

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

In the Matter of the Petition for
Change in Boundary Line Common To
The Two Rivers Watershed District
and the Roseau River Watershed
District (Section 112.39, Subd. 4)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition having been filed with the Minnesota Water Resources Board asking for certain changes in the boundary line common to The Two Rivers Watershed District and the Roseau River Watershed District; a report having been filed by the Director of the Division of Waters of the Department of Natural Resources on said petition; and proper Notice having been given by the Board; thereupon, a hearing was held on the above matter before Howard Kaibel, a Hearing Examiner of the State of Minnesota, pursuant to Minn. Stat. Sections 15.0411 through 15.052, at 1:30 p.m. on January 26, 1978, at the Greenbush Public School in Greenbush, Minnesota, 56726.

The Board appointed their Secretary, Duane Ekman, to serve as the Board's Referee at the hearing. Mel Sinn, Assistant to the Executive Secretary for the Board, appeared with the Referee. Ronald Vroom, attorney, appeared for the board of managers of The Two Rivers Watershed District and other persons appeared.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 10 1978

John Anderson Howe
Secretary of State

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The Referee having reported to the Board; the Hearing Examiner having submitted his recommendations to the Board on February 23, 1978; and the Board having considered all the testimony and evidence in the record, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

FINDINGS OF FACT

- I. The Two Rivers Watershed District was established on October 30, 1957, and the Roseau River Watershed District was established on March 18, 1964.
- II. A sufficient "Petition For Change in Boundary Line Common to The Two Rivers Watershed District and the Roseau River Watershed District" was filed with the Board on August 15, 1977.
- III. A report on the Petition by the Director of the Division of Waters of the Department of Natural Resources, stating his recommendations, was received by the Board on December 15, 1977.
- IV. A sufficient "Amended Petition For Change in Boundary Line Common to The Two Rivers Watershed District and the Roseau River Watershed District", was filed with the Board on January 6, 1978.
- V. All lands listed in the Amended Petition and certain other lands that the Director recommended the Board consider were included in the Board's Notice of Hearing, which was properly published in appropriate legal newspapers.
- VI. A hearing on the Amended Petition was held on January 26, 1978, at 1:30 p.m., in the Greenbush Public School, Greenbush, Minnesota, 56726, in the multi-purpose room. The hearing was conducted by state hearing examiner, Howard Kaibel. Duane Ekman, Secretary of the Water Resources Board, served as the Board's Referee.

VII. At the hearing the Amended Petition was further amended as follows: On Exhibit "C" of the Amended Petition, on line 15, the "SE $\frac{1}{4}$ SE $\frac{1}{4}$ " was deleted, and the "SE $\frac{1}{4}$ NE $\frac{1}{4}$ " was inserted.

VIII. Based on the evidence in the record of this proceeding, the following described lands should be transferred from the Roseau River Watershed District to The Two Rivers Watershed District because their runoff waters drain into the Two Rivers, and therefore they are, in fact, a part of the Two Rivers Watershed:

A. Roseau County

1. Township 162 North, Range 43 West (Soler)
 - SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 13.
2. Township 162 North, Range 42 West (Moose)
 - NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 18
 - S $\frac{1}{2}$ of S $\frac{1}{2}$ " 18
 - NE $\frac{1}{4}$ " 19
 - S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 20
 - S $\frac{1}{2}$ " 20
 - SW $\frac{1}{4}$ of SW $\frac{1}{4}$ " 21
 - NW $\frac{1}{4}$ of NW $\frac{1}{4}$ " 28
 - S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 28
 - SW $\frac{1}{4}$ of SW $\frac{1}{4}$ " 28
 - SW $\frac{1}{4}$ of SE $\frac{1}{4}$ " 28
 - NE $\frac{1}{4}$ " 29
 - W $\frac{1}{2}$ of NE $\frac{1}{4}$ " 33.
3. Township 162 North, Range 41 West (Ross)
 - S $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 36
 - S $\frac{1}{2}$ " 36.
4. Township 162 North, Range 40 West (Jadis)
 - NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 31
 - S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 31.
 - SW $\frac{1}{4}$ " 31.
5. Township 161 North, Range 41 West (Stokes)
 - N $\frac{1}{2}$ of N $\frac{1}{2}$ Section 1.

6. Township 161 North, Range 40 West (Stafford)

W $\frac{1}{2}$ of NW $\frac{1}{4}$	Section	7
SW $\frac{1}{4}$	"	7
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	7
E $\frac{1}{2}$	"	18
E $\frac{1}{2}$ of W $\frac{1}{2}$	"	18
NE $\frac{1}{4}$	"	19
E $\frac{1}{2}$ of SE $\frac{1}{4}$	"	19
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	20
W $\frac{1}{2}$	"	29
E $\frac{1}{2}$ of NE $\frac{1}{4}$	"	30
SE $\frac{1}{4}$	"	30
NE $\frac{1}{4}$	"	31
E $\frac{1}{2}$ of NW $\frac{1}{4}$	"	31
S $\frac{1}{2}$	"	31
W $\frac{1}{2}$	"	32.

7. Township 160 North, Range 41 West (Nereson)

NE $\frac{1}{4}$ Section 1.

8. Township 160 North, Range 40 West (Grimstad)

SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section	5
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	5
All of Section	"	6
N $\frac{1}{2}$	"	7
SE $\frac{1}{4}$	"	7
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	"	8
W $\frac{1}{2}$	"	8
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	8
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	"	17
NW $\frac{1}{4}$	"	17
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	17
E $\frac{1}{2}$	"	18.

