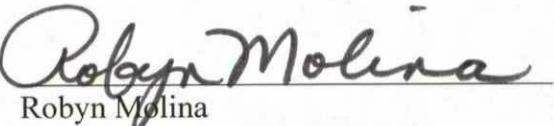


MINNESOTA BOARD OF WATER AND SOIL RESOURCES  
ONE WEST WATER STREET, SUITE 200  
ST. PAUL, MN 55107

STATE OF MINNESOTA)  
ss)  
COUNTY OF RAMSEY )

AFFIDAVIT

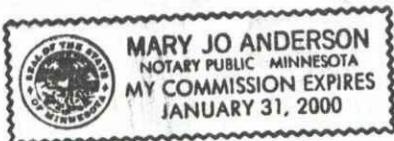
ROBYN MOLINA, being duly sworn on oath, deposes and says: THAT SHE IS THE SECRETARY FOR THE Minnesota Board of Water and Soil Resources; that SHE has compared the attached copy of an Order relating to the PETITION TO CHANGE THE BOUNDARY OF THE YELLOW MEDICINE WATERSHED DISTRICT dated at St. Paul, Minnesota, on the 26th day of June, 1996, with the original thereof on file in HER official custody; and THAT SAID COPY is a true and correct copy of said original and the whole thereof.

  
Robyn Molina

STATE OF MINNESOTA  
COUNTY OF RAMSEY

Subscribed and sworn before me this 27<sup>th</sup>  
day of August, 1996  
My Commission Expires 1/31/00

9603501



Minnesota Board of Water and Soil Resources  
One West Water Street  
Suite 200  
St. Paul, MN 55107

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In the Matter of the Petition to Change  
the Boundary of the Yellow Medicine River  
Watershed District filed February 20, 1996  
(Minn. Stat. 1990 103D.251 subd.)

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ORDER  
CHANGING THE BOUNDARY  
OF THE YELLOW MEDICINE  
RIVER WATERSHED DISTRICT

A sufficient petition having been filed with the Minnesota Board of Water and Soil Resources (BWSR) seeking a correction in the legal boundary of the Yellow Medicine River Watershed District (District); and proper legal notice of filing of the petition have been given; the BWSR makes the following:

FINDINGS OF FACT

1. On May 3, 1993 the board of managers of the District filed a petition, on behalf of Orville Schultz, with the BWSR requesting that certain lands within Yellow Medicine County be added to the District's legal boundary because they drain into the District.
2. On June 7, 1995 the BWSR requested that the District undertake a comprehensive approach to correcting the discrepancy between the legal and the hydrologic boundary based upon the BWSR staff review of the land. In its review BWSR staff found additional lands that had not been included in the original boundary, and that were hydrologically connected to the District.
3. On February 20, 1996 the board of managers of the District filed a new petition and resolution requesting that certain lands totalling approximately 1560 acres be added to the District's legal boundary from the neighboring Lac Qui Parle-Yellow Bank Watershed

District to more accurately reflect the hydrologic boundary. It was also requested that approximately 240 acres of land within the District be moved to the Lac Qui Parle Yellow Bank Watershed District to more accurately reflect the hydrologic boundary.

4. On March 20, 1996 the BWSR issued a Notice of Filing of Petition acknowledging receipt of the petition, and inviting written comments from interested persons. The Notice further announced that a hearing would be held on the proposed boundary change petition.
5. The Notice of Filing of Petition and a hearing announcement were published in the following papers and published on the following dates:

Minnesota Mascot Newspaper - March 27, 1996  
Cottonwood Tri-County News - March 27, 1996  
Canby News - March 27, 1996  
Ivanhoe Times - March 28, 1996  
Madison Western Guard - March 27, 1996

The notice was mailed to the Yellow Medicine County Auditor, the Yellow Medicine and Lac Qui Parle-Yellow Bank watershed districts and the DNR-Division of Waters on March 20, 1996.

6. One written response was received by the BWSR in response to the Notice of Petition.
7. A hearing was held on April 10, 1996 in Canby, Minnesota. Considerable testimony was given expressing concerns about land drainage and the potential downstream impacts. None of the testimony requested specific modification to the boundary as proposed.
8. The lands proposed to be included and or excluded from the District's legal boundary are all located within Yellow Medicine County, Minnesota and are described as follows:

Lands to be added:

**Yellow Medicine County, Norman Township (T. 114 North, R. 45 West)**

- A. The NW 1/4 of SE 1/4, and SW 1/4 of SE 1/4, and NE 1/4 of SW 1/4, and NW 1/4 of SW 1/4, and SE 1/4 of SW 1/4, and SW 1/4 of SW 1/4, and SW 1/4 of NW 1/4, and SE 1/4 of NW 1/4, and SW 1/4 of NE 1/4, and SE 1/4 of NE 1/4 of Section 13
- B. The SW 1/4 of SE 1/4, and SE 1/4 of SE 1/4, and NE 1/4 of SE 1/4 of Section 14
- C. The NE 1/4 of NE 1/4, and NW 1/4 of NE 1/4, and SE 1/4 of NE 1/4, and SW 1/4 of NE 1/4, and NW 1/4 of SE 1/4, and NE 1/4 of SE 1/4, and NE 1/4 of SW 1/4, and NW 1/4 of SW 1/4, and SE 1/4 of SW 1/4, and SW 1/4 of SW 1/4, and SE 1/4 of NW 1/4, and SW 1/4 of NW 1/4 of Section 23
- D. The NE 1/4 of SE 1/4, and NW 1/4 of SE 1/4, and SE 1/4 of SE 1/4, and SW 1/4 of SE 1/4 of Section 22
- E. The NW 1/4 of NW 1/4, and NE 1/4 of NW 1/4, and SW 1/4 of NW 1/4 of Section 24
- F. The NW 1/4 of NE 1/4, and NE 1/4 of NW 1/4, and SW 1/4 of NW 1/4, and SE 1/4 of NW 1/4 of Section 27

