

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

STATE OF MINNESOTA)  
                          ) ss  
COUNTY OF RAMSEY )

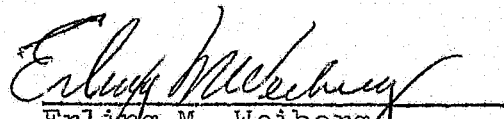
AFFIDAVIT

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

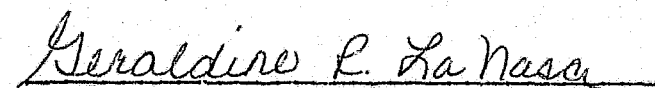
THAT HE IS the Administrative Secretary for the  
Minnesota Water Resources Board; that he has compared  
the attached copy of an Order relating to the \_\_\_\_\_  
Upper Minnesota River Watershed District

dated at Saint Paul, Minnesota, on the 24th day of  
March 1971, with the original thereof on file in his  
official custody; and

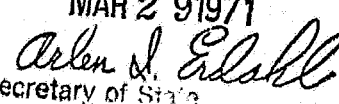
THAT SAID COPY is a true and correct copy of said  
original and the whole thereof.

  
Erling M. Weiberg  
Administrative Secretary

Subscribed and sworn to before me  
this 24 day of March 1971



GERALDINE R. LANASA  
Notary Public, Ram                      , Minn.  
My Commission Expires                      , 1978

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1971  
  
Secretary of State

19305

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

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In the Matter of the Distribution  
of the Managers of the Upper  
Minnesota River Watershed District  
(Big Stone, Lac Qui Parle, Stevens,  
Swift and Traverse Counties).  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

On the 7th day of September 1967 the Minnesota Water Resources Board, by its Order, established the Big Stone Lake Watershed District and named it the Upper Minnesota River Watershed District, upon the filing of a nominating petition by the Big Stone County Board of Commissioners and after a public hearing thereon. In its Order the Board listed the territory of the Watershed District, defined its boundary, appointed a five-man Board of Managers, each for a one-year term, and distributed the power to appoint managers of the Watershed District, by authorizing two appointments to be made by the Lac Qui Parle County Board of Commissioners and three appointments to be made by the Big Stone County Board of Commissioners, all pursuant to Minnesota Statutes 1967, Chapter 112.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAR 2 9 1971

*Arden J. Erdahl*  
Secretary of State

Subsequently, the territory of the Upper Minnesota River Watershed District in Lac Qui Parle County was greatly reduced by Order of the District Court, dated November 15, 1968.

The Order of the Board dated September 7, 1967, as modified by the Order of the District Court of November 15, 1968, resulted in virtually no territory of Lac Qui Parle County included within the Watershed District, but a continuation of two representatives of Lac Qui Parle County on the Board of Managers of the Upper Minnesota River Watershed District.

The above situation as to distribution of managers among the affected counties was brought to the attention of the District Court by the Board. The District Court by its Order, dated September 16, 1970, remanded the matter to the Board for the purpose of redistributing the appointment of managers of the Upper Minnesota River Watershed District.

Thereupon the Board, on October 21, 1970, ordered a public hearing within the Upper Minnesota River Watershed District for the purpose of receiving evidence on the redistribution of managers of the Upper Minnesota River

Watershed District and the staggering of their terms, and directed Mr. R. Canning, a member of the Minnesota Water Resources Board, to be its referee in the matter.

The referee of the Board held said hearing on December 3, 1970, at 10:00 A.M., in the Courthouse, Ortonville, Minnesota, 56278; Mr. Erling Weiberg, Administrative Secretary, appeared with the Board; Mr. Larry Houk, Special Assistant Attorney General, appeared for the Attorney General; Mr. Robert Braseth, County Attorney, appeared for Traverse County, and a number of other persons appeared for themselves.

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

#### FINDINGS OF FACT

- I. Pursuant to law the Board filed its Order dated September 7, 1967, with the Secretary of State on September 29, 1967.

- II. Pursuant to an appeal from said Board Order, the District Court in its Order dated November 15, 1968, modified the Board's Order which resulted in a change in the boundary of the watershed district in Lac Qui Parle County.
- III. The Order of the District Court of November 15, 1968, greatly reduced the area in Lac Qui Parle County in the territory of the Upper Minnesota River Watershed District, as determined in Paragraph XII of the Board's Order dated September 7, 1967.
- IV. In view of the reduction of land area in Lac Qui Parle County in the Upper Minnesota River Watershed District, the inclusion of two representatives on the Board of Managers from Lac Qui Parle County is disproportionate.
- V. The Board caused due and proper notice to be given on the matter of the distribution of managers of said watershed district, by publication of the Board's Notice of Hearing in appropriate legal newspapers and by filing same with the County Auditors of Big Stone, Lac Qui Parle, Stevens, Swift, and Traverse Counties.

- VI. The referee filed a report, dated December 7, 1970, on the matter with the Board.
- VII. The Board accepted the Report of Referee on said matter at its Board meeting on January 19, 1971.
- VIII. A member of the County Board of Commissioners of Lac Qui Parle County testified that said County Board of Commissioners were in favor of a consideration of the redistribution of managers.
- IX. The Board's Order dated September 7, 1967, stated the one-year term of the five managers appointed by the Board would expire on September 6, 1968.
- X. Upon appeals to the Board's Order, the District Court on November 24, 1967, issued direction to all concerned to desist in any further proceeding and operation under the Board's Order until a determination on the matter.
- XI. The Stay on the one-year terms of the managers by the District Court Order dated November 24, 1967, was lifted by the District Court Order dated November 15, 1968.