IX. Based on the evidence in the record of this proceeding, the following described lands should be transferred from The Two Rivers Watershed District to the Roseau River Watershed District because their runoff waters drain into the Roseau River, and therefore they are, in fact, a part of the Roseau River Watershed:

A. Roseau County

1. Township 162 North, Range 41 West (Ross)
 S $\frac{1}{2}$ of N $\frac{1}{2}$ Section 24.
2. Township 162 North, Range 40 West (Jadis)
 S $\frac{1}{2}$ of N $\frac{1}{2}$ Section 19
 NE $\frac{1}{4}$ of SE $\frac{1}{4}$ " 19
 All of Section " 20
 W $\frac{1}{2}$ " 21
 W $\frac{1}{2}$ " 28
 All of Section " 29
 SE $\frac{1}{4}$ of NE $\frac{1}{4}$ " 30
 SE $\frac{1}{4}$ " 30.

CONCLUSIONS OF LAW

- X. The Minnesota Water Resources Board has jurisdiction over watershed district boundary changes and the authority to include or exclude lands according to Minn. Stat. Section 112.39, Subdivision 4.
- XI. It would serve the purpose of Minn. Stat. Chapter 112 and be for the public welfare and public interest to transfer the lands listed in Paragraph VIII above from the Roseau River Watershed District to The Two Rivers Watershed District. These lands will not receive any benefits from the operation of the Roseau River Watershed District and that district can perform the functions for which it was established without the inclusion of said lands.
- XII. It would serve the purpose of Minn. Stat. Chapter 112 and be for the public welfare and public interest to transfer the lands listed in Paragraph IX above from The Two Rivers Watershed District to the Roseau River Watershed District. These lands will not receive any benefits from the operation of The Two Rivers Watershed District, and that district can perform the functions for which it was established without the inclusion of said lands.

IT IS THEREFORE ORDERED

XIII. That the following described lands are hereby excluded from the Roseau River Watershed District and included in, and made a part of, The Two Rivers Watershed District, subject to the requirements of law concerning current indebtedness and levies:

A. Roseau County

1. Township 162 North, Range 43 West (Soler)
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 13.
2. Township 162 North, Range 42 West (Moose)
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 18
S $\frac{1}{2}$ of S $\frac{1}{2}$ " 18
NE $\frac{1}{4}$ " 19
S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 20
S $\frac{1}{2}$ " 20
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ " 21
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ " 28
S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 28
SW $\frac{1}{4}$ " 28
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ " 28
NE $\frac{1}{4}$ " 29
W $\frac{1}{2}$ of NE $\frac{1}{4}$ " 33.
3. Township 162 North, Range 41 West (Ross)
S $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 36
S $\frac{1}{2}$ " 36.
4. Township 162 North, Range 40 West (Jadis)
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 31
S $\frac{1}{2}$ of NW $\frac{1}{4}$ " 31
SW $\frac{1}{4}$ " 31.
5. Township 161 North, Range 41 West (Stokes)
N $\frac{1}{2}$ of N $\frac{1}{2}$ Section 1.

6. Township 161 North, Range 40 West (Stafford)

W $\frac{1}{2}$ of NW $\frac{1}{4}$	Section	7
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	7
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	7
E $\frac{1}{2}$ of W $\frac{1}{2}$	"	18
E $\frac{1}{2}$ of W $\frac{1}{2}$	"	18
NE $\frac{1}{4}$	"	19
E $\frac{1}{2}$ of SE $\frac{1}{4}$	"	19
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	20
W $\frac{1}{2}$	"	29
E $\frac{1}{2}$ of NE $\frac{1}{4}$	"	30
SE $\frac{1}{4}$	"	30
NE $\frac{1}{4}$	"	31
E $\frac{1}{2}$ of NW $\frac{1}{4}$	"	31
S $\frac{1}{2}$	"	31
W $\frac{1}{2}$	"	32

7. Township 160 North, Range 41 West (Nereson)

NE $\frac{1}{4}$ Section 1.

8. Township 160 North, Range 40 West (Grimstad)

SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section	5
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	5
All of Section	"	6
N $\frac{1}{2}$	"	7
SE $\frac{1}{4}$	"	7
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	"	8
W $\frac{1}{2}$ of SE $\frac{1}{4}$	"	8
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	"	17
NW $\frac{1}{4}$	"	17
W $\frac{1}{2}$ of SW $\frac{1}{4}$	"	17
E $\frac{1}{2}$	"	18

XIV. That the following described lands are hereby excluded from The Two Rivers Watershed District and included in, and made a part of, the Roseau River Watershed District, subject to the requirements of law concerning current indebtedness and levies:

A. Roseau County

1. Township 162 North, Range 41 West (Ross)
S $\frac{1}{2}$ of N $\frac{1}{2}$ Section 24.
2. Township 162 North, Range 40 West (Jadis)
S $\frac{1}{2}$ of N $\frac{1}{2}$ Section 19
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ " 19
All of Section " 20
W $\frac{1}{2}$ " 21
W $\frac{1}{2}$ " 28
All of Section " 29
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ " 30
SE $\frac{1}{4}$ " 30.

XV. That the new boundary of The Two Rivers Watershed District is hereby declared to be determined by the Board's Order of October 30, 1957, which established the District, as modified by the Board's boundary change Orders of April 6, 1964 and May 27, 1966, affecting The Two Rivers Watershed District, and as modified by this Order.

XVI. That the new boundary of the Roseau River Watershed District is hereby declared to be determined by the Board's Order of March 18, 1964, which established the District, as modified by the Board's boundary change Order of November 6, 1970, affecting the Roseau River Watershed District, and as modified by this Order.

Dated at Saint Paul, Minnesota, 55102, this 10th day of March 1978.

MINNESOTA WATER RESOURCES BOARD

Robert T. Moline

Robert T. Moline
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 28 1978

Jean Anderson
Secretary of State

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