

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

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY )

AFFIDAVIT

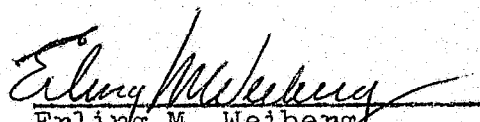
ERLING M. WEIBERG, being first duly sworn on  
oath, deposes and says:

THAT HE IS the Executive Secretary for the  
Minnesota Water Resources Board; that he has compared  
the attached copy of an Order relating to the \_\_\_\_\_

Valley Branch Watershed District

dated at Saint Paul, Minnesota, on the 2nd day of December  
1975, 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.

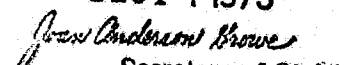
  
Erling M. Weiberg  
Executive Secretary

Subscribed and sworn to before me  
this 17 day of December 1975

  
MARIAN S. COMFORD

Notary Public, Ramsey County, Minnesota  
My Commission Expires July 25, 1979

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 17 1975

  
Secretary of State

20374

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

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In the Matter of the Petition of  
the City of White Bear Lake to  
Remove Certain Land from the Valley  
Branch and Rice Creek Watershed  
Districts.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A petition, authorized by the Council of the City of White Bear Lake, was filed with the Minnesota Water Resources Board on September 24, 1974 and amended on March 27, 1975.

The Minnesota Water Resources Board, hereinafter referred to as the Board, ordered a hearing on the petition and appointed C. H. Prior, St. Paul, a civil engineer, as Referee to conduct the hearing and take evidence in the matter. The hearing was held on September 18, 1975, at the 916 Area Vocational Technical Institute, White Bear Lake, Minnesota, 55110. Mr. Erling Weiberg, Executive Secretary of the Board, and Mr. Steve Shakman, Special Assistant Attorney General, appeared with the Board; Thomas Newcome, Attorney, appeared for the petitioner; Mr. A. W. Horning, President, appeared for the Valley Branch Watershed District, and other interested persons appeared on their own behalf.

The Referee having reported to the Board, and the Board having fully considered the testimony and evidence offered at said hearing and all records and files of the Board pertaining thereto and to said District, now makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- I. The Valley Branch Watershed District was established by Order of the Board on November 14, 1968, and by said Order, the Board designated the land area and defined the boundary of the Watershed District.
- II. On October 6, 1972, the Board, by its Order, released certain described lots from the territory of the Valley Branch Watershed District, which land is situated in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 36, Township 30 North, Range 22 West.
- III. A petition, signed by the Council of the City of White Bear Lake, asking for the removal of certain land described in Paragraphs IX and X, hereinafter set forth from the territory of the Valley Branch and Rice Creek Watershed Districts was filed with the Board on September 24, 1974, and amended on March 27, 1975. Proofs of service of the petition were filed.
- IV. The petition was found sufficient and was amended at the hearing without opposition thereto, to include Rice Creek Watershed District, which reference to Rice Creek Watershed District was inadvertently overlooked in the petition. The description of land in the Rice Creek Watershed District to be removed was set forth in the petition.
- V. Due and proper notice by publication of the Board's Notice of Hearing in appropriate newspapers, was given to all owners of land affected and to the Boards of Managers of Valley Branch, Rice Creek and Ramsey-Washington Metro Watershed Districts.

- VI. The Director of the Division of Waters, Soils and Minerals filed a Memorandum on February 24, 1975, with the Board, which was received in evidence.
- VII. The Director recommended that the proceeding be continued until an application for a permit required by Statute was made by the City of White Bear Lake to the Commissioner of the Department of Natural Resources and granted.
- VIII. The Commissioner of the Department of Natural Resources granted a permit to work in the beds of public waters on July 23, 1975.
- IX. The following land located in the territory of Valley Branch Watershed District was petitioned to be removed from the Valley Branch Watershed District:
- a. "All of that part of the north  $\frac{3}{4}$  of the west  $\frac{1}{2}$  of the east  $\frac{1}{2}$  in Section 36, Township 30 North, Range 22 West, Ramsey County, which is presently in the Valley Branch Watershed District."  
(See Paragraph II above, which action previously removed certain land from the territory of the Valley Branch Watershed District.)
  - b. "The north 250 feet of the west 348.48 feet of the west 30 acres of the south  $\frac{1}{2}$  of the SE $\frac{1}{4}$  in Section 36, Township 30 North, Range 22 West, Ramsey County, presently in the Valley Branch Watershed District."
- X. The following land located in the territory of the Rice Creek Watershed District was petitioned to be removed from the Rice Creek Watershed District:
- a. "The west  $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 36, Township 30 North, Range 22 West, which is presently in the Rice Creek Watershed District."

