{1}{4}$                                | Section 17   |
| S $\frac{1}{2}$                                 | " 18   |
| All of Sections                                 | Sections 19, 20  |
| SW $\frac{1}{4}$                                | Section 21   |
| W $\frac{1}{2}$                                 | " 28   |
| All of Sections                                 | Sections 29, 30, 31, 32  |
| W $\frac{1}{2}$                                 | Section 33.  |

- e. Township 139 North, Range 44 West (Egdon)
- |                  |                          |
|------------------|--------------------------|
| All of Sections  | Sections 25, 26, 27, 28  |
| S $\frac{1}{2}$  | Section 31               |
| NE $\frac{1}{4}$ | " 32                     |
| S $\frac{1}{2}$  | " 32                     |
| All of Sections  | Sections 33, 34, 35, 36. |
- f. Township 138 North, Range 47 West (Elmwood)
- |                 |   |
|-----------------|---|
| All of Sections | Sections 1, 2, 3, 4, 5,<br>8, 9, 10, 11,<br>12, 13, 14, 15,<br>16, 17         |
| E $\frac{1}{2}$ | Section 19  |
| All of Sections | Sections 20, 21, 22, 23,<br>24, 25, 26, 27,<br>28, 29, 32, 33,<br>34, 35, 36. |
- g. Township 138 North, Range 46 West (Elkton)
- |                 |                                      |
|-----------------|--------------------------------------|
| All of Sections | Sections 1 through 36,<br>inclusive. |
|-----------------|--------------------------------------|
- h. Township 138 North, Range 45 West (Skree)
- |                  |                                      |
|------------------|--------------------------------------|
| All of Section   | Section 1                            |
| NW $\frac{1}{4}$ | " 2                                  |
| S $\frac{1}{2}$  | " 2                                  |
| All of Sections  | Sections 3 through 36,<br>inclusive. |
- i. Township 138 North, Range 44 West (Parke)
- |                  |                                     |
|------------------|-------------------------------------|
| All of Sections  | Sections 1 through 34,<br>inclusive |
| NE $\frac{1}{4}$ | Section 35                          |
| W $\frac{1}{2}$  | " 35.                               |
- j. Township 137 North, Range 47 West (Alliance)
- |                                     |  |
|-------------------------------------|--|
| All of Sections                     | Sections 1, 2, 3, 4, 5,<br>8, 9, 10, 11,<br>12, 13, 14 |
| NE $\frac{1}{4}$                    | Section 15   |
| E $\frac{1}{2}$ of SE $\frac{1}{4}$ | " 15   |
| All of Sections                     | Sections 16, 17  |

- j. Township 137 North, Range 47 West (Alliance) (Cont.)
- |                  |          |        |
|------------------|----------|--------|
| NE $\frac{1}{4}$ | Section  | 20     |
| N $\frac{1}{2}$  | "        | 21     |
| N $\frac{1}{2}$  | "        | 23     |
| SE $\frac{1}{4}$ | "        | 23     |
| All of Sections  | Sections | 24, 25 |
| NE $\frac{1}{4}$ | Section  | 36.    |
- k. Township 137 North, Range 46 West (Barnesville)
- |                 |          |                          |
|-----------------|----------|--------------------------|
| All of Sections | Sections | 1 through 36, inclusive. |
|-----------------|----------|--------------------------|
- l. Township 137 North, Range 45 West (Humboldt)
- |                  |          |                         |
|------------------|----------|-------------------------|
| All of Sections  | Sections | 1 through 33, inclusive |
| W $\frac{1}{2}$  | Section  | 34                      |
| NE $\frac{1}{4}$ | "        | 35                      |
| All of Section   | "        | 36.                     |
- m. Township 137 North, Range 44 West (Tansem)
- |                  |          |                          |
|------------------|----------|--------------------------|
| SE $\frac{1}{4}$ | Section  | 1                        |
| W $\frac{1}{2}$  | "        | 2                        |
| SE $\frac{1}{4}$ | "        | 2                        |
| All of Sections  | Sections | 3 through 36, inclusive. |
2. Wilkin County 5th Principal Meridian
- a. Township 136 North, Range 47 West (Deerhorn)
- |                 |         |    |
|-----------------|---------|----|
| E $\frac{1}{2}$ | Section | 1. |
|-----------------|---------|----|
- b. Township 136 North, Range 46 West (Atherton)
- |                  |          |            |
|------------------|----------|------------|
| N $\frac{1}{2}$  | Section  | 2          |
| All of Sections  | Sections | 3, 4, 5, 6 |
| N $\frac{1}{2}$  | Section  | 7          |
| All of Sections  | Sections | 8, 9       |
| W $\frac{1}{2}$  | Section  | 10         |
| NW $\frac{1}{4}$ | "        | 15         |
| N $\frac{1}{2}$  | "        | 16         |
| NE $\frac{1}{4}$ | "        | 17.        |

c. Township 136 North, Range 45 West (Prairie View)

All of Section	Section	1
NE $\frac{1}{4}$	"	2
NW $\frac{1}{4}$	"	4
N $\frac{1}{2}$	"	5
N $\frac{1}{2}$	"	6.

3. Otter Tail County 5th Principal Meridian

a. Township 137 North, Range 43 West (Scambler)

NW $\frac{1}{4}$	Section	17
S $\frac{1}{2}$	"	17
All of Sections	Sections	18, 19, 20, 29, 30, 31, 32
W $\frac{1}{2}$	Section	33.

b. Township 136 North, Range 44 West (Norwegian Grove)

All of Sections	Sections	1, 2, 3, 4, 5, 6
NE $\frac{1}{4}$	Section	8
N $\frac{1}{2}$	"	9
SE $\frac{1}{4}$	"	9
All of Sections	Sections	10, 11, 12, 13, 14, 15
NW $\frac{1}{4}$	Section	23
N $\frac{1}{2}$	"	24
SE $\frac{1}{4}$	"	24
NE $\frac{1}{4}$	"	25.

c. Township 136 North, Range 43 West (Pelican)

SW $\frac{1}{4}$	Section	4
All of Sections	Sections	5, 6, 7, 8
NW $\frac{1}{4}$	Section	9
NW $\frac{1}{4}$	"	17
All of Sections	Sections	18, 19
NW $\frac{1}{4}$	Section	30.

G. On August 16, 1976, by Order of the Minnesota Water Resources Board, upon petition of the managers of the Cormorant Lakes Watershed District, to adjust the westerly boundary of the Cormorant Lakes Watershed District, because surface flows of water were westerly and not

easterly to the Cormorant Lakes, the following described parcels of land were added to the territory of the South Buffalo Watershed District:

1. Becker County 5th Principal Meridian
  - a. Township 139 North, Range 43 West (Lake Park)

NE $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	30
S $\frac{1}{2}$ of SW $\frac{1}{4}$	"	30
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	30
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	31
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	31.
  - b. Township 138 North, Range 43 West (Cormorant)

NW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	6
S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	6
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	6
SE $\frac{1}{4}$	"	6
All of Section	"	7
N $\frac{1}{2}$	"	18
SW $\frac{1}{4}$	"	18
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	18
All of Section	"	19
N $\frac{1}{2}$	"	30
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	30.

## II. The Watershed Area

- A. The watershed area includes the watershed of the Buffalo River and certain areas directly tributary to the Red River of the North. All of this watershed area is located in parts of Clay, Becker, Otter Tail and Wilkin Counties.
  1. The Buffalo River, the principal watercourse of the watershed, begins in Tamarac Lake, which is located in Holmesville Township, Township 140 North, Range 40 West, in Becker County. The watercourse gradient is northwesterly, thence southwesterly in Becker County and in Clay County to about the center of Hawley Township, Township 139 North, Range 45 West;



thence northwesterly entering the Red River of the North in the northwest corner of Section 30, Township 142 North, Range 48 West, Clay County. The watershed of this stream is being added to the territory of the South Buffalo Watershed District.

2. An important tributary of the Buffalo River is the South Branch of the Buffalo River. The channel of the South Buffalo River begins in Trondhjem Township, Township 135 North, Range 44 West, in Otter Tail County, with its gradient westerly and northwesterly to the north part of Alliance Township, Township 137 North, Range 47 West in Clay County; thence the watercourse proceeds northerly to its confluence with the Buffalo River in Section 33, Township 140 North, Range 47 West. Main tributaries to the South Buffalo River from the east, as viewed from north to south, are Stony Creek, Whiskey Creek and Deerhorn Creek. The watershed of the upper reaches of the South Buffalo River, including the watersheds of Stony Creek and Whiskey Creek, generally comprises the territory of the South Buffalo Watershed District. This territory is located mostly in southeastern Clay County with some land in adjacent Otter Tail and Wilkin Counties.

Territory of the Deerhorn Creek watershed and the upper reaches of the South Buffalo River, including its tributaries of County Ditch No. 13 and State Ditch No. 15, is in the added parcels of land and is located in Otter Tail and Wilkin Counties.

3. The direct tributary watershed areas to the Red River of the North are located upstream from the confluence of the Buffalo River and the Red River of the North, Township 142 North, Range 48 West to Township 135 North, Range 48 West. These watershed areas lie westerly of the west divide line of the Buffalo River Watershed

and easterly of the centerline or thread of the Red River of the North, located in Clay and Wilkin Counties. There are approximately 230 square miles in this area. Wolverton Creek is located in the southern part of this watershed area.

- B. The territory of the watershed of Buffalo River is bordered on the north by the watershed of the Wild Rice. The boundary of the Wild Rice Watershed District was determined by Order of the Minnesota Water Resources Board dated February 17, 1972.
- C. The territory of the Otter Tail Watershed and its principal tributaries borders the east portions of the Buffalo River Watershed. Part of the easterly boundary of the South Buffalo is coterminus with a portion of the boundaries of the Pelican River Watershed District, determined by the Board in its Order dated May 27, 1966, and of the Cormorant Lakes Watershed District, wherein the boundary was defined by Board Orders dated August 22, 1966 and August 16, 1976.
- D. The Buffalo River Watershed is bordered on the south by the watershed of direct tributaries and ditch systems that flow westerly to the Red River of the North near the communities of Brushvale and Kent.
- E. The west boundary of the Buffalo River Watershed is that portion of the North Dakota - Minnesota common boundary in the center of the Red River of the North lying approximately between Township 135 North, Range 48 West and Township 142 North, Ranges 48 and 49 West.
- F. The area of the South Buffalo Watershed District on the date of the filing of the petition for enlargement was about 344 square miles located as follows: Clay County, 303; Otter Tail County, 29; and Wilkin County, 12.
- G. The area of the land to be added is about 1,035 square miles located as follows: Clay County, 494; Becker County, 290; Otter Tail County, 31; and Wilkin County, 220.

