

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

AFFIDAVIT

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

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

THAT he is the Administrative 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 10th day of April 1964.

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

Erling M. Weiberg
Erling M. Weiberg

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 10 1964

Subscribed and sworn to before me this
10th day of April 1964.

Joseph P. Robinson
Secretary of State

#16899

Maie Smythe

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

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

COPY OF ORIGINAL DOCUMENT
Minnesota Water Resources Board

In the Matter of a Petition for
Determination of Boundary, Withdrawal
of Lands and the Enlargement of the
Two Rivers Watershed District.

MEMORANDUM

Upon review of the files, transcripts and letters concerned with the matter of boundary redetermination of the Two Rivers Watershed District, the Minnesota Water Resources Board comments upon its action with regard to boundary establishment. The boundary location of concern is the common boundary between the Two Rivers and Joe River Watershed Districts. This boundary is essentially the northwest boundary of the Two Rivers Watershed District and the southeast and east boundary of the Joe River Watershed District. One problem of concern is the boundary location in the vicinity of County Ditch No. 22. The Director of the Division of Waters reported on this matter, there was testimony at the hearing on February 20, 1964, and subsequent correspondence from the counsel of the two districts. The Board at its meeting on March 18, 1964, determined the insufficiency of information and facts to establish a boundary in this area and did instruct its administrative secretary to further investigate this matter.

Another boundary problem, that of moving the northwestern boundary of the Two Rivers Watershed District northward, was brought to the attention of the Board first at the hearing on February 20, 1964, which raised a study of a number of new considerations. The Board did likewise instruct their administrative secretary to obtain additional information about this matter.

(Memorandum)

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During the latter part of March it was brought to the attention of the Board's Chairman and administrative secretary that a need existed to proceed on project construction within the District involving action with cooperating federal agencies before the end of the 1964 fiscal year; that the execution of necessary procedure in project development, it was pointed out, was contingent upon the establishment of the boundary of the Two Rivers Watershed District, and of an Order from the Board declaring the boundary.

The Water Resources Board received a letter from the counsel of the Two Rivers Watershed District and Joe River Watershed District making known to the Board the wishes of the Board of Managers of above-mentioned districts, who, having considered the situation as outlined in foregoing paragraph, reiterated their desire of boundary definition in accordance with the original petition as well as an explanation as to the need to set the boundary in County Ditch No. 22 at the present time.

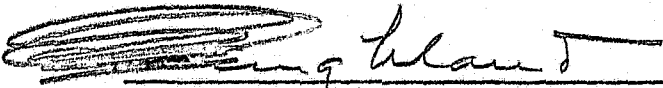
The Board's order on this matter reflects, therefore, the known current position of the petitioners, and Boards of Managers, and the facts as they have discovered them to be.

Dated at Saint Paul, Minnesota, this 6th day of April 1964.

MINNESOTA WATER RESOURCES BOARD

#16899
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 10 1964

James P. Johnson
Secretary of State


G. E. Loughland,
Chairman

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

COPY OF ORIGINAL DOCUMENT
Minnesota Water Resources Board

In the Matter of a Petition for
Determination of Boundary, Withdrawal
of Lands and the Enlargement of the
Two Rivers Watershed District.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER.

A petition, received September 19, 1963, having been filed with the Minnesota Water Resources Board, asking for a redetermination of a boundary line for the Two Rivers Watershed District, for the withdrawal of certain lands, and the enlargement of said district by the inclusion of certain lands not previously in the said district, pursuant to the provisions of Minnesota Laws of 1955, Chapter 799, as amended;

And the Board on January 21, 1964, having ordered that a hearing be held on said petition on the 20th day of February 1964, at 1:30 P.M. in the courtroom in the Kittson County Courthouse, Hallock, Minnesota, and the Board having held said hearing pursuant to said order; and Mr. Frank Murray, Attorney General's Office, and Mr. Erling Weiberg, Administrative Secretary of the Board appearing with the Board, and Mr. Dennis Sobolik, Hallock, assistant County Attorney, appearing for the Kittson County Board of Commissioners;