- XI. The Rice Creek Watershed District, Arden Hills, Minnesota, 55112, was established by Order of the Board on January 18, 1972, and its boundary defined therein.
- XII. The Ramsey-Washington Metro Watershed District, Maplewood, Minnesota, 55106, was established by Order of the Board on February 24, 1975, and its boundary defined therein.
- XIII. The Board appointed C. H. Prior, St. Paul, former member of the Board, to be its referee at the hearing.
- XIV. The referee conducted the Board's hearing beginning at 9:30 A.M. on September 18, 1975, in the Bruening Room, Mall Area, 916 Area Vocational Technical Institute, 3300 Century Avenue North, White Bear Lake, Minnesota, 55110, located within the territory of the Valley Branch Watershed District.
- XV. The referee filed a report with the Board, which was accepted by the Board.
- XVI. The referee reported to the Board, "It is the opinion of the referee, that, considering the facts (1) the area lies in the headwaters of the drainage area of the Valley Branch, Rice Creek and Ramsey-Washington Metro Watershed Districts, (2) that serious flooding in the pond areas has taken place, which has caused property damage and prevented developments in portions of the area; and, (3) that legal blocks by the Valley Branch Watershed District have precluded the use of the natural watercourses, that the alternative of discharging flows into the Ramsey-Washington Metro Watershed District should be adopted."
- XVII. The referee recommended that the changes in removal of land from the Valley Branch and Rice Creek Watershed Districts requested in the City of White Bear Lake petition, be granted.

XVIII. The land described above in Paragraphs IX and X has not and will not receive any benefits from the operation of the Valley Branch Watershed District; that without these lands said District can perform the functions for which it was established.

XIX. Due to the topography of the area and previous man-made water flow structures in the area, that the land described above in Paragraphs IX and X are not in fact, a part of the watersheds of Valley Branch and Rice Creek.

CONCLUSIONS OF LAW

XX. The Minnesota Water Resources Board has jurisdiction over the matter of removal of territory from the Valley Branch Watershed District and Rice Creek Watershed District and authority to release land from said Districts.

XXI. The petitioned parcels of land have not received and will not receive any benefits from the operation of the Valley Branch Watershed District; that without these lands, said District can perform the functions for which it was established; and, that said land is not, in fact, a part of the watershed.

XXII. The public interest and public welfare will be served by the removal of the land described in Paragraphs IX and X above from the Valley Branch Watershed District.

IT IS THEREFORE ORDERED

XXIII. That the petition to remove certain land from the Valley Branch Watershed District described in Paragraph IX above is hereby granted.

XXIV. That the land released from the territory of the Valley Branch Watershed District and affected hereby is subject to the requirement of law concerning current indebtedness and levies.

XXV. In the Board's Order dated November 14, 1968, establishing the Valley Branch Watershed District,

A. On Page 16 after 1. Township 30 North,  
Range 22 West, strike lines 15, 16 and 17.

B. And on Page 16 after 1. Township 30 North,  
Range 22 West, insert the following,  
beginning at line 15:

SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 36

NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 36

SW $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 36

except

the north 250 feet of the  
west 348.48 feet of the  
west 30 acres of the SW $\frac{1}{4}$   
of the SE $\frac{1}{4}$ ;

SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 36.

XXVI. The boundary of the Valley Branch Watershed District is hereby declared to be determined and is defined as the extremity of the whole land area described in Paragraph XIII in the Board's Order dated November 14, 1968, as amended by Paragraph XII of the Board's Order dated October 6, 1972, and as amended by Paragraph XXIII in this Board Order and the boundary of said district is changed accordingly.

XXVII. That the Order of the Board dated January 18, 1972, defining the boundary of the Rice Creek Watershed District be and hereby is amended to conform to the within Order and the boundary of said District is changed accordingly.

XXVIII. That the Order of the Board dated February 24, 1975, defining the boundary of the Ramsey-Washington Metro Watershed District be and hereby is amended to conform to the within Order and the boundary of said District is changed accordingly.

Dated at Saint Paul, Minnesota, 55102, this 2nd day of December 1975 and effective immediately.