#### CONCLUSIONS OF LAW

- XII. The Minnesota Water Resources Board has jurisdiction in the matter of the redistribution of the power of appointments of the managers of the Upper Minnesota River Watershed District among the constituent counties thereof.
- XIII. The appeal to the District Court and its subsequent order on November 24, 1967, on further proceeding in the matter, extended the expiration date of the one-year terms of the initial five managers of the Upper Minnesota River Watershed District to August 9, 1969.
- XIV. The public welfare and public interest will be served by the redistribution of the power of appointment of the managers of the Upper Minnesota River Watershed District, and the purposes of the Minnesota Watershed Act will be subserved by such action.

IT IS THEREFORE ORDERED

XV. That Paragraph XV of the Board's Order dated September 7, 1967, beginning on Page 25, continuing to Page 26, is cancelled and amended by substituting the following:

XV. The distribution of the power to appoint the managers of the Upper Minnesota River Watershed District among the affected counties shall be three appointments of managers by the Big Stone County Board of Commissioners, one appointment of a manager by the Swift County Board of Commissioners, and one appointment of a manager by the Traverse County Board of Commissioners.

The expiration dates of three terms of managers appointed by the Big Stone County Board of Commissioners are August 9, 1973, August 9, 1971, and August 9, 1972; the expiration date of the term of a manager

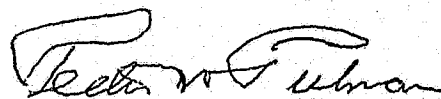


appointed by the Swift County Board  
of Commissioners is August 9, 1971;  
and, the expiration date of the  
term of a manager appointed by the  
Traverse County Board of Commissioners  
is August 9, 1972.

Thereafter, each manager selected by the appointing  
authority shall be appointed for a term of three  
years.

Dated in St. Paul, Minnesota, 55102, this 24th day  
of March 1971.

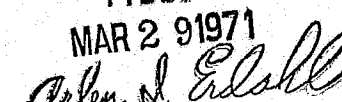
MINNESOTA WATER RESOURCES BOARD



Rector H. Putnam  
Chairman

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAR 29 1971

  
Secretary of State

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

#19305  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 29 1967  
*James A. Holman*  
Secretary of State

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In the Matter of the Petition for the  
Establishment of the Big Stone Lake  
Watershed District in Big Stone, Lac  
Qui Parle, Swift, Stevens and Traverse  
Counties.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A nominating petition having been filed with the Minnesota  
Water Resources Board on September 8, 1966, praying for the  
establishment of a Watershed District, and the appointment of  
managers thereto, for the general purpose of conserving and making  
provident use of the waters and natural resources of the State  
within the area of such district; by reducing the pollution of  
the waters in Big Stone Lake; by regulating the water level in the  
various lakes; by slowing down weed and algae growth in lakes; by  
improving needed drainage; by preventing excessive runoff; by  
enhancing the recreational facilities and scenic beauty; by pro-  
viding needed soil and water conservation; and by providing for  
water conservation under provisions of Minnesota Laws of 1955,  
Chapter 799, as amended;

And the Board on March 9, 1967, having ordered a hearing to be held on said petition on the 12th day of April 1967 at 10:00 A.M., in the Courtroom of the Courthouse, Ortonville, Minnesota;

And the Board having held said hearing pursuant to said order, and having continued such hearing to July 14, 1967 at 10:00 A.M. in the Courtroom of the Courthouse, Ortonville, Minnesota, and having held its continued hearing; and Mr. Frank Murray, Special Assistant Attorney General, St. Paul; Mr. Erling Weiberg, Administrative Secretary for the Minnesota Water Resources Board, St. Paul, having appeared with the Board; Mr. R. D. Schreiner, Big Stone County Attorney, having appeared for the Big Stone County Board, petitioner; Mr. Robert Braseth, Traverse County Attorney, having appeared for the Traverse County Board; Mr. R. M. Saltness, Dawson, and Mr. Wallace Jackson, Lac Qui Parle County Attorney, having appeared for the Lac Qui Parle County Board; Mr. Lowell C. Bigelow, having appeared for the Village of Browns Valley; and a number of other persons having appeared, some for and some against the establishment of a watershed district;

And the Board having heard the testimony and evidence offered and having duly considered the same, and having considered all the records and files of the Board relating to said petition and other data relating to the matter, now makes the following Findings of Fact, Conclusions of Law, and Order.

#### FINDINGS OF FACT

- I. A duly executed nominating petition by the Big Stone County Board of Commissioners was filed with the Minnesota Water Resources Board on September 8, 1966. Filed with the nominating petition were the required proofs of service. The nominating petition was subsequently amended by the Big Stone County Board.
- II. Having found the nominating petition to be sufficient, the Board ordered a hearing to be held at 10:00 A.M., April 12, 1967, in the Courtroom of the Courthouse of Big Stone County, Ortonville, Minnesota. Proper Notice of Hearing was given. The Board held said hearing, pursuant to the Notice of Hearing, on April 12, 1967 and July 14, 1967.
- III. Due and proper notice was given referring to all lands affected.
- IV. The Director of the Division of Waters, Department of Conservation, filed a written preliminary report with the Board based upon the nominating petition and other available data in his file. 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.
- V.
  - A. The source of the Minnesota River is Big Stone Lake, a large body of water. In recent years the waters of this lake, at certain times during the summer months, have become

unsightly and offensive due to excessive weeds and algae. Such growth in the lake as well as along its shores has interfered with boating, fishing and swimming and has decreased the enjoyment of this body of water by residents and tourists.