And the Board having heard testimony and evidence offered on behalf of the petitioners, and by interested citizens, and having duly considered the same and having considered all the records, letters, and files of the Board relating to said petition, now makes the following

Findings of Fact, Conclusions of Law and Order:

(Findings of Fact,
Conclusions of Law,
Order)

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FINDINGS OF FACT

I. The Two Rivers Watershed District is located in Kittson and Roseau counties, and that a duly executed petition by the Kittson and Roseau County Boards of Commissioners was filed with the Minnesota Water Resources Board, and attached to said petition was an Affidavit of Service by mail that a copy of the said petition with attached map was mailed to the Director of the Division of Waters, the Commissioner of Conservation, and to the affected county auditors;

II. The petition was found sufficient by the Board on January 21, 1964, and a hearing was ordered to be held at 1:30 P.M., February 20, 1964, in the courtroom of the Kittson County Courthouse, Hallock, Minnesota;

III. That the Director of the Division of Waters reviewed the petition and filed his report with the Board, which report was received in evidence at the hearing;

IV. The Board of Managers of the Two Rivers Watershed District desires to establish an organizational expense fund authorized by the Minnesota Watershed Act, as amended. In order to set up this fund it is necessary to levy an ad valorem tax on the property within the district. The description of the lands in the order establishing the district is not of sufficient particularity to enable the county auditors to make said levy;

V. It is the intention of the petitioners to include within the proposed amended boundary of the said district each forty-acre tract or government lot that is known to be within the natural drainage area of the Two Rivers physical watershed and certain lands contiguous

(Findings of Fact,
Conclusions of Law,
Order)

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to the said watershed lying north and west of the Two Rivers Watershed, south of the Joe River Watershed, which are tributary to the Red River of the North;

VI. The petitioners did request the release of the following described lands, now in the district:

A. Kittson County

1. Township 162 North, Range 50 West (Hill).

All or parts of Sections 1, 2, 3, 10, 11 and 12.

The facts made known to the Board as to this matter are that the territory has not received nor will receive benefits from the operation of the said district, that the said district can perform the function for which it was established without the inclusion of said territory, and that said territory is not, in fact, a part of the watershed;

VII. Testimony by a resident landowner living in Section 14, Township 159 North, Range 41 West (Poplar Grove) Roseau County indicates that the following described territory should be released from the Two Rivers Watershed District:

A. Roseau County

1. Township 159 North, Range 41 West (Poplar Grove).

$E\frac{1}{2}$ of Section 10

$W\frac{1}{2}$ of Section 14

All of Section 15

$NE\frac{1}{4}$ of Section 20

$N\frac{1}{2}$ of Section 21

(Findings of Fact,
Conclusions of Law,
Order)

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The landowner stated that runoff water flows south and eastward into the Roseau River and not north or west into the Two Rivers. The landowner did request the release of the lands from the district.

VIII. The petitioners did request the addition of the following described lands, not now in the said district:

A. Roseau County

1. Township 163 North, Range 44 West (Blooming Valley).
Part of Sections 31 and 32.
2. Township 162 North, Range 44 West (Unorganized).
All or part of Sections 5, 6, 7, 8, 17 and 18.

B. Kittson County

1. Township 164 North, Range 45 West (Caribou).
All of Section Section 30
 N $\frac{1}{2}$ " 31
 SW $\frac{1}{4}$ " 31
2. Township 163 North, Range 45 West (Caribou).
All or part of Sections 6 and 36.
3. Township 162 North, Range 45 West (Unorganized).
All or part of Sections 1, 12, and 13.
4. Township 164 North, Range 46 West (McKinley).
All of Sections 25 through 36 inclusive.
5. Township 163 North, Range 46 West (McKinley)
All or part of Sections 1 and 2.
6. Township 164 North, Range 47 West (St. Joseph).
All of Sections 25 through 36 inclusive.
7. Township 164 North, Range 48 West (Richardville).
All of Sections 25 and 36.

(Findings of Fact,
Conclusions of Law,
Order)

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8. Township 162 North, Range 50 West (Hill).

