

Minnesota Water Resources Board
500 Lafayette Road
First Floor
St. Paul, Minnesota 55101

In the Matter of the Petition for
Enlargement of The Two Rivers
Watershed District Filed on May 19,
1986 (Minn. Stat. section 112.761)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition signed by the Kittson County Board of Commissioners requesting the enlargement of The Two Rivers Watershed District was filed on May 19, 1986. On June 12, 1986 the Water Resources Board authorized staff to make arrangements for a public hearing on the petition.

A hearing was held on July 29, 1986 in Kennedy, Minnesota. The hearing was conducted by Duane Ekman, chairman of the Water Resources Board. Also present were Board members Marlin Rieppel and Erika Sitz, and staff member Mel Sinn. Attorney Ronald C. Vroom appeared on behalf of the Kittson County Board of Commissioners.

Having fully considered the testimony and exhibits presented, the Water Resources Board makes the following:

FINDINGS OF FACT

- I. The Two Rivers Watershed District (District) was established on October 30, 1957 by Order of the Water Resources Board (Board).
- II. On May 19, 1986 a petition was filed with the Board by the Kittson County Board of Commissioners requesting the enlargement of the District to include all portions of Kittson County

not presently within a watershed district, and lands in northern Marshall County that drain into or are benefitted by Judicial Ditch No. 10. The petition further requested that the District's board of managers be increased in number from five to seven members.

- III. On May 23, 1986 copies of the petition were mailed to the Auditor of Roseau County, the President of the District, the Commissioner of the Minnesota Department of Natural Resources, (MDNR) and the Director of the Division of Waters of the MDNR.
- IV. On June 12, 1986 the Board found the petition sufficient upon service of a copy on the Auditor of Marshall County, and authorized staff to arrange a public hearing.
- V. On June 24, 1986 a copy of the petition was mailed to the Auditor of Marshall County.
- VI. On June 26, 1986 an Order for Hearing and Notice Thereof was issued by the Board. On July 2, 1986 the Order was mailed to the Auditors of Kittson, Roseau, and Marshall Counties; the Mayors of Kennedy, Karlstad, Halma, and Donaldson; the managers of the District; and other interested persons.
- VII. The Board gave published Notice of Hearing in The North Star News in Kittson County and in the Stephen Messenger in Marshall County on July 10 and 17, 1986.
- VIII. On July 23, 1986 the Board received a report on the proposed enlargement from the MDNR. The report supported the enlargement petition and made specific recommendations concerning the southern boundary of the enlargement area.

- IX. A public hearing on the petition was held on July 29, 1986 beginning at 9:30 a.m. in the Community Center Building in Kennedy, Minnesota.
- X. The area proposed to be added to the District comprises a little over 300 square miles of land in southern Kittson County and roughly 15 square miles of land along the northern boundary of Marshall County. The area is contiguous to the southwesterly boundary of the District, and the northerly boundary of the Tamarac River watershed area to the south. The area contains a web of legal drainage systems and natural coulees that convey runoff westerly into the Red River of the North.
- XI. Kittson County Commissioner Charles Lindberg testified in support of the petition. He said the County has had difficulty controlling unauthorized ditching and managing drainage in the area. He said the County is thinking about turning county ditches over to the watershed district.
- XII. Kittson County Commissioner Randy Swenson testified in support of the petition. He said that under current conditions floodwaters escape the western boundary of The Two Rivers Watershed District and flow into the proposed enlargement area.
- XIII. Leroy Hoekstra, Mayor of Kennedy, testified that the City has flooding problems caused by County Ditches No. 4 and 27, and that better water management is needed in the area.

- XIV. Ken Price, Marshall County Commissioner, testified that the PL 566 Tamarac River Project is working well and that there is no need for a watershed district over the Tamarac River watershed.
- XV. Roger Hille, Marshall County Engineer and Ditch Inspector, testified on the location of the northern boundary of the adjacent Tamarac River watershed.
- XVI. Don Craigmile, District manager, testified in support of the petition. He recommended that one new manager be appointed from the east portion of the enlargement area and one from the west.
- XVII. Ten interested landowners also testified. Most testified about the drainage and flooding problems in their areas. Two testified in opposition to the enlargement.
- XVIII. The record demonstrates a need for coordinated water resources planning and management in the enlargement area. A watershed district could coordinate water management in the enlargement area through preparation of an Overall Plan, public education, regulation of actions affecting water resources, and oversight of drainage improvements.
- XIX. The enlargement area proposed in the petition includes about 14 square miles in the southeast corner of Kittson County that drains southerly into the Tamarac River watershed. This portion of the Tamarac River watershed is hydrologically independent from the remainder of the proposed enlargement area, and should not become part of The Two Rivers Watershed District.

