

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

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

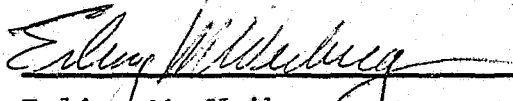
AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on
oath, deposes and says:

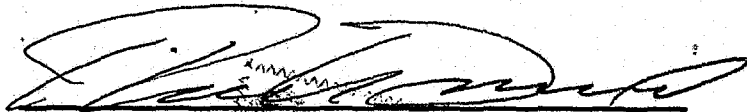
THAT HE IS the Executive Secretary for the Minnesota
Water Resources Board; that he has compared the attached
copy of an Order relating to the Buffalo-Red River
Watershed District

dated at Saint Paul, Minnesota, on the 26th day of
January 1979, 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 FEBRUARY 1979


THOMAS G. DURAND
NOTARY PUBLIC - MINNESOTA
ANOKA COUNTY
My commission expires Sept. 26, 1980

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB - 7 1979

Jan Anderson Howe
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
to Release Territory from the
Buffalo-Red River Watershed
District (Section 112.85).

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition, having been filed with the Minnesota Water Resources Board (Board), requesting the release of certain parcels of land from the territory of the Buffalo-Red River Watershed District (District); and proper Notice of Hearing having been given by the Board; thereupon a hearing was held on the above matter by the Board before Myron Greenberg, a Hearing Examiner of the State of Minnesota, pursuant to Minnesota Statutes, Sections 15.0411 through 15.052 at 9:30 a.m. in the Norwegian Grove Town Hall, Pelican Rapids, in Otter Tail County, Minnesota, 56572, on Nov. 21, 1978.

The Board appeared; Lee Paddock, representing the Attorney General, and Erling Weiberg appeared with the Board. Robert Swenson, attorney, Moorhead, appeared for the managers of the District and Mr. Conrad Olson, Pelican Rapids, appeared as spokesman for the petitioners and other persons appeared.

The Hearing Examiner having submitted his recommendations to the Board on December 8, 1978, and the Board having considered all the testimony and evidence in the record, and having considered all the files and records pertaining thereto, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

- I. The Buffalo-Red River Watershed District was established by Order of the Board on September 17, 1976 and is the successor to the South Buffalo Watershed District, established on August 31, 1960 by Order of the Board.
- II. That on August 24, 1978, a petition for removal of certain parcels of land from the territory of the Buffalo-Red River Watershed District, signed by 72 petitioners, was filed with the Board. The Auditor of Otter Tail County certified that 65 petitioners were land owners of the parcels of land involved.
- III. A Report on the petition prepared by the Director of the Division of Waters of the Department of Natural Resources, was filed with the Board on September 26, 1978.
- IV. All parcels of land listed in the petition were included in the Board's Notice of Hearing, which was properly published in appropriate county legal newspapers.
- V. A hearing on the petition was held on November 21, 1978 beginning at 9:30 a.m. in the Norwegian Grove Town Hall, Otter Tail County, Pelican Rapids, Minnesota, 56572. The hearing was conducted by State Hearing Examiner, Myron Greenberg.
- VI. Vice Chairman F. Robert Starr, Secretary Duane Ekman, Messrs. Richard Pfaffinger and William Sillman, members of the Board, attended the hearing.
- VII. The Hearing Examiner filed a copy of his report with the Board's office on December 8, 1978. He recommended that the Board grant the petition to release certain territory from the Buffalo-Red River Watershed District.
- IX. That the parcels of land that the petitioners requested be released from the territory of the Buffalo-Red River Watershed District are as follows:

A. Otter Tail County

1. Township 136 North, Range 44 West (Norwegian Grove)

	S $\frac{1}{2}$	Section	1
	SW $\frac{1}{4}$	"	10
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	10
	S $\frac{1}{2}$ of SE $\frac{1}{4}$	"	10
	S $\frac{1}{2}$ of S $\frac{1}{2}$	"	11
All of Sections		Sections	12, 13, 14
	N $\frac{1}{2}$	Section	15
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	15
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	15
	SE $\frac{1}{4}$	"	15
	NE $\frac{1}{4}$	"	22
	N $\frac{1}{2}$	"	23
	SE $\frac{1}{4}$	"	23
All of Sections		Sections	24, 25
	E $\frac{1}{2}$	Section	26
	E $\frac{1}{2}$ of SW $\frac{1}{4}$	"	26
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	34
	NE $\frac{1}{4}$	"	35
	E $\frac{1}{2}$ of NW $\frac{1}{4}$	"	35
	S $\frac{1}{2}$	"	35
	N $\frac{1}{2}$	"	36
	SW $\frac{1}{4}$	"	36
	N $\frac{1}{2}$ of SE $\frac{1}{4}$	"	36
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	36.