All or part of Sections 15, 16, 17, 18, 19, 20,
21, 22, 28, 29, 30, 31 and 32.

The Board in its consideration of these areas was made aware of the facts that, the lands are contiguous to the existing district; the lands can be feasibly administered by the Board of Managers of the existing district; that the public welfare will be served by providing a governmental agency able to assist landowners with water control and water management, which will benefit the inhabitants of the district; and, the management of the lands will provide for control of flood waters therein; thereby providing for general sanitary conditions of the said lands through the reduction of uncontrolled water.

IX. The Director of the Division of Waters noted in his report that a portion of the North Branch of the Two Rivers was not petitioned to be included in the Two Rivers Watershed District. The Director in his conclusion said "The boundary should be located in Section 11, Township 162 North, Range 49 West, so that the North Branch of Two Rivers in this section will be entirely in the Two Rivers Watershed District". The Board concurs.

CONCLUSIONS OF LAW

X. The Minnesota Water Resources Board has jurisdiction over the matter of proposed boundary changes, including withdrawals and enlargement of territory of the Two Rivers Watershed District, and the authority to order changes in said boundary, to release territory and to add additional land;

(Findings of Fact,
Conclusions of Law,
Order)

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XI. A. The Board concludes that the description used in defining the boundary in the order establishing the watershed district was not in sufficient detail to enable the county auditors to levy an ad valorem tax. The additional territory to be included within the district along the boundary as determined by forty-acre tracts or government lots is relatively minor, and that the boundary should be changed to enable the Board of Managers of the Two Rivers Watershed District to create an organizational expense fund, as authorized by the Minnesota Watershed Act.

B. As stated in paragraphs VI and VII above, certain lands now in the watershed district are petitioned to be withdrawn. The Board concludes that:

1. Such lands have not and will not receive any benefit from the operation of the watershed district;
2. The Two Rivers Watershed District can perform the functions for which it was established without inclusion of said territory;
3. Said territory is not, in fact, a part of the watershed;

C. In paragraphs VIII and IX above, certain lands previously not in the Two Rivers Watershed District, are petitioned or advised to be added to the said district to enlarge the district. The Board concludes that:

1. The public interest and the public welfare will be served by the addition of said lands;
2. The purposes of the Minnesota Watershed Act, Chapter 112, will be served by the inclusion of said lands;

(Findings of Fact,
Conclusions of Law,
Order)

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3. That the said lands to be added are contiguous to the existing district;

4. That the said lands can be feasibly administered by the Board of Managers of the existing district;

IT IS THEREFORE ORDERED,

That the lands described in paragraphs VI and VII above, are hereby released from the Two Rivers Watershed District, subject to the requirement of law concerning indebtedness and levies; if any exist;

The lands in paragraphs VIII and IX above, are hereby added to the Two Rivers Watershed District, and the Watershed District is enlarged to include these lands;

The lands of approximately 1084 square miles, to include all government lots or 40-acre tracts within the Two Rivers Watershed District are hereby described below:

A. Roseau County

1. Township 159 North, Range 40 West (Palmville).

All of Section Section 6

2. Township 160 North, Range 40 West (Grimstad).

SW $\frac{1}{4}$ Section 7

W $\frac{1}{2}$ " 18

All of Sections " 19, 30, and 31.

3. Township 161 North, Range 40 West (Stafford).

W $\frac{1}{2}$ of NW $\frac{1}{4}$ Section 18

W $\frac{1}{2}$ of SW $\frac{1}{4}$ " 18

W $\frac{1}{2}$ " 19

W $\frac{1}{2}$ of SE $\frac{1}{4}$ " 19

(Findings of Fact,
Conclusions of Law,
Order)

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(Township 161 North, Range 40 West (Stafford) continued)

$W\frac{1}{2}$ of $NE\frac{1}{4}$ Section 30
 $W\frac{1}{2}$ " 30

$W\frac{1}{2}$ of $NW\frac{1}{4}$ " 31

4. Township 162 North, Range 40 West (Jadis)

$S\frac{1}{2}$ of $NE\frac{1}{4}$ Section 19
 $S\frac{1}{2}$ of $NW\frac{1}{4}$ " 19
 $S\frac{1}{2}$ " 19

All of Section " 20

$W\frac{1}{2}$ " 21

$W\frac{1}{2}$ " 28

All of Sections " 29 and 30

$NW\frac{1}{4}$ of $NW\frac{1}{4}$ " 31

5. Township 159 North, Range 41 West (Poplar Grove)

All of Sections Sections 1 through 9 inclusive.