MINNESOTA WATER RESOURCES BOARD

*Richard G. Canning*  
Richard G. Canning  
Chairman

# 20374  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 17 1975  
*John Anderson Howe*  
Secretary of State

20374



Minnesota Water Resources Board  
353 Centennial Building  
St. Paul, Minnesota  
55101

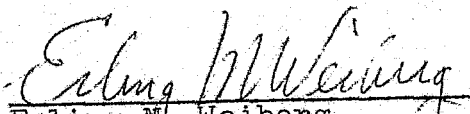
STATE OF MINNESOTA )  
                          )  
COUNTY OF RAMSEY   )

AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on oath,  
deposes and says:

THAT HE IS the Administrative Secretary of the Water  
Resources Board; that he has compared the attached copy of  
an Order relating to Valley Branch Watershed District,  
dated at St. Paul, Minnesota the 14th day of November  
1968, 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.

  
Erling M. Weiberg  
Administrative Secretary

Subscribed and sworn to before me  
this 14th day of November 1968.



STEPHEN S. SUROLIK  
Notary Public, Ramsey County, Minn.  
My Commission Expires Feb. 3, 1970.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 19 1968

  
Secretary of State

20376

Minnesota Water Resources Board  
353 Centennial Building  
St. Paul, Minnesota  
55101

-----  
In the Matter of the Petition  
for the Establishment of the  
Valley Branch Watershed District  
in Ramsey and Washington Counties.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A nominating petition having been filed with the Minnesota Water Resources Board on March 8, 1968 praying for the establishment of a watershed district and the appointment of a Board of Managers thereto for the general purposes of conserving and making provident use of waters and other natural resources of the State of Minnesota within the proposed Valley Branch Watershed District; and for the control or alleviation of damage to property by flood waters; and to provide for sanitation and public health and to regulate the use of streams, lakes and watercourses for the purpose of disposing of waste; to provide and conserve water supply for recreational, domestic, or other public use; to repair, improve, relocate, modify, consolidate, abandon, in whole or in part, drainage systems; to protect the beds, banks and shores of lakes and streams from damage by flood waters to riparian landowners; to maintain marshes and lake beds at a level for the promulgation of fish and other wildlife; to divert or change the watercourses, in whole or in part, within the authority of existing statutes and in compliance with good engineering practice;

To advocate preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby; to permit the maintenance of a consistent level of lakes; to reclaim or fill wet and overflowed lands; and, to control water in an orderly manner under provisions of Minnesota Laws of 1955, Chapter 799, as amended;

And the Board on July 11, 1968, as previously authorized, confirmed the action taken by the Chairman, to select a date for the Board's hearing on the nominating petition, which was at 10:00 A.M. on July 26, 1968 in the Lake Elmo VFW Post 5725 Building, Lake Elmo, Minnesota 55042;

And the Board being informed on July 11, 1968 of an error in the land description in its Notice of Hearing took the necessary action to continue its hearing, amend its Notice of Hearing and reschedule a hearing on the matter for August 6, 1968 at the Lake Elmo VFW Post 5725 Building, Lake Elmo, Minnesota 55042;

And the Board having held said hearings pursuant to said Orders and Mr. Donn Christensen, Deputy Attorney General, St. Paul, and Mr. Erling M. Weiberg, Administrative Secretary, St. Paul, having appeared with the Board and Mr. Kenneth Sovereign, Attorney, St. Paul, having appeared for the petitioners and a number of other persons having appeared, some for and some against the establishment of the watershed district;

And the Board having heard the testimony and having duly considered the same and having considered all the records and files of the Board relating to said petition and other data relating to the matter now makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- I. A duly executed nominating petition signed by 103 resident freeholders in the Valley Branch area, as set forth in the nominating petition, was filed with the Minnesota Water Resources Board on March 8, 1968. Filed with the nominating petition were the required proofs of service. The nominating petition was subsequently amended at the hearing by the petitioners.
- II. The County Auditor of Washington County, from his records, certified that 79 petitioners on the nominating petition were resident freeholders in Washington County; the County Auditor of Ramsey County, from his records, certified that four signers were resident freeholders of Ramsey County.
- III. The Board found the nominating petition to be sufficient, and thereafter, on April 30, 1968 authorized its Chairman to determine a date after July 1, 1968 for a hearing on the matter. The Chairman selected

July 26, 1968 as the date for the Board's hearing at 10:00 A.M. in the Lake Elmo VFW Post 5725 Building, Lake Elmo, Minnesota, 55042. The Board, being informed on July 11, 1968, of an error in the land description in its Notice of Hearing, authorized its Chairman to determine a date in early August 1968 for its continued hearing; and, ordered the publication of an Amended Notice of Hearing and Notice of Continuance of Hearing. The continued hearing was set for August 6, 1968 at 10:00 A.M. in the Lake Elmo VFW Post 5725 Building, Lake Elmo, Minnesota, 55042. The Board at the July 26, 1968 hearing took no evidence, but continued the hearing, in accordance with its orders, in the Lake Elmo VFW Post 5725 Building, Lake Elmo, Minnesota, 55042, at 10:00 A.M. on August 6, 1968, at which time the hearing was held.