- H. The area of the watershed district after enlargement would be approximately 1,379 square miles, of which approximately 797 square miles are in Clay County; 290 square miles in Becker County; 60 square miles in Otter Tail County, and 232 square miles in Wilkin County.
- I. The boundary of the Buffalo River Watershed as shown on Department of Natural Resources, Division of Waters, maps D1304 and D1305, were determined from a study of U.S. Geological Survey topographic maps and other sources.
- J. The following parcels of land are not a part of the Buffalo River Watershed because the runoff is southwesterly to the Red River of the North via Nyquist Coulee and certain drainage systems:

I. Wilkin County 5th Principal Meridian

a. Township 135 North, Range 48 West (Roberts)

All of Sections 8 and 9 in the State of Minnesota.

$S\frac{1}{2}$ of $S\frac{1}{2}$	Section 13
SW $\frac{1}{4}$	" 14
W $\frac{1}{2}$ of SE $\frac{1}{4}$	" 14
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 14
$S\frac{1}{2}$	" 15

All of Sections 16, 17 and 21 in the State of Minnesota.

All of Sections Sections 22, 23, 24, 25, 26

All of Sections 27, 28, 33 and 34 in the State of Minnesota.

All of Sections Sections 35, 36.

b. Township 135 North, Range 47 West (Mitchell)

S $\frac{1}{2}$ of SW $\frac{1}{4}$	Section	18
NW $\frac{1}{4}$	"	19
S $\frac{1}{2}$	"	19
SW $\frac{1}{4}$	"	20
N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	28
NW $\frac{1}{4}$	"	29
S $\frac{1}{2}$	"	29

All of Sections                      Sections 30, 31, 32.

K. The following parcels of land are a part of the Buffalo River Watershed because runoff is northerly and to Wolverton Creek, and thence to the Red River of the North:

1. Wilkin County                                      5th Principal Meridian

a. Township 135 North, Range 48 West (Roberts)

SE $\frac{1}{4}$	Section	2
W $\frac{1}{2}$	"	3
W $\frac{1}{2}$ of NW $\frac{1}{4}$	"	10
NE $\frac{1}{4}$	"	11
NE $\frac{1}{4}$	"	13
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	13
NW $\frac{1}{4}$	"	14
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	14.

L. The Buffalo River, which drains the northern part of the watershed, has a direct surface water connection to Balsam Lake (elevation 1452') in Holmesville Township, Becker County. Balsam Lake drains southerly into Tamarac Lake (elevation 1444') and the Buffalo River flows westerly and northwesterly out of the Tamarac Lake for about 10 miles through the Momb, Rock, Rice, and Buffalo Lake Chain with a total drop in elevation of only six feet. Continuing northwesterly to the middle of Riceville Township the Buffalo's average gradient is greater than 15 feet per mile. From Riceville the Buffalo flows southwesterly with an average gradient of about 5 feet per mile to the center of Hawley Township, Clay County. From Hawley the Buffalo descends northwesterly at about 12 feet per mile into the Red River plain and to the confluence of the Buffalo and the South Branch of the Buffalo River in Moland Township. The Buffalo then winds northwesterly through the Red River plain to its outlet into the Red River (approximate elevation 850') near Georgetown, Clay County. Its average gradient through the river plain is less than two feet per mile.

The South Branch of the Buffalo River, which drains the southern part of the watershed, has tributaries beginning in the extreme southeastern portion of the watershed (approximate elevation 1330') in Trondhjem Township, Otter Tail County. The South Branch of the Buffalo flows westerly into Wilkin County through Tanberg and Manston Townships and northerly into Atherton Township with an average gradient of more than 15 feet per mile. From Atherton northerly into Clay County through the Red River plain to the confluence of the Buffalo River and the South Branch of the Buffalo River its gradient is less than two feet per mile.

The Wolverton Creek drains the extreme southwest portion of the watershed beginning at an elevation of about 950' in Mitchell Township, Wilkin County. It flows mainly northerly about a distance of 20 miles through Wolverton Township, Wilkin County, and Holy Cross Township, Clay County, until it outlets into the Red River in Section 6 of Holy Cross Township at an elevation of about 880'.

- M. The sub-surface geologic formation includes the Precambrian crystalline bedrock, Cretaceous shales and sandstones, and Pleistocene glacial deposits. The latter includes till and glacial lake deposits. The glacial drift ranges in thickness from less than 100 feet to more than 300 feet. A linear deposit of sand and gravel more than 15 miles long and from 0.5 to 1.5 miles wide extends in a north-south direction through Townships 137, 138, 139 and 140 North, Range 47 West. Several large capacity wells have been developed in the deposit for the municipal supply of the City of Moorhead.
- N. The economy of the watershed is based primarily on agriculture. The small cities are marketing centers for agricultural products and trade centers. In the City of Moorhead, county seat of Clay County, is a large sugar beet refining factory as well as a number of potato warehouses and grain elevators.

### III. Some Major Watershed Problems

#### A. Floods

1. Runoff water from snow melt and rain storms reached the main stem of the Buffalo River at a faster rate in the 1970's than in 1956 or earlier years. One witness said there was increased flooding during the 1960's and 1970's over the 1950's because of much draining and ditching. Land surface conditions have changed since early settlement in the late 19th Century. Thousands of acres of prairie land have been plowed and drained. Hundreds of potholes and sloughs have been drained and plowed. In recent decades the construction of new

township and county roads has affected the flooding of land, since some of these roads act like dams.

2. Major floods over the territory of the South Buffalo Watershed District have occurred in 1905 and 1909 with complete crop loss; floods in 1925, 1928, 1943, 1953, 1957 and 1958 caused crop loss of 50%.
3. Spring and summer floods have occurred on land in Clay County at different places at different times in 1950, 1951, 1957, 1962, 1964, 1965, 1966, 1969 and 1970.
4. From June 28 through June 30, 1975 heavy rains occurred over northern Wilkin County and northern Clay County. Ten to twelve inches of rain were common throughout these counties during the three-day period. This storm period was preceded in the southern half of the Red River Basin, by heavy rain occurring from June 19 to June 22, 1975 causing high soil moisture conditions and high stream flows. Acres of cropland were flooded. Flood damage to much of crop land acres was due to drowning; washouts in crop land, ditches, highways; sheet erosion, and sedimentation on crop land. There was damage to farm homes and buildings, and stored grain. There was damage to public property, such as roads and bridges; to utilities; to urban areas; to natural waterways and public drainage systems.
5. A farmer, approximately seven miles east of the City of Kragnes, estimated his gross loss in excess of \$150,000 because of 1975 flood damage.
6. Photographic evidence shows damage to crops, farmstead buildings, at different locations in Clay County, for floods in the following years: 1951, 1962, 1965, 1966, 1969, and 1975.
7. In the following table losses due to flood damages are provided:

TABLE I  
ESTIMATED FLOOD DAMAGES IN DOLLARS TO LAND OWNERS LOCATED IN CLAY COUNTY IN  
TOWNSHIP 141 NORTH, RANGE 48 WEST, FOR CERTAIN YEARS

<u>Year</u>	<u>Land Owner A</u>	<u>Land Owner B</u>	<u>Land Owner C</u>	<u>Land Owner D</u>
1962	\$24,000 Crop loss; Property damage.	\$30,000 Crop loss; Property damage.	-----	\$40,000 Crop loss; Soil erosion; Building damage.
1965	\$5,000 Soil and property damage.	\$5,000 Soil and property damage.	-----	\$4,000 Soil erosion; Building damage.
1966	\$10,000 Soil and building damage.	\$12,000 Soil and building damage.	-----	\$3,000 Soil erosion; Building damage.
1969	\$7,000 Soil and building damage.	\$10,000 Soil and building damage.	\$12,000 Milk production down; stored grain loss.	-----
1975	\$48,000 Crop loss; Building damage.	\$68,000 Crop loss; Building damage.	\$408,000 Loss of crop of wheat, beets, barley, soybeans. \$102,000 Seeding costs.	-----



8. Past surveys of streams and photographic evidence show fallen trees, log dams and debris clogging channels, such as the Buffalo River.
9. Flood waters have entered the basements of many farm homes with damages to flooring and paneling, and to equipment, such as furnaces. Lawns, shrubs and evergreens have been lost due to flood waters.
10. Where flood waters were slow in receding, many inconveniences to daily living were experienced by some land owners. Transportation of children to school and mail delivery were changed because of flooded and washed out roads. Some cattle had to be moved to dry locations. Floods have delayed the planting of spring crops.

B. Drainage Systems

1. The following table presents general information on the number of drainage systems in the watershed area, in Clay, Becker and Wilkin Counties, their general location, and outlet:

TABLE II  
DRAINAGE SYSTEMS IN THE PROPOSED  
BUFFALO RIVER WATERSHED DISTRICT

<u>System Number</u>	<u>Township Location</u>	<u>Outlets Into</u>
	<u>Clay County</u>	
J.D. 1	Alliance, Holy Cross	Wolverton Creek-Red River
C.D. 2	Spring Prairie, Moland	Buffalo River
" 3	Spring Prairie, Moland	Buffalo River
" 5	Morken, Kragnes	Buffalo River
" 9	Elmwood, Kurtz	Red River
" 10	Flowing, Morken, Kragnes	Buffalo River
" 11 N.	Kurtz	Red River
" 11 S.	Holy Cross, Kurtz	Red River
" 12	Riverton, Glyndon	South Branch Buffalo River
" 16	Highland Grove	Buffalo River
" 17	Elkton	Hay Creek-Stony Creek- South Branch Buffalo River
" 20	Kragnes	Red River
" 21	Elkton, Elmwood	South Branch Buffalo River
" 22	Kragnes	Co. Ditch 20-Red River
" 23	Kragnes	Red River
" 23B	Kragnes	Red River
" 25	Moland, Oakport	Buffalo River
" 26	Spring Prairie, Moland	Co. Ditch 25-Buffalo River
" 28	Kragnes	Red River
" 31	Barnesville	Stony Creek-South Branch Buffalo River
" 32	Elmwood, Kurtz	Red River
" 33	Kurtz	Red River
" 34	Barnesville	Whiskey Creek-South Branch Buffalo River
" 35	Moland, Oakport	Buffalo River
" 36	Holy Cross	Wolverton Creek-Red River
" 38	Spring Prairie, Moland	Co. Ditch 25-Buffalo River