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

$N\frac{1}{2}$ of $N\frac{1}{2}$ " 11

$N\frac{1}{2}$ of $N\frac{1}{2}$ " 12

All of Sections " 16, 17, 18

$N\frac{1}{2}$ " 19

$NW\frac{1}{4}$ " 20

6. Township 160 North, Range 41 West (Nereson)

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

All of Sections " 2 through 36 inclusive.

7. Township 161 North, Range 41 West (Stokes)

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

All of Sections " 2 through 36 inclusive.

(Findings of Fact,
Conclusions of Law,
Order)

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8. Township 162 North, Range 41 West (Ross).

$S\frac{1}{2}$ of $S\frac{1}{2}$	Section 23
$S\frac{1}{2}$ of $N\frac{1}{2}$	" 24
$S\frac{1}{2}$	" 24
All of Sections	" 25 and 26
$NE\frac{1}{4}$	" 27
$S\frac{1}{2}$	" 27
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 28
$SE\frac{1}{4}$	" 28
$SE\frac{1}{4}$	" 31
$NE\frac{1}{4}$ of $NE\frac{1}{4}$	" 32
$S\frac{1}{2}$ of $NE\frac{1}{4}$	" 32
$S\frac{1}{2}$	" 32
All of Sections	" 33, 34, and 35
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 36
$NW\frac{1}{4}$	" 36

9. Township 159 North, Range 42 West (Huss).

All of Sections	Sections 1 through 21 inclusive.
$N\frac{1}{2}$	" 22
$SW\frac{1}{4}$	" 22
$N\frac{1}{2}$	" 23
$N\frac{1}{2}$	" 24
$NW\frac{1}{4}$	" 27
All of Sections	" 28, 29, 30, 31, and 32
$N\frac{1}{2}$	" 33

10. Township 160 North, Range 42 West (Barnett).

All of Sections Sections 1 through 36 inclusive.

11. Township 161 North, Range 42 West (Skagen).

All of Sections Sections 1 through 36 inclusive.

12. Township 162 North, Range 42 West (Moose)

(Findings of Fact,
Conclusions of Law,
Order)

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(Township 162 North, Range 42 West (Moose) continued)

	$W\frac{1}{2}$	Section 19
	$SE\frac{1}{4}$	" 19
	$W\frac{1}{2}$	" 29
	$SE\frac{1}{4}$	" 29
	All of Sections	" 30, 31, and 32
	$W\frac{1}{2}$	" 33
	$SE\frac{1}{4}$	" 33
13.	Township 159 North, Range 43 West (Deer).	
	All of Sections	Sections 1 through 33 inclusive.
	$W\frac{1}{2}$	" 34
14.	Township 160 North, Range 43 West (Hereim).	
	All of Sections	Sections 1 through 36 inclusive.
15.	Township 161 North, Range 43 West (Barto).	
	All of Sections	Sections 1 through 36 inclusive.
16.	Township 162 North, Range 43 West (Soler).	
	All of Sections	Sections 7, 8, 9
	$S\frac{1}{2}$	" 10
	$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 11
	$SW\frac{1}{4}$ of $NW\frac{1}{4}$	" 13
	$SW\frac{1}{4}$ of $SW\frac{1}{4}$	" 13
	$SW\frac{1}{4}$ of $SE\frac{1}{4}$	" 13
	$W\frac{1}{2}$ of $NE\frac{1}{4}$	" 14
	$SE\frac{1}{4}$ of $NE\frac{1}{4}$	" 14
	$NW\frac{1}{4}$	" 14
	$S\frac{1}{2}$	" 14
	All of Sections	" 15 through 36 inclusive.
17.	Township 159 North, Range 44 West (Lind).	
	All of Sections	Sections 1 through 30 inclusive.
	$N\frac{1}{2}$	" 31

