

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

In the Matter of the Petitions for
the Withdrawal of Territory from
the Cormorant Lakes Watershed District.
(Lage-Savig-Cormorant Lakes Watershed
District)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

On December 23, 1975 three petitions were filed with the Minnesota Water Resources Board, hereinafter referred to as "the Board". One was signed by George D. Lage and others, and one by David Savig, each requesting the release of certain lands from the Cormorant Lakes Watershed District. The third petition, signed by the President of the Cormorant Lakes Watershed District, requested a change and revision of the westerly boundary of the Cormorant Lakes Watershed District, which boundary also forms part of the easterly boundary of the South Buffalo Watershed District.

The Board ordered a hearing on said petitions to be held on the 10th day of April 1976 in the Cormorant Town Hall, Lake Park, Minnesota, 56554, beginning at 10:00 A.M. Pursuant to Minnesota Statutes, Section 112.401 (1974), Richard G. Canning of Hendrum, Minnesota, was named Referee to hear evidence in the matter and report to the Board. Mr. William Briggs appeared for the Managers of the Cormorant Lakes Watershed District; Erling M. Weiberg, Executive Secretary for the Board, and other persons also appeared.

- A. Becker County 5th Principal Meridian
1. Township 139 North, Range 43 West (Lake Park)
 Lots 7 and 8 Section 31.
 2. Township 138 North, Range 43 West (Cormorant)
 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 6
 Lots 3, 4 and 5 " 6.
 3. Township 138 North, Range 43 West (Cormorant)
 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 17
 NW $\frac{1}{4}$ of SW $\frac{1}{4}$ " 17
 SW $\frac{1}{4}$ " 28
 SE $\frac{1}{4}$ " 29
 N $\frac{1}{2}$ of NE $\frac{1}{4}$ " 32.

IX. A petition, signed by the President of the Cormorant Lakes Watershed District, was filed with the Board's Secretary, asking that a review be made of the status of the westerly boundary of the District, stating that the flowage of water, within certain hereinafter described sections of the District, flows westward out of the Cormorant Lakes Watershed District, rather than into the watershed of the Cormorant Lakes Watershed District.

X. Part of the east boundary of the South Buffalo Watershed District forms the west boundary of the Cormorant Lakes Watershed District, which common boundary line is described as follows:

That line beginning on the westerly line of Section 30, Township 139 North, Range 43 West, at the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, thence southerly along the westerly lines of Sections 30 and 31, Township 139 North, Range 43 West, and the westerly lines of Sections 6, 7, 18, 19 and 30, to the southwest corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 30, Township 138 North, Range 43 West, all in Becker County, Minnesota.

2. Township 138 North, Range 43 West (Cormorant)

NW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section	6
S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	6
W $\frac{1}{2}$	"	6
SE $\frac{1}{4}$	"	6
All of Section	"	7
N $\frac{1}{2}$	"	18
SW $\frac{1}{4}$	"	18
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	18
All of Section	"	19
N $\frac{1}{2}$	"	30
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	30.

XIV. The surface waters upon the parcels of land described in Paragraph XIII above, do, in fact, drain into the South Buffalo Watershed District; the parcels are contiguous to the territory of the existing South Buffalo Watershed District; the lands can be feasibly administered by the Managers of the South Buffalo Watershed District; the lands will receive benefits from the operation of the South Buffalo Watershed District; it would conducive to the public health and welfare to add such parcels of land to the territory of the South Buffalo Watershed District, and the purposes of Chapter 112 of Minnesota Statutes will be served thereby.

XV. The following parcels of land in Cormorant Lakes Watershed District are not a part of the Cormorant Lakes Watershed District, since the surface water on these parcels drains in a southerly direction away from the watershed of the Cormorant Lakes; the Cormorant Lakes Watershed District can perform the functions for which it was established without the inclusion of such lands; and the lands have not and will not receive any benefits from the operation of the Cormorant Lakes Watershed District:

A. <u>Becker County</u>	<u>5th Principal Meridian</u>
1. Township 138 North, Range 43 West (Cormorant)	
SW $\frac{1}{4}$	Section 28
SE $\frac{1}{4}$	" 29
N $\frac{1}{2}$ of NE $\frac{1}{4}$	" 32
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 33.

