



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

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Boundary Change of Buffalo  
Creek Watershed District  
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ORDER  
AMENDING  
BOUNDARY

A petition by the Board of Managers of the High Island Watershed District, Arlington, Minnesota, 55307, dated the 27th day of October 1969, and subsequently amended, was filed with the Minnesota Water Resources Board requesting the change of boundary pursuant to the provisions of Minnesota Statutes 1969, Section 112.39, Subdivision 4, which proposed changes of boundary are along part of the common boundary of the High Island and Buffalo Creek Watershed Districts, and consequently, the change of boundary involves parcels of lands in the territory of both said watershed districts.

The Board on March 3, 1970, ordered a hearing be held on the petition; appointed Mr. Grussing, the Board's referee in the matter, which hearing was subsequently scheduled for June 15, 1970, at 7:30 P.M.,

Central Daylight Time, in the Auditorium of the Village Hall, New Auburn, Minnesota, 55366; the Board held said hearing pursuant to said Order; Mr. Erling Weiberg, Administrative Secretary, appeared with the Board; Mr. William Peterson appeared for the Attorney General; and Mr. James Malecki, New Ulm, appeared for the petitioners, and others appeared.

And the Board having heard the 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 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. The territory of the High Island Watershed District is the watershed of the High Island Creek, which is located in parts of McLeod, Renville, and Sibley Counties.
- II. The boundary of the High Island Watershed District was determined by the Minnesota Water Resources Board in its Order, "In the Matter of the Petition

for Determination of Boundary Lines of the High Island Watershed District", dated March 31, 1966.

- III. The Buffalo Creek Watershed District territory is the land of the watershed of the Buffalo Creek, which territory is located in parts of Carver, Kandiyohi, McLeod, Renville, and Sibley Counties.
- IV. The boundary of the Buffalo Creek Watershed District, Glencoe, Minnesota, 55336, was determined by the Minnesota Water Resources Board in its Order, "In the Matter of the Petition for the Establishment of the Buffalo Creek Watershed District, Located in the Counties of Kandiyohi, McLeod, Renville, Sibley, and Carver.", dated January 30, 1969.
- V. To the north of the High Island Creek Watershed and adjoining it is the watershed of the Buffalo Creek, a tributary of the South Fork of the Crow River. A portion of the divide which is common to the two watersheds, extends generally eastward from the southwest corner of Township 114 North, Range 32 West (Martinsburg) in Renville County, to the northwest corner of Township 114 North, Range 27 West (Green Isle) in Sibley County.

- VI. A duly executed petition by the Board of Managers of the High Island Watershed District, Arlington, Minnesota, 55307, was filed with the Board, pursuant to the provisions of Minnesota Statutes 1969, Section 112.39, Subd. 4. Also filed with the petitions were the required proofs of service.
- VII. Said petitions were found sufficient by the Board on March 3, 1970.
- VIII. On May 2, 1969, the District Court issued an Order Staying all proceedings bearing upon the Buffalo Creek Watershed District. On April 9, 1970, the same District Court issued an Order partially vacating its previous Order of May 2, 1969, to permit the Minnesota Water Resources Board to act upon the petition and the amended petition of the Board of Managers of the High Island Watershed District. Parcels of land in the territory of the Buffalo Creek Watershed District affected by this proceeding are listed in Paragraphs XIII and XIV below.
- IX. The Board ordered a hearing to be held on the petitions pursuant to Minnesota Statutes 1969, Section 112.38,

on June 15, 1970, beginning at 7:30 P.M., Central Daylight Time, in the Auditorium of the Village Hall, New Auburn, Minnesota, 55366.

- X. Due and proper notice was given to owners of all lands affected, by publication in appropriate legal newspapers.
- XI. The referee for the Board conducted the scheduled hearing at 7:30 P.M., Central Daylight Time, on June 15, 1970, in the Auditorium of the Village Hall, New Auburn, Minnesota, 55366.
- XII. 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 at the hearing and was supported by oral testimony. The Director recommended that certain tracts in the petition be withdrawn from the territory of the High Island Watershed District, and with reference to other tracts, that the Board consider the evidence placed before it at the hearing.

XIII. The petition requested the following parcel of land be excluded from the territory of the High Island Watershed District.

- A. Sibley County 5th Principal Meridian  
1. Township 114 North, Range 28 West (New Auburn)  
SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 11.

XIV. The following parcels of land are found to cast their waters in a southerly direction to the High Island Creek and not in a northerly direction to the Buffalo Creek:

- A. McLeod County 5th Principal Meridian  
1. Township 114 North, Range 29 West (Penn)  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 2  
SE $\frac{1}{4}$  of NW $\frac{1}{4}$  " 4  
E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  " 4  
E $\frac{1}{2}$  of NE $\frac{1}{4}$  " 11  
W $\frac{1}{2}$  of NW $\frac{1}{4}$  " 11.

CONCLUSIONS OF LAW

XV. The Minnesota Water Resources Board has jurisdiction over the matter of change of boundary of the Buffalo Creek Watershed District and the authority to change said boundary.

XVI. Certain parcels of land, as stated in Paragraph XIV above, now in the territory of the Buffalo Creek Watershed District, are released. The Board concludes:

- A. Such lands have not and will not receive any benefits from the operation of the Buffalo Creek Watershed District;
- B. The Buffalo Creek Watershed District can perform the function for which it was established, without the inclusion of said territory;
- C. That said territory is not, in fact, a part of the Buffalo Creek Watershed.

