

STATE OF MINNESOTA  
WATER RESOURCES BOARD

AFFIDAVIT

STATE OF MINNESOTA )  
                          ) SS  
COUNTY 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 26th day of February, 19 61,  
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  
1st day of March 19 61.

Mae Smythe

MAE SMYTHE  
Notary Public, Dakota County, Minn.  
My Commission Expires March 13, 1962

#15083  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 1 - 1961  
Joseph L. Anderson  
Secretary of State

STATE OF MINNESOTA  
Minnesota Water Resources Board

In the Matter of the Change of )  
Boundaries of the Worthington )  
Conservancy District, )  
Nobles County )

PRELIMINARY FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

A petition initiated by the Board of County Commissioners of Nobles County have been heretofore filed with the Minnesota Water Resources Board requesting change of boundaries of the Worthington Conservancy District now exercising the authority provided for in the Minnesota Watershed Act and also requesting that the name of the district be changed to the Okabena-Ocheda Watershed District, pursuant to laws of 1955, Chapter 799, as amended; and the Board having ordered that a hearing be held on said petition on the 15th day of December 1960 at 10:00 A.M. in the Court House, Worthington, Minnesota, and the Board having held said hearing pursuant to said order on the 15th day of December 1960; and

Frank Murray of the Attorney General's Office and Virgil C. Herrick, Attorney and Executive Secretary of the Board, having appeared for the Board; Raymond E. Mork, having appeared for the proponents; and the Board having heard the testimony and evidence offered by the proponents no objectors having testified and having duly considered the same now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

THAT a duly executed petition from the County of Nobles was filed with the Minnesota Water Resources Board, together with

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Worthington District)

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the proof of service of said petition upon the Director of Waters, the Commissioner of Conservation and the auditor of Nobles County; also attached and made a part of the petition was a map showing the proposed amended boundaries of the above district; and

II

THAT said petition was found sufficient by the Board and a hearing thereon was ordered to be held on December 15, 1960, at 10:00 A.M., in the Court House, Worthington, Minnesota. Notice of this hearing was given by publication in a regular newspaper in the county affected as required by statute and in addition thereto, notice was mailed to the Commissioner of Conservation, the Director of the Division of Waters, the county auditor of the above county, the chief executive official of all affected municipalities and to various legislators and public officials; and

III

THAT the Director of the Division of Waters, Department of Conservation, made a study of the area affected by the petition and filed a report with the Board, together with a map of the affected area. The director recommended that the Board include in the expanded district certain additional territory as shown by his report and map.

IV

THAT the Water Resources Board held a previous hearing on the matter of establishing a watershed district in the area affected by the above petition; said hearing was held on March 1, 1960, at 10:00 A.M., in the Court House, Worthington, Minnesota. That testimony at said hearing established the fact that there was

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in existence a drainage and conservancy district established under M. S. 111.01.42, and that said district embraced a part of the land described in the petition to be included within the proposed watershed district.

THAT following the hearing on March 1, 1960, the Directors of the Conservancy District petitioned the District Court, pursuant to M. S. 112.74 and requested that the drainage and conservancy district be granted authority to operate under and exercise all of the rights and authority given in M. S. 112.34-84, the Minnesota Watershed Act. Thereafter, the district court issued an order authorizing the conservancy district to operate under and exercise all of the rights and authority of M. S. 112.34-84.

THAT pursuant to M. S. 112.39, subdivision 4, the county commissioners of Nobles County did request the Minnesota Water Resources Board to change the boundaries of the conservancy district, now operating under the Watershed District Act by order of the District Court to include all of the territory originally requested in the petition heard before the Water Resources Board on March 1, 1960.

THE Water Resources Board has included, and made a part of the record in the above proceedings, the transcript and exhibits presented at the original hearing on the establishment of a watershed district held on March 1, 1960.

V.

THE following facts set forth in the original petition and support by testimony and exhibits are found to exist:

1. The watershed is subject to severe soil erosion.
2. That because of the soil erosion a large amount of

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Worthington District)

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(V - 2. (cont'd.))

sediment is deposited in the lakes within the watershed.