B. The testimony suggests that the pollutants, which have caused more extensive growth of weeds and algae in the lake, may be due to the increasing supply of nitrates and phosphates reaching the lake through runoff. The runoff water from the contributing watershed is believed to pick up certain elements from the soil. These elements are in greater quantity in the soil because of the increased use of commercial fertilizer on croplands. Silt and other soil particles reach the lake as the result of erosion following high intensity storms or during spring snow melt and runoff. Livestock feeding yards located in ravines or coulees leading directly into Big Stone Lake contribute soil particles and other waste material.

C. Serious erosion of tillable land is occurring because of changes in agricultural practices. Good fishing areas in Big Stone Lake have been adversely affected by the deposition of silt. Silt build-up in other waters in the watershed has resulted in more flooded land. Silt deposition occurs in the Minnesota River, in Marsh Lake and at the mouth of the Yellow Bank River. The deposition of silt or soil particles

on the lake bottom where watercourses empty into the Big Stone Lake is also believed to be a reason for an increasing supply of plant nutrients.

D. The general welfare and the summer recreational activities near Big Stone Lake have been affected by the man-made pollution of this lake. Difficulties in maintaining resort enterprises have been encountered in relatively recent years and, consequently, the expansion and improvement of the recreational industry have been impeded.

E. A portion of the boundary between the States of Minnesota and South Dakota passes through the center of Big Stone Lake. Public and private drainage systems have proceeded without broad plans, and in a number of instances, some systems have been constructed for only segments of watercourses, and built without due regard for the overall effect. No apparent coordination for management purposes exists among the drainage systems within an individual county and among systems in neighboring counties nor between the two states having a common interest in Big Stone Lake. Certain drainage systems have been inadequate; others have failed to function properly because additional land area was drained into the system without improvements. There is yet inadequate drainage for certain portions of the farm land in the area. In some situations, the runoff from drainage systems has flooded other farm land. Provisions for, and improvement of, water-holding areas for runoff water are needed.

F. There has been flooding in the vicinity of Browns Valley, Traverse County; Bentson Lake, Big Stone County; and on lands in Agassiz Township, Lac Qui Parle County. On certain lands in Agassiz Township floods, presumably caused by the overflow water from the Yellow Bank River in spring runoff time or during summer heavy storms, have been experienced for many years. In this area flood waters have affected hay and pasture land. Such flood waters have interfered with the normal seeding and harvesting of grain crops, and the movement of people.. It has been noted that flooding of some lands in Agassiz Township has occurred from back-up waters of the Minnesota River above Marsh Lake. Other areas in the watershed have experienced flooding over township and county roads.

G. Wildlife habitat, especially for migratory waterfowl, has abounded in the area. No uniformity seems to exist in the management of land in the watershed for the improvement of wildlife habitats. Structures to retain and retard water on the land may be necessary to improve habitat.

H. There is a pending federal project for improvement of the Whetstone and Minnesota Rivers and Big Stone Lake. This project involves channel improvement in the Minnesota River between Ortonville and Odessa and the construction of erosion control structures along the Whetstone River near its mouth.

The project also involves modification of the dam at the outlet of Big Stone Lake and the construction of a new dam on the Minnesota River immediately upstream from Trunk Highway 75 near Odessa for creation of a reservoir for flood control and enhancement of migratory wildlife values. The project also provides for the improvement of the channel of a small tributary of the Minnesota River at Odessa for the protection of the village from seepage.

I. The proposed boundary of the Big Stone Lake Watershed District shown on the map submitted with the nominating petition includes lands which do not contribute runoff to the Minnesota River above Marsh Lake Dam, but do contribute runoff to the Minnesota River downstream from the Marsh Lake Dam. These lands are excluded from the watershed district as hereinafter established. These lands are described below:

Lac Qui Parle County

1. Township 118 North, Range 42 West (Lac Qui Parle Township)

All sections or parts thereof.      Sections 3, 4, 5, 6, 7,  
8, 9, 10, 11, 13, 14,  
15, 16, 22, 23, 24.

2. Township 119 North, Range 42 West (Lac Qui Parle Township)

All sections or parts thereof  
in Lac Qui Parle County.



3. Township 118 North, Range 43 West (Cerro Gordo Township)

All sections or parts thereof.      Sections 1, 2, 3, 4, 5,  
6, 7, 8, 9, 10, 16, 17.

4. Township 119 North, Range 43 West (Hantho Township)

All sections or parts thereof  
in Lac Qui Parle County.

5. Township 120 North, Range 43 West (Hantho Township)

That part of Section 30 in Lac      Section 30  
Qui Parle County southeasterly  
of the centerline of the top  
of Marsh Lake Dam.

Gov't. Lots 1, 2, 3, 4, 5	"	31
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	31
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	"	31
$SE\frac{1}{4}$	"	31

Gov't. Lots 1, 2, 3, 4	"	32
$S\frac{1}{2}$	"	32

Gov't. Lots 1, 2, 3, 4	"	33
$S\frac{1}{2}$ of $SW\frac{1}{4}$	"	33
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	33

Gov't. Lot 1	"	34
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6. Township 118 North, Range 44 West (Madison Township)

Part of Section 1      Section 1

7. Township 119 North, Range 44 West (Lake Shore Township)

$E\frac{1}{2}$ of Gov't. Lot 1 in $NE\frac{1}{4}$	Section 1
$E\frac{1}{2}$ of Gov't. Lot 2 in $NE\frac{1}{4}$	" 1
Gov't. Lot 1 in $NW\frac{1}{4}$	" 1
$S\frac{1}{2}$	" 1

$E\frac{1}{2}$	" 2
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$E\frac{1}{2}$	" 11
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All of Sections	" 12, 13,
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7. Township 119 North, Range 44 West (Lake Shore) ( Cont.)

