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Dated at Saint Paul, Minnesota, 55102, this 27th day of June 1977.

MINNESOTA WATER RESOURCES BOARD

Robert T. Moline

Robert T. Moline
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 7 - 1977

Jean Anderson Howe
Secretary of State

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

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT

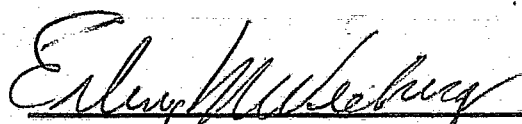
Erling M. Weiberg, being first duly sworn on
oath, deposes and says:

THAT HE IS the Executive Secretary for the Minnesota
Water Resources Board; that he has compared the attached
copy of an Order relating to the Buffalo Creek

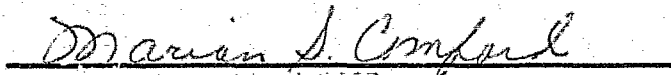
Watershed District

dated at Saint Paul, Minnesota, on the 27th day of
June 1977, 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.

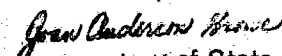

Erling M. Weiberg
Executive Secretary

Subscribed and sworn to before me
this 7 day of July 1977



Notary Public for the State of Minnesota
My Commission Expires July 28, 1979

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 7-1977


Secretary of State

30836

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

In the Matter of the Petition
Dated September 7, 1976, for
a Change of the Boundary of the
Buffalo Creek Watershed District
(Minnesota Statutes 112.39,
Subd. 4)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition having been filed with the Minnesota Water Resources Board asking for certain changes in the boundary of the Buffalo Creek Watershed District; a report having been filed by the Director of the Division of Waters, Department of Natural Resources on said petition; and proper Notice having been given by the Board; thereupon a hearing was held on the above matter before William Seltzer, a Hearing Examiner of the State of Minnesota, pursuant to Minnesota Statutes 15.0411 through 15.052, at 1:30 p.m. on April 5, 1977, in Room 3 of the Courthouse in Glencoe, Minnesota.

The Board appointed their Chairman, Robert Moline, to serve as the Board's Referee at the hearing. Erling Weiberg, Executive Secretary for the Board, and Mel Sinn appeared with the Referee. Special Assistant Attorney General Paul Strandberg appeared for the Board.

John Keefe, Attorney, appeared for the managers, and other interested persons appeared.

The Referee having reported to the Board; the Hearing Examiner having submitted his report and recommendations to the Board on May 20, 1977; the Board having considered all the testimony and evidence in the record, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

FINDINGS OF FACT

- I. The Buffalo Creek Watershed District was established on January 30, 1969.
- II. A sufficient petition for a change of boundary of the Buffalo Creek Watershed District was filed with the Board on September 30, 1976.
- III. A report on the petition by the Director of the Division of Waters, Department of Natural Resources, stating his recommendations, was received by the Board on February 10, 1977.
- IV. All lands listed in the said petition and certain other lands the Director recommended the Board consider for inclusion or exclusion, were included in the Notice of Hearing, which was properly published in appropriate legal newspapers.
- V. A hearing on the boundary change petition was held on April 5, 1977, at 1:30 p.m., in the Courthouse in Glencoe, Minnesota. The hearing was conducted by William Seltzer, a Hearing Examiner of the State of Minnesota. Water Resources Board Chairman, Robert Moline, served as the Board's Referee at the hearing.
- VI. Based on the evidence in the record of this proceeding, the following described lands should be excluded from the Buffalo Creek Watershed District because they are not, in fact, a part of the watershed; they will not receive any benefits from the operation of the District; and the District can perform the functions for which it was established without their inclusion:

A. McLeod County

1. Township 116 North, Range 29 West (Hassen Valley)
S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 29.

B. Renville County

1. Township 114 North, Range 33 West (Palmyra)
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 24.
2. Township 116 North, Range 33 West (Osceola)
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 3
N $\frac{1}{2}$ of NE $\frac{1}{4}$ " 4
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ " 4
NW $\frac{1}{4}$ " 4
E $\frac{1}{2}$ of NE $\frac{1}{4}$ " 5
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ " 5
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ " 5
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ " 5.

VII. Based on the evidence in the record of this proceeding, the following described lands should be included in the Buffalo Creek Watershed District because they are contiguous to the territory of the Buffalo Creek Watershed District. They are, in fact, a part of the watershed, since their runoff flows southerly to the Buffalo Creek; and they can be feasibly administered by the Managers of the Buffalo Creek Watershed District:

A. McLeod County

1. Township 115 North, Range 28 West (Glencoe)
S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 8
S $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ " 8
N $\frac{1}{2}$ of NW $\frac{1}{4}$ " 17.

CONCLUSIONS OF LAW

VIII. The Minnesota Water Resources Board has jurisdiction over watershed district boundary changes and the authority to include or exclude lands according to Minnesota Statutes 112.39, Subdivisions 3 and 4.

IX. The public interest and public welfare will be served by excluding the lands in Paragraph VI above, from the Buffalo Creek Watershed District, and by including the lands in Paragraph VII above, in the Buffalo Creek Watershed District.

IT IS THEREFORE ORDERED

X. That the following described lands are hereby excluded from the Buffalo Creek Watershed District, subject to the requirements of law concerning current indebtedness and levies:

A. McLeod County

1. Township 116 North, Range 29 West (Hassen Valley).
 $S\frac{1}{2}$ of $SW\frac{1}{4}$ Section 29.

B. Renville County

1. Township 114 North, Range 33 West (Palmyra)
 $SE\frac{1}{4}$ of $SE\frac{1}{4}$ Section 24.
2. Township 116 North, Range 33 West (Osceola)

$NW\frac{1}{4}$ of $NW\frac{1}{4}$	Section	3
$N\frac{1}{2}$ of $NE\frac{1}{4}$	"	4
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	"	4
$NW\frac{1}{4}$	"	4
$E\frac{1}{2}$ of $NE\frac{1}{4}$	"	5
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	"	5
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	"	5
$N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$	"	5.

AND IT IS FURTHER ORDERED

XI. The following described lands are hereby included in the Buffalo Creek Watershed District:

A. McLeod County

1. Township 115 North, Range 28 West (Glencoe)

$S\frac{1}{2}$ of $N\frac{1}{2}$ of $SW\frac{1}{4}$	Section	8
$N\frac{1}{2}$ of $SW\frac{1}{4}$	"	8
$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	17.

XII. The new boundary of the Buffalo Creek Watershed District is hereby declared to be determined by the Board's Order of January 30, 1969, which established the District, as modified by the Board's Order dated November 6, 1970, in the matter of a "Boundary Change of Buffalo Creek Watershed District", and as modified by this Order.

Dated at Saint Paul, Minnesota, 55102, this 27th day of June 1977.

MINNESOTA WATER RESOURCES BOARD

Robert T. Moline

Robert T. Moline
Chairman

STATE OF MINNESOTA
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Joan Anderson Howe
Secretary of State