(Findings of Fact,
Conclusions of Law,
Order)

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(Township 159 North, Range 44 West (Lind) continued)

- | | | |
|-----|--|----------------------------------|
| | N $\frac{1}{2}$ | Section 32 |
| | All of Sections | " 33 through 36 inclusive. |
| 18. | Township 160 North, Range 44 West (Dewey). | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 19. | Township 161 North, Range 44 West (Polonia). | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 20. | Township 162 North, Range 44 West (Unorganized). | |
| | SW $\frac{1}{4}$ | Section 2 |
| | All of Sections | " 3 through 36 inclusive. |
| 21. | Township 163 North, Range 44 West (Blooming Valley). | |
| | S $\frac{1}{2}$ | Section 31 |
| | S $\frac{1}{2}$ | " 32 |

B. Kittson County

1. Township 159 North, Range 45 West (Arveson)

All of Sections	Sections 1 through 5 inclusive.
E $\frac{1}{2}$	" 6
All of Sections	" 8 through 17 inclusive.
SE $\frac{1}{4}$	" 18
NE $\frac{1}{4}$	" 19
N $\frac{1}{2}$	" 20
N $\frac{1}{2}$	" 21
All of Sections	" 22, 23, 24, 25, and 26.
N $\frac{1}{2}$	" 27
N $\frac{1}{2}$	" 36

(Findings of Fact,
Conclusions of Law,
Order)

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2. Township 160 North, Range 45 West (Pelan).

All of Sections	Sections 1 through 28 inclusive.
$E\frac{1}{2}$	" 29
All of Sections	" 32, 33, 34, 35, and 36.
3. Township 161 North, Range 45 West (Unorganized).

All of Sections	Sections 1 through 36 inclusive.
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4. Township 162 North, Range 45 West (Unorganized).

All of Sections	Sections 1 through 36 inclusive.
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5. Township 163 North, Range 45 West (Caribou).

$S\frac{1}{2}$	Section 5
$NW\frac{1}{4}$	" 6
$S\frac{1}{2}$	" 6
All of Sections	" 7, 8
$NW\frac{1}{4}$	" 9
$S\frac{1}{2}$	" 9
All of Sections	" 16 through 21 inclusive.
$W\frac{1}{2}$	" 22
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 26
All of Sections	" 27 through 35 inclusive.
$S\frac{1}{2}$	" 36
6. Township 164 North, Range 45 West (Caribou).

All of Section	Section 30
$N\frac{1}{2}$	" 31
$SW\frac{1}{4}$	" 31
7. Township 160 North, Range 46 West (Norway).

All of Sections	Sections 1 through 6 inclusive.
All of Sections	" 8 through 16 inclusive.
$E\frac{1}{2}$	" 17

(Findings of Fact,
Conclusions of Law,
Order)

(Township 160 North, Range 46 West (Norway) continued)

- | | | |
|-----|---|-----------------------------------|
| | All of Sections | Sections 21, 22, 23, and 24 |
| | N $\frac{1}{2}$ | " 25 |
| | N $\frac{1}{2}$ | " 26 |
| 8. | Township 161 North, Range 46 West (Percy). | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 9. | Township 162 North, Range 46 West (Cannon). | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 10. | Township 163 North, Range 46 West (McKinley). | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 11. | Township 164 North, Range 46 West (McKinley). | |
| | All of Sections | Sections 25 through 36 inclusive. |
| 12. | Township 160 North, Range 47 West (Jupiter). | |
| | N $\frac{1}{2}$ | Section 1 |
| 13. | Township 161 North, Range 47 West (Hazelton). | |
| | All of Sections | Sections 1 through 30 inclusive. |
| | NW $\frac{1}{4}$ | " 31 |
| | NE $\frac{1}{4}$ | " 33 |
| | N $\frac{1}{2}$ of NW $\frac{1}{4}$ | " 33 |
| | N $\frac{1}{2}$ | " 34 |
| | SE $\frac{1}{4}$ | " 34 |
| | All of Sections | " 35, 36 |
| 14. | Township 162 North, Range 47 West (Poppleton) | |
| | All of Sections | Sections 1 through 36 inclusive. |
| 15. | Township 163 North, Range 47 West (St. Joseph). | |
| | All of Sections | Sections 1 through 36 inclusive. |

