

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 \_\_\_\_\_  
Clearwater River Watershed District

dated at Saint Paul, Minnesota, on the 25th day of September  
1978, 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  
 Executive Secretary

Subscribed and sworn to before me  
 this 28 day of September 1978

*Marian S. Comfort*  
 MARIAN S. COMFORT  
 Notary Public, Ramsey County, Minnesota  
 My Commission Expires July 25, 1979

STATE OF MINNESOTA  
 DEPARTMENT OF STATE  
 FILED  
 SEP 28 1978  
*Jean Anderson Howe*  
 Secretary of State

#31719

~~*[Handwritten Signature]*~~  
*[Handwritten Signature]*

*Clearwater  
River*

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

-----  
In the Matter of the Petition  
to Withdraw Territory from  
the Clearwater River Watershed  
District (Section 112.85)  
-----

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A petition having been filed on January 25, 1978, with the Minnesota Water Resources Board (Board) asking for the release of certain parcels of land from the territory of the Clearwater River Watershed District; a report having been filed by the Director of the Division of Waters on said petition with the Board; and proper notice having been given by the Board; all in accordance with Chapter 112; thereupon, a hearing was held on the above matter before Howard Kaibel, a Hearing Examiner of the State of Minnesota, pursuant to Minnesota Statutes, Section 15.052, at 7:30 p.m. on July 24, 1978, in the Annandale Municipal Building, Annandale, Minnesota, 55302.

The Board appointed their Vice Chairman, F. Robert Starr, to serve as the Board's Referee at the hearing. Erling Weiberg, Executive Secretary for the Board, appeared with the Board. Stan Weinberger appeared on behalf of the Board of Managers of the Clearwater River Watershed District. A number of petitioners appeared on behalf of themselves and other persons appeared.

The Referee having reported to the Board; the Hearing Examiner having submitted his recommendations to the Board on August 18, 1978; and the Board having considered all the testimony and evidence in the record, the Board now makes the following Findings of Fact, Conclusions of Law and Order:

### FINDINGS OF FACT

- I. The Clearwater River Watershed District was established by Order of the Board on April 9, 1975.
- II. That on January 25, 1978, eleven petitions for withdrawal of certain parcels of land from the territory of the Clearwater River Watershed District, each signed by a land owner, were filed with the Board.
- III. That on June 26, 1978, a petition for withdrawal of territory, signed by a land owner, was filed with the Board.
- IV. That the Board consolidated the petitions, as authorized by Minnesota Statutes, Section 112.37, Subd. 5, and found the petition sufficient.
- V. A Report on the petition by the Director of the Division of Waters of the Department of Natural Resources, was filed with the Board during the week of July 17, 1978.
- VI. All parcels of land listed in the petition and certain other land that the Director recommended the Board consider were included in the Board's Notice of Hearing, which was properly published in appropriate legal newspapers.
- VII. A hearing on the petition was held on July 24, 1978, at 7:30 p.m. in the Annandale Municipal Building, Annandale, Minnesota, 55302, in the City Council Chambers. The hearing was conducted by State Hearing Examiner, Howard Kaibel.
- VIII. F. Robert Starr, Vice Chairman of the Board, served as the Board's Referee and gave a verbal report on the hearing to the Board at its meeting on July 25, 1978. His Referee's Report was filed with the Board on September 1, 1978.
- IX. The Hearing Examiner made his oral Findings of Fact, Conclusions and Recommendation at the end of the hearing on July 24, 1978, as noted in the transcript. He recommended that the Board grant the petition for withdrawal of properties from the watershed district.

- X. The Hearing Examiner transmitted the record and transcript of the proceeding to the Board's office, which was received on August 18, 1978.
- XI. Based on the evidence in the record of this proceeding, the following lands should be released from the Clearwater River Watershed District because the runoff waters do not drain to the Clearwater River, but eastward to Lake Mary and therefore, they are, in fact, not a part of the Clearwater River Watershed:
- A. Wright County
1. Township 121 North, Range 27 West (Corinna)
 

$S\frac{1}{2}$ of $NE\frac{1}{4}$	Section	35
$SE\frac{1}{4}$	"	35
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"	36
$SW\frac{1}{4}$ of $SW\frac{1}{4}$	"	36.
  2. Township 120 North, Range 27 West (Albin)
 

$SW\frac{1}{4}$ of $SW\frac{1}{4}$	Section	1
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	"	21.
- B. Stearns County
1. Township 122 North, Range 29 West (Maine Prairie)
 

$E\frac{1}{2}$ of $NW\frac{1}{4}$	Section	32.
-----------------------------------	---------	-----
- XII. That the owner of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$ , Section 36, Township 121 North, Range 27 West, is the State of Minnesota, which is a wildlife management area.
- XIII. That the Director in his report recommended that this state-owned land be excluded from the watershed district, if all adjacent areas are excluded.
- XIV. That the runoff water from the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  of Section 36, Township 121 North, Range 27 West, does not drain to the Clearwater River, but eastward to Lake Mary, and therefore, is not, in fact, a part of the Clearwater River Watershed.

CONCLUSIONS OF LAW

- XV. The Minnesota Water Resources Board has jurisdiction over the release of land from the territory of the Clearwater River Watershed District and the authority to release land according to Minnesota Statutes, Section 112.85.
- XVI. The above listed parcels of land have not received or will not receive any benefits from the operation of the Clearwater River Watershed District; the Clearwater River Watershed District can perform the functions for which it was established without the inclusion of said parcels of land; and, the parcels of land are not, in fact, a part of the Clearwater River Watershed.

IT IS THEREFORE ORDERED

- XVII. That the following described parcels of land are hereby released from the territory of the Clearwater River Watershed District, subject to the requirement of law concerning current indebtedness and levies, if any:

A. Wright County

1. Township 121 North, Range 27 West (Corinna)

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

2. Township 120 North, Range 27 West (Albin)

SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section 1
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 21.

B. Stearns County

1. Township 122 North, Range 29 West (Maine Prairie)

E $\frac{1}{2}$ of NW $\frac{1}{4}$	Section 32.
-------------------------------------	-------------

XVIII. That the new boundary of the Clearwater River Watershed District is hereby declared to be determined by the extremities of the whole land larea described in Paragraph XVIII of the Board's Order of April 9, 1975, which established the Watershed District, and as modified by this Order.

Dated at Saint Paul, Minnesota, 55102, this 25th day of September 1978.

MINNESOTA WATER RESOURCES BOARD

*Robert T. Moline*

Robert T. Moline  
Chairman

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 28 1978

*Jean Anderson Howe*  
Secretary of State

#31719

O.D.