	NE $\frac{1}{4}$	Section 14
E $\frac{1}{2}$ of	SW $\frac{1}{4}$	" 14
	SE $\frac{1}{4}$	" 14
	NE $\frac{1}{4}$	" 23
E $\frac{1}{2}$ of	NW $\frac{1}{4}$	" 23
	S $\frac{1}{2}$	" 23
All of Sections		" 24, 25, 26
	S $\frac{1}{2}$ of N $\frac{1}{2}$	" 27
	S $\frac{1}{2}$	" 27
	S $\frac{1}{2}$ of N $\frac{1}{2}$	" 28
	S $\frac{1}{2}$	" 28
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 29
	E $\frac{1}{2}$ of SE $\frac{1}{4}$	" 29
All of Sections		" 31, 32, 33, 34, 35, 36.

J. The watershed under consideration is that area of land in Minnesota above the Marsh Lake Dam on the Minnesota River that is drained by the Minnesota River.

The Minnesota River, a tributary to the Mississippi River, has its source in Big Stone Lake. The river flows southeast 224 miles from its source to Mankato, and flows thence northeast for 106 miles to its confluence with the Mississippi River at Fort Snelling, Minnesota.

The area of land which contributes runoff to the Big Stone Lake and the upper reaches of the Minnesota River is located in the states of South Dakota and Minnesota.

K. In South Dakota the Little Minnesota River rises on the eastern slope of the Coteau des Prairies, about ten miles south of the southern state boundary of North Dakota and about thirty miles west of the western boundary of the State of Minnesota. This river flows southeasterly, crossing the South Dakota-Minnesota State line near Browns Valley and flows into northwest end of Big Stone Lake. Jorgenson River is a tributary to the Little Minnesota River within South Dakota. Drainage is provided generally to northwestern and central Roberts County by these streams.

South central Roberts County and extreme northern Grant County, both being in South Dakota, are drained by the North Fork and South Fork of the Whetstone River. The Whetstone River flows into the southwest side of the Minnesota River, crossing part of Big Stone County and the small detached part of Lac Qui Parle County, at the lower end of Big Stone Lake and enters the Minnesota River immediately below the source of this river at the south end of Big Stone Lake. The North Fork and the South Fork of the Yellow Bank River arise in South Dakota, giving drainage to parts of central and southern Grant County and part of north central Deuel County. These two streams cross the Lac Qui Parle County line and unite to form the Yellow Bank River in

the northwestern part of Lac Qui Parle County. The Yellow Bank River flows into the southwest side of the Minnesota River, just below Highway No. 75. There is an area of approximately 1320 square miles of land in South Dakota that contributes runoff to the Minnesota River above Marsh Lake Dam.

L. All the lands in Grant and Deuel Counties which are within the watershed, are within the East Dakota Conservancy Sub-District, and about 36,000 acres in Roberts County are within the Upper Little Minnesota Watershed District, a district located in the State of South Dakota. These water management districts can cooperate with any adjoining watershed district in Minnesota. The Order of this Board claims no jurisdiction over the South Dakota lands which are generally described above.

M. This proceeding is concerned with a watershed area in Minnesota which includes certain land situated in the extreme southwesterly part of Traverse County, from which runoff enters Big Stone Lake; certain land situated in Big Stone County, from which runoff moves westerly and southerly to Big Stone Lake and the upper reaches of the Minnesota River above Marsh Lake Dam; certain lands situated in Stevens and Swift Counties, from which runoff moves generally southerly to the upper reaches of the Minnesota River above Marsh Lake Dam; and certain lands situated in Lac Qui Parle County, from

which runoff generally moves easterly and northerly into the southwest side of the Minnesota River above Marsh Lake Dam.

There are approximately 674 square miles of land in the State of Minnesota with drainage to the upper reaches of the Minnesota River above Marsh Lake Dam.

Most of the lands as shown by the proposed boundary on the map attached to the nominating petition, to be included as the area of the proposed watershed district, excluding land noted in paragraph V-I above, drain into Big Stone Lake and the upper reaches of the Minnesota River above Marsh Lake Dam, and this territory is a natural watershed, and is contiguous.

- VI. The name of the proposed watershed district as set forth in the petition was to be the Big Stone Lake Watershed District. The petitioner amended the petition permitting a different name.
- VII. The proposed district shall be governed by a Board of Managers of five residents.
- VIII. The establishment of the proposed watershed district will be for the public welfare and in the public interest and the purposes of the Minnesota Watershed Act will be subserved by the establishment of the Watershed District.

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

CONCLUSIONS OF LAW

- IX. The Minnesota Water Resources Board has jurisdiction in the matter of the establishment of the proposed watershed district.
- X. The public welfare and public interest will be served by the establishment of the watershed district, and the purposes of the Minnesota Watershed Act will be subserved by the establishment thereof.

IT IS THEREFORE ORDERED

- XI. That the Big Stone Lake Watershed District is hereby formed and established, and given the corporate name of Upper Minnesota River Watershed District by which name it shall hereafter be known, and it shall have all the authority, powers and duties as provided by law.
- XII. The approximate size of the Upper Minnesota River Watershed District is 674 square miles. The territory of the Upper Minnesota River Watershed District includes all forty-acre tracts, some of which may be fractional; or tracts of less than forty acres or parts thereof; all government lots or parts thereof; and, all lots within platted areas. The lands of the Upper Minnesota River Watershed District are hereby described below:

A. Lac Qui Parle County 5th Principal Meridian

1. Township 121 North, Range 45 West (Agassiz)

All sections or parts thereof  
in Lac Qui Parle County.

