

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 _____
 Roseau River Watershed District

dated at Saint Paul, Minnesota, on the 6th day of November
1970, 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 22nd day of December 1970

Dorothy J. Russell

Notary Public - Ramsey County, Minn.
My Comm. Expires August 11, 1977

21983
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 23 1970

Joseph A. Johnson
Secretary of State

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

Boundary Change of Roseau
River Watershed District

ORDER
AMENDING
BOUNDARY

A petition dated July 24, 1969, and an amended petition dated January 20, 1970, having been filed with the Minnesota Water Resources Board by the Managers of the Red Lake Drainage and Conservancy District, Thief River Falls, Minnesota, 56701, which Drainage and Conservancy District was established by an Order of the District Court of the Fourteenth and Fifteenth Judicial Districts of the State of Minnesota, on February 13, 1920, and which Drainage and Conservancy District on the 25th day of January 1969, by Court Order of the Ninth Judicial District, was authorized to operate as a Watershed District under the provisions of Sections 112.34 to 112.85 of Minnesota Statutes 1969, known as the Minnesota Watershed Act, prays for the establishment of the boundary of the Red Lake Drainage

and Conservancy District, to change the name of said District to the Red Lake Watershed District, to designate a place of business for said watershed district, and to establish the number and distribution of the Board of Managers for said watershed district, all pursuant to the provisions of Minnesota Laws of 1955, Chapter 799, as amended; and, which proposed establishment of the boundary of the Red Lake Drainage and Conservancy District bears upon part of the common boundary of the Red Lake Drainage and Conservancy District and of the Roseau River Watershed District;

The petition and the amended petition have been served upon the County Auditors of Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake, and Roseau Counties, the Minnesota Commissioner of Conservation, and the Director of the Division of Waters, Soils and Minerals, as fully appears from Proofs of Service and from an exhibit filed by the Minnesota Water Resources Board;

And the Board on February 3, 1970, having ordered that a public hearing be held on said petition, as amended; selected two locations for its hearing within

the Drainage and Conservancy District: (1) On the 31st day of March 1970, at 10:00 A.M., Central Standard Time, in the City Auditorium, at Main and Second Streets, Thief River Falls, Minnesota, 56701; and (2) On the 2nd day of April 1970, at 10:00 A.M., Central Standard Time, in the Red Lake Elementary School, located on Minnesota Highway No. 1, east of Red Lake Village, Red Lake, Minnesota, 56671; for the purpose of receiving testimony as to the establishment of the boundary of the Red Lake Drainage and Conservancy District, to change the name of said District to the Red Lake Watershed District, to designate a place of business for said watershed district, and to establish the number and distribution of the Board of Managers for said district;.

And the Board having held said hearing, pursuant to its Notice of Hearing, and Mr. William Peterson, appearing for the Attorney General, and Mr. Erling Weiberg, Administrative Secretary, appearing for the Minnesota Water Resources Board; Mr. David Meppen, Division of Waters, Soils and Minerals, appearing as Engineering Advisor to the Board; Mr. Stanley Mortenson, Attorney at Law, Thief River Falls,

Minnesota, appearing on behalf of the Petitioners; Mr. Chester Yon, Roseau County Attorney, appearing for the Roseau River Watershed District, and a number of other persons having appeared in support of the petition;

And the Board having heard testimony and evidence offered on behalf of the petitioners and having duly 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 Red Lake Drainage and Conservancy District was established by Order of the District Court of the Fourteenth Judicial District, dated February 13, 1920, and was duly organized according to Chapter 13, of the 1919 Special Session Laws of the State of Minnesota. Such Order defined the boundary of the Red Lake Drainage and Conservancy District, assigned its corporate name, designated the location of the district's principal place of business, set up a Board of Directors consisting of five Directors, and named the first Board of Directors.

