

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF NORMAN

NINTH JUDICIAL DISTRICT

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IN RE: THE MATTER OF WILD RICE-MARSH RIVER DRAINAGE AND  
CONSERVANCY DISTRICT

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FINDINGS OF FACT AND ORDER  
ON PETITION OF FREEHOLDERS  
TO ATTACH LANDS TO DISTRICT

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The above entitled matter came on for hearing before the Court, without a jury, in the courtrooms in the Courthouse at the City of Ada, County of Norman, State of Minnesota, on the 1st day of April, A. D. 1968 at 10:00 A. M., and numerous of the petitioners appearing in person and the petitioners being represented by G. L. Dosland as their attorney; and the Wild Rice-Marsh River Drainage and Conservancy District being represented by its attorney, Olav E. Vaule; and the Court having read and considered said Petition and the files and records in the above entitled matter, and having heard the evidence introduced by the Petitioners in behalf of said Petition, and the arguements of counsel, and the said Olav E. Vaule as attorney for the Wild Rice-Marsh River Drainage and Conservancy District advised the Court that said district had no objection to the granting of the prayer of said petition, and no one appearing in opposition to said Petition, the Court now makes the following Findings of Fact, to-wit:

FINDINGS OF FACT

I.

That the said Petition of Freeholders to attach lands to said District is in due form, and in accordance with the Statutes in such case made and provided, and that the same is signed by seventy-five (75) freeholders in the area petitioned to be attached to said District.

II.

That said Petition was filed in the office of the Clerk of the above entitled Court on the 13th day of February, A.D. 1963, and that thereafter, on the 15th day of February, A.D. 1963, an Order was entered by this Court for hearing on said Petition and directing that proper notice for said hearing be given as provided by law, and that due notice thereof was given by publication of said notice in the Norman County Index, a legal newspaper published in, and having general circulation in the County of Norman and the area petitioned to be annexed to said District, and that said publication was made in accordance with the Statute in such case made and provided, once each week for three successive weeks, the first publication being on Wednesday, the 27th day of February, 1963 and the last publication being on the 13th day of March, A.D. 1963, as shown by the Affidavit of the Publisher introduced and received in evidence at the hearing of this matter, and that said publication and notice was given in accordance with the provisions of the Statute in such case made and provided.

III.

That the Court has jurisdiction to hear and determine said Petition.

IV.

That the Wild Rice-Marsh River Drainage and Conservancy District was duly organized under orders of this Court, and has been in existence for approximately ten (10) years, and is a duly organized district. That said District so organized, consists of 110 square miles of area. That the middle reaches, more-or-less, of the main channel of the Wild Rice River is included within said District, but that said District did not include the lower reaches of the Wild Rice River to its source at the Red River of the North.

V.

That sometime after the organization of said District, the said District made extensive improvements to the main channel of the Wild Rice River as the same flowed through said District, but that said improvements

extended only so far as Sections Seventeen (17) and Twenty (20) of the Township of Mary, near the western boundary of said District.

That it was originally contemplated that said District should be extended further westward than its present westward boundaries, but due to objections made at the time of the hearing relative to the establishment of said District, the District Boundary was not extended further westward than the western boundaries of Sections Seventeen (17) and Twenty (20) in the Township of Mary. That at said time it was recommended by engineering authorities that the District be extended further westward.

#### VI.

That since said improvement of the channel of the Wild Rice River, the lands of the landowners on the lower reaches of the Wild Rice River west of the western boundary of said District have, from time to time, become flooded, and said landowners have suffered damage to their crops, particularly in the Townships of Lee and Mary, where approximately 20,000 acres of croplands were lost due to the June floods in the year 1962, and additional damage was done to farmsteads, buildings, wells, roads and bridges located therein.

That in order to alleviate said condition and properly control the waters in the channel of the Wild Rice River, it is necessary that the boundaries of said District be extended westward to include the lower reaches of the Wild Rice River to its outlet at the Red River of the North, and that the extension of said western boundary will greatly benefit the territory sought to be herein attached and annexed to said District.

#### VII.

That said territory so sought to be annexed includes Sections Six (6), Seven (7), Eighteen (18), Nineteen (19), Thirty (30) and Thirty-one (31) of the Township of Hegne and Sections Six (6), Seven (7), Eighteen (18)

Nineteen (19) and Twenty-five (25) through Thirty-six (36) of the Township of Mary and all of the Townships of Hendrum and Lee, all of said territory being within the County of Norman in the State of Minnesota.

That said territory so sought to be annexed consists of one hundred and four square miles of territory, and that said addition would enlarge said District to a total area of two hundred fourteen (214) square miles.

VIII.

That such annexation would be a benefit to said Conservancy District, and to the property to be annexed, and will permit the better control of the waters of the Wild Rice River Drainage Basin.

IX.

That as of March 1, 1968 the Wild Rice-Marsh River Drainage and Conservancy District had a fund in the amount of \$74,047.62 raised by special assessment against certain properties benefitted by the improvements heretofore made, and which fund is held by said District for the purpose of maintenance of said improvement so constructed, and cannot be expended for any other purposes, and that said fund should be maintained separate and apart from any funds raised by assessment or otherwise, against the properties herein annexed.

IT IS THEREFORE ORDERED That the lands located in the County of Norman and State of Minnesota and described as follows, to-wit:

Sections Six (6), Seven (7), Eighteen (18), Nineteen (19), Thirty (30) and Thirty-one (31) of the Township of Hegne, Sections Six (6), Seven (7), Eighteen (18), Nineteen (19), and Sections Twenty-five (25) through Thirty-six (36) of the Township of Mary, all of the Township of Hendrum, and all of the Township of Lee,

be, and they are hereby annexed to the Wild Rice-Marsh River Drainage and Conservancy District, and become and be a part of said District, but shall not participate in any of the funds now held by the said District for the maintenance of improvements heretofore made in said District.

Dated this 26 day of April, A. D. 1963.

BY THE COURT:

J. H. Sylvestre /s  
J. H. Sylvestre, Judge of the District  
Court

#16870

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
R. H. H. H.  
MAY 1 1963

*Joseph R. ...*  
Secretary of State

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF NORMAN

NINTH JUDICIAL DISTRICT

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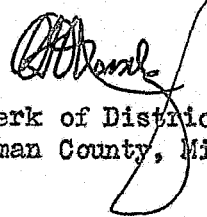
The Matter of Wild Rice - Marsh River Drainage  
and Conservancy District.  
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I, O. H. Nordby, Clerk of District Court for the County of Norman,  
State of Minnesota, Ninth Judicial District, do hereby certify that I have  
compared the papers writing to which this certificate is attached, with  
the original

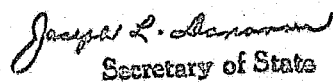
FINDINGS OF FACT AND ORDER  
ON PETITION OF FREEHOLDERS  
TO ATTACH LANDS TO DISTRICT

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

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal  
of this Court, at Ada, Minnesota, this 29th day of April, 1963.

  
Clerk of District Court,  
Norman County, Minnesota.

#15270  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY - 1 1963 - 8:00 a.m.

  
Secretary of State

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