- IV. Due and proper notice as required by law, was given to owners of all lands affected.
- V. The Director of the Division of Waters, Soils and Minerals, Department of Conservation, filed a written preliminary report with the Board based upon the nominating petition and other available data in his file. The Director recommended the establishment of the proposed watershed district. The Director's report was received in evidence and supported by oral testimony.

VI. The following facts, set forth in the petition and supported by testimony and exhibits, are found to exist:

- A. The St. Croix River is part of the boundary between the State of Wisconsin and the State of Minnesota. This river, above Taylors Falls, Minnesota, is a "Wild and Scenic River" as defined by federal law. Part of the St. Croix River is the eastern boundary of Washington County. The runoff from the eastern and central land area of Washington County drains directly through a number of tributaries to the St. Croix River. Valley Branch (also known as Bolles Creek) is a direct tributary to the St. Croix River and empties into the St. Croix River between the Villages of Afton and St. Mary's Point.
- B. The Valley Branch watershed is oriented somewhat on a northwest-southeast axis, being about 13 miles in length and having a width of approximately  $10\frac{1}{2}$  miles. The area of the Valley Branch watershed is approximately 67.8 square miles with 0.9 square miles located in Ramsey County and the remaining 66.9 square miles in Washington County.
- C. At a number of locations on the periphery of the watershed, the elevations are between 1,080 and 1,090 feet above sea level. The lowest ground in the

watershed is located at the confluence of the Valley Branch with the St. Croix River, at which location the St. Croix River is about 675 feet above sea level. The range in elevation is about 400 feet within the watershed.

D. A large area of the upper part of the watershed is tributary to lakes in a chain situated in deep depressions. If these lakes overflow, the runoff water would flow through watercourses emptying into the Valley Branch stream and thence to the St. Croix River.

E. The Valley Branch watershed lies mostly in Washington County and in a small part of northeast Ramsey County. These two counties lie in the eastern part of the seven-county Twin City Metropolitan area. The core city of St. Paul and its first ring of suburban villages are located just west of the watershed. The historical use of the land in the watershed has been for agriculture, but in recent years these lands are being converted to urban use. The watershed in Ramsey County includes parts of the villages of North St. Paul, Maplewood and the City of White Bear Lake. During recent years, some parts of the watershed have been incorporated into municipalities and other township areas are engaged in proceedings leading towards incorporation. The most westerly part of the watershed, closest to the

City of St. Paul, has experienced several residential developments including street construction, all of which changes the character of runoff. The changes in the form of local government in eastern Washington County is the recognition of the change of the area, from an agricultural economy to a metropolitan fringe area economy. These new communities, aware of expected developments, have under the Joint Powers Act (Minnesota Statutes 471.59) requested a grant of money from the Department of Housing and Urban Development to study the sanitary sewer needs of the area. The watershed of the Valley Branch is the basis for this study. The Metropolitan Council has approved the application for the study, which appears to be in conformance with "Utilities Goals" of the Twin City Area Metropolitan Development Guide, Report No. Five, dated April 1968. The watershed approach for a water management program, including among other things, the disposal of waste, appears to meet the policies and objectives of the Metropolitan Council Preliminary Concept Plan for a Metropolitan Sewer Plan, dated July 1, 1968.

F. There are a number of meandered lakes in the watershed as well as several non-meandered lakes, ponds and depressions resulting from glacial



activity. Silver Lake, mostly in Ramsey County, but partly in Washington County, is located in the extreme north edge of the watershed. Most of Long Lake is north of Highway No. 36; Lake De Montreville (including Olson Lake), Lake Jane, Lake Elmo, Eagle Point Lake and Horseshoe Lake lie between Highway No. 36 and Highway No. 12; Lake Edith is situated south of Highway No. 12.

G. Prominent man-made features upon the land of the watershed are arterial Highways No. 36 and No. 12. Highway No. 36 crosses east to west near the north edge of the watershed; and, Highway No. 12 crosses east to west somewhat south of the center of the watershed. Freeway No. 694 is now under construction in a north to south direction across the northwest corner of the watershed. Planning is underway for Freeway No. 94 proposed construction just north of U.S. Highway No. 12. In addition, there is a network of county, township and private roads within the watershed.

