STATE OF MINNESOTA WATER RESOURCES BOARD 353 Centennial Building St. Paul 1, Minnesota

In the Matter of the Establishment of the Warroad Watershed District in Roseau and Lake of the Woods Counties and the appointment of Managers thereto.

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER.

A nominating petition having been filed with the Minnesota Water Resources Board on May 22, 1963, asking for the establishment of a watershed district and the appointment of managers thereto for the general purpose of controlling flood waters, preventing soil erosion, and conserving waters for beneficial uses, pursuant to the provisions of laws of Minnesota, 1955, Chapter 799, as amended;

And the Board on August 1, 1963, having ordered that a hearing be held on said petition on the 27th day of August, 1963, at 8:00 P.M. in the Warroad school, Warroad, Minnesota, and the Board having held said hearing pursuant to said order and Mr. Robert Greising, Attorney General's Office, St. Paul, and Mr. Erling Weiberg, Administrative Secretary of the Minnesota Water Resources Board, and Mr. Donald E. Shanahan, Attorney, Roseau, having appeared before the Board;

And the Board having heard the testimony and evidence offered on behalf of the petitioners, there being no objectors who appeared and testified, and having duly considered the same and having

considered all the records in the files of the Board relating to the said petition, now makes the following FINDINGS OF FACT, CONGLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

- I. A duly executed petition by more than 25% of the resident freeholders of the proposed watershed district was filed with the Minnesota Water Resources Board. Filed with the nominating petition was Proof of Service upon the County Auditors of Roseau and Lake of the Woods Counties, the Director of the Division of Waters, and the Commissioner of Conservation. A map of the proposed district was attached to said petition.
- II. The Board directed that a bond be furnished by the petitioners, which bond was furnished and approved by the Board.
- III. Having found the nominating petition to be sufficient, as required, the Board ordered a hearing to be held at 8:00 P.M., August 27, 1963, in the Warroad School, Warroad, Minnesota, after proper Notice of Hearing was given. The Board held said hearing pursuant to the Notice of Hearing on August 27, 1963.
- IV. The Director of the Division of Waters, Department of Conservation, conducted a study of the area involved in the proposed district and filed a written report with the Board. The Director recommended the establishment of the proposed district as being desirable and feasible. The Director's report was received in evidence at the hearing and supported by oral testimony.

V. The west boundary of the proposed district was not the same as the east boundary of the Roseau River Drainage and Conservancy District, which watershed generally lies to the west and southeast of the Warroad River Watershed, and which District now operates under the provisions of Minnesota Statutes, Chapter 112, according to District Court Order dated June 17, 1963, at Roseau, Minnesota. The Roseau Drainage and Conservancy District east boundary was delineated as a straight line along section lines, and not along the natural ridge of land between the Roseau River and Warroad River Watersheds. Testimony indicated the inaccuracy of the east boundary of the Roseau River Drainage and Conservancy District. The Board of Directors of the latter district did testify, accept and agree to a common boundary with the proposed Warroad Watershed District.

VI. The following is a complete list of the territory recommended to be included in the Warroad Watershed District:

ROSEAU COUNTY

Township 164 North, Range 37 West - (Lake)

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(ROSEAU COUNTY - continued)

Township 164 North, Range 36 West - (Lake)

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Township 163 North, Range 37 West - (Lake)

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(Findings of Fact,
  Conclusions of Law
  and Order)
 (ROSEAU COUNTY - continued)
Township 163 North, Range 36 West - (Lake)
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SE 1/4 of SW 1/4
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 (Findings of Fact,
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    and Order)
 (ROSEAU COUNTY - continued)
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Township 162 North, Range 36 West - (Moranville)
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Township 161 North, Range 37 West - (Unorganized)
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(ROSEAU COUNTY - continued)

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(Township 161 North, Range 37 West - (Unorganized) - continued)

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S 2 of SW 4, and S 3 of SE 4 " 26

SE 4 " 33

All of Sections " 34, 35, 36
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Township 161 North, Range 36 West - (Unorganized)

