

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

In the Matter of the Petition to Change the
Boundaries of the Wild Rice and Sand Hill
River Watershed Districts filed on April 4,
1984 (Minnesota Statutes 1982, Section
112.39, Subd. 4)

ORDER
REDEFINING THE BOUNDARIES
OF THE WILD RICE AND SAND HILL RIVER
WATERSHED DISTRICTS

A sufficient petition having been filed seeking changes in the common boundary between the Wild Rice and Sand Hill River Watershed Districts; a public hearing having been held on the petition; the report of the Administrative Law Judge having been received; and written exceptions to said report having been received and considered; the Water Resources Board (Board) makes the following Findings of Fact, Conclusions of Law, and Order;

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

The attached report of the Administrative Law Judge, including its Findings of Fact, Conclusions, and Recommendation is adopted by the Board with the following modifications:

- A. Strike the first sentence of paragraph number 5 on page 2, and insert the following: "The Order for Hearing and Notice Thereof was published in the Fertile Journal (Polk County) on June 6 and 13, 1984, and in the Norman County Index on June 6 and 20, 1984."
- B. Change "1972" to "1968" in the first sentence of the first paragraph on page 3, and change "1975" to "1974" in the second sentence of the first paragraph on page 3.

- C. Change "flow" to "divides" in the first sentence of paragraph number 8 on page 3.
- D. Strike the first sentence of paragraph number 14 on page 4 and insert the following: "The South one-half of the southeast quarter and the East one-half of the southeast quarter of the southwest quarter of Section 16, Bejou Township, Mahnomen County, is proposed for transfer from Sand Hill to Wild Rice."
- E. Strike the last two sentences of the first paragraph on page 6 and insert the following: "On August 13, 1984, the Board received a written exception to the report of the Administrative Law Judge from Stanley C. Olson, Attorney for both Districts, stating that the Sand Hill River Watershed District board of managers feels very strongly that the northeast quarter of Section 1, Gregory Township, Mahnomen County, should be transferred to the Sand Hill River Watershed District because this quarter unquestionably drains into the Sand Hill River Watershed District. The letter further stated that the Wild Rice Watershed District board of managers has no objection to this request by the Sand Hill District. The northeast quarter of Section 1, Gregory Township, presently drains into the Sand Hill District and should, therefore, be transferred from Wild Rice to Sand Hill."

IT IS THEREFORE ORDERED THAT

1. The territory of the Wild Rice Watershed District is defined by the following land description, which supercedes the land descriptions contained in the Board's Order of February 17, 1972 that enlarged the District:

(Note: All township and range designations refer to the 5th Principal Meridian)

A. Polk County

1. Township 147 North, Range 49 West (Hubbard)

That portion of the S $\frac{1}{2}$ of Section 25 in the State of Minnesota.

That portion of the S $\frac{1}{2}$ of Section 26 in the State of Minnesota.

That portion of Section 36 in the State of Minnesota.

2. Township 147 North, Range 48 West (Hubbard)

$S\frac{1}{2}$	Section	30
All of Section	"	31
$NE\frac{1}{4}$ of the $NE\frac{1}{4}$	"	32
$S\frac{1}{2}$ of the $NE\frac{1}{4}$	"	32
$S\frac{1}{2}$	"	32
$S\frac{1}{2}$	"	33
$S\frac{1}{2}$	"	34
$S\frac{1}{2}$	"	35
$S\frac{1}{2}$	"	36.

3. Township 147 North, Range 47 West (Scandia)

$S\frac{1}{2}$	Section	31
$S\frac{1}{2}$	"	32
$S\frac{1}{2}$	"	33
$S\frac{1}{2}$	"	34
$S\frac{1}{2}$	"	35
$S\frac{1}{2}$ of the $N\frac{1}{2}$	"	36
$S\frac{1}{2}$	"	36.

4. Township 147 North, Range 46 West (Reis)

$S\frac{1}{2}$ of the $N\frac{1}{2}$	Section	25
$S\frac{1}{2}$	"	25
$S\frac{1}{2}$ of the $NE\frac{1}{4}$	"	26
$S\frac{1}{2}$	"	26
$S\frac{1}{2}$ of the $SW\frac{1}{4}$	"	27
$SE\frac{1}{4}$	"	27
$S\frac{1}{2}$	"	28
All of Sections	Sections	31 through 36 inclusive.

5. Township 147 North, Range 45 West (Liberty)

$S\frac{1}{2}$ of the $NW\frac{1}{4}$	Section	28
$S\frac{1}{2}$	"	28
$S\frac{1}{2}$ of the $N\frac{1}{2}$	"	29
$S\frac{1}{2}$	"	29
$S\frac{1}{2}$ of the $N\frac{1}{2}$	"	30
$S\frac{1}{2}$	"	30.
All of Sections	Sections	31, 32, and 33.

6. Township 147 North, Range 44 West (Garfield)

All of Sections	Sections 35 and 36.
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7. Township 147 North, Range 42 West (Winger)

$SE\frac{1}{2}$ of the $SE\frac{1}{4}$	Section 36.
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8. Township 147 North, Range 41 West (Sletten)

$E\frac{1}{2}$	Section 32
$E\frac{1}{2}$ of the $W\frac{1}{2}$	" 32
All of Sections	Sections 33 and 34
$S\frac{1}{2}$ of the $NE\frac{1}{4}$	Section 35
$W\frac{1}{2}$	" 35
$SE\frac{1}{4}$	" 35
$SW\frac{1}{4}$	" 36.