2. Township 135 North, Range 44 West (Trondhjem)

	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	Section	1
	W $\frac{1}{2}$ of NW $\frac{1}{4}$	"	1
	N $\frac{1}{2}$	"	2
	N $\frac{1}{2}$ of S $\frac{1}{2}$	"	2
	E $\frac{1}{2}$ of NE $\frac{1}{4}$	"	3
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	3.

3. Township 136 North, Range 43 West (Pelican)

	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	6
	W $\frac{1}{2}$ of W $\frac{1}{2}$	"	7
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	7
	S $\frac{1}{2}$ of SW $\frac{1}{4}$	"	8
	NW $\frac{1}{4}$	"	17
All of Sections		Sections	18, 19
	NW $\frac{1}{4}$	Section	30.

- X. That the above parcels of land, described in Paragraph IX. above, collectively termed the Lake Olaf subwatershed by the Board, and situated within the territory of the Buffalo-Red River Watershed District, are located adjacent to the principal ridge line separating the watersheds of the Buffalo River and the Pelican River and the area is a deep depression in the landscape.
- XI. That this land area of about 15 square miles of the Lake Olaf subwatershed has the shape of an irregular rectangle, more or less, and is oriented north to south. Lake Olaf is located in the northern part of the subwatershed. The elevation decreases from near 1,400' at the south edge of the subwatershed to 1,289' at the level of Lake Olaf (See U.S. Geological Survey Lake Olaf Quadrangle - 1973).
- XII. That at a low point on the north rim of the depressional area, that is, the Lake Olaf subwatershed, water can outlet northerly and westerly into a watercourse of the Buffalo River.
- XIII. That the elevation of the outflow point on the rim of the Lake Olaf subwatershed is approximately 1,310', which is twenty-one feet above the 1,287' elevation and lake level of Lake Olaf.
- XIV. That the Lake Olaf subwatershed is, in fact, not a part of the major watershed.
- XV. That the above parcels of land have not and will not receive any benefits from the operation of the District.
- XVI. That the District can perform the functions for which it was established without the inclusion of the above parcels of land.
- XVII. That the location of the territory of the District in square miles, in affected counties, is as shown in the following table:

TABLE 1
LOCATION OF TERRITORY OF DISTRICT, BY AFFECTED COUNTIES,
IN SQUARE MILES

	South Buffalo	Area Added in 1976	Area Removed in 1979	Buffalo-Red River	Percent of Total Territory
Clay	303	494	-	797	59
Becker	-	290	-	290	21
Otter Tail	29	31	15	45	3
Wilkin	12	220	-	232	17
TOTALS	344	1,035	15	1,364	100

XVIII. That the Order of the Board dated September 17, 1976, prescribing the distribution of managers, needs to be amended as to the distribution of the power to appoint managers among the affected counties.

CONCLUSIONS OF LAW

- XIX. The Minnesota Water Resources Board has jurisdiction over the release of land from the territory of the District and the authority to release land from the territory of the District according to Minnesota Statutes Section 112.85.
- XX. The above listed parcels of land have not received at this time or are not likely to receive any benefits from the operation of the District; the District can perform the functions for which it was established without the inclusion of said parcels of land, and, the above parcels of land are not, in fact, a part of the Buffalo River Watershed.
- XXI. That the Minnesota Water Resources Board has the authority to amend its Order of September 17, 1976, as to the establishment of the Buffalo-Red River Watershed District, which distributed the power to appoint the five managers of the District among the counties of Becker, Clay, Otter Tail and Wilkin.

IT IS THEREFORE ORDERED

XXII. That the parcels of land described in Paragraph IX. above are hereby released from the territory of the Buffalo-Red River Watershed District, subject to the requirement of law concerning current indebtedness and levy, if any.

