

L. R. BATRUM, PRESIDENT

OLAV E. VAULE, SECRETARY

W. C. RIPLEY, TREASURER

WILD RICE-MARSH RIVER
DRAINAGE AND CONSERVANCY DISTRICT

ADA, MINNESOTA

7 October 1963

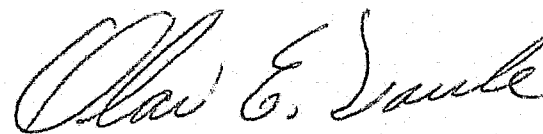
Joseph L. Donovan
Secretary of State
State of Minnesota
State Capitol
St. Paul 1, Minnesota

Re: Wild Rice-Marsh River Drainage
and Conservancy District

Dear Mr. Donovan:

Enclosed find a certified copy of the Findings and Order to be filed in
your office as provided for the original Order in Section 111.07 M.S.A.

Yours very truly,



Olav E. Vaule
Secretary

OHV:vo
Encls:

16570
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 9 1963
Joseph L. Donovan
Secretary of State

A

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF NORMAN

NINTH JUDICIAL DISTRICT

IN THE MATTER OF THE WILD)
RICE-MARSH RIVER DRAINAGE)
AND CONSERVANCY DISTRICT.)
MINUTES OF FACT AND ORDER ON
PETITION OF FREEHOLDERS TO
ATTACH LANDS IN NORMAN AND CLAY
COUNTIES TO SAID DISTRICT.

The above entitled matter came on for hearing before the Court, without a Jury, the Honorable J.H. Sylvestre, Judge of the Ninth Judicial District, and the Honorable Charles W. Kennedy, Judge of the Seventh Judicial District presiding, in the Court Rooms, in the Court House, at the City of Ada, County of Norman, State of Minnesota, on the 23rd day of September, A.D. 1963, at 2:00 o'clock P.M., numerous petitioners appearing in person, and the petitioners being represented by G.L. Doeland, as their attorney, and the Wild Rice-Marsh River Drainage and Conservancy District being represented by its attorney, Olav E. Vaule, and no one appearing in opposition to said proceedings, and John Mandsager, County Commissioner of Clay County, Minnesota, appearing in person, and requesting that certain lands south and West of the diagonal ditch known as Clay County Ditch No. 45 and Judicial Ditch No. 56 be excluded from the territory to be annexed, 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 arguments 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, the Court now makes the following Findings of Fact, to-wit:

FINDINGS OF FACT

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That the said petition of freeholders to attach lands to said district in accordance with the statute in such case made

and provided to attach lands to said district in the due form and in accordance with the statute in such case made and provided, and that the same is signed by fifty-four (54) 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 25th day of July, A.D. 1963, and that thereafter on the 30th day of July, A.D. 1963, a joint order was entered by the Honorable Byron R. Wilson, Chief Judge of the Seventh Judicial District, acting for the Judges of said District, and the Honorable J.H. Sylvestre, Judge of the Ninth Judicial District, 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 in the Red River Scene, a legal newspaper published in and having general circulation in the County of Clay and in the area petitioned to be annexed to said district, and that said publications were made in accordance with the statute in such case made and provided, as shown by the affidavits of the respective publishers introduced and received in evidence at the hearing of this matter, and that said publications and notices were 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 the orders of this court, and has been in existence for approximately ten (10) years, and is a duly organized district. That said district as originally organized consisted of one hundred ten (110) square miles of area. That on the twenty-sixth day of April, A.D. 1963, by

orders of this Court certain additional territory was annexed to said district increasing the size of said district to an area of 214 square miles. That said district then included the main channel of the Wild Rice River from its mouth at the Red River of the North to a point approximately five (5) miles east of the City of Ada, Minnesota.

V.

That within the territory herein proposed to be annexed lies the South Branch of the Wild Rice River, the Bolton Ditch, also known as Ditch No. 46, and as Judicial No. 56, and the Helen Corliss, all of which drain the waters from said territory into the Wild Rice River, and that said territory is a part of the drainage basin of said Wild Rice River.

VI.