B. Norman County

1. Township 146 North, Range 49 West

That portion of the township in the State of Minnesota.
2. Township 146 North, Range 48 West (Shelly)

All of the township.
3. Township 146 North, Range 47 West (Good Hope)

All of the township.
4. Township 146 North, Range 46 West (Lockhart)

All of the township.
5. Township 146 North, Range 45 West (Spring Creek)

$S\frac{1}{2}$	Section 1
$S\frac{1}{2}$ of the $N\frac{1}{2}$	" 2
$S\frac{1}{2}$	" 2
All of Sections	Sections 3 through 36 inclusive.
6. Township 146 North, Range 44 West (Sundahl)

All of the township.
7. Township 146 North, Range 43 West (Bear Park)

All of Section	Section 7
$NW\frac{1}{4}$ of the $NW\frac{1}{4}$	" 17
$S\frac{1}{2}$ of the $N\frac{1}{2}$	" 17
$S\frac{1}{2}$	" 17
All of Sections	Sections 18, 19, and 20
$SW\frac{1}{4}$ of the $NW\frac{1}{4}$	Section 21
$S\frac{1}{2}$	" 21
$SW\frac{1}{4}$ of the $SW\frac{1}{4}$	" 22

7. Township 146 North, Range 43 West (Bear Park) (Continued)

E $\frac{1}{2}$ of the SE $\frac{1}{2}$	Section	24
E $\frac{1}{2}$ of the E $\frac{1}{2}$	"	25
NW $\frac{1}{4}$	"	27
W $\frac{1}{2}$ of the SW $\frac{1}{2}$	"	27
All of Sections	Sections	28 through 33 inclusive
SW $\frac{1}{4}$ of the NE $\frac{1}{4}$	Section	34
NW $\frac{1}{4}$	"	34
S $\frac{1}{2}$	"	34
SW $\frac{1}{4}$	"	35
S $\frac{1}{2}$ of the SE $\frac{1}{4}$	"	35
E $\frac{1}{2}$ of the NE $\frac{1}{4}$	"	36.

8. Township 145 North, Range 49 West

That portion of the township in the State of Minnesota.

9. Township 145 North, Range 48 West (Halstad)

That portion of the township in the State of Minnesota.

10. Township 145 North, Range 47 West (Anthony)

All of the township.

11. Township 145 North, Range 46 West (Pleasant View)

All of the township.

12. Township 145 North, Range 45 West (Green Meadow)

All of the township.

13. Township 145 North, Range 44 West (Strand)

All of the township.

14. Township 145 North, Range 43 West (Waukon)

All of the township.

15. Township 144 North, Range 49 West

That portion of the township in the State of Minnesota.

16. Township 144 North, Range 48 West (Hendrum)

All of the township.

17. Township 144 North, Range 47 West (Hegne)

All of the township.

18. Township 144 North, Range 46 West (McDonaldsville)

All of the township.

19. Township 144 North, Range 45 West (Lake Ida)

All of the township.

20. Township 144 North, Range 44 West (Wild Rice)
All of the township.
21. Township 144 North, Range 43 West (Fossum)
All of the township.
22. Township 143 North, Range 49 West
That portion of the township in the State of Minnesota.
23. Township 143 North, Range 48 West (Lee)
All of the township.
24. Township 143 North, Range 47 West (Mary)
All of the township.
25. Township 143 North, Range 46 West (Winchester)
All of the township.
26. Township 143 North, Range 45 West (Rockwell)
All of the township.
27. Township 143 North, Range 44 West (Home Lake)
All of the township.
28. Township 143 North, Range 43 West (Flom)
All of the township.

C. Mahnomen County

1. Township 146 North, Range 42 West (Bejou)

All of Section	Section 1
E $\frac{1}{2}$	" 11
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$	" 11
All of Sections	Sections 12, 13, and 14
S $\frac{1}{2}$	Section 15
E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$	" 16
S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$	" 16
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$	" 16
Gov't. Lots 9 and 10	" 19
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$	" 20
S $\frac{1}{2}$ of the S $\frac{1}{2}$	" 20
E $\frac{1}{2}$ of the NW $\frac{1}{4}$	" 21
NE $\frac{1}{4}$	" 21
S $\frac{1}{2}$	" 21

1. Township 146 North, Range 42 West (Bejou) (Continued)
- | | |
|--|-----------------------------------|
| All of Sections | Sections 22 through 29 inclusive |
| SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ | Section 30 |
| SE $\frac{1}{4}$ | " 30 |
| Gov't. Lots 3 through 12 inclusive | " 30 |
| All of Sections | Sections 31 through 36 inclusive. |

2. Township 146 North, Range 41 West (Gregory)
- | | |
|------------------|----------------------------------|
| NW $\frac{1}{4}$ | Section 1 |
| S $\frac{1}{2}$ | " 1 |
| All of Sections | Sections 2 through 36 inclusive. |

3. Township 146 North, Range 40 West (Heier)
- | | |
|--|-----------------------------------|
| SW $\frac{1}{2}$ of the NW $\frac{1}{4}$ | Section 6 |
| W $\frac{1}{2}$ of the SW $\frac{1}{4}$ | " 6 |
| W $\frac{1}{2}$ of the NW $\frac{1}{4}$ | " 7 |
| SW $\frac{1}{4}$ | " 7 |
| SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ | " 7 |
| All of Section | " 11 |
| S $\frac{1}{2}$ | " 13 |
| All of Section | Sections 14, 18, and 19 |
| E $\frac{1}{2}$ of the NE $\frac{1}{4}$ | Section 20 |
| S $\frac{1}{2}$ | " 20 |
| W $\frac{1}{2}$ | " 21 |
| SE $\frac{1}{4}$ | " 21 |
| SE $\frac{1}{4}$ | " 22 |
| All of Sections | Sections 23 through 36 inclusive. |