All of Sections

Section 1 through 36

Township 161 North, Range 35 West - (Unorganized)

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All of Sections 6,7,8,9,10

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Township 160 North, Range 38 West - (Beaver)

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(ROSEAU COUNTY - continued)

Township 160 North, Range 37 West - (Unorganized)

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LAKE OF THE WOODS COUNTY

Township 161 North, Range 34 West

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Township 160 North, Range 35 West

All of Sections Section 1 through 36

Township 160 North, Range 34 West

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(LAKE OF THE WOODS COUNTY - continued)

(Township 160 North, Range 34 West - continued)

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Township 159 North, Range 36 West

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Township 159 North, Range 35 West

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Township 159 North, Range 34 West

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VII. The ten nominees for managers are all residents of Roseau County, although one third of the proposed watershed area is within Lake of the Woods County. From the report of the Director of the Division of Waters and the testimony, a large proportion of the land in Lake of the Woods County is in public ownership. There is very little privately-owned land in the Lake of the Woods County part of the proposed district. There are no bonafide settlers or residents of the area, other than state employees charged with the responsibility of supervising and protecting state-owned property. Those citizens who do own property and use it, do so for very infrequent periods of time, such as during game hunting seasons or part time summer recreational use.

VIII. The following facts, set forth in the petition and supported by testimony and exhibits, were found to exist. There is frequent flooding of good quality crop land throughout the watershed, in both public and privately-owned areas. That, as a result of these floods, there is erosion of land. The flood waters have caused considerable damage to road systems and bridges within the proposed district. The use of detention structures and natural depression areas will assist in reducing flood problems and damages caused therefrom. Stream channel improvement to remove tree and brush growth as well as some straightening and widening of small capacity channels will assist in alleviating the problem of floods. That, the flatness of the area prevents

the proper removal of excess water from the surface of lands, which excess water is detrimental to crop yield. On-the-farm drainage will be improved as the result of better outlets. In addition, conservation land treatment measures, properly applied, will reduce soil erosion and retain water in the soil. Habitat for wildlife will be improved by water management. Recreational opportunities will be increased and provided for the general public in the proposed district.

- IX. The name of the proposed district is to be the Warroad Watershed District to be governed by a Board of Managers of five citizens.
- X. No persons appeared who objected to the establishment of the proposed watershed district, and no testimony or other evidence in opposition was offered at the hearing.
- XI. The proposed district will be in the public welfare and public interest, and the purposes of the Watershed District Act will be served by the establishment of the district.

Upon the foregoing FINDINGS OF FACT, the Board makes the following:

CONCLUSIONS OF LAW

XII. The Minnesota Water Resources Board has jurisdiction over the subject matter of the proposed watershed district.

XIII. The public interest and public welfare within the proposed district will be served and protected by the organization of the district and the purposes of the Minnesota Watershed Act will be served by the creation thereof.

IT IS THEREFORE ORDERED,

XIV. THAT, the proposed district is hereby established and is entitled "Warroad Watershed District" by which it shall hereafter be known, and it shall have all authority, powers, and duties as provided by law.

XV. The territory to be included in the district (of approximately 312 acres) is as described in Number VI above.

The boundary of the Warroad Watershed District is hereby declared to be determined by the extremities of the whole land area described in Number VI above.

XVI. The first Board of Managers of five citizens of the Warroad Watershed District, whose terms shall be for one year, and until their successors are appointed and qualified, are as follows:

Mr. William Rombach

Warroad, Minnesota

Mr. Peter H. Heppner

Warroad, Minnesota

Mr. Paul Urtel

Warroad, Minnesota

Mr. Floyd Stewart

Warroad, Minnesota

Mr. Kenneth Parduhn

Warroad, Minnesota

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XVII. THAT, the principal place of business of the Warroad Watershed District shall be located in Warroad, Minnesota, within the said district.

Dated at Saint Paul, Minnesota, this 20th day of September, 1963.