II. By Order of the District Court of the Fourteenth Judicial District, dated February 16, 1921, additional territory was added to the District in Polk County consisting of lands in the Townships of Esther, Northland, Tabor, Angus, and Brandt and in Pennington County, land generally in the West half of the Township of Bray.

III. In 1968 the governing body of the Red Lake Drainage and Conservancy District petitioned the District Court of Pennington County, Ninth Judicial District, for the right to operate under and exercise all the rights and authorities contained in Sections 112.34 - 112.85 of Minnesota Statutes, known as the Minnesota Watershed Act. The Court having heard the evidence introduced by the petitioners in favor of the granting of such petition, and upon all the files and records therein, ordered, on January 25, 1969, that from and after the date of its Order, that the Red Lake Drainage and Conservancy District shall operate under and exercise all of the rights and

authority contained in Sections 112.34 - 112.85 of Minnesota Statutes 1969, known as the Minnesota Watershed Act.

- IV. The territory of the Red Lake Drainage and Conservancy District includes all of Red Lake County, major portions of Pennington, Polk, Beltrami, and Clearwater Counties, and parts of Marshall, and Koochiching County.
- V. To the north of Red Lake Watershed and adjoining it is the watershed of the Roseau River. A portion of the divide which is common to the two watersheds extends generally eastward from the northwest corner of Township 158 North, Range 40 West, to the northeast part of Township 158 North, Range 36 West.
- VI. The Board previously conducted a hearing on February 19, 1964, "In the Matter of the Petition for the Establishment of the Boundary of the Roseau River Drainage and Conservancy District, to Change the Name to Roseau River Watershed District, and to Designate a Place of Business", in the Courthouse of Roseau County, Roseau, Minnesota, 56751.

VII. The Board on March 18, 1964, in its Findings of Fact, Conclusions of Law, and Order, established the boundary of the Roseau River Drainage and Conservancy District, changed the name of said district to Roseau River Watershed District, and by this same Order, listed the territory of the Roseau River Watershed District and defined the amended boundary of the Roseau River Watershed District.

VIII. Some of the testimony at the hearing held on February 19, 1964, indicated that a number of sections along the then existing common boundary between the Roseau River Watershed and Red Lake Watershed cast their runoff through private, public, and roadside ditches and other watercourses in a northerly direction to the Roseau River and not to the Red Lake River.

IX. The following land, based upon testimony at the hearing, contributes water to the Roseau River Watershed, and not to the Red Lake River Watershed:

A. Beltrami County 5th Principal Meridian

1. Township 158 North, Range 37 West

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

2. Township 158 North, Range 38 West

All of Sections Sections 7 through 12,
inclusive.

B. Marshall County 5th Principal Meridian

1. Township 158 North, Range 39 West

All of Sections Sections 3, 4, 5, 6,
10, 11, 12.

2. Township 158 North, Range 40 West

	$N\frac{1}{2}$	Section	1
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	1
	$N\frac{1}{2}$	"	2
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	2
	$N\frac{1}{2}$	"	3
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	3
	$N\frac{1}{2}$	"	4
	$N\frac{1}{2}$	"	5
	$N\frac{1}{2}$	"	6.

X. The land cited above is contiguous to the Roseau
River Watershed District.

XI. The above land can be feasibly administered by
the Board of Managers of the Roseau River
Watershed District.

XII. The public health and public welfare will be served by the inclusion of the above land in the Roseau River Watershed District.

CONCLUSIONS OF LAW

XIII. That the petition dated July 24, 1969, "In the Matter of the Petition for the Establishment of the Boundary of the Red Lake Drainage and Conservancy District, to Change the Name of Said District to the Red Lake Watershed District, to Designate a Place of Business for Said Watershed District, and to Establish the Number and Distribution of the Board of Managers for said District", confers jurisdiction upon the Minnesota Water Resources Board to change the boundary of the Roseau River Watershed District.