4. Township 146 North, Range 39 West (Island Lake)
- | | |
|------------------|-----------------------------------|
| SE $\frac{1}{4}$ | Section 8 |
| S $\frac{1}{2}$ | " 9 |
| SW $\frac{1}{4}$ | " 10 |
| NW $\frac{1}{4}$ | " 15 |
| S $\frac{1}{2}$ | " 15 |
| All of Sections | Sections 16 and 17 |
| S $\frac{1}{2}$ | Section 18 |
| All of Sections | Sections 19, 20, 21, and 22 |
| NW $\frac{1}{4}$ | Section 23 |
| S $\frac{1}{2}$ | " 23 |
| All of Sections | Sections 25 through 37 inclusive. |

5. Township 145 North, Range 42 West (Marsh Creek)
All of the township.
6. Township 145 North, Range 41 West (Chief)
All of the township.
7. Township 145 North, Range 40 West (Beaulieu)
All of the township.
8. Township 145 North, Range 39 West (Clover)
All of the township.
9. Township 144 North, Range 42 West (Pembina)
All of the township.
10. Township 144 North, Range 41 West (Rosedale)
All of the township.
11. Township 144 North, Range 40 West (LaGarde)
All of the township.
12. Township 144 North, Range 39 West
All of the township.
13. Township 143 North, Range 42 West (Popple Grove)
All of the township.
14. Township 143 North, Range 41 West (Lake Grove)
All of the township.
15. Township 143 North, Range 40 West (Oakland)
All of the township.
16. Township 143 North, Range 39 West
All of the township.

D. Clearwater County

1. Township 146 North, Range 38 West (Falk)

All of Sections Sections 13, 14, 15, and 16

NE $\frac{1}{2}$ Section 17

S $\frac{1}{2}$ " 17

SE $\frac{1}{2}$ " 19

All of Sections Sections 20 through 36 inclusive.

2. Township 146 North, Range 37 West (Nora)

S $\frac{1}{2}$ Section 14

S $\frac{1}{2}$ " 16

All of Sections Sections 17 through 36 inclusive.

3. Township 146 North, Range 36 West (Moose Creek)

All of Section Section 19

W $\frac{1}{2}$ " 20

W $\frac{1}{2}$ " 29

All of Sections Sections 30, 31, and 32.

4. Township 145 North, Range 38 West

All of the township.

5. Township 145 North, Range 37 West (Minerva)

All of Sections Sections 1 through 23 inclusive

N $\frac{1}{2}$ Section 24

SW $\frac{1}{2}$ " 24

All of Sections Sections 26 through 35 inclusive

W $\frac{1}{2}$ of W $\frac{1}{2}$ Section 36.

6. Township 145 North, Range 36 West (Bear Creek)

S $\frac{1}{2}$ Section 3

All of Sections Sections 4 through 10 inclusive

N $\frac{1}{2}$ Section 16

All of Sections Sections 17 and 18

N $\frac{1}{2}$ Section 19

NW $\frac{1}{2}$ " 20.

7. Township 144 North, Range 38 West (LaPrairie)

All of the township.

8. Township 144 North, Range 37 West (Rice)

W $\frac{1}{2}$	Section	1
All of Sections	Sections	2 through 23 inclusive
W $\frac{1}{2}$	Section	24
All of Sections	Sections	26 through 34 inclusive.

9. Township 144 North, Range 36 West (Itasca)

SW $\frac{1}{4}$	Section	7
NW $\frac{1}{4}$	"	18.

10. Township 143 North, Range 38 West

All of Sections	Sections	1 and 2
E $\frac{1}{2}$ of E $\frac{1}{2}$	Section	3
NW $\frac{1}{4}$	"	4
All of Sections	Sections	5, 6, and 7
NE $\frac{1}{4}$	Section	8
N $\frac{1}{2}$	"	18
W $\frac{1}{2}$ of W $\frac{1}{2}$	"	19
W $\frac{1}{2}$ of W $\frac{1}{2}$	"	30
NW $\frac{1}{4}$	"	31.

11. Township 143 North, Range 37 West

N $\frac{1}{2}$	Section	3
All of Sections	Sections	4, 5, 6, and 8
W $\frac{1}{2}$ of NE $\frac{1}{4}$	Section	9
NW $\frac{1}{4}$	"	9.

E. Clay County

1. Township 142 North, Range 49 West

Those portions of Sections 1, 2, 12, 13, and 24 in the State of Minnesota.

2. Township 142 North, Range 48 West (Georgetown)

All of Sections	Sections	1 through 17 inclusive
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Those portions of Sections 18 and 19 in the State of Minnesota.

All of Sections	Sections	20 through 26 inclusive
N $\frac{1}{2}$	Section	27

2. Township 142 North, Range 48 West (Georgetown) (Continued)

$N\frac{1}{2}$	Section 28
$N\frac{1}{2}$	" 29
That portion of the $N\frac{1}{2}$ of the $N\frac{1}{2}$ of Section 30 in the State of Minnesota	
$N\frac{1}{2}$	Section 35
$N\frac{1}{2}$	" 36.
3. Township 142 North, Range 47 West (Viding)
All of the township.
4. Township 142 North, Range 46 West (Felton)
All of the township.
5. Township 142 North, Range 45 West (Hagen)
All of the township.
6. Township 142 North, Range 44 West (Ulen)
All of the township.
7. Township 141 North, Range 47 West (Morken)
All of Sections Sections 1, 12, and 13.
8. Township 141 North, Range 46 West (Flowing)
All of Sections Sections 1 through 18 inclusive.
9. Township 141 North, Range 45 West (Keene)

All of Sections	Sections 1 through 18 inclusive
$N\frac{1}{2}$	Section 19
$N\frac{1}{2}$	" 20
All of Sections	Sections 21, 22, and 23
$N\frac{1}{2}$	Section 24.
10. Township 141 North, Range 44 West (Goose Prairie)

All of Sections	Sections 1 through 28 inclusive
All of Sections	" 34, 35 and 36.
11. Township 140 North, Range 44 West (Highland Grove)

All of Sections	Sections 1, 2, 3, and 4
$E\frac{1}{2}$	Section 5
All of Sections	Sections 11 and 12.

