

#20804
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1969
Joseph A. Johnson
Secretary of State

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

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

AFFIDAVIT

ERLING M. 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 an Order relating to Wild Rice-~~Marsh River Drainage~~
~~and Conservancy~~ ^{WATERSHED} District, dated at Saint Paul, Minnesota,
on the 6th day of August, 1969, 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
Erling M. Weiberg
Administrative Secretary

Subscribed and sworn to before me
this 14th day of August 1969.

Stephen S. Sokolik

STEPHEN S. SOKOLIK
Notary Public, Dakota County, Minn.
My Commission Expires Feb. 3, 1970.

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

In the Matter of the Petition of the
Wild Rice-Marsh River Drainage and
Conservancy District for Change of
Name and Re-Distribution of the
Board of Managers.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition, dated March 21, 1969, having been filed with the Minnesota Water Resources Board by the managers of the Wild Rice-Marsh River Drainage and Conservancy District, Ada, Minnesota, petitioning for a change of name, and re-distribution of the Board of Managers, pursuant to the provisions of Minnesota Laws of 1955, Chapter 799, as amended;

And the Board on March 29, 1969, having ordered that a public hearing be held on said petition, selecting May 19, 1969 at 1:30 P.M. in the District Courtroom in the Norman County Courthouse, Ada, Minnesota, 56510, as the time and place for the hearing, and designating Mr. Harold Macy as referee to hear the evidence in the matter;

And the referee having held said hearing, pursuant to said Order; and Mr. Erling Weiberg, Administrative Secretary for the Board, having appeared with the Board; Mr. Stanley Olson, having appeared for the petitioners, and a number of other persons having appeared in support of the petition;

And Mr. Richard G. Canning, Hendrum, a member of the Minnesota Water Resources Board having removed himself from the hearing and deliberations in the matter, as the record shows, in the above matter, because he is a member of the Wild Rice-Marsh River Drainage and Conservancy District Board of Managers, the petitioners;

And the Board having received the report of the referee, 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. The Wild Rice-Marsh River Drainage and Conservancy District was established by Order of the District Court, dated April 25, 1949, and was duly organized and formed as a body corporate, pursuant to provisions of Chapter 111, Minnesota Laws of 1949, and acts

amendatory thereof. Such Order defined the boundary of the Wild Rice-Marsh River Drainage and Conservancy District, assigned its corporate name, named the first Board of Directors and designated the location of the principal place of business of the District;

- II. The original boundary of the Wild Rice-Marsh River Drainage and Conservancy District, as fixed by the District Court in its Order, encompassed 110 square miles. Subsequently, upon filing of a petition, the District Court on April 26, 1963 entered and filed an Order annexing certain lands located in Norman County to said district, and upon filing of a petition, the District Court on September 26, 1963 entered and filed an order annexing additional lands located in Clay County and Norman County to said district;
- III. The governing body of the Wild Rice-Marsh River Drainage and Conservancy District did petition the District Court, Norman County, Ninth Judicial District, for the right to operate under and exercise all the rights and authorities contained in Sections 112.34 - 112.84 of Minnesota Statutes.

The Court having heard the evidence adduced by the petitioners in favor of granting of said petition, did enter an order on September 11, 1968, decreeing that from and after said date the Wild Rice-Marsh River Drainage and Conservancy District and its Governing Board shall operate and exercise all the rights and authority contained in Sections 112.34 - 112.84 of the Minnesota Statutes, known as the Minnesota Watershed Act, instead of operating under Sections 111.01 - 111.42 of the Minnesota Statutes, known as the "Drainage and Conservancy Act of Minnesota", and shall hereafter be a watershed district in accordance with the terms and provisions of said "Minnesota Watershed Act".