**Yellow Medicine County, Wergeland Township (T. 114 North, R. 44 West)**

- A. The NE 1/4 of NW 1/4, and NW 1/4 of NW 1/4, and SW 1/4 of NW 1/4 of Section 18

Lands to be removed:

**Yellow Medicine County, Wergeland Township (T. 114 North, R. 44 West)**

- A. The NW 1/4 of NW 1/4, and SW 1/4 of NW 1/4 of Section 4
- B. The NE 1/4 of SE 1/4 of Section 6
- C. The NW 1/4 of SW 1/4, and NE 1/4 of SW 1/4, and NW 1/4 of SE 1/4 of Section 5

9. The lands proposed to be excluded and/or included comprise two separate areas of land abutting the District's northern boundary.
10. The majority of the acreage proposed to be included into the District's legal boundary drains south easterly into the District to Mud Creek.
11. The majority of the acreage proposed to be excluded from the District's legal boundary drains north into the neighboring Lac Qui Parle-Yellow Bank Watershed District and into the Lac Qui Parle River.
12. On April 25, 1996 at the regular meeting of the BWSR, staff presented an order to approve the boundary as proposed in the petition. As a result of comments from citizens from the watershed district that were present at the meeting the Board moved to table its decision on the matter for two months to allow staff to further investigate the boundary issues brought forward at the April 25, 1996 meeting.
13. On June 11, 1996 BWSR staff met with the Boards of managers of the Yellow Medicine and Lac Qui Parle-Yellow Bank Watershed Districts, in Marshall, MN, to discuss the proposed boundary and to receive input on how the boundary determination was made.
14. On June 12, 1996 BWSR staff field checked the lands involved in the boundary change and met in Porter, MN with landowners and elected officials that had expressed concern over the boundary.

#### CONCLUSIONS OF LAW

1. The BWSR has proper jurisdiction in this matter.
2. All relevant, substantive and procedural requirements of the law have been fulfilled.

3. The District can perform the functions for which it was established regardless of the alteration proposed in the District.
4. No outstanding liens or assessments are in existence for the lands included in the boundary change area.
4. It would be in the public welfare and public interest, and further the purposes of the Minnesota Watershed Act, to amend the legal boundary of the District as requested in the petition.

**IT IS THEREFORE ORDERED**

1. That the lands described in paragraph 8 of the above Findings of Fact are hereby included into and excluded from, respectively, the District.
2. That the Order dated December 1, 1976, which redefined the boundary of the Yellow Medicine River Watershed District, is hereby amended as follows:
  - A. On page 43, number 8 delete all references to section 13, 23, 24 and 27 and insert the following:

S1/2 Section 13  
S1/2 of N1/2 Section 13  
E1/2 of SE1/4 Section 14  
SW1/4 of SE1/4 Section 14  
SE1/4 Section 22  
S1/2 Section 23  
NE1/4 Section 23  
S1/2 of NW1/4 Section 23

Add section 24 to line that reads "All of Sections Sections 25, 26".

All of Sections Sections 27 except the NW1/4 of NW1/4.

B. On page 43, number 9 make the following changes:

Delete the number 4 in line that reads "All of Sections Sections 1 through 4, inclusive" and add the number 3.

Insert: S1/2 Section 4

NE1/4 Section 4

E1/2 of NW1/4 Section 4

S1/2 of SE1/4 Section 6

E1/2 Section 7

E1/2 of SW1/4 Section 7

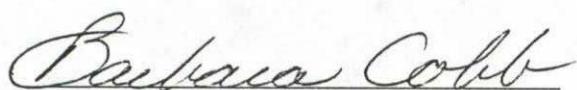
Delete the number 17 in the line that reads "All of Section Sections 8 through 17, inclusive" and replace it with the number 18.

delete the three sectional description for Section 18.

3. That the legal boundary of the Yellow Medicine Watershed District is defined by the Order dated December 1, 1976; as modified by this order.

Dated at St. Paul, Minnesota 55107, this 26th day of June, 1996.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Barbara Cobb, Chair



TO: Joan Growe, Secretary of State  
FROM: *Doug Thomas*, Water Planning Coordinator  
DATE: August 27, 1996  
SUBJECT: Watershed District Boundary Change Filing

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Fax (612) 297-5615

**Field Offices**

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394 S. Lake Avenue  
Room 403  
Duluth, MN 55802  
(218) 723-4752  
Fax (218) 723-4794

3217 Bemidji Avenue N.  
Bemidji, MN 56601  
(218) 755-4235  
Fax (218) 755-4201

217 S. 7th Street  
Suite 202  
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(218) 828-2383  
Fax (218) 828-6036

**Southern Region:**  
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Box 756  
New Ulm, MN 56073  
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40-16th Street SE  
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(507) 285-7458  
Fax (507) 280-2875

Box 267  
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Marshall, MN 56258  
(507) 537-6060  
Fax (507) 537-6368

**Metro Region:**  
One West Water Street  
Suite 250  
St. Paul, MN 55107  
(612) 282-9969  
Fax (612) 297-5615

Pursuant to Minnesota Statute 103D.261 the Board of Water and Soil Resources is submitting a certified copy of the BWSR Order amending the common boundary between the Yellow Medicine Watershed District and the Lac Qui Parle - Yellow Bank Watershed District.

cc:  
Rod Sando, Commissioner DNR  
Kent Lokkesmoe, Director DNR Div. Of Waters  
Yellow Medicine Watershed District  
Lac Qui Parle - Yellow Bank Watershed District  
Dave Sill, BWSR Board Conservationist