F. Becker County

1. Township 142 North, Range 43 West (Walworth)
All of the township.
2. Township 142 North, Range 42 West (Spring Creek)
All of the township.
3. Township 142 North, Range 41 West (White Earth)

All of Sections	Sections 1 through 32 inclusive
$N\frac{1}{2}$	Section 33.

4. Township 142 North, Range 40 West (Maple Grove)

All of Sections	Sections	1 through 28 inclusive
$N\frac{1}{2}$	Section	29
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	29
$N\frac{1}{2}$	"	30
$N\frac{1}{2}$ of $S\frac{1}{2}$	"	30
$N\frac{1}{2}$	"	34
$SE\frac{1}{4}$	"	34
All of Sections	Sections	35 and 36.

5. Township 142 North, Range 39 West (Maple Grove)

All of Sections	Sections	2 through 10 inclusive
$N\frac{1}{2}$ of $NW\frac{1}{4}$	Section	11
$W\frac{1}{2}$	"	15
All of Sections	Sections	16, 17, 18, 19, and 20
$W\frac{1}{2}$ of $E\frac{1}{2}$	Section	21
$W\frac{1}{2}$	"	21
$NW\frac{1}{4}$	"	28
All of Sections	Sections	29, 30, 31, and 32.

6. Township 141 North, Range 43 West (Atlanta)

All of Sections	Sections	1 through 32 inclusive
$N\frac{1}{2}$	Section	33
$N\frac{1}{2}$	"	34
All of Sections	Sections	35 and 36.

7. Township 141 North, Range 42 West (Riceville)

$W\frac{1}{2}$ of $NE\frac{1}{4}$	Section	1
All of Sections	Sections	4, 5, 6, 7, and 8
$N\frac{1}{2}$	Section	17
$SW\frac{1}{4}$	"	17
$W\frac{1}{2}$ of $SE\frac{1}{4}$	"	17
All of Sections	Sections	18 and 19
$NW\frac{1}{4}$	Section	20
$E\frac{1}{2}$ of $NE\frac{1}{4}$	"	30
Gov't. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12	"	30
Gov't. Lots 1, 2, 3, 4, 5, 8, 9, and 12	"	31.

6. Township 148 North, Range 44 West (Godfrey)
- | | | |
|-----------------|----------|---------------------------------|
| All of Sections | Sections | 2, 3, 10, 11, 15,
21, and 22 |
| All of Sections | " | 25 through 36 inclusive. |
7. Township 148 North, Range 43 West (Woodside)
- | | | |
|-----------------|----------|--------------------------|
| All of Sections | Sections | 25 through 36 inclusive. |
|-----------------|----------|--------------------------|
8. Township 148 North, Range 42 West (Knut)
- | | | |
|-----------------|----------|--------------------------|
| All of Sections | Sections | 20 and 21 |
| All of Sections | " | 27 through 36 inclusive. |
9. Township 148 North, Range 41 West (King)
- | | | |
|-----------------|----------|--------------------------|
| All of Sections | Sections | 27 and 28 |
| All of Sections | " | 31 through 36 inclusive. |
10. Township 147 North, Range 49 West
- Those portions of Sections 1, 2, 11, 12, 13, 14, 23, and 24 in the State of Minnesota.
- | | | |
|----------------|---------|----|
| $N\frac{1}{2}$ | Section | 25 |
|----------------|---------|----|
- That portion of the $N\frac{1}{2}$ of Section 26 in the State of Minnesota.
11. Township 147 North, Range 48 West (Hubbard)
- | | | |
|--|----------|------------------------|
| All of Sections | Sections | 1 through 29 inclusive |
| $N\frac{1}{2}$ | Section | 30 |
| $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ | " | 32 |
| $NW\frac{1}{4}$ | " | 32 |
| $N\frac{1}{2}$ | " | 33 |
| $N\frac{1}{2}$ | " | 34 |
| $N\frac{1}{2}$ | " | 35 |
| $N\frac{1}{2}$ | " | 36. |
12. Township 147 North, Range 47 West (Scandia)
- | | | |
|--------------------------------------|----------|------------------------|
| All of Sections | Sections | 1 through 30 inclusive |
| $N\frac{1}{2}$ | Section | 31 |
| $N\frac{1}{2}$ | " | 32 |
| $N\frac{1}{2}$ | " | 33 |
| $N\frac{1}{2}$ | " | 34 |
| $N\frac{1}{2}$ | " | 35 |
| $N\frac{1}{2}$ of the $N\frac{1}{2}$ | " | 36. |

13. Township 147 North, Range 46 West (Reis)

All of Sections	Sections 1 through 24 inclusive
$N\frac{1}{2}$ of the $N\frac{1}{2}$	Section 25
$N\frac{1}{2}$ of the $NE\frac{1}{4}$	" 26
$NW\frac{1}{4}$	" 26
$N\frac{1}{2}$	" 27
$N\frac{1}{2}$ of the $SW\frac{1}{4}$	" 27
$N\frac{1}{2}$	" 28
All of Sections	Sections 29 and 30.

