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

STATE OF MINNESOTA))ss COUNTY OF BAMSEY)

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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 High Island Watershed District

dated at Saint Paul, Minnesota, on the <u>24th day of</u> March 197,1 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.

Weiberg Administrative Secretary

Subscribed and sworn to before me this <u>29</u> day of <u>Makeb</u> 197/

GEPALDINE R. LaNASA Notary Product, Ramsey County, Minn. My Commission Expires, Jan. 24, 1976

STATE OF MINNESOTA DEPARTMENT OF STATE FILED MAR 2 91971 October W. Eulall

Secretary of State

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

In the Matter of the Petition for the Change of Boundaries of High Island Watershed District.

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ORDER

The Order of the Minnesota Water Resources Board dated the 6th day of November 1970, in the matter above, is amended to conform with the original Findings of Fact of the Board;

FINDINGS OF FACT

I. Upon the examination of said Order, file and records in the above matter, it appears to the Board that typographical errors in the transcribing of certain land description to the above Board Order did occur on Page 9 in Paragraph XX in Section 11, Township 114 North, Range 29 West (Penn).

STATE OF MINNESOTA DEPARTMENT OF STATE FILED MAR 2 91971 arlen & Erlah Secretary of State

II. The Board duly found the following parcels of land: $S_{\overline{z}}^{\frac{1}{2}}$ of $SE_{\overline{4}}^{\frac{1}{4}}$ of $NW_{\overline{4}}^{\frac{1}{4}}$ in Section 11 and $SW_{\overline{4}}^{\frac{1}{4}}$ of $NE_{\overline{4}}^{\frac{1}{4}}$ in Section 11, all in Township 114 North, Range 29 West (Penn) tributary to Buffalo Creek.

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IV.

III. The description of land on Page 9 in Paragraph XX relating to Section 11, Township 114 North, Range 29 West (Penn) is inconsistent with the Board's Findings of Fact, in the Board's Order of November 6, 1970.

IT IS THEREFORE ORDERED

That Paragraph XX of the Board's Order dated November 6, 1970, on Page 9, is cancelled and amended by substituting the following: XX. The following listed parcels of land are found to cast their waters in a northerly direction to the Buffalo Creek and not in a southerly direction to the High Island Creek: A. <u>McLeod County</u> 5th Principal Meridian . 1. Township 114 North, Range 29 West (Penn) SE¹/₄ of NE¹/₄ Section 4 S¹/₂ of SE¹/₄ of NM¹/₄ " 11 SW¹/₄ of NE¹/₄ " 11.

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B. <u>Sibley County</u> 5th Principal Meridian 1. Township 114 North, Range 27 West (Green Isle) NE_{\pm}^{1} of NE_{\pm}^{1} Section 21 SE_{\pm}^{1} of SW_{\pm}^{1} " 21 W_{\pm}^{1} of NE_{\pm}^{1} of NW_{\pm}^{1} " 22.

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

MINNESOTA WATER RESOURCES BOARD

Rector H. Putnam Chairman Minnesota Water Resources Board 555 Wabasha Street Room 206 St. Paul, Minnesota 55102

STATE OF MINNESOTA))ss COUNTY OF RAMSEY)

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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 ______ High Island Watershed District

dated at Saint Paul, Minnesota, on the 6th day of November <u>1970</u>, 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 <u>22-ar</u> day of <u>Screeneter</u> 1970

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Notary Future and Anna. My Commission Exploses 302, 11, 1977

STATE OF MINNESOTA DEPARTMENT OF STATE FILED DEC 23 1970 Journ of State Secretary of State

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

In the Matter of the Petition for the Change of Boundaries of <u>High Island Watershed</u> <u>District</u>.

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER

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, Section 112.39, Subdivision 4.

The Board on March 3, 1970, ordered a hearing to 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 M. 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.

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The boundary of the Buffalo Creek Watershed District, IV. 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. To the north of the High Island Creek Watershed, and V. 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, Section 112.39, Subd. 4. Also filed with the petitions were the required proofs of service.

