

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

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

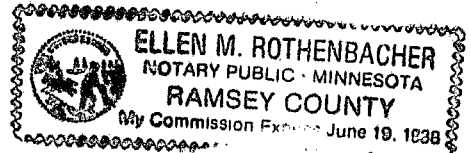
AFFIDAVIT

 Mel Sinn being first duly sworn on oath,
deposes and says:
THAT HE IS the Acting Executive Director for the Minnesota
Water Resources Board; that He has compared the attached copy of
an Order relating to the Petition for a change in the boundary
 of the Buffalo Creek Watershed District
dated at Saint Paul, Minnesota, on the 2nd day of December 1982
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.

Mel Sinn

Subscribed and sworn to before me
this 2nd day of December 1982

Ellen M. Rothenbacher



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

In the Matter of the Petition for a Change
in the Boundary of the Buffalo Creek
Watershed District dated December 19,
1981 (M.S. Section 112.39, Subd. 4).

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A Petition signed by the Buffalo Creek Watershed District and landowners Larry E. Rath, D. R. Johnson, and Mae Johnson, having been filed with the Minnesota Water Resources Board (Board) requesting a change of the boundary of the Buffalo Creek Watershed District, and

The Board having read and considered said Petition at Board meetings on August 10, 1982, September 28, 1982, and December 2, 1982, and

The Board being fully advised in the matter, hereby 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 petition requesting a change of part of the north boundary of the Buffalo Creek Watershed District was received by the Board on February 17, 1982. The petition was dated December 19, 1981, and was signed by the President and Secretary of the Buffalo Creek Watershed District, and the affected landowners Larry E. Rath, D. R. Johnson, and Mae Johnson.
- III. The petition stated that certain lands presently located outside but adjacent to the boundary of the Buffalo Creek Watershed District, in fact, drain into the Buffalo Creek Watershed District. The petition requested that the Board include said lands within the legal boundary of the Buffalo Creek Watershed District.

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- IV. The petitioners knowingly waived all rights to requirements of notice and public hearing.
- V. On May 19, 1982 the Board contacted the petitioners' attorney requesting additional information regarding the legal description of the affected lands and their drainage characteristics.
- VI. On June 11, 1982 the Board received additional information from the petitioners' attorney in support of the proposed boundary change.
- VII. On September 1, 1982 the Board mailed a letter to the petitioners' attorney recommending: that the petition be properly served on the Commissioner of the Minnesota Department of Natural Resources, the Director of the Division of Waters of the Minnesota Department of Natural Resources, and the Renville County Auditor; that proof of service be filed with the Water Resources Board; and that the map attached to the petition be made consistent with the property described in the petition.
- VIII. On September 15, 1982 the Board received proof of service of the petition on the Commissioner, the Director, and the Renville County Auditor.
- IX. On November 30, 1982 the Board received the report of the Director on the proposed boundary change, including his findings and recommendations.
- X. The petition requests that the following described lands be included within the Buffalo Creek Watershed District:
Renville County, Minnesota
 Township 116 North, Range 31 West (Boon Lake)
 Government Lots 10 and 11 Section 7
 Government Lots 1, 2, 3, and 4 Section 18
- XI. That the majority of the area of Government Lots 1, 2, 3, and 4, Section 18, Township 116 North, Range 31 West, drains southerly into the Buffalo Creek Watershed District and Renville County Ditch No. 7A.
- XII. That the majority of the area of Government Lots 10 and 11, Section 7, Township 116 North, Range 31 West, drains into Boon Lake; and that the majority of the area of these lots is not susceptible to gravity tile drainage into County Ditch No. 7A.

CONCLUSIONS OF LAW

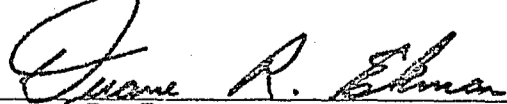
- XIII. That said petition is sufficient.
- XIV. That the petitioners knowingly waived all rights to requirements of notice and public hearing.
- XV. That the Board has jurisdiction over proposed changes to watershed district boundaries and the said petition under Minn. Stat. Section 112.39, Subd. 4.
- XVI. That the Government Lots listed in Paragraph XI above are contiguous to the Buffalo Creek Watershed District; that said lots can be feasibly administered by the managers of the Buffalo Creek Watershed District; that inclusion of said lots in the Buffalo Creek Watershed District will serve the public welfare and public interest and the purposes of Minn. Stat. Chapter 112; and that said lots are, in fact, a part of the Buffalo Creek Watershed.
- XVII. That the Government Lots listed in Paragraph XII above are not, in fact, a part of the watershed of Buffalo Creek.

IT IS THEREFORE ORDERED

- XVIII. That Government Lots 1, 2, 3, and 4, Section 18, Township 116 North, Range 31 West, Renville County, are hereby included in, and made a part of, the Buffalo Creek Watershed District.
- XIII. That 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 boundary change Orders of November 6, 1970; March 24, 1971; June 27, 1977; November 7, 1980; and as modified by this Order.

Dated at Saint Paul, Minnesota, 55102, this 2nd day of December 1982.

MINNESOTA WATER RESOURCES BOARD


Duane R. Ekman
Chairman