14. Township 147 North, Range 45 West (Liberty)

All of Sections	Sections 1 through 27 inclusive
$NE\frac{1}{4}$	Section 28
$N\frac{1}{2}$ of $NW\frac{1}{4}$	" 28
$N\frac{1}{2}$ of the $N\frac{1}{2}$	" 29
$N\frac{1}{2}$ of the $N\frac{1}{2}$	" 30
All of Sections	Sections 34, 35, and 36.

15. Township 147 North, Range 44 West (Garfield)

All of Sections Sections 1 through 34 inclusive.

16. Township 147 North, Range 43 West (Garden)

All of the township.

17. Township 147 North, Range 42 West (Winger)

All of Sections	Sections 1 through 35 inclusive
$N\frac{1}{2}$	Section 36
$SW\frac{1}{4}$	" 36
$N\frac{1}{2}$ of the $SE\frac{1}{4}$	" 36
$SW\frac{1}{4}$ of the $SE\frac{1}{4}$	" 36.

18. Township 147 North, Range 41 West (Sletten)

All of Sections	Sections 1 through 31 inclusive
$W\frac{1}{2}$ of the $W\frac{1}{2}$	Section 32
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 35
$N\frac{1}{2}$	" 36
$SE\frac{1}{4}$	" 36.

19. Township 147 North, Range 40 West (Rosebud)

All of the township.

B. Norman County

1. Township 146 North, Range 45 West (Spring Creek)

N $\frac{1}{2}$	Section	1
N $\frac{1}{2}$ of the N $\frac{1}{2}$	"	2.

2. Township 146 North, Range 43 West (Bear Park)

All of Sections	Sections	1 through 6 inclusive
All of Sections	"	8 through 16 inclusive
N $\frac{1}{2}$ of the NE $\frac{1}{4}$	Section	17
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$	"	17
NE $\frac{1}{4}$	"	21
N $\frac{1}{2}$ of the NW $\frac{1}{4}$	"	21
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$	"	21
N $\frac{1}{2}$	"	22
N $\frac{1}{2}$ of the SW $\frac{1}{4}$	"	22
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$	"	22
SE $\frac{1}{4}$	"	22
All of Section	"	23
N $\frac{1}{2}$	"	24
SW $\frac{1}{4}$	"	24
W $\frac{1}{2}$ of the SE $\frac{1}{4}$	"	24
W $\frac{1}{2}$ of the E $\frac{1}{2}$	"	25
W $\frac{1}{2}$	"	25
All of Section	"	26
E $\frac{1}{2}$	"	27
E $\frac{1}{2}$ of the SW $\frac{1}{4}$	"	27
N $\frac{1}{2}$ of the NE $\frac{1}{4}$	"	34
SE $\frac{1}{4}$ of the NE $\frac{1}{4}$	"	34
N $\frac{1}{2}$	"	35
N $\frac{1}{2}$ of the SE $\frac{1}{4}$	"	35
W $\frac{1}{2}$ of the NE $\frac{1}{4}$	"	36
W $\frac{1}{2}$	"	36
SE $\frac{1}{4}$	"	36.

C. Mahnomon County

1. Township 146 North, Range 42 West (Bejou)

All of Sections	Sections	2 through 10 inclusive
NW $\frac{1}{4}$	Section	11
N $\frac{1}{2}$ of the SW $\frac{1}{4}$	"	11
SW $\frac{1}{4}$ of the SW $\frac{1}{4}$	"	11
N $\frac{1}{2}$	"	15
N $\frac{1}{2}$	"	16
N $\frac{1}{2}$ of the S $\frac{1}{2}$	"	16
SW $\frac{1}{4}$ of the SW $\frac{1}{4}$	"	16
W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$	"	16
N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$	"	16
All of Sections	Sections	17 and 18
E $\frac{1}{2}$	Section	19
Gov't. Lots 1 through 8 inclusive	"	19
Gov't Lots 11 and 12	"	19
N $\frac{1}{2}$	"	20
N $\frac{1}{2}$ of the SW $\frac{1}{4}$	"	20
NW $\frac{1}{4}$ of the SE $\frac{1}{4}$	"	20
W $\frac{1}{2}$ of the NW $\frac{1}{4}$	"	21
N $\frac{1}{2}$ of the NE $\frac{1}{4}$	"	30
SW $\frac{1}{4}$ of the NE $\frac{1}{4}$	"	30
Gov't. Lots 1 and 2	"	30.

2. Township 146 North, Range 41 West (Gregory)

NE $\frac{1}{4}$ Section 1.

3. Township 146 North, Range 40 West (Heier)


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

3. Township 146 North, Range 40 West (Heier) (Continued)

All of Sections	Sections	8, 9, 10, 15, 16, and 17.
$W\frac{1}{2}$ of the $NE\frac{1}{4}$	Section	20
$NW\frac{1}{4}$	"	20
$NE\frac{1}{4}$	"	21
$N\frac{1}{2}$	"	22
$SW\frac{1}{4}$	"	22.

Dated at Saint Paul, Minnesota, 55102, this 24th day of September 1984.

MINNESOTA WATER RESOURCES BOARD


Duane R. Ekman
Chairman

STATE OF MINNESOTA
 OFFICE OF ADMINISTRATIVE HEARINGS
 FOR THE MINNESOTA WATER RESOURCES BOARD

In the Matter of the Joint Petition
 of the Sand Hill River Watershed
 District and the Wild Rice Watershed
 District for Changes in the Common
 Boundary Between Said Districts

FINDINGS OF FACT, CONCLUSIONS
 AND RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Richard C. Luis at 9:30 a.m. on June 26, 1984 in the Fertile Community Center, Fertile, Minnesota. The hearing record remained open through July 6, 1984 for the submission of late-filed documents.