<u>System Number</u>	<u>Township Location</u>	<u>Outlets Into</u>
<u>Clay County (Cont.)</u>		
C.D. 39	Flowing, Morken, Kragnes	Buffalo River
" 40	Kurtz	Red River
" 41	Glyndon, Moorhead, Oakport	Red River
" 47	Moorhead	Co. Ditch 41-Red River
" 49	Morken, Kragnes	Buffalo River
" 50	Moorhead	Co. Ditch 41-Red River
" 51	Kragnes	Buffalo River
" 53	Alliance, Holy Cross	Wolverton Creek-Red River
" 54	Barnesville, Alliance	South Branch Buffalo River
" 55	Elkton, Elmwood	Stony Creek-South Branch Buffalo River
" 57	Riverton	Buffalo River
" 58	Elkton, Elmwood	South Branch Buffalo River
" 59	Morken, Kragnes	Buffalo River
" 60	Holy Cross	Wolverton Creek-Red River
" 63	Spring Prairie, Moland	Buffalo River
<u>Wilkin County</u>		
J 1-1	Deerhorn, Wolverton	Wolverton Creek
J 1-2	Wolverton	J 1-1, Wolverton Creek
J 1-3	Deerhorn, Wolverton	J 1-1, Wolverton Creek
J 1-4	Deerhorn, Wolverton	J 1-1, Wolverton Creek
Lower J 3-1	Atherton	South Branch Buffalo River
Upper J 3-1	Atherton	Lower J 3-1, South Branch Buffalo River
J 3-2	Tanberg, Manston	South Branch Buffalo River
J 3-3	Tanberg, Manston	J 3-2, South Branch Buffalo River
J 3-4	Prairie View, Atherton	Deerhorn Creek-South Branch Buffalo River
J 3-5	Prairie View, Atherton	Deerhorn Creek-South Branch Buffalo River

<u>System Number</u>	<u>Township Location</u>	<u>Outlets Into</u>
<u>Wilkin County (Cont.)</u>		
C.D. 5 A	Deerhorn, Wolverton	Wolverton Creek
" 5 A-1	Deerhorn	C.D. 5 A, Wolverton Creek
" 11-2	Prairie View	Upper J 3-1, C.D. 30, Deerhorn Creek, South Branch Buffalo River
" 11-3	Prairie View, Atherton	Upper J 3-1, C.D. 30, Deerhorn Creek, South Branch Buffalo River
" 11-4	Prairie View	J 3-5, Deerhorn Creek, South Branch Buffalo River
" 13	Deerhorn	South Branch Buffalo River
Atherton State Ditch No. 14	Atherton	J 3-4, Deerhorn Creek, South Branch Buffalo River
Manston State Ditch No. 15	Manston	C.D. 13, South Branch Buffalo River
" 22	Deerhorn, Wolverton	Wolverton Creek
" 26	Mitchell, Roberts	Wolverton Creek
" 30	Atherton	Deerhorn Creek, South Branch Buffalo River
" 40	Tanberg, Manston, Atherton	J 3-4, Deerhorn Creek, South Branch Buffalo River
<u>Becker County</u>		
C.D. 5	Audubon	C.D. 15, Buffalo River
" 9	Hamden, Cuba	Buffalo River
" 10	Holmesville	Buffalo River
" 13	Riceville, Hamden	C.D. 15, Buffalo River
" 15	Audubon, Hamden, Riceville, Cuba	Buffalo River
" 19	Holmesville	Buffalo River
" 21	Riceville	Buffalo River

2. As to a drainage system, serving as an outlet for two upstream Clay County drainage systems, a land owner said the outlet system was unable to carry the water within its banks from the eastern part of the county.
3. Some farmers in Clay County have, in the past, constructed dikes along drainage systems to prevent the overflow onto their adjacent crop land of flood water or high water in drainage channels. Photographic evidence shows that during the floods of 1969 and 1975, some farmers' dikes failed in certain locations.
4. Many field ditches in crop land in Clay County filled with silt and needed to be cleaned.

C. Erosion and Sedimentation

1. During floods of recent years evidence was provided stating that stream bank erosion occurs to the banks of natural streams and public drainage systems dependent upon the slope of the stream or drainage systems. The nature of damage is the erosion of stream and channel bottoms and their slopes.
2. Where flood flows depart from the stream channels and drainage system channels and move across crop land, there is an area of sheet erosion of crop land. In the 1975 summer flood in some fields in the watershed area, erosion was several feet deep over several areas.
3. The sedimentation of eroded soil particles carried by flood waters is damaging to land on which it is deposited.
4. Sedimentation in flood water occurs in drainage systems and in road ditches at locations where the slope of these channels is reduced. At these locations the deposited material needs to be cleaned out of the channels so that they will carry the runoff of the next storm within the banks of the channel.

5. Sedimentation problems exist on farmers' land, in county road ditches and in county legal ditches; in all the small creeks, like the Deerhorn, Stony Creek, Hay Creek, Whiskey Creek; and in the Buffalo River and the Red River.
6. On one farm, located in Township 139 North, Range 46 West, flooding in 1950 caused a gully three feet deep, fifteen feet wide and sixty rods long with scouring of and deposition on surrounding land. The April 1965 flood resulted in loss of soil due to erosion on 15 to 20 acres with scouring, silting and sanding of another 20 to 22 acres. The March 1966 flood was a repeat of the 1965 flood. One gully 700 feet long, average width of thirty feet and approximately three feet deep, occurred in 1966.
7. Gully erosion has resulted from overland flow of flood waters. Photographic evidence showed such a condition in Section 6, Township 140 North, Range 47 West, occurring early in the 1960's.
8. A land owner in Township 140 North, Range 47 West, said, "We have had a tremendous amount of building and land erosion damage." "In the spring of 1964 we had...150 (acres) covered with water causing severe land erosion." "In the spring of 1969 the water from the Buffalo River flooded over the banks on my farm, (Township 139 North, Range 46 West) causing severe building damage and soil erosion. That summer we spent \$1,700.00 to have a dike repaired and field washouts filled..."

IV. Recreation

- A. The principal streams in the watershed are not suitable habitat for trout. Fishery value of the Buffalo River is quite limited.
- B. There is a wide variety of wildlife habitat in the watershed. White tailed deer are found in the eastern two-thirds of the watershed in varying numbers. Migratory waterfowl move over the watershed. Mallards and blue-winged teal nest in some of the flat prairie area and the lake area in the upper reaches of the watershed. Prairie chicken, sharp-tailed grouse and Hungarian partridge were common to the area, but their presence today is rare.
- C. The Buffalo River State Park is an overnight public camping facility located in the watershed.
- D. The federal Tamarac Refuge located in Becker County, at the northeastern end of the watershed, provides hiking, picnicking, fishing and hunting opportunities.

V. Watershed Management to Date

- A. A county commissioner said attempts to solve severe water management problems have been made by individuals, small groups and through public drainage systems. The result has been that problems have been solved in some areas and increased in other areas.
- B. The Clay County Board of Commissioners were bombarded with requests in July 1975 by some land owners to take a new look at excessive flooding problems. The Clay County Board of Commissioners convened a meeting, which was well attended by concerned persons. Those present asked that a committee of approximately 30 people be appointed to explore and study solutions to better flood control. Subsequently, such a committee, known as a Water Control Steering Committee, was appointed. This committee, after meetings and research, decided the first approach to the flooding problem was

to seek the enlargement of the South Buffalo Watershed District. They believed the problems involved the entire Buffalo River Watershed.

This committee's leadership met with county commissioners in Becker, Otter Tail and Wilkin Counties, asking them to enter in on the petition for expansion of the South Buffalo Watershed District. Informational meetings were held with residents in Otter Tail County and in Becker County in the Cities of Pelican Rapids and Lake Park, respectively.

- C. Certain land owners have sought help from their townships and the Clay County Board of Commissioners for relief of flood water damage from river overflow or county ditch overflow.
- D. There is need for a total watershed approach with good planning, the application of good soil conservation practices, and the proper control of water flowing into our rivers and streams. Other evidence supports the need for water management in the watershed area.
- E. The question of other existing agencies - local and federal - attacking the problems cited above, was raised during the hearing. No one existing agency or governmental unit demonstrated the capability to coordinate the management, bring about the orderly control and protection of the land from uncontrolled water within the Buffalo River Watershed. There are limitations, such as jurisdiction, authority and financial capability of these groups.

The record of years of flood damage is known. The opportunity for concerted cooperative action by counties, townships, soil and water conservation districts, municipalities, with other public groups, as well as private interests, has, in the Board's opinion, been present. The record shows no attempt at all by local groups to coalesce and perform with their leadership, money and skilled manpower



resources. Individually they seem unable to solve the number of problems within the watershed, more particularly, floods.

On balance there is no clear cut evidence of an existing overall public water management program in the Buffalo River Watershed, nor does the record of the proceeding indicate such a plan of action with a financial commitment to implement elements of the plan by any one or a combination of the existing entities.

The record and evidence clearly reveal that two county boards of commissioners, in whose counties lie territory of the proposed district, support the watershed district approach and based on some study, approve the watershed district as the tool to begin a program to control runoff from the watershed of the Buffalo River in a manner that promotes the health and welfare of all of the people and their economic well-being and to protect the land and facilities placed upon the land.

- VI. The proposed enlargement of the South Buffalo Watershed District will be for the public welfare and in the public interest and the purposes of the Minnesota Watershed Act will be subserved by the enlargement of the South Buffalo Watershed District.
- VII. Petitioners request the enlarged watershed district be named the Buffalo River Watershed District.

#### CONCLUSIONS OF LAW

- VIII. The Board has jurisdiction of the matter of the enlargement of the South Buffalo Watershed District.
- IX. The testimony and exhibits of the proceeding support the necessity for the enlargement of the South Buffalo Watershed District.
- X. The enlargement of the South Buffalo Watershed District would be for the public welfare and public interest and

the purposes of Minnesota Statutes, Chapter 112, would be subserved by the said enlargement.