XX. The Board may increase the number of managers pursuant to Minn. Stat. section 112.421. An increase in the number of managers from five to seven is reasonable, given the 1/3 increase in area following enlargement. Neither Roseau County nor Marshall County requested authority to appoint a new manager. Because nearly the entire enlargement area is in Kittson County, it would be appropriate for Kittson County to be given the authority to appoint the two additional managers requested.

CONCLUSIONS OF LAW

- I. The Board has proper jurisdiction in the matter of the proposed enlargement of the District. The petition is proper with regard to form, content, execution, and filing.
- II. Due, timely, and proper Notice of Hearing was given. All other relevant substantive and procedural requirements of law have been fulfilled.
- III. Enlargement of the District and an increase in the number of managers from five to seven would be for the public welfare and public interest, and would serve the purposes of Minnesota Statutes, Chapter 112.

IT IS THEREFORE ORDERED THAT

- I. The territory of The Two Rivers Watershed District is enlarged. The new boundary of The Two Rivers Watershed District is defined as the perimeter of the whole land area described in the following paragraph.
- II. The new territory of The Two Rivers Watershed District includes all of the tracts of land described below, including

all bodies of water therein. The described lands may contain all or parts of quarter-quarter-tracts, government lots, and lots within platted areas. The new territory of The Two Rivers Watershed District is defined by the following description, which supercedes the descriptions contained in Board boundary Orders dated April 6, 1964; May 27, 1966; and March 10, 1978:

Note: All townships and ranges refer to the 5th Principal Meridian.

A. Kittson County

1. Township 164 North, Range 48 West (Richardville)

| | |
|-----------------|---------------------|
| All of Sections | Sections 25 and 36. |
|-----------------|---------------------|
2. Township 164 North, Range 47 West (St. Joseph)

| | |
|-----------------|------------------------------|
| All of Sections | Sections 25 through 36, inc. |
|-----------------|------------------------------|
3. Township 164 North, Range 46 West (McKinley)

| | |
|-----------------|------------------------------|
| All of Sections | Sections 25 through 36, inc. |
|-----------------|------------------------------|
4. Township 164 North, Range 45 West (Caribou)

| | |
|----------------|------------|
| All of Section | Section 30 |
| N 1/2 | " 31 |
| SW 1/4 | " 31. |
5. Township 163 North, Range 49 West (Clow)

| | |
|-----------------|--------------------|
| All of Section | Section 13 |
| E 1/2 | " 14 |
| E 1/2 | " 23 |
| All of Sections | Sections 24 and 25 |
| E 1/2 | Section 26 |
| E 1/2 | " 35 |
| All of Section | " 36. |
6. Township 163 North, Range 48 West (Richardville)

| | |
|-----------------|----------------------|
| All of Sections | Sections 1, 2, and 3 |
|-----------------|----------------------|

6. Township 163 North, Range 48 West (Richardville) (Cont.)
- | | |
|-----------------|-----------------------------|
| S 1/2 | Section 7 |
| All of Sections | Sections 8 through 36, inc. |
7. Township 163 North, Range 47 West (St. Joseph)
- | | |
|-----------------|-----------------------------|
| All of Sections | Sections 1 through 36, inc. |
|-----------------|-----------------------------|
8. Township 163 North, Range 46 West (McKinley)
- | | |
|-----------------|-----------------------------|
| All of Sections | Sections 1 through 36, inc. |
|-----------------|-----------------------------|
9. Township 163 North, Range 45 West (Caribou)
- | | |
|-----------------|------------------------------|
| S 1/2 | Section 5 |
| NW 1/4 | " 6 |
| S 1/2 | " 6 |
| All of Sections | Sections 7, 8 |
| NW 1/4 | Section 9 |
| S 1/2 | " 9 |
| All of Sections | Sections 16 through 21, inc. |
| W 1/2 | Section 22 |
| S 1/2 of SW 1/4 | " 26 |
| All of Sections | Sections 27 through 35, inc. |
| S 1/2 | Section 36. |
10. Township 162 North, Range 50 West (Hill)
- | | |
|-----------------|------------------------------|
| All of Sections | Sections 13 through 36, inc. |
|-----------------|------------------------------|
11. Township 162 North, Range 49 West (Hampden)
- | | |
|--|-----------|
| All of Section | Section 1 |
| E 1/2 | " 2 |
| SW 1/4 | " 6 |
| All of Section | " 7 |
| That part of the section lying westerly of the easterly right-of-way line of U.S. Highway 75 | " 8 |