IV. That the Wild Rice-Marsh River Drainage and Conservancy District territory lies principally within the north edge of Clay County and in the southwest corner of Norman County, and a legal description of its territory, approximately 384 square miles, is as follows:

A. Norman County 5th Principal Meridian

1. Township 145 North, Range 48 West (Halstad)
Sections 13 and 24.
2. Township 145 North, Range 47 West (Anthony)
Sections 19, 20, 21, 28, 29, 30,
32, 33, 34, 35, 36.
3. Township 145 North, Range 46 West (Pleasant View)
Section 31.
4. Township 144 North, Range 49 West (Hendrum)
Sections - All sections or parts
thereof in the State
of Minnesota.
5. Township 144 North, Range 48 West (Hendrum)
Sections 1 through 36, inclusive.
6. Township 144 North, Range 47 West (Hegne)
Sections 1 through 36, inclusive.
7. Township 144 North, Range 46 West (McDonaldsville)
Sections 1 through 35, inclusive.
8. Township 144 North, Range 45 West (Lake Ida)
Sections 6, 7, 8, 9, 16, 17
18, 19, 20, 21, 29, 30.
9. Township 143 North, Range 49 West (Lee)
Sections - All sections or parts thereof
in the State of Minnesota.

10. Township 143 North, Range 48 West (Lee)
Sections 1 through 36, inclusive.
11. Township 143 North, Range 47 West (Mary)
Sections 1 through 36, inclusive.
12. Township 143 North, Range 46 West (Winchester)
Sections 4, 5, 6, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28,
29, 30, 31, 32, 33, 34,
35, 36.
13. Township 143 North, Range 45 West (Rockwell)
Sections 15, 16, 17, 18, 19, 20,
21, 22, 27, 28, 29, 30,
31, 32, 33, 34.

B. Clay County

1. Township 142 North, Range 48 West (Georgetown)
Sections 1, 2, 3; E $\frac{1}{2}$ of Section 4;
E $\frac{1}{2}$ of Section 9; Sections
10, 11, 12, 13, 14, 15;
E $\frac{1}{2}$ of Section 16; E $\frac{1}{2}$ of
Section 21; Sections 22,
23, 24, 25, 26; N $\frac{1}{2}$ of
Section 35; and the N $\frac{1}{2}$
of Section 36.
2. Township 142 North, Range 47 West (Viding)
Sections 1 through 36, inclusive.
3. Township 142 North, Range 46 West (Felton)
Sections 1 through 36, inclusive.

4. Township 142 North, Range 45 West (Hagen)

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

5. Township 142 North, Range 47 West (Morken)

Sections 1, 12, 13.

6. Township 142 North, Range 46 West (Flowing)

Sections 1 through 18, inclusive.

V. That a duly executed petition by the managers of the Wild Rice-Marsh River Drainage and Conservancy District was filed with the Minnesota Water Resources Board on March 27, 1969. An affidavit of mailing states that a copy of the petition was on file in the offices of the County Auditors affected, also with the Director of the Division of Waters, Soils and Minerals, and with the Commissioner of the Department of Conservation.

VI. That the petition was found sufficient by the Board on March 29, 1969, and a hearing was ordered to be held at 1:30 P.M., Central Daylight Time, May 19, 1969, in the District Courtroom of the Norman County Courthouse, Ada, Minnesota, 56510; proper

Notice of Hearing was given, as evidenced from exhibits introduced at the hearing. The Board held said hearing, pursuant to the Notice of Hearing, on May 19, 1969.

- VII. Due and proper notice was given to owners of all lands affected.
- VIII. The Director of the Division of Waters, Soils and Minerals, Minnesota Department of Conservation, filed a written memorandum with the Board based upon the petition and other available data in his file. The Director's memorandum was received in evidence.
- IX. Mr. Harold Macy, member and Vice-Chairman of the Board, was appointed by the Board to act as a referee in this matter, and did conduct the hearing as the duly authorized referee, and did render a report to the Board on the matter;
- X. The change of the name of the district sought by the petitioners from "Wild Rice-Marsh River Drainage and Conservancy District" to the "Wild Rice Watershed District" is appropriate since it indicates the District is operating under Minnesota Statutes, Chapter 112, the Minnesota Watershed Act; and, that the Marsh River is one of the lesser tributaries of the Wild Rice River.