The Joint Petitioners, Sand Hill River Watershed District and Wild Rice Watershed District, were represented by Stanley C. Olson, Esq., Olson, Oistad and Opheim, Ada, Minnesota 56510. Duane R. Ekman, Chairman, and Melvin A. Sinn, Executive Director, Water Resources Board, Room 206, 555 Wabasha Street, St. Paul, Minnesota 55102, appeared on behalf of the Water Resources Board. (hereinafter "Board"). Gerald Paul, Regional Hydrologist, Minnesota Department of Natural Resources, 2115 Birchmont Road Northeast, Bemidji, Minnesota 56601, appeared on behalf of the Department of Natural Resources (hereinafter "DNR"). Approximately 40 interested persons attended the hearing, and nine of them offered testimony.

This Report is a recommendation, not a final decision. The Water Resources Board will make the final decision after a review of the record which may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendation contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Melvin A. Sinn, Executive Director, Minnesota Water Resources Board, Room 206, 555 Wabasha Street, St. Paul, Minnesota 55102 to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The purpose of this proceeding is to determine if the Joint Petition of April 4, 1984 for the transfer of certain lands from the jurisdiction of the Sand Hill River Watershed District to the jurisdiction of the Wild Rice Watershed District and for the transfer of certain other lands from the jurisdiction of the Wild Rice Watershed District to the jurisdiction of the Sand Hill River Watershed District should be granted.

Based upon all of the proceedings hereing, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Findings

1. On April 4, 1984, a Joint Petition on behalf of the Boards of Managers of the Wild Rice Watershed District and the Sand Hill River Watershed District was filed with the Minnesota Water Resources Board requesting a transfer of jurisdiction of certain lands under the jurisdiction of each to the jurisdiction of the other, as legally described on pages 2-4 of the Joint Petition, which are attached to this report as Appendix A. Attached to the Petition was a map showing the proposed transfers of land. A smaller-scale facsimile of that map is attached to this report as Appendix B. (WRB Exhibit 1).

2. On April 17, 1984, the above-noted Joint Petition, with an attached map showing the proposed transfers of land, was served upon the County Auditors of the three counties affected by the Petition (Mahnomem, Norman and Polk), the Commissioner of the DNR and the Director of the Division of Waters of the DNR (Petitioner's Exhibit 1).

3. On May 29, 1984, an Order for Hearing and Notice Thereof was issued by Duane R. Ekman, Chairman of the Water Resources Board. This Order for Hearing and Notice Thereof was published in Volume 8, page 2667 of the State Register on June 11, 1984. (WRB Exhibit 4).

4. On June 5, 1984, the Order for Hearing and Notice Thereof in this matter was served upon the Mahnomen, Norman and Polk County Auditors, members of the Board of Managers for each District, the members of the Water Resources Board, the Director of the Division of Waters of the DNR, and the Special Assistant Attorney General who represents the Board. (WRB Exhibit 2).

5. On June 6 and 13, 1984, the Order for Hearing and Notice Thereof were published in the Norman County Index (Ada) and the Fertile Journal (Polk Co.) On June 7 and 14, 1984, the Order for Hearing and Notice Thereof was published in the Mahnomen Pioneer. (WRB Exhibit 3).

6. On June 14, 1984, Larry Seymour, the Director of the Division of Waters of the DNR, issued a report to the Board. In his report, the director acknowledged receipt of the Petition and made several comments and recommendations regarding the Petition. (WRB Exhibit 5).

General Description of the Proposed Changes

7. The relatively small (approximately 400 square miles) Sand Hill River Watershed District lies along part of the northern boundary of the larger (approximately 2,000 square miles) Wild Rice Watershed District. Both Districts have North Dakota (Red River of the North) as their western boundary. Most of the Sand Hill River Watershed District lies in southern Polk County, and the District also includes some portions of northern Norman and Mahnomen Counties.

The Wild Rice Watershed District was established in 1972. The Sand Hill River Watershed District (which was originally the Sand Hill Drainage and Conservancy District, established in 1949 and enlarged in 1963) was created in 1975.

8. No formal, professional engineering survey to determine watershed flow has ever been conducted in the eastern third of the affected area. Prior to this proceeding, the last engineering survey of the western two-thirds of the common border was conducted in approximately 1953, pursuant to the construction of the Sand Hill River Project.

Since that time, a number of major ditching and improvement projects have taken place in the proximity of the western two-thirds of the common border — the Norman-Polk Project (1980-82), the Olson-Aggasiz Project (still under construction) and Norman County Ditch Number 45 (still under construction).

9. During the early 1980's, Lawrence Woodbury, a consulting engineer with the firm of Houston Engineering Company, Fargo, North Dakota, was retained by the Districts to conduct a survey to determine the effects on the two watersheds resulting from the projects listed in the preceding Finding of Fact, from small ditching, tiling and other drainage projects undertaken by private individuals, and from Judicial Ditch Number 55 and Norman County Ditch Number 47 (in the vicinity of the "Garden Slough"). This survey covers approximately the western two-thirds of the common boundary. The survey was accomplished by using United States Geological Survey Quadrangle Maps, on-site inspections, and conversations with affected landowners. The recommendation for boundary changes in the western two-thirds of the common boundary arises out of Woodbury's survey.

10. The eastern one-third of the area in which changes are proposed by the Joint Petition, which lies in Bejou, Gregory and Heier Townships of Mahnomen County and Sletten Township of Polk County, was viewed and studied by three members of the Sand Hill River Watershed District's Board of Managers — Chairman Roland Gullekson, Dan Wilkens and Francis LaVoi. During 1981 and 1982, Gullekson, Wilkens and LaVoi, with the aid of United States Geological Survey Quadrangle Maps supplied by Houston Engineering, personally inspected the affected areas proposed for change and interviewed all the affected landowners they could locate.