11. Township 162 North, Range 49 West (Hampden) (Cont.)
- | | | |
|--|---|------------------------------|
| E 1/2 | " | 11 |
| S 1/2 of SW 1/4 | " | 11 |
| All of Sections | | Sections 12 through 15, inc. |
| E 1/2 of NE 1/4 | | Section 16 |
| That part of the NW 1/4 lying westerly of the easterly right-of-way line of U.S. Highway 75 | " | 16 |
| S 1/2 | " | 16 |
| All of Sections | | Sections 17 through 36, inc. |
12. Township 162 North, Range 48 West (Granville)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|
13. Township 162 North, Range 47 West (Poppleton)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|
14. Township 162 North, Range 46 West (Cannon)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|
15. Township 162 North, Range 45 West (Unorganized)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|
16. Township 161 North, Range 50 West (North Red River)
- | | | |
|--|--|--|
| All of the township in the State of Minnesota. | | |
|--|--|--|
17. Township 161 North, Range 49 West (Hallock)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|
18. Township 161 North, Range 48 West (Thompson)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
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19. Township 161 North, Range 47 West (Hazelton)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
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20. Township 161 North, Range 46 West (Percy)
- | | | |
|-----------------|--|-----------------------------|
| All of Sections | | Sections 1 through 36, inc. |
|-----------------|--|-----------------------------|

21. Township 161 North, Range 45 West (Unorganized)
 All of Sections Sections 1 through 36, inc.
22. Township 160 North, Range 50 West (South Red River)
 All of the township in the State of Minnesota.
23. Township 160 North, Range 49 West (Skane)
 All of Sections Sections 1 through 36, inc.
24. Township 160 North, Range 48 West (Tegner)
 All of Sections Sections 1 through 36, inc.
25. Township 160 North, Range 47 West (Jupiter)
 All of Sections Sections 1 through 36, inc.
26. Township 160 North, Range 46 West (Norway)
 All of Sections Sections 1 through 36, inc.
27. Township 160 North, Range 45 West (Pelan)
 All of Sections Sections 1 through 36, inc.
28. Township 159 North, Range 50 West (Teien)
 All of the township in the State of Minnesota.
29. Township 159 North, Range 49 West (Svea)
 All of Sections Sections 1 through 36, inc.
30. Township 159 North, Range 48 West (Davis)
 All of Sections Sections 1 through 36, inc.
31. Township 159 North, Range 47 West (Spring Brook)
 All of Sections Sections 1 through 36, inc.
32. Township 159 North, Range 46 West (Deerwood)
 All of Sections Sections 1 through 22, inc.
 W 1/2 Section 23
 N 1/2 of NW 1/4 " 26
 SW 1/4 of NW 1/4 " 26
 NW 1/4 of SW 1/4 " 26
 All of Sections Sections 27 through 33, inc.

32. Township 159 North, Range 46 West (Deerwood) (Cont.)

| | |
|-----------------|------------|
| N 1/2 | Section 34 |
| SW 1/4 | " 34 |
| W 1/2 of SE 1/4 | " 34. |

33. Township 159 North, Range 45 West (Arveson)

| | |
|-----------------|------------------------------|
| All of Sections | Sections 1 through 18, inc. |
| NE 1/4 | Section 19 |
| N 1/2 | " 20 |
| N 1/2 | " 21 |
| All of Sections | Sections 22 through 26, inc. |
| N 1/2 | Section 27 |
| N 1/2 | " 36. |

B. Roseau County

1. Township 163 North, Range 44 West (Blooming Valley)

| | |
|-------|------------|
| S 1/2 | Section 31 |
| S 1/2 | " 32. |

2. Township 162 North, Range 44 West (Unorganized)

| | |
|-----------------|-----------------------------|
| SW 1/4 | Section 2 |
| All of Sections | Sections 3 through 36, inc. |

3. Township 162 North, Range 43 West (Soler)

| | |
|------------------|------------------------------|
| All of Sections | Sections 7, 8 and 9 |
| S 1/2 | Section 10 |
| S 1/2 of SW 1/4 | " 11 |
| SW 1/4 of NW 1/4 | " 13 |
| SW 1/4 | " 13 |
| S 1/2 of SE 1/4 | " 13 |
| W 1/2 of NE 1/4 | " 14 |
| SE 1/4 of NE 1/4 | " 14 |
| NW 1/4 | " 14 |
| S 1/2 | " 14 |
| All of Sections | Sections 15 through 36, inc. |