- XI. That the land added to the South Buffalo Watershed District by the Order herein is contiguous to the territory of the existing watershed district and it can be feasibly administered by the managers thereof.
- XII. That a redistribution of the five managers of the South Buffalo Watershed District among the affected counties should be made.

IT IS THEREFORE ORDERED

- XIII. That the territory of the South Buffalo Watershed District is enlarged.
- XIV. That the parcels of land hereinafter described be and hereby are added to the present territory of the South Buffalo Watershed District and made a part thereof, and the exterior boundary of the South Buffalo Watershed District is changed accordingly. The South Buffalo Watershed District is hereby enlarged to include therein all forty-acre tracts, fractional or parts thereof, all governmental lots or parts thereof, and all lots within platted areas, and is described by counties as follows:

- A. Clay County 5th Principal Meridian
1. Township 142 North, Range 49 West (Georgetown)  
All of Sections 25 and 36 in the State  
of Minnesota.
  2. Township 142 North, Range 48 West (Georgetown)

$S\frac{1}{2}$	Section	27
$S\frac{1}{2}$	"	28
$S\frac{1}{2}$	"	29
$S\frac{1}{2}$ of $N\frac{1}{2}$	"	30
$S\frac{1}{2}$	"	30
All of Sections	Sections	31, 32, 33, 34
$S\frac{1}{2}$	Section	35
$S\frac{1}{2}$	"	36.

3. Township 141 North, Range 49 West (Kragnes)  
All of the Sections in the township in the State of Minnesota.
4. Township 141 North, Range 48 West (Kragnes)  
All of the Sections in the township in the State of Minnesota.
5. Township 141 North, Range 47 West (Morken)  
All of Sections            Sections 2 through 11, inclusive  
All of Sections            "        14 through 36, inclusive.
6. Township 141 North, Range 46 West (Flowing)  
All of Sections            Sections 19 through 36, inclusive.
7. Township 141 North, Range 45 West (Keene)  
                                 S $\frac{1}{2}$         Section 19  
                                 S $\frac{1}{2}$         "        20  
                                 S $\frac{1}{2}$         "        24  
All of Sections            Sections 25 through 36, inclusive.
8. Township 141 North, Range 44 West (Goose Prairie)  
All of Sections            Sections 29, 30, 31, 32, 33.
9. Township 140 North, Range 49 West (Oakport)  
All of the Sections in the township in the State of Minnesota.
10. Township 140 North, Range 48 West (Oakport)  
All of the Sections in the township in the State of Minnesota.
11. Township 140 North, Range 47 West (Moland)  
All of Sections            Sections 1 through 31, inclusive  
                                 N $\frac{1}{2}$         Section 32  
                                 N $\frac{1}{2}$         "        33  
                                 SE $\frac{1}{4}$         "        33  
All of Sections            Sections 34, 35, 36.

12. Township 140 North, Range 46 West (Spring Prairie)  
All of Sections Sections 1 through 36,  
inclusive.
13. Township 140 North, Range 45 West (Cromwell)  
All of Sections Sections 1 through 36,  
inclusive.
14. Township 140 North, Range 44 West (Highland Grove)  
 $W\frac{1}{2}$  Section 5  
All of Sections Sections 6, 7, 8, 9, 10  
All of Sections " 13 through 36,  
inclusive.
15. Township 139 North, Range 49 West (Moorhead)  
All of the Sections in the township in the  
State of Minnesota.
16. Township 139 North, Range 48 West (Moorhead)  
All of the Sections in the township in the  
State of Minnesota.
17. Township 139 North, Range 47 West (Glyndon)  
All of Sections Sections 1, 2, 3, 6, 7  
 $E\frac{1}{2}$  Section 10  
All of Sections Sections 11, 12, 13  
 $N\frac{1}{2}$  Section 14  
 $SE\frac{1}{4}$  " 14  
 $SW\frac{1}{4}$  " 17  
All of Sections Sections 18, 19, 20, 24  
 $W\frac{1}{2}$  Section 29  
All of Sections Sections 30, 31  
 $W\frac{1}{2}$  Section 32.
18. Township 139 North, Range 46 West (Riverton)  
All of Sections Sections 1 through 23,  
inclusive  
 $E\frac{1}{2}$  Section 24.
19. Township 139 North, Range 45 West (Hawley)  
All of Sections Sections 1 through 16,  
inclusive  
 $N\frac{1}{2}$  Section 17  
 $SE\frac{1}{4}$  " 17

19. Township 139 North, Range 45 West (Hawley) (Cont.)
- |                 |          |                             |
|-----------------|----------|-----------------------------|
| $N\frac{1}{2}$  | Section  | 18                          |
| $N\frac{1}{2}$  | "        | 21                          |
| $SE\frac{1}{4}$ | "        | 21                          |
| All of Sections | Sections | 22 through 27,<br>inclusive |
| $E\frac{1}{2}$  | Section  | 28                          |
| $E\frac{1}{2}$  | "        | 33                          |
| All of Sections | Sections | 34, 35, 36.                 |
20. Township 139 North, Range 44 West (Eglon)
- |                 |          |                            |
|-----------------|----------|----------------------------|
| All of Sections | Sections | 1 through 24,<br>inclusive |
| All of Sections | "        | 29, 30                     |
| $N\frac{1}{2}$  | Section  | 31                         |
| $NW\frac{1}{4}$ | "        | 32.                        |
21. Township 138 North, Range 49 West (Kurtz)
- All of the Sections in the township in the State of Minnesota.
22. Township 138 North, Range 48 West (Kurtz)
- All of the Sections in the township in the State of Minnesota.
23. Township 138 North, Range 47 West (Elmwood)
- |                 |          |          |
|-----------------|----------|----------|
| All of Sections | Sections | 6, 7, 18 |
| $W\frac{1}{2}$  | Section  | 19       |
| All of Sections | Sections | 30, 31.  |
24. Township 138 North, Range 45 West (Skree)
- |                 |         |    |
|-----------------|---------|----|
| $NE\frac{1}{4}$ | Section | 2. |
|-----------------|---------|----|
25. Township 137 North, Range 49 West (Holy Cross)
- All of the Sections in the township in the State of Minnesota.
26. Township 137 North, Range 48 West (Holy Cross)
- All of the Sections in the township in the State of Minnesota.

27. Township 137 North, Range 47 West (Alliance)
- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| All of Sections                   | Sections 6, 7                        |
| $W\frac{1}{2}$                    | Section 15                           |
| $W\frac{1}{2}$ of $SE\frac{1}{4}$ | " 15                                 |
| All of Sections                   | Sections 18, 19                      |
| $W\frac{1}{2}$                    | Section 20                           |
| $SE\frac{1}{4}$                   | " 20                                 |
| $S\frac{1}{2}$                    | " 21                                 |
| All of Section                    | " 22                                 |
| $SW\frac{1}{4}$                   | " 23                                 |
| All of Sections                   | Sections 26 through 35,<br>inclusive |
| $W\frac{1}{2}$                    | Section 36                           |
| $SE\frac{1}{4}$                   | " 36.                                |

28. Township 137 North, Range 45 West (Humboldt)
- |                 |            |
|-----------------|------------|
| $E\frac{1}{2}$  | Section 34 |
| $W\frac{1}{2}$  | " 35       |
| $SE\frac{1}{4}$ | " 35.      |

B. Becker County 5th Principal Meridian

1. Township 142 North, Range 41 West (White Earth)

$S\frac{1}{2}$	Section 33
All of Sections	Sections 34, 35, 36.
2. Township 142 North, Range 40 West (Maple Grove)

$S\frac{1}{2}$ of $S\frac{1}{2}$	Section 29
$S\frac{1}{2}$ of $S\frac{1}{2}$	" 30
All of Sections	Sections 31, 32, 33
$SW\frac{1}{4}$	Section 34.
3. Township 141 North, Range 43 West (Atlanta)

$S\frac{1}{2}$	Section 33
$S\frac{1}{2}$	" 34.
4. Township 141 North, Range 42 West (Riceville)

$E\frac{1}{2}$ of $NE\frac{1}{4}$	Section 1
$W\frac{1}{2}$	" 1
$SE\frac{1}{4}$	" 1
All of Sections	Sections 2, 3, 9, 10, 11, 12, 13, 14, 15, 16
$E\frac{1}{2}$ of $SE\frac{1}{4}$	Section 17

4. Township 141 North, Range 42 West (Riceville) (Cont.)

NE $\frac{1}{4}$	Section 20
S $\frac{1}{2}$	" 20
All of Sections	Sections 21 through 29, inclusive
W $\frac{1}{2}$ of NE $\frac{1}{4}$ Government Lots 10, 11	Section 30
SE $\frac{1}{4}$	" 30
E $\frac{1}{2}$ Government Lots 6, 7, 10, 11	" 31
All of Sections	Sections 32, 33, 34, 35, 36.

5. Township 141 North, Range 41 West (Callaway)

All of Sections	Sections 1 through 36, inclusive.
-----------------	--------------------------------------

6. Township 141 North, Range 40 West (Sugar Bush)

W $\frac{1}{2}$	Section 3
All of Sections	Sections 4, 5, 6, 7, 8, 9
W $\frac{1}{2}$	Section 10
SE $\frac{1}{4}$	" 10
S $\frac{1}{2}$	" 11
S $\frac{1}{2}$	" 12
All of Sections	Sections 13 through 23, inclusive
N $\frac{1}{2}$	Section 24
N $\frac{1}{2}$ of SW $\frac{1}{4}$	" 24
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 24
W $\frac{1}{2}$ of W $\frac{1}{2}$	" 25
All of Sections	Sections 26 through 35, inclusive
W $\frac{1}{2}$ of NW $\frac{1}{4}$	" 36
SW $\frac{1}{4}$	" 36.