- XI. That the current size of the Board of Managers of the Wild Rice-Marsh River Drainage and Conservancy District is five. Testimony reveals that all managers are now residents of Norman County within the district with no manager residing within the territory of the district in Clay County.
- XII. The managers of the Wild Rice-Marsh River Drainage and Conservancy District are serving terms, the length of which are four years, as authorized by Section 111.10 of Minnesota Statutes.
- XIII. The District Court of the County wherein the general office is located had the authority to make appointments of directors, when this district was operating under the Drainage and Conservancy Act of Minnesota Statutes.
- XIV. The terms of Messrs. Helland, Jacobson and Ripley expired on April 25, 1969, all of whom are continuing to serve as managers of the district until their successors are appointed and qualified. The terms of Messrs. Canning and Batrum expire on April 25, 1971.

CONCLUSIONS OF LAW

- XV. The Minnesota Water Resources Board has jurisdiction over the petition and the authority to change the name of said district, and that the Board has jurisdiction and authority over the number and distribution of the Board of Managers.
- XVI. The Board concludes that it is appropriate to change the name of the said District, as requested, since the said District is now operating under Minnesota Statutes, Chapter 112, the Minnesota Watershed Act.
- XVII. The Board concludes that it is appropriate to distribute the managers between Clay County and Norman County, as requested, since there is territory of the Watershed District in Clay County and within part of this area, a proposed federal-local project for a work of improvement has been authorized by Congress; that the Boards of Commissioners of Clay and Norman Counties who, by statute, appoint managers of watershed districts, are now without authority to make appointments of managers for said district, nor

are they informed of the distribution of the five managers between Clay County and Norman County.

XVIII. The Board further concludes in the matter of reapportionment of managers between Clay County and Norman County that it has the authority to identify the length of the terms of each manager as hereinafter provided, in order that the distribution of the terms over time shall conform to Minnesota Statutes, Chapter 112, the Minnesota Watershed Act.

IT IS THEREFORE ORDERED

XIX. That the name of the petitioning District is changed to the Wild Rice Watershed District and henceforth the district shall be known as the Wild Rice Watershed District.

XX. That the distribution of the five managers between Clay County and Norman County is as follows:

1. Clay County - 2 Managers
2. Norman County - 3 Managers

XXI. That the terms of office of the managers, identified below by the name of the current incumbent manager, shall be for a one-year and three-year length of term as noted below, and the appointing Board of County Commissioners for each term is as shown below:

*1. Batrum Term - Appointment to be made by Norman County, for a three-year term upon expiration of current term on April 25, 1971.

*2. Canning Term - Appointment to be made by Norman County for a three-year term upon expiration of current term on April 25, 1971.

*3. Helland Term - Appointment to be made by Norman County for a three-year term beginning April 26, 1969 and expiring on April 25, 1972.

*4. Jacobson Term - Appointment to be made by Clay County for a one-year term beginning April 26, 1969 and expiring on April 25, 1970.

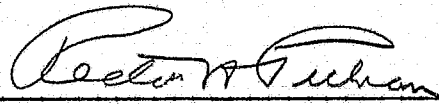
*5. Ripley Term - Appointment to be made by Clay County for a three-year term beginning April 26, 1969 and expiring on April 25, 1972.

* Note: In the above paragraph, the appearance of the names of the incumbent managers is in no way to be construed as the appointment by this Board of any manager to the Wild Rice Watershed District Board of Managers or to indicate any preference in the matter of appointments. The names identify in a precise manner the particular term under consideration insofar as distribution between the counties and for other purposes.

XXII. After the expiration of the above terms of managers, appointed by the Clay and Norman County Boards of Commissioners, the succeeding terms of all the managers shall be for terms of three years each.

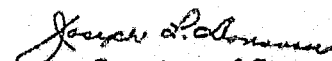
Dated at Saint Paul, Minnesota, 55101, this 6th day of August 1969.

MINNESOTA WATER RESOURCES BOARD



Rector H. Putnam
Chairman

#30804
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1969


Secretary of State