11. As a result of the surveys described in Findings 9 and 10, and after meeting with Mr. Woodbury and the three members of the Sand Hill River Board who performed the survey work, the respective Boards of Managers determined that 45 parcels of land, totalling 17,883.61 acres (about 28 square miles), now under the jurisdiction of Wild Rice should be transferred to the jurisdiction of Sand Hill River and 34 parcels of land, totalling 13,338.84 acres (about 21 square miles), now under the jurisdiction of Sand Hill River should be transferred to the jurisdiction of Wild Rice. The legal description of these parcels is contained in Appendix A.

12. The body of this Report will not repeat all the legal descriptions found in Appendix A. Nor will the rationale behind each and every boundary change be detailed. The differences between the proposals in the Joint Petition and the facts found at the hearing will be detailed in subsequent Findings.

All areas proposed for transfer between the Watershed Districts not commented upon in subsequent Findings are found to be appropriate for the transfers proposed in the Joint Petition because the resulting boundary more closely reflects the actual watershed separating the drainage areas of the two systems. The lands added to each District are contiguous to their new districts, and can be administered feasibly by the Board of Managers of their new Districts. Each District can perform the functions for which it was established without the lands to be deleted from its boundaries. It is further found that it is conducive to the public welfare and public interest, and consistent with the purposes of Minn. Stat. Ch. 112, to transfer jurisdiction over said lands, as proposed in the Joint Petition.

Public Testimony Regarding the Watershed Line

13. A ridge line runs east and west through Section 28 of Reis Township in Polk County. This ridge cuts Section 28 approximately in half. All water south of the ridge line eventually flows into the Wild Rice system. The Petition proposes the transfer of only the South one-half of the South one-half of the Section from the Sand Hill River District to the Wild Rice District. It is more appropriate to transfer the entire South half of Section 28 to the jurisdiction of Wild Rice. (Testimony of Loyal Gast).

14. The eastern five-eighths of the South one-quarter of Section 16, Bejou Township, Mahan County, including a 20-acre parcel described as the East one-half of the Southeast one-quarter of the Southwest one-quarter of the Section, is proposed for transfer from Sand Hill to Wild Rice.

Another 20-acre parcel included in the portion of Section 16 proposed for transfer, described as the North one-half of the Southwest one-quarter of the Southeast one-quarter of Section 16, is bounded by a ridge line on the south and east that causes all water in the parcel to drain north and west to the Sand Hill River. This 20-acre parcel should remain in the Sand Hill River Watershed District. It is noted that, although all other recommended land transfers in this Petition have been in parcels of no less than 40 acres, except for the other 20-acre parcel in the same Section (described in the previous paragraph), the described 20-acre increments in Section 16 of Bejou Township are appropriate for transfer because such a division reflects actual waterflow. (Testimony of Dale and Richard Kriewald).

15. The North one-half of Section 21 of Bear Park Township, Norman County is proposed by the Joint Petition for transfer from Wild Rice to Sand Hill. However, the Southwest quarter of the Northwest quarter of Section 21 drains into the Wild Rice system. (Testimony of Dennis Lindberg).

With respect to Section 17 of Bear Park Township, the Petitioners propose transfer of the North half of the Section from the Wild Rice District to the Sand Hill River District. However, only the North half of the Northeast quarter of Section 17 and the Northeast quarter of the Northwest quarter of the Section actually drain into the Sand Hill River system. Since the other 40-acre quarter-quarter Sections in the North half of Section 17 are less than one-half drained by the Sand Hill River system, they should remain in the Wild Rice Watershed District. (Testimony of Dennis Lindberg and Lindberg Photo, submitted July 6, 1984).

16. The Joint Petition proposes the transfer of the East one-half of the Southeast one-quarter of Section 27, Sletten Township, Polk County from the Sand Hill River District to the Wild Rice District. All of this land is drained by Polk County Ditch Number 133, which flows north and west into the Sand Hill River. Therefore, the entire 80-acre portion of Section 27 in Sletten Township proposed for transfer should remain in the Sand Hill River Watershed District. (Testimony of Tennis Balstad).

DNR Testimony

17. All of the land in Heier Township, Mahanomen County which flows into Chief Lake becomes part of the Wild Rice Watershed system. All of the land in Heier Township which flows into Eastlund Lake becomes part of the Sand Hill Watershed system. Sections 7 and 18 of the Township, portions of which are in the Chief Lake basin, were proposed by the Petition for transfer from the Wild Rice District to the Sand Hill River District, and none of the land in the Eastlund Lake basin currently in the Wild Rice District was proposed for transfer to the Sand Hill River District.

In order to create a boundary line which accurately reflects the true watershed in this region, it is necessary to transfer (or not transfer) certain lands from one Watershed District to another in Sections 6, 7, 18 and 20 of Heier Township. All of Section 6 is presently in Sand Hill, and no part of the Section was proposed for transfer in the Joint Petition. However, in order to include those portions of Section 6 that flow into Chief Lake in the Wild Rice District, it is necessary to transfer the South three-quarters of the West one-quarter of Section 6. In addition, Wild Rice should retain the North one-half of the West one-quarter, the Southwest one-quarter and the Southwest one-quarter of the Southeast one-quarter of Section 7, as well as all of Section 18. Such action would allow for retention of the Chief Lake basin in the Wild Rice Watershed District. In order to bring the Eastlund Lake basin into the Sand Hill River Watershed District, the Northwest quarter and the West half of the Northeast one-quarter of Section 20, Heier Township, should be transferred from the Wild Rice to the Sand Hill. (Testimony of Gerald Paul, DNR Regional Hydrologist).