(Findings of Fact,
Conclusions of Law,
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16. Township 164 North, Range 47 West (St. Joseph).
All of Sections Sections 25 through 36 inclusive.
17. Township 161 North, Range 48 West (Thompson).
All of Sections Sections 1 through 29 inclusive.
N $\frac{1}{2}$ " 30
E $\frac{1}{2}$ of SW $\frac{1}{4}$ " 30
SE $\frac{1}{4}$ " 30
NE $\frac{1}{4}$ " 31
All of Sections " 32, 33, 34, 35, and 36.
18. Township 162 North, Range 48 West (Granville).
All of Sections Sections 1 through 36 inclusive.
19. Township 163 North, Range 48 West (Richardville).
All of Sections Sections 1, 2, and 3
S $\frac{1}{2}$ " 7
All of Sections " 8 through 36 inclusive.
20. Township 164 North, Range 48 West (Richardville).
All of Sections Sections 25 and 36
21. Township 161 North, Range 49 West (Hallock).
All of Sections Sections 1 through 24 inclusive.
E $\frac{1}{2}$ of NE $\frac{1}{4}$ " 25
NW $\frac{1}{4}$ " 27
All of Sections " 28, 29, 30, and 31
N $\frac{1}{2}$ " 32
NW $\frac{1}{4}$ " 33
22. Township 162 North, Range 49 West (Hampden)
All of Section Section 1
E $\frac{1}{2}$ " 2
SW $\frac{1}{4}$ " 6

(Findings of Fact,
Conclusions of Law,
Order)

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(Township 162 North, Range 49 West (Hampden) continued)

All of Sections	Sections 7 and 8
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 11
$E\frac{1}{2}$	" 11
All of Sections	" 12 through 36 inclusive.

23. Township 163 North, Range 49 West (Clow).

All of Section	Section 13
$E\frac{1}{2}$	" 14
$E\frac{1}{2}$	" 23
All of Sections	" 24 and 25
$E\frac{1}{2}$	" 26
$E\frac{1}{2}$	" 35
All of Section	" 36

24. Township 161 North, Range 50 West (North Red River).

All of Sections	Sections 1 and 2
$N\frac{1}{2}$	" 3
$N\frac{1}{2}$ of $SW\frac{1}{4}$	" 3
$SE\frac{1}{4}$	" 3
$E\frac{1}{2}$ of $E\frac{1}{2}$	" 10
All of Sections	" 11, 12, 13, and 14
$N\frac{1}{2}$	" 23
$SE\frac{1}{4}$	" 23
All of Sections	" 24 and 25
$NE\frac{1}{4}$	" 26
All of Section	" 36

25. Township 162 North, Range 50 West (Hill).

All of Sections	Sections 13 through 36 inclusive.
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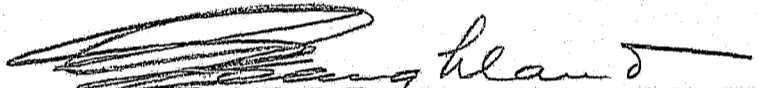
(Findings of Fact,
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The amended boundary of the Two Rivers Watershed District is hereby declared to be determined by the extremities of the whole land area described above.

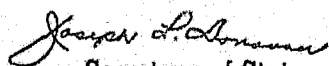
Dated at Saint Paul, Minnesota, this 6th day of April 1964.

MINNESOTA WATER RESOURCES BOARD


G. E. Loughland,
Chairman

#16899
STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
APR 10 1964


Secretary of State