H. There is no existing comprehensive plan for control or management of the watershed's surface waters. The management of runoff is difficult because of the varied terrain existing within the watershed. Highway officials, according to testimony, indicate that the handling of runoff in this difficult

terrain is a problem. Heavy rainfalls cause flooding of roads, and in certain low areas existing county, township and private roads are subject to damage from standing water. Some stretches of flooded roads have been elevated to permit normal movement of traffic, but this construction is costly and not altogether satisfactory. The problem of excess water removal adjacent to some of these elevated road beds remains unsolved. Access to certain recreational areas has been prevented because of standing water on some roads.

I. Because of heavy rainfall in the spring of 1965 the common level of Lake Olson and Lake DeMontreville rose causing flooding damages to lakeshore property, injuring plantings and making inoperative individual waste disposal systems around these lakes. Uneasiness among the residents as to a possible lake level higher than 1965 was indicated. A local association of residents has devoted much effort through its leadership to find a solution to the expected problem. Runoff from urban areas in Ramsey County is discharging into Silver Lake through storm sewers, from which it flows through ditches into Long Lake and Lake DeMontreville-Lake Olson. The absence of a plan for orderly management of runoff flows above the DeMontreville-Olson Lakes is a concern to the residents

of the lake. The control level at the outlet of DeMontreville-Olson Lakes has lead to disagreement among the nearby residents. A low outlet elevation of the DeMontreville-Olson Lakes results in damage to buildings located on the periphery of a number of small ponds, along the watercourse between De Montreville-Olson Lakes and Lake Jane. Contrary-wise a high level outlet from DeMontreville-Olson Lakes results in apprehension about flooding among the residents around these lakes. The record reveals much controversy in the recent past among the residents of the area from Silver Lake to Lake Jane about present methods of managing runoff water. Residents testified that leaders have sought to resolve their problems with local officials and other agencies, but without success. Local leaders are cognizant that a comprehensive plan for water management is needed and that the Minnesota Watershed Act would be the basis for an attack on the problem.

J. The movement of excess runoff water involves the lower reaches of the watershed and the adequacy of such watercourses in this area. A plan that provides for storage of excess water in numerous depressions in the watershed is anticipated by residents in order to prevent flooding along downstream reaches of Valley Branch.

K. Pollution of water in the lakes and watercourses has occurred. Residential development around the lakes and some ponds, during extended low water periods, has resulted in the installation of individual sewage disposal systems in locations subject to flooding. When flooded, these systems have become inoperative, and in addition, the waters have been contaminated. Another source of pollution has been silt entering the lakes and streams from storm sewers in urban areas within the watershed. Because of the development of urban areas, this condition may be expected to increase.

VII. The name of the proposed watershed district is to be the Valley Branch Watershed District.

VIII. A Board of Managers of five residents of the proposed watershed district is to govern the watershed district.

IX. The proposed watershed district will be for the public welfare and public interest and the purposes of the Minnesota Watershed Act will be sub-served by the establishment of the watershed district.

Upon the foregoing findings of fact, the Board makes the following:

#### CONCLUSIONS OF LAW

X. The Minnesota Water Resources Board has jurisdiction in the matter of the establishment of the proposed watershed district.

XI. The public welfare and public interest will be served by the establishment of the watershed district and purposes of the Minnesota Watershed Act will be subserved by the establishment of the proposed watershed district.

IT IS THEREFORE ORDERED

XII. That the Valley Branch Watershed District is hereby established and given the corporate name of Valley Branch Watershed District, by which name it shall hereafter be known and it shall have all authority, powers and duties as provided by law.

XIII. The approximate size of the Valley Branch Watershed District is 68 square miles. The territory of the Valley Branch Watershed District includes all lands listed in paragraphs A and B below, according to U.S. Government Survey, including all 40-acre tracts, fractional 40-acre tracts and government lots of land within the listed tracts, together with all platted lands which are within the listed tracts:

A. Washington County                      4th Principal Meridian

1. Township 30 North, Range 21 West

SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section	26
S $\frac{1}{2}$ of NW $\frac{1}{4}$	"	27
S $\frac{1}{2}$	"	27
S $\frac{1}{2}$	"	28
All of Sections	"	33, 34

1. Township 30 North, Range 21 West (Cont.)

$S\frac{1}{2}$ of $NE\frac{1}{4}$	Section	35
$W\frac{1}{2}$	"	35
$SE\frac{1}{4}$	"	35
$SW\frac{1}{4}$	"	36.