4. Township 162 North, Range 42 West (Moose)

| | |
|------------------|------------------------------|
| NW 1/4 of SW 1/4 | Section 18 |
| S 1/2 of S 1/2 | " 18 |
| All of Section | " 19 |
| S 1/2 of NW 1/4 | " 20 |
| S 1/2 | " 20 |
| SW 1/4 of SW 1/4 | " 21 |
| NW 1/4 of NW 1/4 | " 28 |
| S 1/2 of NW 1/4 | " 28 |
| SW 1/4 | " 28 |
| SW 1/4 of SE 1/4 | " 28 |
| All of Sections | Sections 29 through 32, inc. |
| W 1/2 of NE 1/4 | Section 33 |
| W 1/2 | " 33 |
| SE 1/4 | " 33. |

5. Township 162 North, Range 41 West (Ross)

| | |
|------------------|------------------------------|
| S 1/2 of S 1/2 | Section 23 |
| S 1/2 | " 24 |
| All of Sections | Sections 25 and 26 |
| NE 1/4 | Section 27 |
| S 1/2 | Section 27 |
| S 1/2 of SW 1/4 | " 28 |
| SE 1/4 | " 28 |
| SE 1/4 | " 31 |
| NE 1/4 of NE 1/4 | " 32 |
| S 1/2 of NE 1/4 | " 32 |
| S 1/2 | " 32 |
| All of Sections | Sections 33 through 36, inc. |

6. Township 162 North, Range 40 West (Jadis)

| | |
|------------------|------------|
| SW 1/4 | Section 19 |
| W 1/2 of SE 1/4 | " 19 |
| SE 1/4 of SE 1/4 | " 19 |
| N 1/2 of NE 1/4 | " 30 |
| SW 1/4 of NE 1/4 | " 30 |
| W 1/2 | " 30 |
| W 1/2 | " 31. |

7. Township 161 North, Range 44 West (Polonia)
 All of Sections Sections 1 through 36, inc.
8. Township 161 North, Range 43 West (Barto)
 All of Sections Sections 1 through 36, inc.
9. Township 161 North, Range 42 West (Skagen)
 All of Sections Sections 1 through 36, inc.
10. Township 161 North, Range 41 West (Stokes)
 All of Sections Sections 1 through 36, inc.
11. Township 161 North, Range 40 West (Stafford)
 W 1/2 of NW 1/4 Section 7
 SW 1/4 " 7
 SW 1/4 of SE 1/4 " 7
 All of Sections Sections 18 and 19
 SW 1/4 of SW 1/4 Section 20
 W 1/2 " 29
 All of Sections Sections 30 and 31
 W 1/2 Section 32.
12. Township 160 North, Range 44 West (Dewey)
 All of Sections Sections 1 through 36, inc.
13. Township 160 North, Range 43 West (Hereim)
 All of Sections Sections 1 through 36, inc.
14. Township 160 North, Range 42 West (Barnett)
 All of Sections Sections 1 through 36, inc.
15. Township 160 North, Range 41 West (Nereson)
 All of Sections Sections 1 through 36, inc.
16. Township 160 North, Range 40 West (Grimstad)
 SW 1/4 of NW 1/4 Section 5
 W 1/2 of SW 1/4 " 5
 All of Sections Sections 6 and 7

16. Township 160 North, Range 40 West (Grimstad) (Cont.)
- | | | |
|------------------|----------|---------------------|
| SW 1/4 of NE 1/4 | Section | 8 |
| W 1/2 | " | 8 |
| W 1/2 of SE 1/4 | " | 8 |
| NW 1/4 of NE 1/4 | " | 17 |
| NW 1/4 | " | 17 |
| W 1/2 of SW 1/4 | " | 17 |
| All of Sections | Sections | 18, 19, 30, and 31. |
17. Township 159 North, Range 44 West (Lind)
- | | | |
|-----------------|----------|---------------------|
| All of Sections | Sections | 1 through 30, inc. |
| N 1/2 | Section | 31 |
| N 1/2 | " | 32 |
| All of Sections | Sections | 33 through 36, inc. |
18. Township 159 North, Range 43 West (Deer)
- | | | |
|-----------------|----------|--------------------|
| All of Sections | Sections | 1 through 33, inc. |
| W 1/2 | Section | 34. |
19. Township 159 North, Range 42 West (Huss)
- | | | |
|-----------------|----------|---------------------|
| All of Sections | Sections | 1 through 21, inc. |
| N 1/2 | Section | 22 |
| SW 1/4 | " | 22 |
| N 1/2 | " | 23 |
| N 1/2 | " | 24 |
| NW 1/4 | " | 27 |
| All of Sections | Sections | 28 through 32, inc. |
| N 1/2 | Section | 33. |
20. Township 159 North, Range 41 West (Poplar Grove)
- | | | |
|-----------------|----------|-------------------|
| All of Sections | Sections | 1 through 9, inc. |
| W 1/2 | Section | 10 |
| N 1/2 of N 1/2 | " | 11 |
| N 1/2 of N 1/2 | " | 12 |
| All of Sections | Sections | 16, 17, and 18 |