3. That these lakes do not have a sufficient watershed area to maintain a satisfactory lake level.
4. That the City of Worthington has a serious water supply problem.
5. That the watershed is subject to floods that damage both rural and urban property; the greatest need for flood protection is in that part of the watershed below Lake Ocheda.
6. That a watershed district if properly managed could serve to coordinate local projects; and that the district could provide leadership incorporating details of municipal water supply, maintenance of surface water level, control and use of lakes, recreational developments, dredging improvements and pollution control and disposal, improvement of ground water supplies or levels, all of which may be desirable to include in an overall program.

#### VII

THAT in order to remedy the above problems it is necessary and desirable to expand the limits of the district beyond those as originally established for the conservancy district; that the desirable territory to be included within the enlarged district is as listed in the order below:

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VIII

THAT it is desirable to change the name of the district from the Worthington Conservancy District to the Okabena-Ocheda Watershed District. The new name more clearly describes the area of the expanded district and also indicates that the district is operating under Chapter 112, Laws of Minnesota, the Minnesota Watershed Act.

IX

THAT despite publication of notice, as required by law, no persons objected to the petitions appeared at the hearing held on March 1, 1960, or December 15, 1960, and no testimony or other evidence in opposition to the change of boundaries of the district was offered.

UPON THE FOREGOING FINDINGS OF FACT,

THE BOARD CONCLUDES AND ORDERS:

X

THAT the Board has jurisdiction of the subject matter of the proposed change of boundaries of the conservancy district,

THAT the public interest and public welfare of the people within the area will be served and protected by changing the boundaries of the district. That the change of boundaries of the district is hereby ordered established and that henceforth the district shall be known as the Okabena-Ocheda Watershed District and it shall have all of the authority, power and duties provided by laws of Minnesota, 1955, Chapter 799, as amended.

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XI

THAT the territory to be included in the Watershed District as amended shall be, as follows:

PROPOSED DESCRIPTION OF OKABENA-OGHEDA WATERSHED DISTRICT

Elk Township - (Twp. 103 N, R 40 W)

SW $\frac{1}{4}$  Section 30

Section 31

SW $\frac{1}{4}$  Section 32

Summit Lake Township - (Twp. 103 N, R 41 W)

SE $\frac{1}{4}$  Section 25

E $\frac{1}{2}$  Section 36

E $\frac{1}{2}$  of NW $\frac{1}{4}$  Section 36

SW $\frac{1}{4}$  Section 36

Lorain Township - (Twp. 102 N, R 39 W)

E $\frac{1}{2}$  of E $\frac{1}{2}$  Section 19

SW $\frac{1}{4}$  Section 20

W $\frac{1}{2}$  of SW $\frac{1}{4}$  Section 28

Sections 29, 30, 31, 32

NW $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 33

W $\frac{1}{2}$  of SW $\frac{1}{4}$  Section 33

Worthington Township - (Twp. 102 N, R 40 W)

S $\frac{1}{2}$  Section 4

S $\frac{1}{2}$  Section 5

NW $\frac{1}{4}$  Section 5

Sections 6, 7, 8, 9

W $\frac{1}{2}$  Section 10

S $\frac{1}{2}$  of SE $\frac{1}{4}$  Section 10

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(Worthington Township - cont'd.)