That from time to time severe flooding and crop damage has occurred in said territory, and that the Clay County Auditor in February of 1958 reported to the Board of County Commissioners of Clay County that from a survey taken by him, and reports received from only one hundred five (105) farmers, constituting about 36% of the area involved, that the crop loss amounted to Thirty-four and 43/100 Dollars (\$34.43) per acre for the acres reported. That as a result thereof the Clay County Board of Commissioners requested a survey by the United States Army Engineering Corps, and which survey was completed and a report made in 1962, which suggested certain improvements along the South Branch of the Wild Rice River, and said Ditch No. 46 and Ditch No. 56, in order to alleviate the recurring flooding conditions. That in order for the federal government to assist in said flood control it is necessary that a central authority for said area be established and that such could be accomplished by annexation of said territory to the Wild Rice-Marsh River Drainage and Conservancy District.

VII.

That the lands herein proposed to be annexed to said Conservancy District are as follows, to-wit:

Norman County:

Winchester Township - Sections 13 to 36, inclusive.

Rockwell Township - Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34.

Clay County:

Georgetown Township - Sections 1, 2, 3, East Half (E $\frac{1}{2}$) of Section 4, East Half (E $\frac{1}{2}$) of Section 9, Sections 10, 11, 12, 13, 14, 15, East Half of Section 16, East Half (E $\frac{1}{2}$) of Section 21, Sections 22, 23, 24, 25 and 26, North Half (N $\frac{1}{2}$) of Section 35 and North Half (N $\frac{1}{2}$) of Section 36.

Leeton Township - Sections 1 to 36, inclusive.

Flowing Township - Sections 1 to 13, inclusive.

Hagen Township - Sections 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34.

Morken Township - Sections 1, 12 and 13.

Viding Township - Sections 1 to 36, inclusive.

That the addition of said territory would enlarge said district a total area of 389 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 1st, 1963, the Wild Rice-Marsh River Drainage and Conservancy District had a fund in the amount of Seventy-four Thousand Forty-seven and 62/100 Dollars (\$74, 047.62) raised by special assessment against certain property benefited by the improvements heretofore made by said district, and which fund is held by said district for the purpose of maintenance of said improvements so constructed and cannot be expended for any other purposes, and that said funds 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
Counties of Norman and Clay, in the State of Minnesota and described as
follows, to-wit:

Norman County:

Winchester Township - Sections 13 to 36, inclusive.
Rockwell Township - Sections 15, 16, 17, 18, 19, 20,
21, 22, 27, 28, 29, 30, 31, 32, 33 and 34.

Clay County:

Georgetown Township - Sections 1, 2, 3, East Half ($E\frac{1}{2}$) of
Section 4, East Half ($E\frac{1}{2}$) of Section 9, Sections 10, 11,
12, 13, 14, 15, East Half ($E\frac{1}{2}$) of Section 16, East Half
($E\frac{1}{2}$) of Section 21, Sections 22, 23, 24, 25 and 26, North
Half ($N\frac{1}{2}$) of Section 35 and North Half ($N\frac{1}{2}$) of Section 36.

Felton Township - Sections 1 to 36, inclusive.

Flowing Township - Sections 1 to 18, inclusive.

Hagen Township - Sections 3, 4, 5, 6, 7, 8, 9, 10, 15,
16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31,
32, 33 and 34.

Morken Township - Sections 1, 12 and 13.

Viding Township - Sections 1 to 36, inclusive,

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 said district for the maintenance of
improvements heretofore made in said district.

Dated this 26th day of September, A.D. 1963.

BY THE COURT:

J. H. Sylvestre
J. H. Sylvestre, Judge of District Court,
Ninth Judicial District.

Charles W. Kennedy
Charles W. Kennedy, Judge of District
Court, Seventh Judicial District.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 9 1963

Joseph L. Hanson
Secretary of State

STATE OF MINNESOTA
COUNTY OF NORMAN

IN DISTRICT COURT
NINTH JUDICIAL DISTRICT

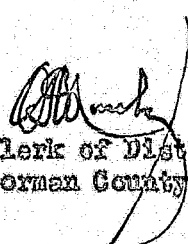
IN THE MATTER OF THE WILD RICE - MARSH RIVER
DRAINAGE AND CONSERVANCY DISTRICT.

I, O. H. Wordby, 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 IN NORMAN AND CLAY COUNTIES TO SAID
DISTRICT

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

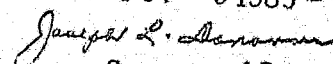
IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the
seal of this Court, at Ada, in said County and State, this 7th day of
October, 1963.


Clerk of District Court,
Norman County, Minnesota.

#16570
STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

OCT 9 1963 - 8:00 am


Secretary of State