MINNESOTA WATER RESOURCES BOARD

G. E. Lough Land,

Chairman

#16571

STATE OF MINNESOTA #/
DEPARTMENT OF STATE
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OCT 71963

up L. Danon Secretary of State Minnesota Water Resources Board 353 Centennial Bldg. St. Paul 1, Minnesota

BEFORE THE MINNESOTA WATER RESOURCES BOARD

In the Matter of the Establishment of the Warroad Watershed District in Roseau and Lake of the Woods Counties, and the Appointment of Managers thereto.

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MEMORANDUM

After careful study of the testimony at the hearing on the proposed Warroad Watershed District, the Minnesota Water Resources Board comments upon its action with reference to the distribution of the first Board of Managers. Lands in Roseau and Lake of the Woods Counties are involved in the Warroad Watershed District. The record indicates that there are few, if any, permanent residents living in the Lake of the Woods County portion of the watershed district. This being the case, the Minnesota Water Resources Board selected the first Board of Managers from citizens of Roseau County.

The Lake of the Woods County residents and leaders have an interest in the operation of the Warroad Watershed District by the Board of Managers, since the managers do have jurisdiction over some lands in Lake of the Woods County. In considering this matter, the Minnesota Water Resources Board deems it advisable to have the Roseau County and Lake of the Woods County Boards of Commissioners meet together whenever Managers of the Warroad Watershed District are appointed.

The Minnesota Water Resources Board respectfully asks the Roseau County Board of Commissioners to invite the Lake of the Woods County Board of Commissioners to all meetings at which appointments of citizens to the Board of Managers of the Warroad Watershed District will be considered, so as to secure the counsel of the Lake of the Woods County Commissioners, and in order that the governing body of the Lake of the Woods County shall be cognizant of developments within the Warroad Watershed District.

The distribution, by counties, of the managers of the Warroad Watershed District, if ever required in the future because of population change, may be subjected to further consideration at that time.

It is pointed out to the Roseau County Board of Commissioners that the appointment of the Board of Managers of the Warroad Watershed District is to be made by them upon expiration of the one-year term of the first Board of Managers, which were appointed by the Minnesota Water Resources Board on September 20, 1963. At least thirty days before the expiration of the term of the first Board of Managers of the Warroad Watershed District, the Roseau County Board of Commissioners shall appoint one manager for a term of one year, two managers for a term of two years, and two managers for a term of three years. Thereafter all managers shall be appointed for a term of three years.

Dated at Saint Paul, Minnesota, this 20th day of September, 1963.

#16571 STATE OF MINNESOTA # 2 DEPARTMENT OF STATE

agal L. Da Secretary of State MINNESOTA WATER RESOURCES BOARD

G. E. Loughland

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STATE OF MINNESOTA
WATER RESOURCES BOARD
353 Centennial Building
St. Paul, Minnesota
55101

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 2 G 1964

Secretary of State

In the Matter of the Establishment of the Warroad Watershed District in Roseau and Lake of the Woods Counties and the Appointment of Managers Thereto,

ORDER

The Order of the Minnesota Water Resources Board dated the 20th day of September 1963, in the matter above, is amended to conform to the original findings of fact of the Board;

1. WHEREAS, from the examination of the file and records on the above matter, it appears to the Board that a typographical error in the transcribing of data to a published order has occurred in the above-mentioned order, to wit:

That in Article VI of said order (page 9) it reads as follows in part:

Township 159 North, Range 35 West

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		$N^{\frac{1}{2}}$	ir .	8				
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And whereas the foregoing should read as follows: Township 159 North, Range 35 West

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. IT IS THEREFORE ORDERED,

That the foregoing should be and hereby is corrected to read as follows:

Township 159 North, Range 35 West

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2. WHEREAS, on page 12 in line 2 of Article XV the inaccurate word "acre" appears after the number 312;

IT IS HEREBY ORDERED,

That "acre" shall be stricken and replaced by the two words "square miles".

Dated at Saint Paul, Minnesota, this 21st day of February 1964, and effective immediately.

MINNESOTA WATER RESOURCES BOARD