XXIII. Paragraph I., F., 3. Otter Tail County - 5th Principal Meridian, on page 6 of the Board's Order dated September 17, 1976, is amended to describe the land parcels now remaining in the territory of the District, as follows:

3. <u>Otter Tail County</u>		<u>5th Principal Meridian</u>	
a. Township 137 North, Range 43 West (Scambler)			
	NW $\frac{1}{4}$	Section	17
	S $\frac{1}{2}$	"	17
	All of Sections	Sections	18, 19, 20, 29, 30, 31, 32
	W $\frac{1}{2}$	Section	33.
b. Township 136 North, Range 44 West (Norwegian Grove)			
	N $\frac{1}{2}$	Section	1
	All of Sections	Sections	2, 3, 4, 5, 6
	NE $\frac{1}{4}$	Section	8
	N $\frac{1}{2}$	"	9
	SE $\frac{1}{4}$	"	9
	N $\frac{1}{2}$	"	10
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	10
	N $\frac{1}{2}$	"	11
	N $\frac{1}{2}$ of S $\frac{1}{2}$	"	11
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	15.
c. Township 136 North, Range 43 West (Pelican)			
	SW $\frac{1}{4}$	Section	4
	All of Section	"	5
	N $\frac{1}{2}$	"	6
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	6
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	6
	SE $\frac{1}{4}$	"	6
	NE $\frac{1}{4}$	"	7
	E $\frac{1}{2}$ of NW $\frac{1}{4}$	"	7
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	7
	SE $\frac{1}{4}$	"	7
	N $\frac{1}{2}$	"	8
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	8
	SE $\frac{1}{4}$	"	8
	NW $\frac{1}{4}$	"	9.

XXIV. That Paragraph XIV., D., Otter Tail County, 5th Principal Meridian, on pages 37 and 38 of the Board's Order dated September 17, 1976, is amended to describe the land parcels now remaining in the territory of the District, as follows:

D. Otter Tail County 5th Principal Meridian

1. Township 136 North, Range 44 West (Norwegian Grove)

All of Section	Section	7
NW $\frac{1}{4}$	"	8
S $\frac{1}{2}$	"	8
SW $\frac{1}{4}$	"	9
All of Sections	Sections	16 through 21, inclusive
NW $\frac{1}{4}$	Section	22
S $\frac{1}{2}$	"	22
SW $\frac{1}{4}$	"	23
NW $\frac{1}{4}$	"	26
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	26
All of Sections	Sections	27 through 33, inclusive
N $\frac{1}{2}$	Section	34
SW $\frac{1}{4}$	"	34
N $\frac{1}{2}$ of SE $\frac{1}{4}$	"	34
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	34
W $\frac{1}{2}$ of NW $\frac{1}{4}$	"	35.

2. Township 135 North, Range 44 West (Trondhjem)

W $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	3
W $\frac{1}{2}$	"	3
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	3
All of Sections	Sections	4, 5, 6, 7, 8, 9
W $\frac{1}{2}$ of NW $\frac{1}{4}$	Section	10
SW $\frac{1}{4}$	"	10
N $\frac{1}{2}$	"	17
N $\frac{1}{2}$	"	18.

XXV. That the boundary of the Buffalo-Red River Watershed District is determined by the extremities of the land parcels described in Paragraphs I., F., and G.; and XIV., A., B., C., and D., as found on pages 3 through 7 and 25 through 38 in the Board's Order dated September 17, 1976, as modified herein in paragraphs XXIII and XXIV.

XXVI. That the distribution of the power to appoint the five managers effective August 31, 1979, among the Boards of County Commissioners, is as follows:

- A. Becker County - One Manager
- B. Clay County - Three Managers
- C. Wilkin County - One Manager

XXVII. That the terms of office of the managers shall be for three years and the appointing Boards of Commissioners for each manager position is as shown in Table II below:

TABLE II
 COUNTY BOARDS OF COMMISSIONERS WITH POWER TO APPOINT MANAGERS
 TO THE BUFFALO-RED RIVER WATERSHED DISTRICT

<u>Current Managers</u>	<u>Date Current Term Expires</u>	<u>Effective Date of the Beginning of Next Term</u>	<u>County Commissioners With Authority To Appoint Managers</u>
*Paul Horn	8-30-81	8-31-81	Clay
*Bruce Bang	8-30-81	8-31-81	Clay
*Duane Hanson	8-30-79	8-31-79	Becker
*Harold Marty	8-30-79	8-31-79	Clay
*Roger Ellefson	8-30-80	8-31-80	Wilkin

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* In the above table, 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 Buffalo-Red River 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 of managers among the counties and for other purposes.

Dated at Saint Paul, Minnesota, 55102, this 26th
day of January 1979.

MINNESOTA WATER RESOURCES BOARD

Robert T. Moline

Robert T. Moline
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB - 7 1979
John Anderson Howe
Secretary of State