2. Township 121 North, Range 46 West (Yellow Bank)

All sections or parts thereof  
in Lac Qui Parle County in  
the State of Minnesota  
including the small detached  
part of section 9.

3. Township 120 North, Range 43 West (Hantho)

Gov't. Lot 6	Section 31
Gov't. Lot 7	" 31

That part of Section 30 in Lac Qui Parle County northwesterly of the centerline of the top of Marsh Lake Dam.	Section 30
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4. Township 120 North, Range 44 West (Lake Shore)

All sections or parts thereof  
in Lac Qui Parle County.

5. Township 120 North, Range 45 West (Agassiz)

All sections or parts thereof  
in Lac Qui Parle County.

6. Township 120 North, Range 46 West (Yellow Bank)

All sections of parts thereof  
in Lac Qui Parle County in  
the State of Minnesota.

7. Township 119 North, Range 44 West (Lake Shore)

$W\frac{1}{2}$ of Gov't. Lot 1 in $NE\frac{1}{4}$	Section 1
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$W\frac{1}{2}$ of Gov't. Lot 2 in $NE\frac{1}{4}$	" 1
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Gov't. Lot 2 in $NW\frac{1}{4}$	" 1
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$W\frac{1}{2}$	" 2
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All of Sections	" 3, 4, 5, 6, 7, 8, 9, 10,
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$W\frac{1}{2}$	" 11
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$NW\frac{1}{4}$	" 14
$W\frac{1}{2}$ of $SW\frac{1}{4}$	" 14

7. Township 119 North, Range 44 West (Lake Shore) (Cont.)

All of Sections	Section 15, 16, 17, 18, 19, 20, 21, 22,
$W\frac{1}{2}$ of $NW\frac{1}{4}$	" 23
$N\frac{1}{2}$ of $N\frac{1}{2}$	" 27
$N\frac{1}{2}$ of $N\frac{1}{2}$	" 28
$NE\frac{1}{4}$ of $NE\frac{1}{4}$	" 29
$W\frac{1}{2}$ of $E\frac{1}{2}$	" 29
$W\frac{1}{2}$	" 29
All of Section	" 30

8. Township 119 North, Range 45 West (Perry)

All of Sections	Sections 1 through 29, inclusive,
$N\frac{1}{2}$ of Section 30 except the fractional $SW\frac{1}{4}$ of $NW\frac{1}{4}$ (72.30 acres), the exception being also the south half of Gov't. Lot 2 in the $N\frac{1}{2}$ of Section 30.	" 30
$SE\frac{1}{4}$	" 30
$NE\frac{1}{4}$	" 32
$N\frac{1}{2}$ of $NW\frac{1}{4}$	" 32
$N\frac{1}{2}$	" 33
$E\frac{1}{2}$ of $SE\frac{1}{4}$	" 33
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 34
$W\frac{1}{2}$	" 34
$N\frac{1}{2}$	" 35
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	" 35
$N\frac{1}{2}$ of $SE\frac{1}{4}$	" 35
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	" 35
$W\frac{1}{2}$ of $NW\frac{1}{4}$	" 36



9. Township 119 North, Range 46 West (Walter)

All of Sections	Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22,
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 23
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	" 23
$W\frac{1}{2}$	" 23
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 23
$NE\frac{1}{4}$	" 24
$N\frac{1}{2}$ of $NW\frac{1}{4}$	" 24
$SE\frac{1}{4}$	" 24
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 25
$W\frac{1}{2}$ of $W\frac{1}{2}$	" 26
All of Sections	" 27, 28, 29, 32, 33, 34,
$W\frac{1}{2}$ of $W\frac{1}{2}$	" 35

10. Township 118 North, Range 45 West (Arena)

Gov't. Lot 2 in  $NW\frac{1}{4}$  Section 3

11. Township 118 North, Range 46 West (Augusta)

$N\frac{1}{2}$	Section 3
$SW\frac{1}{4}$	" 3
All of Sections	" 4, 5, 8,
$N\frac{1}{2}$	" 9
$N\frac{1}{2}$ of $S\frac{1}{2}$	" 9
$NW\frac{1}{4}$	" 10
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	" 10
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 17
Gov't. Lots 1 and 2	" 17

12. And including all that portion of the Minnesota River, Marsh Lake, and Big Stone Lake, adjacent to the above described lands and lying within Lac Qui Parle County.

B. Big Stone County

5th Principal Meridian

1. Township 124 North, Range 45 West (Moonshine)

Gov't. Lots 7, 8, 11 and 12	Section 31
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 31
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 33
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 34
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 35

2. Township 124 North, Range 47 West (Toqua)

SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 3
Gov't. Lot 2	" 3
S $\frac{1}{2}$ of NW $\frac{1}{4}$	" 3
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 3
All of Sections	" 4, 5, 6, 7, 8, 9,
SW $\frac{1}{4}$	" 10
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 14
W $\frac{1}{2}$ of NE $\frac{1}{4}$	" 15
NW $\frac{1}{4}$	" 15
S $\frac{1}{2}$	" 15
All of Sections	" 16, 17, 18, 19, 20, 21, 22,
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 23
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 23
NW $\frac{1}{4}$	" 23
S $\frac{1}{2}$	" 23
SW $\frac{1}{4}$	" 24
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 24
All of Sections	" 25 through 36, inclusive.