7. Township 140 North, Range 43 West (Cuba)
- |                                      |          |                              |
|--------------------------------------|----------|------------------------------|
| All of Section                       | Section  | 1                            |
| SE $\frac{1}{4}$                     | "        | 2                            |
| All of Sections                      | Sections | 4, 5                         |
| S $\frac{1}{2}$ of N $\frac{1}{2}$   | Section  | 7                            |
| S $\frac{1}{2}$                      | "        | 7                            |
| All of Sections                      | Sections | 8, 9                         |
| NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | Section  | 10                           |
| S $\frac{1}{2}$ of N $\frac{1}{2}$   | "        | 10                           |
| S $\frac{1}{2}$                      | "        | 10                           |
| NE $\frac{1}{4}$                     | "        | 11                           |
| E $\frac{1}{2}$ of NW $\frac{1}{4}$  | "        | 11                           |
| SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | "        | 11                           |
| S $\frac{1}{2}$                      | "        | 11                           |
| All of Sections                      | Sections | 12 through 36,<br>inclusive. |
8. Township 140 North, Range 42 West (Hamden)
- |                 |          |                             |
|-----------------|----------|-----------------------------|
| All of Sections | Sections | 1 through 36,<br>inclusive. |
|-----------------|----------|-----------------------------|
9. Township 140 North, Range 41 West (Richwood)
- |                                      |          |                           |
|--------------------------------------|----------|---------------------------|
| E $\frac{1}{2}$                      | Section  | 1                         |
| NW $\frac{1}{4}$                     | "        | 1                         |
| N $\frac{1}{2}$ of SW $\frac{1}{4}$  | "        | 1                         |
| N $\frac{1}{2}$                      | "        | 2                         |
| W $\frac{1}{2}$ of SW $\frac{1}{4}$  | "        | 2                         |
| All of Sections                      | Sections | 3 through 9,<br>inclusive |
| N $\frac{1}{2}$ of NE $\frac{1}{4}$  | Section  | 10                        |
| NW $\frac{1}{4}$                     | "        | 10                        |
| N $\frac{1}{2}$ of SW $\frac{1}{4}$  | "        | 10                        |
| SW $\frac{1}{4}$ of SW $\frac{1}{4}$ | "        | 10                        |
| N $\frac{1}{2}$ of N $\frac{1}{2}$   | "        | 16                        |
| NE $\frac{1}{4}$ of NE $\frac{1}{4}$ | "        | 17                        |
| W $\frac{1}{2}$ of E $\frac{1}{2}$   | "        | 17                        |
| W $\frac{1}{2}$                      | "        | 17                        |
| All of Sections                      | Sections | 18, 19                    |
| W $\frac{1}{2}$                      | Section  | 20                        |
| W $\frac{1}{2}$ of E $\frac{1}{2}$   | "        | 30                        |
| W $\frac{1}{2}$                      | "        | 30                        |
| SE $\frac{1}{4}$ of NE $\frac{1}{4}$ | "        | 31                        |
| W $\frac{1}{2}$ of NE $\frac{1}{4}$  | "        | 31                        |
| W $\frac{1}{2}$                      | "        | 31                        |
| SE $\frac{1}{4}$                     | "        | 31                        |



10. Township 140 North, Range 40 West (Holmesville)

SE $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	2
W $\frac{1}{2}$ of NE $\frac{1}{4}$	"	2
W $\frac{1}{2}$	"	2
SE $\frac{1}{4}$	"	2
All of Sections	Sections	3, 4, 5, 6
E $\frac{1}{2}$ of E $\frac{1}{2}$	Section	7
All of Sections	Sections	8, 9, 10, 11
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	12
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	"	12
S $\frac{1}{2}$ of NW $\frac{1}{4}$	"	12
S $\frac{1}{2}$	"	12
All of Sections	Sections	13, 14, 15, 16, 17
E $\frac{1}{2}$	Section	18
E $\frac{1}{2}$	"	19
E $\frac{1}{2}$ of SW $\frac{1}{4}$	"	19
All of Sections	Sections	20 through 28, inclusive
N $\frac{1}{2}$	Section	29
N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	29
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	29
SE $\frac{1}{4}$	"	29
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	30
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	32
W $\frac{1}{2}$ of NE $\frac{1}{4}$	"	32
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	32
N $\frac{1}{2}$ of N $\frac{1}{2}$	"	33
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	"	34
E $\frac{1}{2}$ of NE $\frac{1}{4}$	"	35
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	"	35
N $\frac{1}{2}$	"	36
N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	36
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	36
SE $\frac{1}{4}$	"	36.

11. Township 140 North, Range 39 West (Grand Park)

NW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	7
S $\frac{1}{2}$ of SW $\frac{1}{4}$	"	7
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	17
S $\frac{1}{2}$ of SW $\frac{1}{4}$	"	17

11. Township 140 North, Range 39 West (Grand Park) (Cont.)

$W\frac{1}{2}$ of $NE\frac{1}{4}$	Section	18
$W\frac{1}{2}$	"	18
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	"	18
$S\frac{1}{2}$ of $SE\frac{1}{4}$	"	18
All of Section	"	19
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	"	20
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	20
$NW\frac{1}{4}$	"	20
$S\frac{1}{2}$	"	20
$N\frac{1}{2}$	"	29
$SW\frac{1}{4}$	"	29
$W\frac{1}{2}$ of $SE\frac{1}{4}$	"	29
All of Sections	Sections	30, 31
$NW\frac{1}{4}$ of $NW\frac{1}{4}$	Section	32
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"	32
$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	32
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	32.

12. Township 139 North, Range 43 West (Lake Park)

All of Sections	Sections	1 through 27, inclusive
$E\frac{1}{2}$	Section	28
$E\frac{1}{2}$ of $NW\frac{1}{4}$	"	28
$NW\frac{1}{4}$ of $NW\frac{1}{4}$	"	28
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	29
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	30
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"	30
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	"	30
$NE\frac{1}{4}$ of $SE\frac{1}{4}$	"	33
$NE\frac{1}{4}$ of $SE\frac{1}{4}$	"	33
$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	34
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	"	34
$SE\frac{1}{4}$	"	34
$NW\frac{1}{4}$	"	35
$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	35
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	35
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	36.

13. Township 139 North, Range 42 West (Audubon)

All of Sections	Sections 1 through 27, inclusive
$\frac{N}{2}$ of $\frac{SW}{4}$	Section 28
$\frac{SE}{4}$ of $\frac{SW}{4}$	" 28
$\frac{SE}{4}$	" 28
$\frac{N}{2}$ of $\frac{NW}{4}$	" 29
$\frac{SW}{4}$ of $\frac{NW}{4}$	" 29
$\frac{N}{2}$ of $\frac{SE}{4}$	" 29
$\frac{E}{2}$ of $\frac{NE}{4}$	" 30
$\frac{NW}{4}$ of $\frac{NE}{4}$	" 30
$\frac{W}{2}$ of $\frac{SW}{4}$	" 30
$\frac{W}{2}$ of $\frac{NW}{4}$	" 31
$\frac{E}{2}$ of $\frac{NE}{4}$	" 33
$\frac{SW}{4}$ of $\frac{NE}{4}$	" 33
$\frac{N}{2}$ of $\frac{SW}{4}$	" 34
$\frac{SE}{4}$ of $\frac{SW}{4}$	" 34
$\frac{SE}{4}$	" 34
All of Sections	Sections 35, 36.

14. Township 139 North, Range 41 West (Detroit)

$\frac{SW}{4}$ of $\frac{NW}{4}$	Section 5
$\frac{N}{2}$ of $\frac{SW}{4}$	" 5
$\frac{SW}{4}$ of $\frac{SW}{4}$	" 5

All of Sections      Sections 6, 7

$\frac{W}{2}$ of $\frac{NW}{4}$	Section 8
$\frac{N}{2}$ of $\frac{SW}{4}$	" 8
$\frac{N}{2}$ of $\frac{SW}{4}$	" 18
$\frac{SW}{4}$ of $\frac{NW}{4}$	" 30
$\frac{NW}{4}$ of $\frac{SW}{4}$	" 30.

- C. Wilkin County      5th Principal Meridian
1. Township 136 North, Range 49 West (Wolverton)  
All of the Sections in the township in the State of Minnesota.
  2. Township 136 North, Range 48 West (Wolverton)  
All of the Sections in the township in the State of Minnesota.

3. Township 136 North, Range 47 West (Deerhorn)
- |                 |                 |          |                          |
|-----------------|-----------------|----------|--------------------------|
|                 | W $\frac{1}{2}$ | Section  | 1                        |
| All of Sections |                 | Sections | 2 through 36, inclusive. |
4. Township 136 North, Range 46 West (Atherton)
- |                 |                  |          |                           |
|-----------------|------------------|----------|---------------------------|
| All of Section  |                  | Section  | 1                         |
|                 | S $\frac{1}{2}$  | "        | 2                         |
|                 | S $\frac{1}{2}$  | "        | 7                         |
|                 | E $\frac{1}{2}$  | "        | 10                        |
| All of Sections |                  | Sections | 11, 12, 13, 14            |
|                 | NE $\frac{1}{4}$ | Section  | 15                        |
|                 | S $\frac{1}{2}$  | "        | 15                        |
|                 | S $\frac{1}{2}$  | "        | 16                        |
|                 | NW $\frac{1}{4}$ | "        | 17                        |
|                 | S $\frac{1}{2}$  | "        | 17                        |
| All of Sections |                  | Sections | 18 through 36, inclusive. |
5. Township 136 North, Range 45 West (Prairie View)
- |                 |                  |          |                          |
|-----------------|------------------|----------|--------------------------|
|                 | NW $\frac{1}{4}$ | Section  | 2                        |
|                 | S $\frac{1}{2}$  | "        | 2                        |
| All of Section  |                  | "        | 3                        |
|                 | NE $\frac{1}{4}$ | "        | 4                        |
|                 | S $\frac{1}{2}$  | "        | 4                        |
|                 | S $\frac{1}{2}$  | "        | 5                        |
|                 | S $\frac{1}{2}$  | "        | 6                        |
| All of Sections |                  | Sections | 7 through 36, inclusive. |
6. Township 135 North, Range 48 West (Roberts)
- |                  |                                      |          |            |
|------------------|--------------------------------------|----------|------------|
| All of Sections  |                                      | Sections | 1, 2, 3    |
|                  | E $\frac{1}{2}$ of E $\frac{1}{2}$   | Section  | 4          |
|                  | NW $\frac{1}{4}$ of NE $\frac{1}{4}$ | "        | 4          |
|                  | N $\frac{1}{2}$ of NW $\frac{1}{4}$  | "        | 4          |
| Government Lot 1 |                                      | "        | 5          |
| All of Sections  |                                      | Sections | 10, 11, 12 |
|                  | N $\frac{1}{2}$                      | Section  | 13         |
|                  | N $\frac{1}{2}$ of S $\frac{1}{2}$   | "        | 13         |
|                  | N $\frac{1}{2}$                      | "        | 14         |
|                  | NE $\frac{1}{4}$ of SE $\frac{1}{4}$ | "        | 14         |

6. Township 135 North, Range 48 West (Roberts) (Cont.)

$N\frac{1}{2}$ of $NE\frac{1}{4}$	Section	15
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	"	15
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	"	15.