2. Township 30 North, Range 21 West

$SW\frac{1}{4}$ of $NE\frac{1}{4}$	Section	31
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	"	31
$S\frac{1}{2}$	"	31
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	32
$S\frac{1}{2}$	"	32.

3. Township 29 North, Range 20 West

$NW\frac{1}{4}$ of $SW\frac{1}{4}$	Section	5
$S\frac{1}{2}$ of $SW\frac{1}{4}$	"	5
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	5
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	6
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	"	6
$S\frac{1}{2}$	"	6

All of Section " 7

$NW\frac{1}{4}$ of $NE\frac{1}{4}$	"	8
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	8
$W\frac{1}{2}$	"	8
$SE\frac{1}{4}$	"	8

$SW\frac{1}{4}$ of $NW\frac{1}{4}$	"	16
$W\frac{1}{2}$ of $SW\frac{1}{4}$	"	16

All of Sections " 17, 18.

4. Township 29 North, Range 20 West

All of Sections Section 19, 20

$N\frac{1}{2}$ of $NW\frac{1}{4}$	"	21
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	21

$W\frac{1}{2}$ of $NW\frac{1}{4}$	"	28
$SW\frac{1}{4}$	"	28
$W\frac{1}{2}$ of $SE\frac{1}{4}$	"	28

All of Sections " 29, 30, 31, 32

$W\frac{1}{2}$ of $NE\frac{1}{4}$	"	33
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4. Township 29 North, Range 20 West (Cont.)

	W $\frac{1}{2}$	Section 33
W $\frac{1}{2}$ of SE $\frac{1}{4}$	SE $\frac{1}{4}$	" 33
SE $\frac{1}{4}$ of SE $\frac{1}{4}$		" 33
SW $\frac{1}{4}$ of SW $\frac{1}{4}$		" 34.

5. Township 29 North, Range 21 West

	W $\frac{1}{2}$	Section 1
	SE $\frac{1}{4}$	" 1
All of Sections		" 2 through 17, inclusive
	NE $\frac{1}{4}$	" 18
E $\frac{1}{2}$ of NW $\frac{1}{4}$	NW $\frac{1}{4}$	" 18
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	SE $\frac{1}{4}$	" 18
	SE $\frac{1}{4}$	" 18
	NE $\frac{1}{4}$	" 19
N $\frac{1}{2}$ of NE $\frac{1}{4}$	SE $\frac{1}{4}$	" 19
	SE $\frac{1}{4}$	" 19
	N $\frac{1}{2}$	" 20
N $\frac{1}{2}$ of SW $\frac{1}{4}$	SE $\frac{1}{4}$	" 20
	SE $\frac{1}{4}$	" 20
All of Sections		" 21, 22, 23, 24, 25, 26, 27
	N $\frac{1}{2}$	" 28
	SE $\frac{1}{4}$	" 28
	NE $\frac{1}{4}$	" 29
	NE $\frac{1}{4}$	" 34
N $\frac{1}{2}$ of NW $\frac{1}{4}$	SE $\frac{1}{4}$	" 34
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	SE $\frac{1}{4}$	" 34
	SE $\frac{1}{4}$	" 34
All of Sections		" 35, 36.

6. Township 28 North, Range 20 West

SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 3
W $\frac{1}{2}$	" 3
SE $\frac{1}{4}$	" 3

6. Township 28 North, Range 20 West (Cont.)

All of Sections	Section	4, 5, 6, 7, 8, 9, 10
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	"	11
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	11
W $\frac{1}{2}$ of W $\frac{1}{2}$	"	14
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	14
Gov't. Lot 4	"	14
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	15
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	15
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	15
All of Sections	"	16, 17, 18
E $\frac{1}{2}$ of SW $\frac{1}{4}$	"	19
SE $\frac{1}{4}$	"	19
SE $\frac{1}{4}$	"	19
All of Section	"	20
N $\frac{1}{2}$ of NE $\frac{1}{4}$	"	21
NW $\frac{1}{4}$	"	21
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	21
W $\frac{1}{2}$ of NE $\frac{1}{4}$	"	29
NW $\frac{1}{4}$	"	29
N $\frac{1}{2}$ of SW $\frac{1}{4}$	"	29
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	29
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	29
N $\frac{1}{2}$ of NE $\frac{1}{4}$	"	30
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	30
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	30.

