

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

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY )

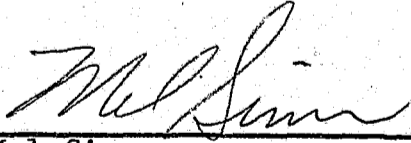
AFFIDAVIT

MEL SINN, being first duly sworn on  
oath, deposes and says:

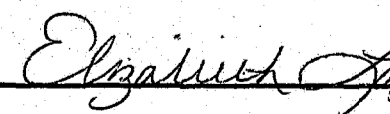
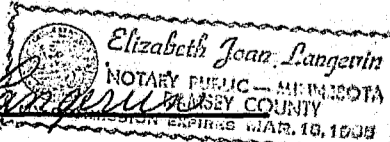
THAT HE IS the <sup>Assistant</sup> Executive Secretary for the Minnesota  
Water Resources Board; that he has compared the attached  
copy of an Order relating to the Minnehaha Creek  
Watershed District

dated at Saint Paul, Minnesota, on the 19th day of  
March 1979, with the original thereof on file in his  
official custody; and

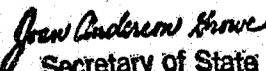
THAT SAID COPY is a true and correct copy of said  
original and the whole thereof.

  
Mel Sinn

Subscribed and sworn to before me  
this 2nd day of April 1979

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR - 4 1979

  
Secretary of State

#32067  
O.D.

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

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In the Matter of the Petition for  
a Change in the Boundary of the  
Minnehaha Creek Watershed District  
(Section 112.39, Subd. 4)

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

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The Water Resources Board held a public hearing on the  
above-entitled matter on February 15, 1979. The hearing was  
conducted by State Hearing Examiner, Howard Kaibel.

#### FINDINGS OF FACT

- I. The Minnehaha Creek Watershed District was established on March 9, 1967 by Order of the Minnesota Water Resources Board (Board) and its boundary was described therein. The boundary of the Minnehaha Creek Watershed District was amended by Order of the Board on November 5, 1971.
- II. A sufficient petition for a boundary change to the Minnehaha Creek Watershed District was filed with the Board on November 9, 1978 by the Board of Managers of the Minnehaha Creek Watershed District.
- III. A report on the petition by the Director of the Division of Waters of the Minnesota Department of Natural Resources was filed with the Board on January 11, 1979.
- IV. The Board ordered a hearing on the petition and gave proper Notice thereof.
- V. A hearing on the petition was held at 7:00 p.m. on February 15, 1979, at Wayzata City Hall, 600 Rice Street, Wayzata, Minnesota. The hearing was conducted by State Hearing Examiner, Howard Kaibel. Mel Sinn, Assistant to the

Executive Secretary of the Board, served as the Board's Referee. Desyl Peterson appeared on behalf of the Minnehaha Creek Watershed District.

- VI. Hearing Examiner, Howard Kaibel, filed his recommendations with the Board on March 2, 1979, recommending that the Board grant the petition.
- VII. Based on the evidence in the record of this proceeding, the runoff from the lands proposed to be added to the territory of the Minnehaha Creek Watershed District, as described in the petition and in the Board's Notice of Hearing, drain into the Minnehaha Creek Watershed District, and are, in fact, a part of the Minnehaha Creek watershed.

#### CONCLUSIONS OF LAW

- VIII. The Minnesota Water Resources Board has jurisdiction over watershed district boundary changes and the authority to include and exclude lands under Minnesota Statutes Section 112.39, Subd. 4.
- IX. It would serve the purpose of Minnesota Statutes Chapter 112 and be for the public welfare and public interest to include the lands in Paragraph X below in the Minnehaha Creek Watershed District.