General Findings

18. It is found that all the changes outlined in Findings 13-17 above are appropriate because they more closely reflect the actual watershed separating the Sand Hill River and Wild Rice systems, in the affected areas, than did the proposals for the specific areas in the original Joint Petition. The changes do not affect the contiguity of territory in either District, and the affected lands can be administered feasibly by the Boards of Managers of their new (or present) Districts. Each District can perform the functions for which it was established without the lands to be deleted from its boundaries. It is further found that adoption of the changes would be conducive to the public welfare and public interest, and consistent with the purposes of Minn. Stat. Ch. 112.

19. At the hearing, Chairman Gullekson of the Sand Hill River District and Mr. Paul of the DNR discussed the feasibility of making a change regarding the Northeast quarter of Section 1, Gregory Township, Mahanomen County. A portion of this territory has been tiled out by the owners (Big Brothers of

America), which tiling changes the natural flow of water from a southerly direction, into the Wild Rice system, and diverts the drainage north and west into the Sand Hill. All of this Section is currently under the jurisdiction of Wild Rice, and no transfer was proposed in the Petition. To further complicate matters, the owner and the State of Minnesota are currently engaged in litigation, where the State has taken the position that the tiling should be removed because the area is a protected wetland. The Joint Petitioners and the DNR agreed that no change should be made at this time regarding this part of Section 1, Gregory Township, because of the uncertain future of the drainage in question. It is found that the public interest and public welfare and the purposes of Minn. Stat. Ch. 112 would best be served by retaining the area in question under the jurisdiction of the Wild Rice Watershed District, pending final resolution of the above-noted litigation.

Based upon the above Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

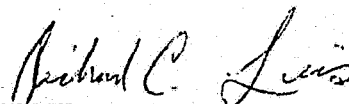
1. The Minnesota Water Resources Board and the Administrative Law Judge have jurisdiction in this matter.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. It would serve the purposes of Minn. Stat. Ch. 112, and would further the public welfare and the public interest to grant the Joint Petition, as modified by the changes outlined in Findings 13-17 above, to transfer certain lands from the jurisdiction of the Sand Hill River Watershed District to the jurisdiction of the Wild Rice Watershed District, and to transfer certain other lands from the jurisdiction of the Wild Rice Watershed District to the jurisdiction of the Sand Hill River Watershed District. The transfer of lands would leave the Districts contiguous in territory, all such lands could feasibly be administered by the managers of the respective Districts, each District can perform the functions for which it was established without the lands to be deleted from its boundaries, and the granting of the Petition, as modified by the changes outlined in Findings 13-17, would result in Watershed Districts more closely reflecting the present watersheds.
4. Any of the foregoing Conclusions which should properly be deemed Findings of Fact, or any of the foregoing Findings of Fact which should properly be deemed Conclusions, are hereby adopted as such.

Based on the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the Minnesota Water Resources Board grant the Joint Petition of the Sand Hill River Watershed District and the Wild Rice Watershed District for changes in their common boundary, as modified by the changes outlined at Findings 13-17 herein.

Dated this 3rd day of August, 1984.



RICHARD C. LUIS
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

Reported: Taped.

MEMORANDUM

The Administrative Law Judge has found (as detailed in Findings 13-17 above) that the proposals for boundary changes presented in the Joint Petition were inappropriate in certain instances. The Findings are based upon un rebutted, credible testimony of landowners directly affected or persons who are familiar with the actual waterflow in the particular areas. The Judge urges the Board to give appropriate weight to the unchallenged evidence presented by these people. Loyal Gast has farmed in Section 34 of Reis Township, Polk County, for several decades, and he is familiar with the flow of surface water in Section 28 of the Township, which lies north and west of his home Section. Dale and Richard Kriewald, Tennis Balstad and Dennis Lindberg farm in the areas directly affected. It should be noted that Mr. Lindberg's testimony was endorsed by Lawrence Woodbury, the Districts' expert witness. As to the evidence offered by Mr. Paul of the DNR, it is significant that counsel for the Districts, Stanley Olson, agreed on the record that the DNR's recommendations regarding the Chief and Eastlund Lake basins should be followed.

The Judge's only concern with the Board's adoption of the Joint Petition, as modified by the changes outlined at Findings 13-17, related to the DNR's recommendations for Sections 6 and 20 of Heier Township in Mahanomen County. The Petition made no mention of potential transfers of jurisdiction regarding these Sections, but, if the recommendations are followed, some of Section 6 will be transferred from Sand Hill to Wild Rice and some of Section 20 will be transferred from Wild Rice to Sand Hill. Had prior notification been made of potential changes in Sections 6 and 20, landowners from these Sections may have offered evidence regarding the actual flow of water in the Chief Lake and Eastlund Lake basins. However, it is highly unlikely that any such persons would have offered evidence contrary to the recommendations of

Mr. Paul, the Regional Hydrologist, since his recommendations are consistent with the general principle that all land in the Chief Lake basin should be under the jurisdiction of the the Wild Rice District and all land in the Eastlund Lake basin should be under the jurisdiction of the Sand Hill River District. This general principle, and the specific recommendations implementing that principle were also endorsed by counsel for both Districts, and members of both Boards of Managers were present and acquiesced in the recommended changes. Finally, both Sections lie along the present borderline between the two districts, and all persons in the vicinity had general notice, accomplished by publication thereof in the State Register and in the local legal newspapers, of potential boundary changes between the Sand Hill River and Wild Rice Watershed Districts. For these reasons, the Judge concludes that notice was proper and the Joint Petition, as modified by the changes outlined at Findings 13-17 in the body of this Report, should be granted.

R.C.L.

135-592