20. Township 159 North, Range 41 West (Poplar Grove) (Cont.)

| | |
|--------|------------|
| N 1/2 | Section 19 |
| NW 1/4 | " 20. |

21. Township 159 North, Range 40 West (Palmville)

| | |
|----------------|------------|
| All of Section | Section 6. |
|----------------|------------|

C. Marshall County

1. Township 158 North, Range 50 West (Eagle Point)

| | |
|------------------|-----------|
| N 1/2 | Section 1 |
| N 1/2 | " 2 |
| N 1/2 | " 3 |
| N 1/2 of SW 1/4 | " 3 |
| SW 1/4 of SW 1/4 | " 3 |
| All of Section | Section 4 |
| NE 1/4 | " 5. |

2. Township 158 North, Range 49 West (Donnelly)

| | |
|------------------|-----------|
| N 1/2 of N 1/2 | Section 1 |
| N 1/2 of NE 1/4 | " 2 |
| SW 1/4 of NE 1/4 | " 2 |
| NW 1/4 | " 2 |
| N 1/2 | " 3 |
| N 1/2 | " 4 |
| NE 1/4 | " 5 |
| N 1/2 of NW 1/4 | " 5 |
| N 1/2 of NE 1/4 | " 6 |
| SW 1/4 of NE 1/4 | " 6 |
| NW 1/4 | " 6. |

3. Township 158 North, Range 48 West (Sinnott)

| | |
|------------------|-----------|
| N 1/2 | Section 1 |
| N 1/2 of S 1/2 | " 1 |
| N 1/2 | " 2 |
| N 1/2 of S 1/2 | " 2 |
| N 1/2 | " 3 |
| NE 1/4 of SE 1/4 | " 3 |

3. Township 158 North, Range 48 West (Sinnott) (Cont.)

| | | |
|----------------|---|----|
| N 1/2 | " | 4 |
| N 1/2 | " | 5 |
| N 1/2 of N 1/2 | " | 6. |

4. Township 158 North, Range 47 West (Augsburg)

| | | |
|----------------|---------|----|
| N 1/2 | Section | 1 |
| N 1/2 of S 1/2 | " | 1 |
| N 1/2 | " | 2 |
| N 1/2 of S 1/2 | " | 2 |
| N 1/2 | " | 3 |
| N 1/2 of S 1/2 | " | 3 |
| N 1/2 | " | 4 |
| N 1/2 of S 1/2 | " | 4 |
| N 1/2 | Section | 5 |
| N 1/2 | " | 6. |

5. Township 158 North, Range 46 West (Nelson Park)

| | | |
|-----------------|---------|----|
| W 1/2 of NE 1/4 | Section | 3 |
| NW 1/4 | " | 3 |
| N 1/2 of SW 1/4 | " | 3 |
| N 1/2 | " | 4 |
| N 1/2 of S 1/2 | " | 4 |
| N 1/2 | " | 5 |
| N 1/2 of S 1/2 | " | 5 |
| N 1/2 | " | 6 |
| N 1/2 of S 1/2 | " | 6. |

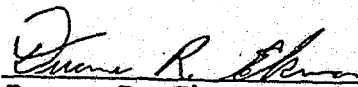
III. The number of managers of The Two Rivers Watershed District is increased to seven. The two additional managers shall be appointed by the Kittson County Board of Commissioners. One of the additional managers shall be appointed to an initial term that expires on October 29, 1988; and one shall be appointed to an initial term that expires on October 29, 1989. After the expiration of the initial terms, succeeding terms shall be for three years.

IV. The distribution of the power to appoint managers to The Two Rivers Watershed District shall be as follows:

- A. Kittson County - Five Managers
- B. Roseau County - Two Managers

Dated at Saint Paul, Minnesota 55101, this 30th day of October 1986.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 3 1986
Jean Anderson Howe
Secretary of State

#36994
O.D.