3. Township 124 North, Range 48 West (Browns Valley)

All of Sections	Sections 1 through 36, inclusive.
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4. Township 124 North, Range 49 West (Browns Valley)

All sections or parts thereof  
in Big Stone County in the  
State of Minnesota.

5. Township 123 North, Range 45 West (Malta)

W $\frac{1}{2}$ of NE $\frac{1}{4}$	Section 1
NW $\frac{1}{4}$	" 1
S $\frac{1}{2}$	" 1
Gov't. Lots 3 and 4	" 2
S $\frac{1}{2}$ of N $\frac{1}{2}$	" 2
S $\frac{1}{2}$	" 2
All of Sections	" 3, 4, 5,
Gov't. Lots 1,2,3,6,7,8,	" 6
9,10,11,12,13,14	" 6
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 6
SE $\frac{1}{4}$	" 6
All of Sections	" 7 through 36, inclusive.

6. Township 123 North, Range 46 West (Almond)

All of Sections	Sections 1, 2
Gov't. Lot 8	" 3
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 3
Gov't. Lots 4 and 5	" 5
W $\frac{1}{2}$ of SW $\frac{1}{4}$	" 5
All of Sections	" 6, 7,
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 8
S $\frac{1}{2}$ of N $\frac{1}{2}$	" 8
S $\frac{1}{2}$	" 8
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 9
NW $\frac{1}{4}$	" 9
S $\frac{1}{2}$	" 9
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 10
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 10
S $\frac{1}{2}$	" 10
All of Sections	" 11 through 36, inclusive.

7. Township 123 North, Range 47 West (Prior)

All of Sections	Sections 1 through 36, inclusive.
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8. Township 123 North, Range 48 West (Foster)

All sections or parts thereof  
in Big Stone County in the State  
of Minnesota.

9. Township 123 North, Range 49 West (Foster)

All sections or parts thereof  
in Big Stone County in the State  
of Minnesota.

10. Township 122 North, Range 44 West (Artichoke)

All of Section	Section 7
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 8
SW $\frac{1}{4}$	" 8
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 8
W $\frac{1}{2}$ of W $\frac{1}{2}$	" 16
All of Sections	" 17, 18, 19, 20,
W $\frac{1}{2}$	" 21
W $\frac{1}{2}$ of SE $\frac{1}{4}$	" 21
W $\frac{1}{2}$ of E $\frac{1}{2}$	" 28
W $\frac{1}{2}$	" 28
All of Sections	" 29, 30, 31, 32,
W $\frac{1}{2}$ of E $\frac{1}{2}$	" 33
W $\frac{1}{2}$	" 33

11. Township 122 North, Range 45 West (Otreay)

All of Sections      Sections 1 through 36,  
inclusive.

12. Township 122 North, Range 46 West (Big Stone)

All sections or parts thereof  
in Big Stone County in the State  
of Minnesota.

13. Township 122 North, Range 47 West (Prior)

All sections or parts thereof  
in Big Stone County in the State  
of Minnesota.

14. Township 122 North, Range 48 West (Foster)

All sections or parts thereof  
in Big Stone County in the State  
of Minnesota.

15. Township 121 North, Range 44 West (Akron)

$S\frac{1}{2}$ of $NW\frac{1}{4}$	Section 1
$SW\frac{1}{4}$	" 1
$W\frac{1}{2}$ of $SE\frac{1}{4}$	" 1
$S\frac{1}{2}$ of $N\frac{1}{2}$	" 2
$S\frac{1}{2}$	" 2
$S\frac{1}{2}$ of $N\frac{1}{2}$	" 3
$S\frac{1}{2}$	" 3
All of Sections	" 4 through 36, inclusive.

16. Township 121 North, Range 45 West (Odessa)

All sections or parts thereof  
in Big Stone County

17. Township 121 North, Range 46 West (Ortonville)

All sections or parts thereof  
in Big Stone County in the  
State of Minnesota.

18. Township 120 North, Range 44 West (Akron)

All sections or parts thereof  
in Big Stone County.

19. Township 120 North, Range 45 West (Odessa)

All sections or parts thereof  
in Big Stone County.

20. And including all that portion of the Minnesota  
River, Marsh Lake, Big Stone Lake and the Little  
Minnesota River adjacent to the above described  
lands and lying within Big Stone County.

C. Swift County

5th Principal Meridian

1. Township 122 North, Range 43 West (Hegbert)

Gov't. Lot 3      Section 32

Gov't. Lot 4      "      32  
                 S $\frac{1}{2}$       "      32

2. Township 121 North, Range 42 West (Moyer)

Gov't. Lots 2, 3 and 4      Section 30

3. Township 121 North, Range 43 West (Shible)

	W $\frac{1}{2}$	Section 2
	:	
	NE $\frac{1}{4}$	"      3
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	3
S $\frac{1}{2}$ of NW $\frac{1}{4}$	"	3
	S $\frac{1}{2}$	"      3

3. Township 121 North, Range 43 West (Shible) (Cont.)

	$S\frac{1}{2}$	Section 4
All of Section	"	5
	$SE\frac{1}{4}$	" 6
All of Sections	"	7, 8, 9, 10,
	$W\frac{1}{2}$	" 11
	$SW\frac{1}{4}$ of $SW\frac{1}{4}$	" 13
	$W\frac{1}{2}$ of $NE\frac{1}{4}$	" 14
	$NW\frac{1}{4}$	" 14
	$S\frac{1}{2}$	" 14
All of Sections	"	15, 16, 17, 18, 19, 20, 21, 22, 23,
	$W\frac{1}{2}$ of $NE\frac{1}{4}$	" 24
	$W\frac{1}{2}$	" 24
	$SE\frac{1}{4}$	" 24
All of Sections	"	25 through 35, inclusive,
	$N\frac{1}{2}$	" 36
	$N\frac{1}{2}$ of $SW\frac{1}{4}$	" 36

