

STATE OF MINNESOTA
Before the
BUFFALO-RED RIVER WATERSHED DISTRICT
IN THE MATTER OF
THE HAY CREEK WATER MANAGEMENT DISTRICT
FOR
PROJECT NO. 16 STINKING LAKE DETENTION
BECKER COUNTY, STATE OF MINNESOTA

In the Matter of:

**Establishment of the Hay Creek Water
Management District for Project No. 15
Stinking Lake Detention**

FINDINGS AND ORDER

The above-captioned matter came before the Board of Managers of the Buffalo-Red River Watershed District (BRRWD) for hearing pursuant to Minnesota Statutes Annotated (M.S.A) 103D.605, 103D.729, and any other applicable statutes, in the Watershed Office, 1303 4th AVE NE, Barnesville, Minnesota on July 10, 2023. Appearing at the hearing was: Board Managers: Peter Fjestad, Catherine Affield, John Hanson, Troy Larson, Gerald Van Amburg, Mark Hanson, William Davis; BRRWD Staff: Kristine Altrichter, Matthew Schlauderaff; BRRWD Consultants: Bennett Uhler, Houston Engineering Inc., the duly appointed engineering firm; and other persons indicating an interest in said project including:

All parties present at the hearing, requesting the opportunity to be heard, were given the opportunity to present their views and testimony to the Board about the project.

BRRWD Board of Mangers having fully considered the determination of a water management district (wmd), the reports and testimony of the duly appointed engineer, and the testimony of all persons appearing at the hearing, and having duly considered all exhibits submitted to the BRRWD, and being fully advised in the premises and having considered the matter, Manager Larson moved, seconded by Manager Davis to adopt the following Findings and Order:

FINDINGS OF FACT

1. BRRWD Board of Managers, has jurisdiction over Project No. 16, Stinking Lake Detention, pursuant to M.S.A 103D and that all notices provided by M.S.A 103D were properly given.
2. Project No. 16, Stinking Lake Detention was established by Order by BRRWD Board of Managers on June 27, 1990 and was constructed in 1990.

3. Project No. 16, Stinking Lake Detention established 5,159 acre-feet of flood storage to the Hay Creek Watershed.
4. BRRWD Board of Managers requested Houston Engineering, Inc. develop a wmd to raise funds for annual maintenance expenses on June 13, 2022.
5. Houston Engineering, Inc. submitted the Hay Creek Watershed Water Management District Charge Determination to BRRWD Board of Managers on April 27, 2023.
6. Project features eligible for funding as part of the wmd include the operation and maintenance of the Stinking Lake outlet structure, Hay Creek and its structures, as it relates to the function of the Project No. 16, Stinking Lake Detention, between the Stinking Lake outlet structure and the Buffalo River, and other BRRWD Board ordered projects that benefit the Hay Creek Watershed.
7. Project No. 16, Stinking Lake Detention is practical, necessary, and of public utility and benefit and promotes public health based upon the Engineer's Report.
8. The use of a wmd to fund local projects is within the scope of the Comprehensive Watershed Management Plan for the BRRWD.
9. BRRWD Board of Managers used M.S.A. 103D.729 for the purpose of collecting revenues and paying part of the project's costs. The Engineers, determined the area to be included in the wmd, the amount of necessary charges, the methods used to determine said charges, and the length of time the water management district will remain in force.
10. The Board of Managers, BRRWD, finds, based upon the Engineer's wmd reports and the evidence presented at the hearing: that the project is necessary, feasible and practical and is conducive to public health and will promote the general welfare of the District; that it is in compliance with the provisions of M.S.A 103D; and, that the benefits resulting therefrom will be greater than the costs of construction and damages as provided in the Engineer's Report.

THEREFORE, upon motion duly made, seconded, and approved on a 7 to 0 vote in the affirmative, the BRRWD Board of Managers makes the following:

ORDER

1. That the wmd report dated April 27, 2023 pursuant to M. S. A. 103D is hereby in all respects adopted, ratified, and confirmed, and shall remain in effect indefinitely, or until deemed unnecessary at the discretion of the Board of Managers, and will become effective on the date of said order.
2. This order shall be immediately filed with the Secretary of the District and a certified copy thereof shall be filed with the Auditor of Clay County, the Minnesota Board of Water and Soil Resources, the Commissioner of the Minnesota Department of Natural Resources (DNR), the Director of the Division of Waters, DNR, the Minnesota Pollution Control Agency, and the Commissioner of Health.

Any person aggrieved by this Order shall file with the Clerk of the District Court and the Secretary of the BRRWD at its office in Barnesville, Minnesota, within thirty (30) days of the date of this final order, a notice of appeal pursuant to M.S.A. 103D to the Clay County District Court, which shall state the grounds upon which the appeal is taken.

Upon vote, the President declared the motion passed and the Findings and Order adopted.

/s/ Peter V. Fjestad

Dated: July 10, 2023

ATTEST: /s/ John E. Hanson
Secretary