7. Township 28 North, Range 21 West

All of Section	Section	1
NE $\frac{1}{4}$	"	2
N $\frac{1}{2}$ of NW $\frac{1}{4}$	"	2
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	2
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	"	2
NE $\frac{1}{2}$ of NE $\frac{1}{4}$	"	3



7. Township 28 North, Range 21 West (Cont.)

		NE $\frac{1}{4}$	Section 12
NE $\frac{1}{4}$	of	NW $\frac{1}{4}$	" 12
S $\frac{1}{2}$	of	NW $\frac{1}{4}$	" 12
N $\frac{1}{2}$	of	SW $\frac{1}{4}$	" 12
SE $\frac{1}{4}$	of	SW $\frac{1}{4}$	" 12
		SE $\frac{1}{4}$	" 12
		NE $\frac{1}{4}$	" 13
E $\frac{1}{2}$	of	NW $\frac{1}{4}$	" 13
N $\frac{1}{2}$	of	SE $\frac{1}{4}$	" 13
SE $\frac{1}{4}$	of	SE $\frac{1}{4}$	" 13
		E $\frac{1}{2}$ of NE $\frac{1}{4}$	" 24.

B. Ramsey County

1. Township 30 North, Range 22 West

NW $\frac{1}{4}$	of	NE $\frac{1}{4}$	Section 36
S $\frac{1}{2}$	of	NE $\frac{1}{4}$	" 36
		SE $\frac{1}{4}$	" 36.

2. Township 29 North, Range 22 West

SE $\frac{1}{4}$	of	NW $\frac{1}{4}$	Section 1
		NE $\frac{1}{4}$	" 1

That part of the SE  $\frac{1}{4}$   
of Section 1 north of  
the centerline of 18th  
Avenue NE in the Village  
of North St. Paul " 1.

XIV. The boundary of Valley Branch Watershed District is hereby declared to be determined and is defined as the extremity of the whole land area described in Paragraph XIII above.

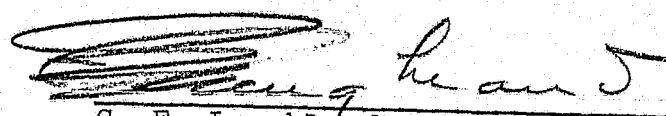
XV. The first Board of Managers of five residents of Valley Branch Watershed District, whose terms shall be for one year effective the date of this Order, and until their successors are appointed and qualified is as follows:

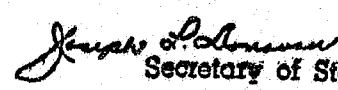
1. Mr. Maynard Eder, 4320 Lake Jane Road,  
Lake Elmo, Minnesota, 55042, Washington County;
2. Mr. Francis Franta, Jr., 2555 Olson Lake Road,  
North St. Paul, Minnesota, 55109, Washington County;
3. Mr. A. W. Horning, Box 340, Route 4,  
Stillwater, Minnesota, 55082, Washington County;
4. Mr. Eugene Moynagh, Box 75, Route 1,  
Lake Elmo, Minnesota, 55042; Washington County;
5. Mr. Edward G. Whitman, Route 1,  
Lake Elmo, Minnesota, 55042; Washington County.

XVI. The principal place of business of Valley Branch  
Watershed District shall be located at Lake Elmo,  
Minnesota, 55042.

Dated at Saint Paul, Minnesota, this 14th day of  
November 1968.

MINNESOTA WATER RESOURCES BOARD

  
G. E. Loughland  
Chairman

#20374  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 19 1968  
  
Secretary of State

20374

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

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY )

AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on  
oath, deposes and says:

Executive  
THAT HE IS the ~~Administrative~~ Secretary for the  
Minnesota Water Resources Board; that he has compared  
the attached copy of an Order relating to the

Valley Branch Watershed District  
dated at Saint Paul, Minnesota, on the 6th day of October,  
1972, 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.

Erling M. Weiberg  
Erling M. Weiberg  
~~Administrative~~ Secretary  
Executive

Subscribed and sworn to before me  
this 18 day of Oct 1972.

Marian S. Comford  
MARIAN S. COMFORD  
Notary Public, Ramsey County, Minnesota  
My Commission Expires July 25, 1979

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

OCT 18 1972

Arlen J. Edsall  
Secretary of State

20374

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

-----  
In the Matter of the Petition of  
Daryl C. Nelson for the Exclusion  
of Certain Land from the Valley  
Branch Watershed District  
-----

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A petition signed by Daryl C. Nelson and others requesting the exclusion of certain land from the Valley Branch Watershed District was filed with the Minnesota Water Resources Board on March 28, 1972.

The Board ordered a hearing on the petition and appointed Charles H. Prior, a Board member, as Referee, to conduct the hearing and to take evidence in the matter. The hearing was held on June 28 and July 19, 1972, at Lakewood State Junior College, White Bear Lake, Minnesota, 55110. Mr. Erling Weiberg, Executive Secretary of the Board, appeared with Mr. Prior; Mr. Robert Kelly, Attorney, appeared for the Valley Branch Watershed District; and petitioners and interested persons appeared on their own behalf.