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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 Euffalo 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 A. and XIV A.1. 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 new spapers.

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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 list of lands to be included in the territory of the High Island Watershed District:

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5th Principal Meridian A. McLeod County 1. Township 114 North, Range 29 West (Penn) SW of SW Section 2 SE¹ of NE¹ E¹ of SE¹ of NW¹ W를 of SE¹ of NW¹ NW¹ of SW¹ ŋ 4 4 'n 11 44 11 E블 of NE SW를 of NE W블 of NE S블 of SE를 of NW를 S를 of SE를 of NW를 ١ì 11 11 11 " 11. 5th Principal Meridian Β. Sibley County Township 114 North, Range 27 West (Green Isle) 1. NE of NE SE of SW SE SW 등 Section 21 21 W늘 of NE of NW + fr 22. XIV. The petition requested the following lands to 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) SE높 of SW높 W를 of SW높 of SE높 Section 11 11 11. Township 114 North, Range 27 West (Green Isle) 2. W를 of SW를 Section 9 SWL of NWL 11 23.

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3. Township 114 North, Range 26 West (Washington Lake) $SW_{\frac{1}{4}}$ of NE $\frac{1}{4}$ Section 28.

XV. The referee filed a written report on the matter with the Board.

- XVI. The following parcels of land are not, in fact, a part of the High Island Creek Watershed; the parcels have not received, and will not receive, any benefits from the operation of the watershed district; and the watershed district can perform the functions for which it was established without the inclusion of said territory:
 - A. <u>Sibley County</u> 5th Principal Meridian
 1. Township 114 North, Range 27 West (Green Isle)
 - $W^{\frac{1}{2}}$ of $SW^{\frac{1}{4}}$ Section 9
 - $SW_{\frac{1}{2}}$ of $NW_{\frac{1}{2}}$ " 23.
 - 2. Township 114 North, Range 26 West (Washington Lake)

 SW_{\pm}^{\perp} of NE_{\pm}^{\perp} Section 28.

XVII. The following parcels of land are, in fact, a part of the High Island Creek Watershed; the parcels are contiguous to the territory of the existing High Island Watershed District; the parcels can be feasibly administered by the managers of the existing district, and that it would be conducive

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to the public health and welfare to add the parcels to the territory of the High Island Watershed District;

A. McLeod County	5th Principal	Meridian	
1. Township 114 North,	Range 29 West	(Penn)	
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XVIII.

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The following parcel of land petitioned to be released from the territory of the High Island Watershed District is not within the territory of the High Island Watershed District:

A. <u>Sibley County</u> 5th Principal Meridian 1. Township 11⁴ North, Range 28 West (New Auburn) W_{2}^{1} of SW_{4}^{1} of SE_{4}^{1} Section 11.

XIX. The following parcel of land in High Island Watershed District is not, in fact, a part of the High Island Creek Watershed, since according to its owner, the surface water drains in a northerly direction into the Buffalo Creek, and has never drained in a southerly direction to High Island Creek:

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A. <u>Sibley County</u> 5th Principal Meridian 1. Township 114 North, Range 28 West (New Auburn) SE_{4}^{1} of SW_{4}^{1} Section 11.

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

A.McLeod County5th Principal Meridian1.Township 114 North, Range 29 West (Penn) SE_{4}^{1} of NE_{4}^{1} Section 4 S_{2}^{1} of SE_{4}^{1} of SW_{4}^{1} " SW_{4}^{1} of SE_{4}^{1} " SW_{4}^{1} of SE_{4}^{1} "B.Sibley County5th Principal Meridian

1. Township 114 North, Range 27 West (Green Isle) NE_{4}^{1} of NE_{4}^{1} Section 21 SE_{4}^{1} of SW_{4}^{1} " 21 W_{2}^{1} of NE_{4}^{1} of NW_{4}^{1} " 22

CONCLUSIONS OF LAW

XXI. The Minnesota Water Resources Board has jurisdiction over the matter of change of boundary of the High Island Watershed District and the authority to change said boundary.