7. Township 135 North, Range 47 West (Mitchell)

All of Sections	Sections	1 through 17, inclusive
-----------------	----------	----------------------------

$N\frac{1}{2}$	Section	18
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	18
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	18
$NE\frac{1}{4}$	"	20
$E\frac{1}{2}$ of $NW\frac{1}{4}$	"	20
$N\frac{1}{2}$ of $SE\frac{1}{4}$	"	20
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	20

All of Sections	Sections	21, 22, 23, 24, 25
-----------------	----------	--------------------

$E\frac{1}{2}$ of $E\frac{1}{2}$	Section	26
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	"	26
$N\frac{1}{2}$ of $NE\frac{1}{4}$	"	27
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	"	27
$NW\frac{1}{4}$	"	27
$N\frac{1}{2}$	"	28
$NE\frac{1}{4}$ of $NE\frac{1}{4}$	"	29
$E\frac{1}{2}$ of $E\frac{1}{2}$	"	36
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	"	36.

8. Township 135 North, Range 46 West (Manston)

All of Sections	Sections	1 through 35, inclusive
-----------------	----------	----------------------------

$N\frac{1}{2}$	Section	36
$SW\frac{1}{4}$	"	36
$N\frac{1}{2}$ of $SE\frac{1}{4}$	"	36
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	36.

9. Township 135 North, Range 45 West (Tanberg)

All of Sections	Sections	1 through 12, inclusive
-----------------	----------	----------------------------

$N\frac{1}{2}$	Section	13
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	13
$N\frac{1}{2}$	"	14
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	14
All of Section	"	15

9. Township 135 North, Range 45 West (Tanberg) (Cont.)

	$N\frac{1}{2}$	Section	16
$E\frac{1}{2}$ of	$SW\frac{1}{4}$	"	16
	$SE\frac{1}{4}$	"	16
$N\frac{1}{2}$ of	$NE\frac{1}{4}$	"	17
	$NW\frac{1}{4}$	"	17
$W\frac{1}{2}$ of	$SW\frac{1}{4}$	"	17
All of Sections		Sections	18, 19
$W\frac{1}{2}$ of	$W\frac{1}{2}$	Section	20
	$N\frac{1}{2}$	"	30
	$SW\frac{1}{4}$	"	30
$N\frac{1}{2}$ of	$SE\frac{1}{4}$	"	30
$SW\frac{1}{4}$ of	$SE\frac{1}{4}$	"	30
$N\frac{1}{2}$ of	$NW\frac{1}{4}$	"	31
$SW\frac{1}{4}$ of	$NW\frac{1}{4}$	"	31.

10. Township 134 North, Range 46 West (Meadows)

$N\frac{1}{2}$ of	$N\frac{1}{2}$	Section	2
	$N\frac{1}{2}$	"	3
$NW\frac{1}{4}$ of	$SW\frac{1}{4}$	"	3
All of Sections		Sections	4, 5, 6
$N\frac{1}{2}$ of	$S\frac{1}{2}$	Section	7
	$S\frac{1}{2}$	"	7
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	8
	$S\frac{1}{2}$	"	8
$N\frac{1}{2}$ of	$NE\frac{1}{4}$	"	9
	$NW\frac{1}{4}$	"	9.

D. Otter Tail County

5th Principal Meridian

1. Township 136 North, Range 44 West (Norwegian Grove)

All of Section		Section	7
	$NW\frac{1}{4}$	"	8
	$S\frac{1}{2}$	"	8
	$SW\frac{1}{4}$	"	9
All of Sections		Sections	16 through 22, inclusive
	$NE\frac{1}{4}$	Section	23
	$S\frac{1}{2}$	"	23
	$SW\frac{1}{4}$	"	24
	$NW\frac{1}{4}$	"	25
	$S\frac{1}{2}$	"	25

1. Township 136 North, Range 44 West (Norwegian Grove) (Cont.)  
 All of Sections                    Sections 26 through 35,  
    inclusive

	N $\frac{1}{2}$	Section	36
	SW $\frac{1}{4}$	"	36
N $\frac{1}{2}$ of	SE $\frac{1}{4}$	"	36
SW $\frac{1}{4}$ of	SE $\frac{1}{4}$	"	36.

2. Township 135 North, Range 44 West (Trondhjem)

N $\frac{1}{2}$ of	NW $\frac{1}{4}$	Section	1
SW $\frac{1}{4}$ of	NW $\frac{1}{4}$	"	1

	N $\frac{1}{2}$	"	2
N $\frac{1}{2}$ of	S $\frac{1}{2}$	"	2

	N $\frac{1}{2}$	"	3
	SW $\frac{1}{4}$	"	3
N $\frac{1}{2}$ of	SE $\frac{1}{4}$	"	3

All of Sections                    Sections 4, 5, 6, 7, 8, 9

W $\frac{1}{2}$ of	NW $\frac{1}{4}$	Section	10
	SW $\frac{1}{4}$	"	10

	N $\frac{1}{2}$	"	17
--	-----------------	---	----

	N $\frac{1}{2}$	"	18.
--	-----------------	---	-----

XV. That the territory of the enlarged watershed district shall be the parcels of land listed in Paragraphs I., F., G.; and XIV. A., B., C., and D., above.

XVI. That the name of the enlarged watershed district shall be the Buffalo-Red River Watershed District and it shall be, for all purposes, the successor to the South Buffalo Watershed District, and it shall have all authority, powers and duties as provided by law.

XVII. That the boundary of the Buffalo-Red River Watershed District is determined by the extremities of the land parcels described in Paragraphs I., F., G.; and XIV. A., B., C., and D., above.

XVIII. That the distribution of the power to appoint the five managers and the appointing Boards of County Commissioners is as follows:

- A. Becker County - One Manager
- B. Clay County - Two Managers
- C. Otter Tail County - One Manager
- D. Wilkin County - One Manager

XIX. That the terms of office of the managers, identified below by the name of the current incumbent manager, shall be for three years and the appointing Boards of County Commissioners for each manager position is as shown in Table III below:



TABLE III  
COUNTY BOARD OF COMMISSIONERS WITH POWER TO APPOINT MANAGERS  
TO THE BUFFALO-RED RIVER WATERSHED DISTRICT

<u>Current Managers</u>	<u>Date Current Term Expires</u>	<u>Effective Date of the Beginning of Next Term</u>	<u>County Commissioners With Authority to Appoint Managers</u>
*Lincoln Thompson	8-30-78	8-31-78	Clay
*Bruce Bang	8-30-78	8-31-78	Clay
*Wayne Bucholz	8-30-76	8-31-76	**Becker
Vacancy	8-30-76	8-31-76	**Otter Tail
*Roger Ellefson	8-30-77	8-31-77	Wilkin

\* In the above table, the appearance of the names of the incumbent managers is in no way to be construed as the appointment by this Board of any manager of the Buffalo-Red River Watershed District Board of Managers or to indicate any preference in the matter of appointments. The names identify in a precise manner the particular term under consideration insofar as distribution of managers among the counties and for other purposes.

\*\* These appointments can be made now.

Dated at Saint Paul, Minnesota, 55102, this 17th day  
of September 1976.

MINNESOTA WATER RESOURCES BOARD

*Robert T. Moline*

Robert T. Moline  
Chairman

#14826

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 27 1976

*James Andrew Howe*  
Secretary of State

*So. Buffalo  
Watershed Dist. File*

Minnesota Water Resources Board  
555 Wabasha Street  
Room 206  
St. Paul, Minnesota  
55102

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF RAMSEY )


AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on  
oath, deposes and says:


THAT HE IS the Executive Secretary for the  
Minnesota Water Resources Board; that he has compared  
the attached copy of an Order relating to the \_\_\_\_\_  
Cormorant Lakes Watershed District


dated at Saint Paul, Minnesota, on the 16th day of August  
1976, with the original thereof on file in his  
official custody; and

THAT SAID COPY is a true and correct copy of said  
original and the whole thereof.

  
Erling M. Weiberg  
Executive Secretary

Subscribed and sworn to before me  
this 24 day of August 1976

  
Notary Public, Ramsey County, Minnesota  
My Commission Expires July 25, 1979

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 24 1976  
  
Secretary of State

Minnesota Water Resources Board  
555 Wabasha Street  
Room 206  
St. Paul, Minnesota  
55102

-----  
In the Matter of the Petitions for  
the Withdrawal of Territory from  
the Cormorant Lakes Watershed District.  
(Lage-Savig-Cormorant Lakes Watershed  
District)  
-----

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

On December 23, 1975 three petitions were filed with the Minnesota Water Resources Board, hereinafter referred to as "the Board". One was signed by George D. Lage and others, and one by David Savig, each requesting the release of certain lands from the Cormorant Lakes Watershed District. The third petition, signed by the President of the Cormorant Lakes Watershed District, requested a change and revision of the westerly boundary of the Cormorant Lakes Watershed District, which boundary also forms part of the easterly boundary of the South Buffalo Watershed District.

The Board ordered a hearing on said petitions to be held on the 10th day of April 1976 in the Cormorant Town Hall, Lake Park, Minnesota, 56554, beginning at 10:00 A.M. Pursuant to Minnesota Statutes, Section 112.401 (1974), Richard G. Canning of Hendrum, Minnesota, was named Referee to hear evidence in the matter and report to the Board. Mr. William Briggs appeared for the Managers of the Cormorant Lakes Watershed District; Erling M. Weiberg, Executive Secretary for the Board, and other persons also appeared.