CONCLUSIONS OF LAW

XVI. The Board has jurisdiction over the matter of change of boundary of Cormorant Lakes Watershed District and of South Buffalo Watershed District and the authority to change said boundaries.

XVII. The parcels of land, as described in Paragraphs XIII and XV above, should be released from the territory of the Cormorant Lakes Watershed District.

XVIII. The lands described in Paragraph XIII above should be added to the South Buffalo Watershed District.

IT IS THEREFORE ORDERED:

XIX. That the parcels of land, described in Paragraphs XIII and XV above are hereby released and excluded from the Cormorant Lakes Watershed District, subject to requirement of law concerning current indebtedness and levies.

XX. That the lands described in Paragraph XIII above be and hereby are added to and included in the territory of the South Buffalo Watershed District.

XXI. That the Order of the Minnesota Water Resources Board dated August 22, 1966, defining the boundary of the Cormorant Lakes Watershed District and the Order of the Minnesota Water Resources Board dated August 31, 1960, defining the boundary of the South Buffalo Watershed District, be amended in conformance with Paragraphs XIX and XX above and that the boundaries of the Districts be changed accordingly.

Dated at Saint Paul, Minnesota, 55102, this 16th day
of August 1976.

MINNESOTA WATER RESOURCES BOARD

Robert T. Moline

Robert T. Moline
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 24 1976

Jean Anderson Howe
Secretary of State

#18365
STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
AUG 24 1966

James C. Johnson
Secretary of State

Minnesota Water Resources Board
353 Centennial Building
St. Paul, Minnesota
55101

In the Matter of the Establishment
of the Cormorant Lakes Watershed
District in Becker County 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 January 25, 1966, asking for the establishment of a Watershed District, to be known as the Cormorant Lakes Watershed District, and the appointment of managers thereto, for the general purpose of conserving and making provident use of water and other natural resources, by reducing pollution of the waters of the Cormorant chain of lakes; to slow down weed and algae growth; to protect, and improve the scenic beauty thereof, to remove lake surface hazards, to enhance recreational facilities and use; and to intelligently regulate the water level in the Cormorant chain of lakes; to improve the needed drainage; and to provide needed soil and water conservation practices on land to prevent excessive runoff, and to control seepage, and for all other purposes as found in the Minnesota Watershed Act, pursuant to the provisions of Minnesota laws of 1955, chapter 799, as amended;

And the Board on May 27, 1966, having ordered that a hearing be held on said petition on the 13th day of July 1966 at 8:00 P.M. in the Cormorant Village School, Cormorant Township, Becker County, Minnesota, and the Board having held said hearing pursuant to its order, and Mr. Erling Weiberg, Administrative Secretary, of St. Paul, appearing with the Board, Mr. Lowell Benshoof, County Attorney, Detroit Lakes, appearing for the Becker County Board of Commissioners and Mr. Robert W. Irvine, Attorney, Detroit Lakes, appearing for other interested citizens;

And the Board having heard the testimony and evidence offered on behalf of the petitioners, and having duly considered the same and having considered all the records in the files of the Board relating to said petition; now makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

I. A duly executed petition by the Becker County Board of Commissioners, subsequently amended, was filed with the Minnesota Water Resources Board. Filed with the nominating petition was the accepted affidavit of mailing.

II. Having found the nominating petition to be sufficient, the Board ordered a hearing to be held at 8:00 P.M., July 13, 1966, in the Cormorant Village School, Cormorant Township,

Becker County, Minnesota. Proper Notice of Hearing was given. The Board held said hearing, pursuant to the Notice of Hearing, on July 13, 1966.