- XXII, Certain parcels of land, as stated in Paragraphs XVI and XIX above, now in the territory of the High Island Watershed District, are released from the territory of the High Island Watershed District. The Board concludes:
 - A. Such lands have not and will not receive any benefits from the operation of the High Island Watershed District;
 - B. The High Island Watershed District can perform the functions for which it was established without the inclusion of said territory;
 - C. That said territory is not, in fact, a part of the High Island Creek Watershed.
- XXIII. As recorded in Paragraph XVII above, certain lands previously not in the High Island Watershed District, are added to said district. The Board concludes:

A. The public interest and the public welfare will be served by the addition of said lands to the High Island Watershed District;

B. The purpose of the Minnesota Watershed Act, Chapter 112, will be served by the inclusion of said lands in the High Island Watershed District;

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- C. The listed land is contiguous to the existing watershed district;D. The listed land can be feasibly
- administered by the managers of the High Island Watershed District.
- XXIV. The parcels of land listed in Paragraph XX above, are not added to the territory of the High Island Watershed District. The Board concludes: A. That the listed land is not, in fact, a part of the watershed of High Island Creek. The surface waters of these parcels of land are cast in a northerly direction to Buffalo Creek.

IT IS THEREFORE ORDERED

- XXV. That the parcels of land described in Paragraphs XVI and XIX above, are hereby released from the High Island Watershed District, subject to the requirement of law concerning current indebtedness and levies.
- XXVI. The list of parcels of land in Paragraph XVII above, are hereby added to the territory of the High Island Watershed District, and the said watershed district is enlarged to include these parcels.

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XXVII. The parcels of land listed in Paragraph XX A. above, are denied addition to the High Island Watershed District, for the parcels of land are, in fact, in the Buffalo Creek Watershed. The parcels of land listed in Paragraph XX B. are denied addition to the High Island Watershed District, for the parcels of land are, in fact, in the Bevens Creek Watershed.

XXVIII. The following items are deleted in their entirety from the Minnesota Water Resources Board, Findings of Fact, Conclusions of Law, Order, dated March 31, 1966, entitled, "In the Matter of the Petition for Determination of Boundary Lines of the High Island Watershed District", Paragraph XI (Page 22):

A. Sibley County

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Township 114 North, Range 28 West (New Auburn)(Cont.) 7. 31 31 N불 of S불 Section <u>,</u>, 32 32 32 N늘 N늘 of SW N늘 of N들 of SE 40 U. 11 Sections 33, 34, 35, 36. All of Sections B. McLeod County 1. Township 114 North, Range 29 West (Penn) SW1 of SW1 SE1 of SE1 33 Section " SW_축 of NE_축 NE_t of SW_t S_호 of SW_t SE_t 4444 1 n 11 9) 6 SW¹ SW¹ of SE¹ 11 " All of Sections Sections 7, 8, 9, 10 S클 Section 11 NE불 S늘 of NW S들 ņ 12 12 .11 ų, 12 Sections 13 through 26, inclusive All of Sections N를 NE¹ of SW N를 of NW를 of SW N를 of SE N를 of SE 27 27 27 27 Section 11 'n Ħ

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XXIX. The Findings of Fact, Conclusions of Law, and Order of the Minnesota Water Resources Board, dated March 31, 1966, entitled "In the Matter of the Petition for Determination of Boundary Lines of the High Island Watershed District", Paragraph XI (Page 22), is amended as follows:

A. Sibley County

1. Township 114 North, Range 26 West (Washington Lake)

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B. McLeod County			
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1. Township 114 North, Range 29 West (Penn) (Cont.)

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XXX. The amended exact boundaries of the High Island 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 March 31, 1966, and as modified by this Order.

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

MINNESOTA WATER RESOURCES BOARD

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Rector H. Putnam Chairman -21-