The Referee reported to the Board and upon his recommendations, all testimony and evidence offered on behalf of the petitioners, and all the records in the files of the Board relating to said petitions, the Board makes the following Findings of Fact, Conclusions of Law and Order:

#### FINDINGS OF FACT

- I. The Cormorant Lakes Watershed District, Lake Park, Minnesota, 56554, was established by an Order of the Minnesota Water Resources Board dated August 22, 1966.
- II. The South Buffalo Watershed District, Barnesville, Minnesota, 56514, was established by an Order of the Board dated August 31, 1960.
- III. The Board found the petitions sufficient and ordered a hearing thereon pursuant to the statute.
- IV. The hearing, as scheduled, was conducted by the Board's Referee beginning at 10:00 A.M., Central Standard Time, in the Cormorant Town Hall, Lake Park, Minnesota, 56554, on April 10, 1976.
- V. Due and proper notice by publication in appropriate legal newspapers was given to the owners of land affected.
- VI. The Director of the Division of Waters, Minnesota Department of Natural Resources, filed a written memorandum with the Board. The Director's memorandum was received in evidence at the hearing.
- VII. The Referee filed a written report on the matter with the Board.
- VIII. George D. Lage, et al, and David Savig, filed duly executed petitions with the Board's Secretary, requesting the release of their land from the Cormorant Lakes Watershed District, described below:

- |  |                               |
|--|-------------------------------|
| A. <u>Becker County</u>                          | <u>5th Principal Meridian</u> |
| 1. Township 139 North, Range 43 West (Lake Park) |                               |
| Lots 7 and 8                                     | Section 31.                   |
| 2. Township 138 North, Range 43 West (Cormorant) |                               |
| SW $\frac{1}{4}$ of NW $\frac{1}{4}$             | Section 6                     |
| Lots 3, 4 and 5                                  | " 6.                          |
| 3. Township 138 North, Range 43 West (Cormorant) |                               |
| SW $\frac{1}{4}$ of NW $\frac{1}{4}$             | Section 17                    |
| NW $\frac{1}{4}$ of SW $\frac{1}{4}$             | " 17                          |
| SW $\frac{1}{4}$                                 | " 28                          |
| SE $\frac{1}{4}$                                 | " 29                          |
| N $\frac{1}{2}$ of NE $\frac{1}{4}$              | " 32.                         |

IX. A petition, signed by the President of the Cormorant Lakes Watershed District, was filed with the Board's Secretary, asking that a review be made of the status of the westerly boundary of the District, stating that the flowage of water, within certain hereinafter described sections of the District, flows westward out of the Cormorant Lakes Watershed District, rather than into the watershed of the Cormorant Lakes Watershed District.

X. Part of the east boundary of the South Buffalo Watershed District forms the west boundary of the Cormorant Lakes Watershed District, which common boundary line is described as follows:

That line beginning on the westerly line of Section 30, Township 139 North, Range 43 West, at the northwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 30, thence southerly along the westerly lines of Sections 30 and 31, Township 139 North, Range 43 West, and the westerly lines of Sections 6, 7, 18, 19 and 30, to the southwest corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 30, Township 138 North, Range 43 West, all in Becker County, Minnesota.

XI. Land parcels affected by the petition of the Board of Managers of the Cormorant Lakes Watershed District are as follows:

- A. Becker County 5th Principal Meridian
1. Township 139 North, Range 43 West (Lake Park)
 

$S\frac{1}{2}$ of $NE\frac{1}{4}$	Section 30
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	" 30
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 30
$SE\frac{1}{4}$	" 30
All of Section	" 31.
  2. Township 138 North, Range 43 West (Cormorant)
 

$W\frac{1}{2}$	Section 5
All of Sections	Sections 6, 7, 18, 19
$N\frac{1}{2}$	Section 30
$N\frac{1}{2}$ of $S\frac{1}{2}$	" 30.

XII. The westerly boundary of the Cormorant Lakes Watershed District crosses Long Lake and Turtle Lake in Sections 18 and 7 respectively, Township 138 North, Range 43 West, and Pump Lake in Section 31, Township 139 North, Range 43 West.

XIII. The following parcels of land are not, in fact, a part of the Cormorant Lakes Watershed; the parcels have not received, and will not receive any benefits from the operation of the Cormorant Lakes Watershed District; and the Cormorant Lakes Watershed District can perform the functions for which it was established without the inclusion of said territory:

- A. Becker County 5th Principal Meridian
1. Township 139 North, Range 43 West (Lake Park)
 

$NE\frac{1}{4}$ of $SW\frac{1}{4}$	Section 30
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 30
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	" 30
$W\frac{1}{2}$	" 31
$W\frac{1}{2}$ of $SE\frac{1}{4}$	" 31.

2. Township 138 North, Range 43 West (Cormorant)

NW $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	6
S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	6
W $\frac{1}{2}$	"	6
SE $\frac{1}{4}$	"	6
All of Section	"	7
N $\frac{1}{2}$	"	18
SW $\frac{1}{4}$	"	18
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	18
All of Section	"	19
N $\frac{1}{2}$	"	30
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	30.

XIV. The surface waters upon the parcels of land described in Paragraph XIII above, do, in fact, drain into the South Buffalo Watershed District; the parcels are contiguous to the territory of the existing South Buffalo Watershed District; the lands can be feasibly administered by the Managers of the South Buffalo Watershed District; the lands will receive benefits from the operation of the South Buffalo Watershed District; it would conducive to the public health and welfare to add such parcels of land to the territory of the South Buffalo Watershed District, and the purposes of Chapter 112 of Minnesota Statutes will be served thereby.

XV. The following parcels of land in Cormorant Lakes Watershed District are not a part of the Cormorant Lakes Watershed District, since the surface water on these parcels drains in a southerly direction away from the watershed of the Cormorant Lakes; the Cormorant Lakes Watershed District can perform the functions for which it was established without the inclusion of such lands; and the lands have not and will not receive any benefits from the operation of the Cormorant Lakes Watershed District:



A. <u>Becker County</u>	<u>5th Principal Meridian</u>
1. Township 138 North, Range 43 West (Cormorant)	
SW $\frac{1}{4}$	Section 28
SE $\frac{1}{4}$	" 29
N $\frac{1}{2}$ of NE $\frac{1}{4}$	" 32
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 33.

CONCLUSIONS OF LAW

XVI. The Board has jurisdiction over the matter of change of boundary of Cormorant Lakes Watershed District and of South Buffalo Watershed District and the authority to change said boundaries.

XVII. The parcels of land, as described in Paragraphs XIII and XV above, should be released from the territory of the Cormorant Lakes Watershed District.

XVIII. The lands described in Paragraph XIII above should be added to the South Buffalo Watershed District.

IT IS THEREFORE ORDERED:

XIX. That the parcels of land, described in Paragraphs XIII and XV above are hereby released and excluded from the Cormorant Lakes Watershed District, subject to requirement of law concerning current indebtedness and levies.

XX. That the lands described in Paragraph XIII above be and hereby are added to and included in the territory of the South Buffalo Watershed District.

XXI. That the Order of the Minnesota Water Resources Board dated August 22, 1966, defining the boundary of the Cormorant Lakes Watershed District and the Order of the Minnesota Water Resources Board dated August 31, 1960, defining the boundary of the South Buffalo Watershed District, be amended in conformance with Paragraphs XIX and XX above and that the boundaries of the Districts be changed accordingly.

Dated at Saint Paul, Minnesota, 55102, this 16th day  
of August 1976.

MINNESOTA WATER RESOURCES BOARD

*Robert T. Moline*

Robert T. Moline  
Chairman

# 14826

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 24 1976

*Joan Anderson Howe*  
Secretary of State

STATE OF MINNESOTA  
WATER RESOURCES BOARD

AFFIDAVIT

STATE OF MINNESOTA )  
                          )cc  
COURTY OF RAMSEY )

VIRGIL G. HERRICK, being first duly sworn on oath deposes and says:

THAT he is the Executive Secretary of the Water Resources Board; that he has compared the attached copy of the Findings of Fact, Conclusions of Law and Order, dated at St. Paul, Minnesota the 31<sup>st</sup> day of August 19 60, with the original thereof on file in his official custody; and

THAT said copy is a true and correct copy of said original and the whole thereof.

Virgil G. Herrick  
Virgil G. Herrick

Subscribed and sworn to before me this  
31<sup>st</sup> day of August 19 60.

Mae Smythe

MAE SMYTHE  
Notary Public, Dakota County, Minn.  
My Commission Expires April 13, 1967.

# 14826  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 31 1960  
James L. Anderson  
Secretary of State

STATE OF MINNESOTA  
WATER RESOURCES BOARD

In the matter of the establish- )  
ment of the South Buffalo Water- )  
shed District in Clay, Otter )  
Tail and Wilken Counties and the )  
appointment of managers thereto )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

A nominating petition having been filed with the Minnesota Water Resources Board asking for the establishment and creation of a watershed district and the appointment of managers thereto for the general purpose of regulating and controlling flood waters, preventing soil erosion, and conserving waters for various beneficial uses including wildlife propagation pursuant to the provisions of laws of Minnesota, 1955, chapter 799 as amended; and

The board having ordered that a hearing be held on said petition on the 7th day of April, 1960 at 10:00 a.m. in the City Hall, Barnesville, Minnesota, the scheduled hearing having been continued until the 4th day of May, 1960 at the same time and place because of insufficient published notice, and after holding a hearing on the 4th day of May, 1960, the board having ordered that the hearing be continued until the 21st day of July, 1960, and the board having held said hearing pursuant to said orders on the 4th day of May and the 21st day of July, 1960; and

Virgil Herrick, Attorney and Executive Secretary of the

Minnesota Water Resources Board having appeared for the board and Hugo V. Olson, Moorhead, Minnesota, having appeared for the petitioners; and

The board having heard the testimony and evidence offered on behalf of the petitioners, no objectors being present, and having duly considered the same and having considered all the records in the files of the board relating to said petition, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER;

#### FINDINGS OF FACT

I. THAT, a duly executed petition of the County of Clay was filed on the 9th day of February, 1960 with the Minnesota Water Resources Board. Attached to and made a part of the petition was proof of service of said petition upon the Director of the Division of Waters, the Commissioner of Conservation and the County Auditors of Clay, Otter Tail and Wilkin counties; also attached and made a part of the petition was a map of the proposed district.

II. THAT, said petition was found sufficient by the board and a hearing thereon was ordered to be held at 10:00 a.m. April 7, 1960 in the City Hall, Barnesville, Clay County, Minnesota. That notice was not published as requested by the board and that such notice as published did not meet the requirements of the Watershed Act. That because of this deficiency the board continued the scheduled hearing until May 4, 1960 at the same time and place. That the board then ordered that adequate notice be published as required in the

statute; that adequate notice was published and in addition thereto notice was mailed to the county auditors of Clay, Otter Tail and Wilken counties, the chief executive official of all affected municipalities, the Director of the Division of Waters, the Commissioner of Conservation and to various legislators and public officials. That the board held said hearing pursuant to the Notice of Hearing on May 4, 1960.