#### IT IS THEREFORE ORDERED

- X. That the lands within the following metes and bounds description, located entirely within the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, Township 118 North, Range 22 West, in the City of Plymouth, Hennepin County, are hereby included in and made a part of, the Minnehaha Creek Watershed District:

"Beginning at the northeast corner of the northwest quarter of the southwest quarter of Section 20, Township 118 North, Range

22 West; thence westerly along the north line of the northwest quarter of the southwest quarter of Section 20 to the northwest corner of Lot 7, Block 1, Shiloh Addition; thence southeasterly along the west line of said Lot 7, Block 1, and its extension, to the centerline of cul-de-sac of Kimberly Lane; thence southwesterly along the centerline of said Kimberly Lane to the north line of Lot 3, Block 3, Shiloh Addition; thence northwesterly along the north line of said Lot 3, Block 3, to the northwest corner of said Lot 3, Block 3, Shiloh Addition; thence southerly along the west line of said Lot 3, Block 3, to the north line of Lot 1, Block 1, Fairfield Estates; thence westerly along the north plat line of Fairfield Estates to the northwest corner of Lot 3, Block 1, Fairfield Estates; thence southerly 243.20 feet along the west line of said Lot 3, Block 1, and its extension, to the north line of Lot 7, Block 2, Fairfield Estates; thence easterly along the north line of said Lot 7, Block 2, to the northeast corner of said Lot 7, Block 2; thence southeasterly along the east line of said Lot 7, Block 2, to the southeast corner of said Lot 7, Block 2; thence westerly along the south line of said Lot 7, Block 2, to the west plat line of Fairfield Estates; thence southerly along the west lines of Lots 6 and 5, Block 2, Fairfield Estates, and Lot 11, Block 4, Shiloh Addition, to the southwest corner of the northwest quarter

of the southwest quarter of Section 20; thence easterly along the south line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, to the southeast corner of the northwest quarter of the southwest quarter of Section 20; and thence northerly along the east line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, to the northeast corner of the northwest quarter of the southwest quarter of Section 20, Township 118 North, Range 22 West, the point of beginning."

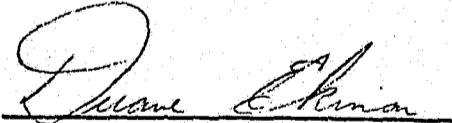
- XI. That the new boundary of the Minnehaha Creek Watershed District is hereby declared to be determined by the Board's Order of March 9, 1967, which established the District, as modified by the Board's boundary change Order of November 5, 1971, and as modified by this Order by striking the existing description beginning with the word "of" in line 25 on page 10 of the Board's Order of March 9, 1967, which established the District, and concluding with the word "northerly" in line 33 on page 10; and substituting in lieu thereof the following:

"of the southwest quarter of Section 20 to the northwest corner of Lot 7, Block 1, Shiloh Addition; thence southeasterly along the west line of said Lot 7, Block 1, and its extension, to the centerline of the cul-de-sac of Kimberly Lane; thence southwesterly along the centerline of said Kimberly Lane to the north line of Lot 3, Block 3, Shiloh Addition; thence northwesterly along the north line of said Lot 3, Block 3, to the northwest corner of said Lot 3, Block 3, Shiloh Addition;

thence southerly along the west line of said Lot 3, Block 3, to the north line of Lot 1, Block 1, Fairfield Estates; thence westerly along the north plat line of Fairfield Estates to the northwest corner of Lot 3, Block 1, Fairfield Estates; thence southerly 243.20 feet along the west line of said Lot 3, Block 1, and its extension, to the north line of Lot 7, Block 2, Fairfield Estates; thence easterly along the north line of said Lot 7, Block 2, to the northeast corner of said Lot 7, Block 2; thence southeasterly along the east line of said Lot 7, Block 2, to the southeast corner of said Lot 7, Block 2; thence westerly along the south line of said Lot 7, Block 2, to the west plat line of Fairfield Estates; thence southerly".

Dated at Saint Paul, Minnesota, 55102, this 19th day of March 1979.

MINNESOTA WATER RESOURCES BOARD



Duane Ekman  
Chairman