III. The Director of the Division of Waters, Department of Conservation, filed a written preliminary report with the Board based upon the matter contained in the nominating petition and other available data in his files. The Director recommended the establishment of the proposed district. The Director's report was received in evidence at the hearing and was supported by oral testimony.

IV. Due and proper notice was given all the lands included within the Watershed District as herein and after established. The following description includes all forty-acre tracts, which may be fractional, or tracts of less than forty acres; all government lots or parts thereof; and all lots within platted areas. The listing of lands below (approximately 43 square miles) describes the territory to be included in the Cormorant Lakes Watershed District;

A. Becker County

I. Township 139 North, Range 42 West

	SW $\frac{1}{4}$	Section 31
	W $\frac{1}{2}$ of SE $\frac{1}{4}$	" 31

II. Township 138 North, Range 42 West

(1) West 40 acres in Gov't Lot 3, included as a part of the 40 acres, that part of the Northeast extremity of the lake bed of Cormorant Lake, also known as Leif Lake, in the NW $\frac{1}{4}$ of Section 5.

(2)	SW $\frac{1}{4}$	" 5
(3)	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 5
	All of Sections	" 6,7

(Township 138 North, Range 42 West continued)

	$N\frac{1}{2}$	Section 8
	$SW\frac{1}{4}$	" 8
$N\frac{1}{2}$ of	$SE\frac{1}{4}$	" 8
$SW\frac{1}{4}$ of	$SE\frac{1}{4}$	" 8
$W\frac{1}{2}$ of	$NE\frac{1}{4}$	" 17
	$W\frac{1}{2}$	" 17
$W\frac{1}{2}$ of	$SE\frac{1}{4}$	" 17
All of Sections		" 18,19
	$W\frac{1}{2}$	" 20
	$NW\frac{1}{4}$	" 29
$N\frac{1}{2}$ of	$SW\frac{1}{4}$	" 29
	$N\frac{1}{2}$	" 30
$N\frac{1}{2}$ of	$S\frac{1}{2}$	" 30

III. Township 139 North, Range 43 West

$SW\frac{1}{4}$ of	$NW\frac{1}{4}$	Section 28
	$SW\frac{1}{4}$	" 28
$S\frac{1}{2}$ of	$N\frac{1}{2}$	" 29
	$S\frac{1}{2}$	" 29
$S\frac{1}{2}$ of	$NE\frac{1}{4}$	" 30
$NE\frac{1}{4}$ of	$SW\frac{1}{4}$	" 30
$S\frac{1}{2}$ of	$SW\frac{1}{4}$	" 30
	$SE\frac{1}{4}$	" 30
All of Sections		" 31,32
	$W\frac{1}{2}$	" 33
$W\frac{1}{2}$ of	$SE\frac{1}{4}$	" 33
$SE\frac{1}{4}$ of	$SE\frac{1}{4}$	" 33
$SW\frac{1}{4}$ of	$SW\frac{1}{4}$	" 34
	$NE\frac{1}{4}$	" 35
$SE\frac{1}{4}$ of	$SW\frac{1}{4}$	" 35
	$SE\frac{1}{4}$	" 35
$S\frac{1}{2}$ of	$N\frac{1}{2}$	" 36
	$S\frac{1}{2}$	" 36

IV. Township 138 North, Range 43 West

All of Sections	Section 1 through 25 inclusive
$N\frac{1}{2}$ of $NE\frac{1}{4}$ $NW\frac{1}{4}$	" 26 " 26
$W\frac{1}{2}$ of $NE\frac{1}{4}$ $W\frac{1}{2}$	" 28 " 28
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 28
$N\frac{1}{2}$ of $SW\frac{1}{4}$ $SE\frac{1}{4}$	" 29 " 29 " 29
$N\frac{1}{2}$ of $S\frac{1}{2}$	" 30 " 30
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 32
$NW\frac{1}{4}$ of $NW\frac{1}{4}$	" 33
$NE\frac{1}{4}$ of $NE\frac{1}{4}$ $S\frac{1}{2}$ of $NE\frac{1}{4}$ $SE\frac{1}{4}$ of $NW\frac{1}{4}$ $E\frac{1}{2}$ of $SW\frac{1}{4}$ $SE\frac{1}{4}$	" 35 " 35 " 35 " 35 " 35
$W\frac{1}{2}$ of $W\frac{1}{2}$	" 36