III. THAT, the Director of the Division of Waters, Department of Conservation made a study of the area considered in the proposed watershed and filed his report with the board; that he recommended that the board include certain lands not described in the nominating petition, these lands being in the natural watershed of the South Buffalo River and that if these additional lands were included in the watershed district, the establishment of such district would be desirable and feasible; this report was received in evidence at the hearing and supported by oral testimony.

THAT in order to follow the recommendation of the Director and the expressed desire of several affected property owners, the Board ordered that the hearing be continued until July 21, 1960. Additional notice was published, as required by the Act, to the effect that certain lands, within the South Buffalo Watershed but not described in the petition, may be affected. Affected persons were given an opportunity to appear before the Board and testify.

IV. THAT, the following is a complete list of the territory recommended to be included with the South Buffalo Watershed District:

Clay County -

- Moland Twp 140, R 47 -  $\frac{1}{2}$  of Sec. 32,  $\text{SW}\frac{1}{4}$  of Sec. 33
- Glyndon Twp 139, R 47 - Sec. 4, 5, 8, 9,  $\text{W}\frac{1}{2}$  of Sec. 10,  $\text{SW}\frac{1}{4}$  of Sec. 14, 15, 16,  $\text{N}\frac{1}{2}$  of Sec. 17,  $\text{SE}\frac{1}{4}$  of Sec. 17, Sec. 21, 22, 23, 25, 26, 27, 28,  $\text{E}\frac{1}{2}$  of Sec. 29,  $\text{E}\frac{1}{2}$  of Sec. 32, 33, 34, 35, 36.
- Riverton T 139, R 46 -  $\text{W}\frac{1}{2}$  of Sec. 24, Sec. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- Hawley T 139, R 45 -  $\text{SW}\frac{1}{4}$  of Sec. 17,  $\text{S}\frac{1}{2}$  of Sec. 18, Sec. 19, 20,  $\text{SW}\frac{1}{4}$  of Sec. 21,  $\text{W}\frac{1}{2}$  of Sec. 28, Sec. 29, 30, 31, 32,  $\text{W}\frac{1}{2}$  of Sec. 33.
- Eglon T 139, R 44 - Sec. 25, 26, 27, 28,  $\text{S}\frac{1}{2}$  of Sec. 31,  $\text{S}\frac{1}{2}$  of Sec. 32,  $\text{NE}\frac{1}{4}$  Sec. 32, Sec. 33, 34, 35, 36.
- Elmwood T 138, R 47 - Sec. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  $\text{E}\frac{1}{2}$  of Sec. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36.
- Elkton T 138, R 46 - Sec. 1 through 36.
- Skree T 138, R 45 - Sec. 1,  $\text{S}\frac{1}{2}$  of Sec. 2,  $\text{NW}\frac{1}{4}$  of Sec. 2, Sec. 3 through 36.
- Parke T 138, R 44 - Sec. 1 through 34,  $\text{W}\frac{1}{2}$  of Sec. 35,  $\text{NE}\frac{1}{4}$  of Sec. 35.
- Alliance T 137, R 47 - Sec. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14,  $\text{NE}\frac{1}{4}$  of Sec. 15,  $\text{E}\frac{1}{2}$  of the  $\text{SE}\frac{1}{4}$  of Sec. 15, 16, 17,  $\text{NE}\frac{1}{4}$  of Sec. 20,  $\text{N}\frac{1}{2}$  of Sec. 21,  $\text{N}\frac{1}{2}$  of Sec. 23,  $\text{SE}\frac{1}{4}$  of Sec. 23, Sec. 24, 25,  $\text{NE}\frac{1}{4}$  of Sec. 36.
- Barnesville T 137, R 46 - Sec. 1 through 36.
- Humboldt T 137, R 45 - Sec. 1 through 33,  $\text{W}\frac{1}{2}$  of Sec. 34,  $\text{NE}\frac{1}{4}$  of Sec. 35, Sec. 36.
- Tansem T 137, R 44 -  $\text{SE}\frac{1}{4}$  of Sec. 1,  $\text{W}\frac{1}{2}$  of Sec. 2,  $\text{SE}\frac{1}{4}$  of Sec. 2, Sec. 3 through 36.

OTTER TAIL COUNTY

- Scambler T 137, R 43 -  $\frac{1}{2}$  of Sec. 17,  $\text{NW}\frac{1}{4}$  of Sec. 17, Sec. 18, 19, 20, 29, 30, 31, 32,  $\text{W}\frac{1}{2}$  of Sec. 33.
- Norwegian Grove T 136, R 44 - Sec. 1, 2, 3, 4, 5, 6,  $\text{NE}\frac{1}{4}$  of Sec. 8,  $\text{N}\frac{1}{2}$  of Sec. 9,  $\text{SE}\frac{1}{4}$  of Sec. 9, Sec. 10, 11, 12, 13, 14, 15,  $\text{NW}\frac{1}{4}$  of Sec. 23,  $\text{N}\frac{1}{2}$  of Sec. 24,  $\text{SE}\frac{1}{4}$  of Sec. 24,  $\text{NE}\frac{1}{4}$  of Sec. 25.

(Continued)

(OTTER TAIL - Cont'd)

Pelican T 136, R 43 - SW $\frac{1}{4}$  of Sec. 4, Sec. 5, 6, 7, 8, NW $\frac{1}{4}$  of Sec. 9,  
NW $\frac{1}{4}$  of Sec. 17, 18, 19, NW $\frac{1}{4}$  of Sec. 30.

WILKEN COUNTY

Deerhorn T 136, R 47 - E $\frac{1}{2}$  of Sec. 1

Atherton T 136, R 46 - N $\frac{1}{2}$  of Sec. 2, Sec. 3, 4, 5, 6, N $\frac{1}{2}$  of Sec. 7,  
Sec. 8, 9, W $\frac{1}{2}$  of 10, NW $\frac{1}{4}$  of Sec. 15, N $\frac{1}{2}$  of  
Sec. 16, NE $\frac{1}{4}$  of Sec. 17.

Prairie View T 136, R 45 - Sec. 1, NE $\frac{1}{4}$  of Sec. 2, NW $\frac{1}{4}$  of Sec. 4,  
N $\frac{1}{2}$  of Sec. 5, N $\frac{1}{2}$  of Sec. 6.

All as shown on the map accompanying Division of Waters exhibit Number 1 introduced at the hearing on May 4, 1960 and subject to further changes, as provided by law.

V. THAT, the name of the proposed district is the South Buffalo Watershed District.

VI. THAT, the following facts set forth in the petition and supported by testimony and exhibits at the hearing were found to exist:

There is frequent flooding of good quality crop land resulting in the loss of 10 to 20 percent of these crops. The upper portion of the watershed is relatively steep and hilly. In this area a considerable amount of drainage construction has taken place. Waters which flow from the upper portion of the area cause wide spread flooding of the lower reaches where very flat lands exist.

There are numerous creeks and ditches within the watershed. Many of the ditches are old and in a state of poor maintenance. They were constructed in a piecemeal, uncoordinated manner and do not provide adequate surface drainage.



The South Buffalo River and the creeks tributary to the river need straightening and clearing to increase their capacity.

There appears to be suitably located detention sites available in the watershed. The development of these sites seems economically feasible and may reduce the cost of developing stream channels and ditches.

The use of detention structures with controlled releases in conjunction with improved stream channels would materially assist in solving flood problems. However, in order to reduce the flood damage in that part of the watershed in the vicinity of the South Buffalo River it is also necessary to increase the flood capacity of that river.

Detention structures could be operated in such a manner as to increase wildlife values in the watershed.

The benefits of an overall watershed program appear to exceed the expected costs and damages.

VII. THAT, the proposed district will be in the public welfare and public interest and that the purposes of the Watershed District Act will be served by the creation of the district.

VIII. THAT, despite publication of notice, as required by law, no persons objecting to the creation of the watershed district appeared and no testimony or other evidence in opposition to the creation of the district was offered at the hearing.

Upon the foregoing findings of fact the board makes the following CONCLUSIONS OF LAW AND ORDER.

IX. THAT, the board has jurisdiction over the subject matter of the proposed watershed district.

X. THAT, the public interest and public welfare within the proposed district will be served and protected by the organization of the same if properly managed and the purposes of the Watershed Act would be served by the creation thereof.

XI. THAT, the said district is hereby ordered established and is entitled the SOUTH BUFFALO WATERSHED DISTRICT by which it shall hereafter be known, and it shall have all authority, powers and duties provided by law.

XII. THAT, the territory to be included in the district is as described in Number IV above, located in Clay, Otter Tail and Wilken counties, containing an area of approximately 345 square miles (Clay - 303 square miles, Otter Tail - 31 square miles, Wilken - 11 square miles). The boundaries of said district are subject to further changes, as provided by law.

XIII. THAT, the first board of managers of said district whose terms shall be for one year and until their successors are appointed and qualified, are as follows:

1. Arthur Haberle, Rte. #1, Barnesville
2. Thomas McColgin, Rte. #1, Barnesville
3. Lauren Peterson, Baker
4. Lloyd Stuhr, Rte. #3, Barnesville
5. Lincoln Thompson, Baker

XIV. THAT, the principal place of business of said watershed district shall be located in Barnesville, Clay County, Minnesota, within the said district.

XV. THAT, said Board of Managers within a reasonable time after qualifying, shall adopt an overall plan for projects and improvements within the district for reclamation, drainage, erosion, and flood control and improvement of lands, soils, forests, waters, wildlife, and projects therein. A copy of such plan shall forthwith be transmitted to the county auditors of the counties affected, the Water Resources Board, the Commissioner of Conservation, the Director of the Division of Waters of the Department of Conservation and the chief executive official of any municipality within the district. Thereupon the managers shall forthwith cause a notice that such plan has been adopted, to be posted at three (3) conspicuous places with the district. Upon receipt of such copy the said commissioner and director shall examine the same and within twenty (20) days thereafter shall transmit to the Water Resources Board their recommendations in connection therewith, a copy of which shall be transmitted to the managers and to the county auditor of each county affected. Within forty-five (45) days thereafter, the Minnesota Water Resources Board shall have a hearing upon the proposed plan. Notice of such hearing shall be given by the Board. All freeholders within the district affected thereby and interested therein shall be heard and all objections shall be determined:

MINNESOTA WATER RESOURCES BOARD

George Loughland, Chairman

#14826

Dated at Saint Paul this  
31st day of August, 1960

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 31 1960  
*Joseph L. Benson*  
Secretary of State