$S\frac{1}{2}$ of $S\frac{1}{2}$	Section 13
$W\frac{1}{2}$ of $NW\frac{1}{4}$	Section 14
$SW\frac{1}{4}$	Section 14
$S\frac{1}{2}$ of $SE\frac{1}{4}$	Section 14
	Sections 15, 16, 17, 18
$E\frac{1}{2}$	Section 19
$NW\frac{1}{4}$	Section 19
	Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
$W\frac{1}{2}$ of $NE\frac{1}{4}$	Section 30
$E\frac{1}{2}$	Section 32
$SW\frac{1}{4}$ , $SE\frac{1}{4}$ , & $NE\frac{1}{4}$ of $NW\frac{1}{4}$	Section 32
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	Section 32
	Sections 33, 34, 35, 36

Dewald Township - (Twp. 102 N, R 41 W)

	Section 1
$E\frac{1}{2}$	Section 2
$E\frac{1}{2}$	Section 12
$NW\frac{1}{4}$	Section 12
$E\frac{1}{2}$	Section 13
$E\frac{1}{2}$ of $W\frac{1}{2}$	Section 13
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	Section 24
$NE\frac{1}{4}$ of	Section 24

Indian Lake Township - (Twp. 101 N, R 39 W)

$NW\frac{1}{4}$ , $SW\frac{1}{4}$ , and $NE\frac{1}{4}$ of $SW\frac{1}{4}$	Section 4
	Sections 5, 6



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Worthington District)

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(Indian Lake Township - cont'd.)

NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ of	Section 7
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of	Section 7
W $\frac{1}{2}$	Section 8
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 8
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 9
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ of SW $\frac{1}{4}$	Section 9
N $\frac{1}{2}$ of NW $\frac{1}{4}$	Section 16
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 17
W $\frac{1}{2}$	Section 18
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 18
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 18
W $\frac{1}{2}$	Section 19
W $\frac{1}{2}$ of W $\frac{1}{2}$	Section 30
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 31

Bigelow Township - (Twp. 101 N, R 40 W)

	Sections 1, 2, 3, 4
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of	Section 5
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of	Section 5
S $\frac{1}{2}$	Section 7
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 7
	Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$	Section 19
	Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
NE $\frac{1}{4}$	Section 30
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 30

(Change of Boundaries -  
Worthington District)

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(Bigelow Township - cont'd.)

NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 31  
Sections 32, 33, 34, 35  
W $\frac{1}{2}$  Section 36

NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 36

Ransom Township - (Twp. 101 N, R 41 W)

NE $\frac{1}{4}$  Section 24  
SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 24

Dated at St. Paul this 28th  
day of February, 1961.

MINNESOTA WATER RESOURCES BOARD  
354 Centennial Building  
St. Paul 1, Minnesota

George E. Loughland  
Chairman



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

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In the Matter of a Change in the  
Designated Boundary of the  
Okabena-Ocheda Watershed District  
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ORDER

The above-entitled matter came on for hearing before a Referee of the Minnesota Water Resources Board on March 29, 1972, on the matter of change in the defined boundary of the Middle Des Moines Watershed District in the High School Building at Brewster, Minnesota, 56119. Notice was duly given and said Referee reported to the Minnesota Water Resources Board.

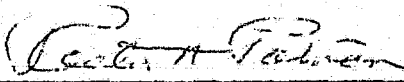
An Order having been made on the 6th day of October 1972, in a proceeding entitled, "In the Matter of the Petitions to Change the Defined Boundary of the Middle Des Moines Watershed District", which effects a change in the boundary of the Okabena-Ocheda Watershed District, to which said change the managers of the Okabena-Ocheda Watershed District, on notice, gave testimony and consent thereto;

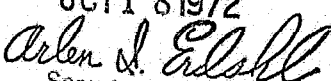
NOW, THEREFORE, IN ACCORDANCE with said Order and pursuant thereto, IT IS HEREBY ORDERED:

- I. That the North one-half of the southwest one-quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section 20, Township 102 North, Range 39 West (Lorain) is hereby removed and excluded from the territory of the Okabena-Ocheda Watershed District.
- II. That the Boundary of the Okabena-Ocheda Watershed District be and hereby is changed accordingly.
- III. That the land affected hereby is subject to the requirement of law concerning current indebtedness and levies.

Dated at Saint Paul, Minnesota, this 10th day of October 1972 and effective immediately.

MINNESOTA WATER RESOURCES BOARD

  
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Rector H. Putnam  
Chairman

# 15083  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 18 1972  
  
Secretary of State