V. The following facts, set forth in the petition, and supported by testimony and exhibits, are found to exist.

Improvements, such as dams and other devices are needed to control the long-cycle fluctuating surface level of the Cormorant chain of lakes. The recent high rise in the level of the Cormorant chain of lakes has and is flooding property and overflowing certain roads in the vicinity of the Cormorant chain of lakes. In addition, recreational navigation (motor boating and water skiing) on the surface of some of the lakes

is unsafe because of stumps and floating and submerged tree trunks, branches and roots which have contributed to boating accidents. The recent continual uncontrolled rise in the water level has inundated shoreline previously dry and timbered; ice action on the trees during spring breakup and the fall of trees surrounded by the rising water have caused the floating logs and the resultant hazard to navigation.

Likewise, normal travel on roads in the vicinity of some of the lakes has been restricted due to flooding of the roads by lake water and to erosion of the road beds by wave action while the water is high.

The general welfare and the recreational activity on the lakes and on the surrounding land has been affected by the inability to control the level of the water in the Cormorant chain of lakes. The uncontrolled lake levels have affected property values to the extent that public officials have modified values of certain property in the community with resultant shifting of costs to other inhabitants; costly hardships have been placed upon the private recreational industry within the proposed watershed district; and, expansion of much undeveloped lake shore property for private and public recreational use has been arrested even though a large standard metropolitan area lies 30 miles westward.

The private recreational industry is prevented by high water from complying with state health regulations pertaining to sanitary facilities and their installation. Effluent from resorts as well as from many lakeshore homes, is discharged into the Cormorant chain of lakes. In some situations high water has made sanitary facilities of lakeshore homes inoperative. Testimony revealed that algal growth could be expected because of unchecked pollution of the lake.

Erosion of tillable land does occur because of current agricultural practices. The imposition of soil conservation practices on the land would assist in storing more of the runoff in the soils.

The sport of fishing has been limited recently by the high water and floating logs in some of the lakes.

VI. The name of the proposed watershed district is to be the Cormorant Lakes Watershed District, governed by a Board of Managers of three residents of the proposed Watershed District.

VII. The proposed watershed district will be in the public welfare and public interest, and the purposes of the Minnesota Watershed Act will be served by the establishment of the district.

Upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

VIII. The Minnesota Water Resources Board has jurisdiction over the matter of the proposed watershed district establishment.

IX. The public interest and public welfare within the proposed watershed district will be served by the establishment of the district, and the purposes of the Minnesota Watershed Act will be served by the establishment thereof.

IT IS THEREFORE ORDERED

X. That the proposed watershed district is established for all the purposes found in the Minnesota Watershed Act and is named "Cormorant Lakes Watershed District" and that the district shall hereafter be known by this name and shall have all the authority, powers and duties as provided by law.

XI. The territory to be included in the district is as described in paragraph IV above. The boundary of the Cormorant Lakes Watershed District is hereby declared to be determined by the extremities of the whole land area described in paragraph IV above.


XII. The first board of managers of the Cormorant Lakes Watershed District of three residents, whose terms shall be for one year and who shall serve until their successors are appointed and qualified are as follows:

1. Mr. Douglas Swenson, Lake Park, Minnesota;
2. Mr. Alfred T. Murfin, Lake Park, Minnesota;
3. Mr. O. Ray Hansen, Lake Park, Minnesota.

XIII. The principal place of business of the Cormorant Lakes Watershed District shall be located in the town hall of Cormorant Township, Becker County, Lake Park, Minnesota.

Dated at Saint Paul, Minnesota, this 22nd day of August 1966.

MINNESOTA WATER RESOURCES BOARD


G. E. Loughland
Chairman

18365