4. Township 120 North, Range 43 West (Appleton)

Gov't. Lots 1, 2, 3 and 4	Section 3
Gov't. Lots 1, 2, 3 and 4	" 4
$S\frac{1}{2}$ of $N\frac{1}{2}$	" 4
All of Sections	" 5 and 6,
Gov't. Lots 1 and 2	" 7
$E\frac{1}{2}$ of $NW\frac{1}{4}$	" 7
Gov't. Lot 4	" 18
Gov't. Lots 1, 2, 3 and 4	" 19
$E\frac{1}{2}$ of $NW\frac{1}{4}$	" 19
$E\frac{1}{2}$ of $SW\frac{1}{4}$	" 19
$SE\frac{1}{4}$	" 19

D. Stevens County

5th Principal Meridian

1. Township 123 North, Range 44 West (Stevens)

Gov't. Lots 1, 2, 3, 4	Section 7
$E\frac{1}{2}$ of $W\frac{1}{2}$	"    7
Gov't. Lots 1, 2, 3, 4	"    18
Gov't. Lots 1, 2, 3, 4	"    19
Gov't. Lots 1, 2, 3, 4	"    30
Gov't. Lots 1, 2, 3, 4	"    31
$E\frac{1}{2}$ of $W\frac{1}{2}$	"    31

E. Traverse County

5th Principal Meridian

1. Township 125 North, Range 47 West (Parnell)

Gov't. Lots 3 and 4	Section 19
$E\frac{1}{2}$ of $SW\frac{1}{4}$	"    19
$SE\frac{1}{4}$	"    19
$NE\frac{1}{4}$	"    20
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"    20
$S\frac{1}{2}$	"    20
All of Sections	"    21, 28, 29, 30, 31, 32, 33.

2. Township 125 North, Range 48 West (Arthur)

$SE\frac{1}{4}$ of $SW\frac{1}{4}$	Section 15
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"    15
$S\frac{1}{2}$ of $SW\frac{1}{4}$	"    16
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"    17
$S\frac{1}{2}$	"    17
Gov't. Lots 3 and 4	"    18
$E\frac{1}{2}$ of $SW\frac{1}{4}$	"    18
$SE\frac{1}{4}$	"    18
All of Sections	"    19, 20, 21,



2. Township 125 North, Range 48 West (Arthur) (Cont.)

$W\frac{1}{2}$ of $NE\frac{1}{4}$	Section 22
$W\frac{1}{2}$	" 22
$SE\frac{1}{4}$	" 22
$S\frac{1}{2}$	" 23
$S\frac{1}{2}$ of $NE\frac{1}{4}$	" 24
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	" 24
$S\frac{1}{2}$	" 24
All of Sections	" 25 through 36, inclusive.

3. Township 125 North, Range 49 West (Folsom)

$S\frac{1}{2}$	Section 13
$S\frac{1}{2}$ of $SW\frac{1}{4}$	" 14
$SE\frac{1}{4}$	" 14
$SE\frac{1}{4}$	" 21
$S\frac{1}{2}$	" 22
All of Sections	" 23, 24, 25, 26, 27,
$NE\frac{1}{4}$	" 28
$S\frac{1}{2}$ of $NW\frac{1}{4}$	" 28
$S\frac{1}{2}$	" 28
In section 29 all lands lying southeasterly of the centerline of the Browns Valley Dike and northeasterly of the Minnesota- South Dakota boundary.	" 29
Gov't. Lot 1	" 32
Gov't. Lots 1, 2, 3, 4, 5	" 33
$NE\frac{1}{4}$	" 33
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	" 33
$E\frac{1}{2}$ of $SE\frac{1}{4}$	" 33
All of Sections	" 34, 35, 36.

4. And including all that portion of the Little Minnesota River in Traverse County adjacent to the above described lands and lying within Traverse County.

- XIII. The boundary of the Upper Minnesota River Watershed District is hereby declared to be determined and is the extremities of the whole land area described in Paragraph XII above.
- XIV. The Board of Managers of the Upper Minnesota River Watershed District shall consist of five managers. The first Board of Managers of five residents of the Upper Minnesota River Watershed District, whose terms shall be for one year and until their successors are appointed and qualified, is as follows:
1. Mr. Junior Johnson, Box 106, Correll, Minnesota
  2. Mr. Everard Berdan, Ortonville, Minnesota
  3. Mr. Arlen E. LaCombe, R.R. 2, Ortonville, Minnesota
  4. Mr. Eugene O'Neill, Ortonville, Minnesota
  5. Mr. Charles Hundebly, Beardsley, Minnesota
- XV. One year beyond the date of this Order, when the managers will be appointed by the Big Stone and Lac Qui Parle County Boards, the distribution of the managers and of their terms of office shall be as follows:

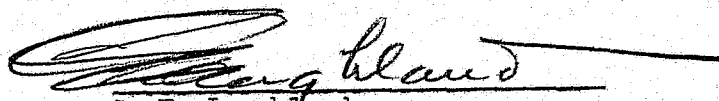
<u>Term</u>	<u>County</u>	<u>Number</u>
1. One-year term	Big Stone	1
2. Two-year terms	Big Stone	1
	Lac Qui Parle	1
3. Three-year terms	Big Stone	1
	Lac Qui Parle	1

Upon the expiration of the terms of the first Board of Managers appointed by the County Boards as above, the succeeding managers shall be appointed for three-year terms.