XIV. The land listed in Paragraph IX above, is added to the territory of the Roseau River Watershed District. The Board concludes that:

A. The public interest and the public welfare will be served by the addition of said land;

- B. The purposes of the Minnesota Watershed Act, Chapter 112, will be served by the inclusion of said land;
- C. That the above land is contiguous to the existing territory of the Roseau River Watershed District;
- D. That the above land can be feasibly administered by the managers of the Roseau River Watershed District.

IT IS THEREFORE ORDERED

XV. That the following described lands are hereby added to the territory of the Roseau River Watershed District;

- A. Beltrami County 5th Principal Meridian
 - 1. Township 158 North, Range 37 West
 - All of Sections Sections 7, 8, 9, 10.
 - 2. Township 158 North, Range 38 West
 - All of Sections Sections 7 through 12, inclusive.
- B. Marshall County 5th Principal Meridian
 - 1. Township 158 North, Range 39 West
 - All of Sections Sections 3, 4, 5, 6, 10, 11, 12.

2. Township 158 North, Range 40 West

$N\frac{1}{2}$ of $N\frac{1}{2}$	Section	1
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	1
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	2
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	2
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	3
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	3
$N\frac{1}{2}$	"	4
$N\frac{1}{2}$	"	5
$N\frac{1}{2}$	"	6.

XVI. The Minnesota Water Resources Board Order dated the 18th day of March 1964, entitled, "In the Matter of the Petition for the Establishment of the Boundary of the Roseau River Drainage and Conservancy District, to Change the Name of Said District to Roseau River Watershed District, and to Designate a Place of Business for the Watershed District", is amended to delete in Paragraph XXI (Page 15), as follows:

D. Beltrami County (Page 24)

1. Township 158 North, Range 36 West

All of Sections Sections 1 through 12,
inclusive

$NE\frac{1}{4}$ Section 13.

2. Township 158 North, Range 37 West

All of Sections Sections 1, 2, 3, 4,
5, 6, 11, 12.

3. Township 158 North, Range 38 West

All of Sections Sections 1 through 6,
inclusive.

E. Marshall County

1. Township 158 North, Range 39 West (Linsell)

All of Sections Sections 1, 2.

XVII. The Minnesota Water Resources Board Order dated the 18th day of March 1964, entitled, "In the Matter of the Petition for the Establishment of the Boundary of the Roseau River Drainage and Conservancy District, to Change the Name of Said District to Roseau River Watershed District, and to Designate a Place of Business for the Watershed District", is amended as follows in Paragraph XXI (Page 15):

D. Beltrami County (Page 24)

1. Township 158 North, Range 36 West

All of Sections Sections 1 through 12,
inclusive

NE $\frac{1}{4}$ Section 13.

2. Township 158 North, Range 37 West

All of Sections Sections 1 through 12,
inclusive.

3. Township 158 North, Range 38 West

All of Sections Sections 1 through 12,
inclusive.

E. Marshall County

1. Township 158 North, Range 39 West (Linsell)

All of Sections Sections 1 through 6,
inclusive

All of Sections Sections 10, 11, 12.

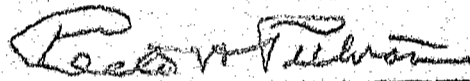
2. Township 158 North, Range 40 West (Moose River)

	$N\frac{1}{2}$	Section	1
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	1
	$N\frac{1}{2}$	"	2
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	2
	$N\frac{1}{2}$	"	3
$N\frac{1}{2}$ of	$S\frac{1}{2}$	"	3
	$N\frac{1}{2}$	"	4
	$N\frac{1}{2}$	"	5
	$N\frac{1}{2}$	"	6.

XVIII. The amended boundary of the Roseau River Watershed District is hereby declared to be determined and is defined as the extremity of the whole land area described as its territory in the March 18, 1964 Order of the Board and as modified in Paragraph XVII of this Order.

Dated in Saint Paul, Minnesota, this 6th day of
November 1970.

MINNESOTA WATER RESOURCES BOARD



Rector H. Putnam
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 23 1970


Secretary of State