The Referee having reported to the Board, and the Board having fully considered the testimony and evidence offered at said hearing and all the records and files of the Board pertaining thereto and to said District, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

FINDINGS OF FACT

- I. The Valley Branch Watershed District was established by Order of the Minnesota Water Resources Board on November 14, 1968, and by said Order, the Board designated the land area and boundary of said Watershed District.
- II. A duly executed petition, signed by 52 owners of land within the Valley Branch Watershed District, asking for the release of the land described in Paragraphs VI (six) and VII (seven), hereinafter set forth, from the said Watershed District, was filed with the Board on March 28, 1972; filed with the petition were the proper affidavits of service of the petition.

- III. The petition was sufficient and was amended at the hearing without opposition thereto to include the streets adjacent to the land described in the petition.
- IV. Due and proper notice was given to all owners of land affected by publication in appropriate newspapers.
- V. The Director of the Division of Waters, Soils and Minerals filed a memorandum with the Board which was received in evidence. The said memorandum recommended the exclusion of certain land from the District as petitioned for and the denial of the petition to exclude other lands therein described, all of said land lying and being in the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 36, Township 30 North, Range 22 West in Ramsey County, Minnesota.
- VI. The following tracts of land, all lying and being in the said  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 36, Township 30 North, Range 22 West, Ramsey County, Minnesota, and described as:

Lots 5, 6, 7, 8, and 9 in Block 4, Lakeview  
Hills Addition, Plat 2, City of White  
Bear Lake;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12  
in Block 3, Lakeview Hills Addition, Plat  
2, City of White Bear Lake;

and

Lots 5, 6, and 7 in Block 2, Lakeview Hills  
Addition, Plat 2, City of White Bear Lake;

are not in fact, a part of the Valley Branch Watershed;  
that the land so described has not received and will  
not receive any benefits from the operation of the  
Watershed District; and that the Watershed District  
can perform the functions for which it was established  
without the inclusion of said territory.

VII .The following tract of land, all lying and being  
in the said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 36,  
Township 30 North, Range 22 West, Ramsey County,  
Minnesota, and described as:

Lots 5, 6, 7, 8, 9, 10, 11, and 12 in  
Block 1, Lakeview Hills Addition, Plat  
2, City of White Bear Lake;

are, in fact, a part of the Valley Branch Watershed; that they have received and will receive benefits from the operation of the said Watershed District and that the said District cannot perform the functions for which it was established without the inclusion of said territory, in that said tracts are a source of the headwaters of said District and their flowage is within said District.

VIII. That the streets adjacent to the lots described in Paragraphs VI (six) and VII (seven) above are named Crestline Drive, Elm Drive, and Homewood where they abut said lots, are not, in fact, a part of the Valley Branch Watershed District.

#### CONCLUSIONS OF LAW

IX. The Minnesota Water Resources Board has jurisdiction over the matter of release of territory from the Valley Branch Watershed District and authority to release land from said District.

X. The public interest and public welfare will be served by the release of the lots and streets described in Paragraphs VI (six) and VIII (eight) above from the Valley Branch Watershed District.



XI. The public interest and public welfare would not be served by the release of the lots described in Paragraph VII (seven) above from the Valley Branch Watershed District.

IT IS THEREFORE ORDERED

XII. That the petition to release the lots described in Paragraph VI (six) above and the streets described in Paragraph VIII (eight) above is hereby granted and said lots and streets are hereby released from the Valley Branch Watershed District.

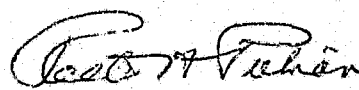
XIII. That the petition to release the lots described in Paragraph VII (seven) above from the Valley Branch Watershed District be and hereby is denied.

XIV. That the land released from the territory of the Valley Branch Watershed District and affected hereby is subject to the requirement of law concerning current indebtedness and levies.

XV. That the amended boundary of the Valley Branch Watershed District is hereby ordered to be the extremities of the whole of the land area included in the District; and the Board's Order of November 14, 1968, designating the boundary of said District is amended to conform herewith.

Dated at Saint Paul, Minnesota, this 6th day of  
October 1972.

MINNESOTA WATER RESOURCES BOARD



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Hector H. Putnam  
Chairman

#20374  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 18 1972  
*Arlen J. Erlab*  
Secretary of State

20374