- XVI. The principal place of business of the Upper Minnesota River Watershed District shall be located at Ortonville, Minnesota.

Dated at Saint Paul, Minnesota, this 7th day of September 1967.

MINNESOTA WATER RESOURCES BOARD



G. E. Loughland  
Chairman

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

#14305  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 29 1967  
*James L. Sullivan*  
Secretary of State

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In the Matter of the Petition for the  
Establishment of the Big Stone Lake  
Watershed District in Big Stone, Lac  
Qui Parle, Swift, Stevens and Traverse  
Counties. The District to be known as  
the Upper Minnesota River Watershed  
District.  
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MEMORANDUM

Upon careful study of the testimony, exhibits, and its files on  
the proposed Big Stone Lake Watershed District, established by the  
Board and named by it as the Upper Minnesota River Watershed District,  
the Minnesota Water Resources Board has the following comments to make  
concerning:

- (1) The determination of boundary of the watershed district;
- (2) The selection of its first board of managers; and,
- (3) The change in the name.

(1) In dealing with the question of the lands to be included  
in the Upper Minnesota River Watershed District and the boundary thereof,  
the Board has adhered to the Legislature's and its own policy, where  
possible, of including within a district all lands that contribute  
waters directly or indirectly to the main stream. This policy is  
consistent with the Legislative objectives set out in M.S. Chapter  
112, the Watershed Act.

The Board has included in the Upper Minnesota River Watershed District lands in Big Stone, Swift, Stevens, and Traverse Counties, which contribute waters to the Minnesota River system above the Marsh Lake Dam in conformity with the above objectives and policy.

The Board has denied the petitioner's motion to amend its nominating petition as to certain lands in Lac Qui Parle County. Had this amendment been accepted, the lands at the lower end of the Yellow Bank River (being roughly those proposed to be a part of the contemplated federal Big Stone Lake-Whetstone River Project) would come under the jurisdiction of the Upper Minnesota River Watershed District and the up-stream lands of the Yellow Bank River drainage area in Minnesota, where control and management is evidently needed, would not. Dual management of this watershed would not be consistent with the purposes of the Watershed Act.

The Board has agreed with the original position of the petitioner to include lands in the Upper Minnesota River Watershed District in Lac Qui Parle County, which contribute waters to the Minnesota River system above the Marsh Lake Dam.

The Board has excluded from the petitioner's original request the land area in Lac Qui Parle County which drains into the Minnesota River system below the Marsh Lake Dam. In excluding this area, the Board took note of the recommendations of the director of the Division of Waters and of pertinent testimony.

It is highly desirable and practical to have a natural watershed under the management of a single jurisdiction. One Board of Managers

will be in the best position to work effectively with landowners, land operators, and officials of other local, state, and federal agencies.

Under conditions of high runoff from the upper reaches of the Yellow Bank River watershed, there is "spill-over" of some of this runoff out of the South Fork of the Yellow Bank River in Augusta Township, into tributaries leading to the West Branch of the Lac Qui Parle River. The rectification of this situation could become the task of the district, since the water moving out of the Yellow Bank River watershed, even under flood conditions, constitutes runoff which should remain in the Yellow Bank River watershed.


(2) The Board has authority to appoint the first Board of Managers (112.36). They shall be selected by the Board from the list of nominees submitted by the petitioner (112.37, 2nd paragraph, 4th clause). Ten nominees were initially listed in the nominating petition, one being from Lac Qui Parle County. The petitioner amended the petition at the July 14, 1967 hearing on this matter by submitting five additional nominees, because for various reasons, some of the original nominees, including the nominee from Lac Qui Parle County, were unable to serve. The Board accepted that amendment. At the April 14, 1967 hearing, Traverse County representatives asked for permission to offer nominees to the Board. This was consented to by the Board and petitioner. Two Traverse County nominees were submitted to the Board by the petitioner. No such request was made by the representatives of Lac Qui Parle County at that time, although the record indicates the willingness of the petitioner to accept nominees by and from any of the affected counties. The Board's office had previously informed the Lac Qui Parle County Board concerning

the procedures for submitting nominees in this proceeding. The Board has no knowledge or record of any nominees being proposed by the County Board of Lac Qui Parle County. The hearing in this proceeding was closed after its completion on July 14, 1967, and the Board had no choice, under the law, but to appoint the first Board of Managers of the Upper Minnesota River Watershed District from the eligible nominees submitted to it. Provision, however, is made in the Order for two members of the Board of Managers to be chosen by the Lac Qui Parle County Board at the expiration of the 1st term.

(3) The corporate name of the established Watershed District, by which it shall be known hereafter in all proceedings, was made by the Board as permitted in an amendment to the nominating petition by the petitioner at the hearing on July 14, 1967. The Board considered various names. The suggestion of the petitioner - "West Central" - was considered but was not acceptable to the Board because the name is used for designation of many adjacent areas and was not believed to be specific and descriptive of the watershed. A study of the testimony reveals the proposal of a resident of the area, namely, "...it should be referred to as the 'Upper Minnesota River Watershed' since the natural watershed goes into the Minnesota River." The Board selected that name as appropriate and proper.

This memorandum is attached to the Minnesota Water Resources Board Order on the above matter dated the 7th day of September 1967, and made a part thereof.

MINNESOTA WATER RESOURCES BOARD

  
G. E. Loughland  
Chairman

September 7, 1967