XVII. As recorded in Paragraph XIII above, a parcel of land previously not in the Buffalo Creek Watershed District, is added to said watershed district. The Board concludes:

- A. The public interest and the public welfare will be served by the addition of said land to the Buffalo Creek Watershed District;



- B. The purpose of the Minnesota Watershed Act, Chapter 112, will be served by the inclusion of said land to the Buffalo Creek Watershed District;
- C. The listed land is contiguous to the existing watershed district;
- D. The listed land can be feasibly administered by the managers of the Buffalo Creek Watershed District.

IT IS THEREFORE ORDERED

- XVIII. That the list of parcels of land in Paragraph XIV above, are hereby released from the Buffalo Creek Watershed District.
- XIX. The parcel of land in Paragraph XIII above, is hereby added to the territory of the Buffalo Creek Watershed District.
- XX. The following item is deleted in its entirety from the Minnesota Water Resources Board Findings of Fact, Conclusions of Law, Order, dated January 30, 1969, entitled, "In the Matter of the Petition for the Establishment of the Buffalo

Creek Watershed District, located in the Counties  
of Kandiyohi, McLeod, Renville, Sibley, and Carver":

III. McLeod County 5th Principal Meridian

F. Township 114 North, Range 29 West (Penn)

All of Sections	Sections	1, 2
	Section	3
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	3
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	"	3
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	3
$N\frac{1}{2}$ of $NE\frac{1}{4}$	"	4
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	"	4
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	"	4
All of Section	"	5
$N\frac{1}{2}$ of $SE\frac{1}{4}$	"	6
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	6
$N\frac{1}{2}$	"	11
$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	12.

IV. Sibley County 5th Principal Meridian

B. Township 114 North, Range 28 West (New Auburn)

All of Sections	Sections	1, 2, 3, 4, 5, 6
	Section	7
$N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$	"	7
$N\frac{1}{2}$ of $N\frac{1}{2}$ of $NW\frac{1}{4}$	"	7
$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	8
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	"	8
$E\frac{1}{2}$ of $SE\frac{1}{4}$	"	8

B. Township 114 North, Range 28 West (New Auburn) (Cont.)

All of Section	Section	9
	"	10
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	10
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	10
$N\frac{1}{2}$ of $SE\frac{1}{4}$	"	10
	"	11
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	11
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	11
$SE\frac{1}{4}$	"	11
All of Section	"	12
$N\frac{1}{2}$ of $NE\frac{1}{4}$	"	16
$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	16
$N\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$	"	17.

XXI. The Findings of Fact, Conclusions of Law, Order, of the Minnesota Water Resources Board, dated January 30, 1969, entitled, "In the Matter of the Petition for the Establishment of the Buffalo Creek Watershed District, located in the Counties of Kandiyohi, McLeod, Renville, Sibley, and Carver", Paragraph XII, is amended as follows:

III. McLeod County 5th Principal Meridian  
 F. Township 114 North, Range 29 West (Penn)

All of Section	Section	1
	"	2
$N\frac{1}{2}$ of $N\frac{1}{2}$	"	2
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	"	2
$SE\frac{1}{4}$	"	2
	"	3
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	3
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	"	3
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	3

F. Township 114 North, Range 29 West (Penn)(Cont.)

	$N\frac{1}{2}$ of $NE\frac{1}{4}$	Section	4
	$SE\frac{1}{4}$ of $NE\frac{1}{4}$	"	4
	$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	4
	$SW\frac{1}{4}$ of $NW\frac{1}{4}$	"	4
$W\frac{1}{2}$ of $NW\frac{1}{4}$	of $SW\frac{1}{4}$	"	4
All of Section		"	5
	$N\frac{1}{2}$ of $SE\frac{1}{4}$	"	6
$N\frac{1}{2}$ of $SE\frac{1}{4}$	of $SE\frac{1}{4}$	"	6
	$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	6
	$W\frac{1}{2}$ of $NE\frac{1}{4}$	"	11
	$E\frac{1}{2}$ of $NW\frac{1}{4}$	"	11
	$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	12.

IV. Sibley County

5th Principal Meridian

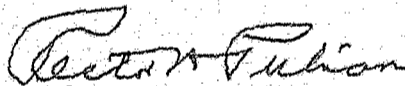
B. Township 114 North, Range 28 West (New Auburn)

All of Sections		Sections	1, 2, 3, 4, 5, 6
	$E\frac{1}{2}$ of $NE\frac{1}{4}$	Section	7
$N\frac{1}{2}$ of $NW\frac{1}{4}$	of $NE\frac{1}{4}$	"	7
$N\frac{1}{2}$ of $N\frac{1}{2}$	of $NW\frac{1}{4}$	"	7
	$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	8
$N\frac{1}{2}$ of $SW\frac{1}{4}$	of $SE\frac{1}{4}$	"	8
$E\frac{1}{2}$ of $SE\frac{1}{4}$	of $SE\frac{1}{4}$	"	8
All of Section		"	9
	$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	10
$N\frac{1}{2}$ of $SW\frac{1}{4}$	of $SW\frac{1}{4}$	"	10
$N\frac{1}{2}$ of $SE\frac{1}{4}$	of $SE\frac{1}{4}$	"	10
All of Sections		Sections	11, 12
	$N\frac{1}{2}$ of $NE\frac{1}{4}$	Section	16
	$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	16
$N\frac{1}{2}$ of $NE\frac{1}{4}$	of $NE\frac{1}{4}$	"	17.

XXII. The amended exact boundary of the Buffalo Creek Watershed District is hereby declared to be determined and is defined by the extremities of the whole land area described in the Board's Order dated January 30, 1969, and as modified by Paragraph XXI of this Order.

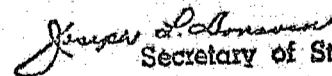
Dated at Saint Paul, Minnesota, 55102, this 6th day of November 1970.

MINNESOTA WATER RESOURCES BOARD



Rector H. Putnam  
Chairman

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 23 1970

  
Secretary of State

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