

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

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY )

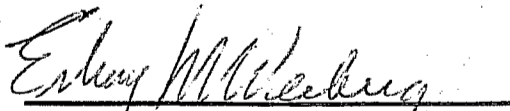
AFFIDAVIT

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

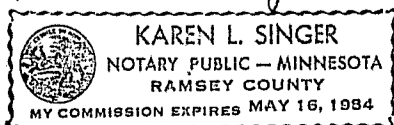
dated at Saint Paul, Minnesota, on the 19th day of  
December 1980, with the original thereof on file in his  
official custody; and

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 12th day of January 1981





STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JAN 12 1981  
  
Secretary of State

#33173

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

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In the Matter of the Petition  
to Redistribute the Managers of  
Valley Branch Watershed District  
between Ramsey County and  
Washington County.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A petition, submitted by the Board of Commissioners, Ramsey County, having been filed with the Minnesota Water Resources Board (Board) on March 27, 1980, sought the redistribution of the five managers of the Valley Branch Watershed District between Ramsey County and Washington County so that Ramsey County has representation on the Valley Branch Watershed District Board of Managers. A proper Notice of hearing on the petition was given by the Board; and, the Board held a hearing on the above matter beginning at 1:30 p.m. on June 3, 1980 in the Community Section of the Washington County Human Services Building, 7066 Stillwater Boulevard North, Oakdale, Minnesota, Washington County. The hearing was conducted by Howard L. Kaibel, Jr., a state hearing examiner.

Messrs. Duane Ekman, Benjamin Harriman and Glenn Kinneberg, Board members, appeared; appearing with the Board were Mr. Douglas Blanke, Special Assistant Attorney General, and Mr. Erling M. Weiberg, Executive Secretary. Mr. Stephen F. Befort, Principal Assistant County Attorney, appeared on behalf of the Ramsey County Board of Commissioners; Mr. Robert Kelly, Washington County Attorney, appeared on behalf of the Washington County Board of Commissioners; Susan K. Rossbach appeared on behalf of the City of N. St. Paul and Mr. Raymond Marshall, Attorney, appeared on behalf of the Board of Managers of the Valley Branch Watershed District. Other persons appeared and were heard fully.

The hearing examiner having submitted his report and recommendation; the Board having heard the testimony and evidence offered and received and having duly considered the same, and having considered all the files and records of the Board pertaining thereto now makes the following Findings of Fact, Conclusions of Law, and Order:

#### FINDINGS OF FACT

- I. A duly executed petition seeking redistribution of the power to appoint managers between Ramsey County and Washington County was filed with the Board on March 27, 1980.
- II. The Board authorized its Chairman on April 21, 1980, to arrange a time and place for its hearing on the petition and cause Notice of a hearing to be given. The Chairman in consultation with the Board's staff, selected June 3, 1980, as the date for the Board's hearing to begin at 1:30 p.m. in a meeting room in the Community Section of the Washington County Human Services Building, 7066 Stillwater Boulevard North, Oakdale, Minnesota, 55119. The above action of the Chairman was approved by the Board at its meeting on June 3, 1980.
- III. Due and proper notice, as required by law, was given.
- IV. The Board hearing was held on June 3, 1980 at the designated place. It was conducted by Howard Kaibel, Jr., a hearing examiner of the state. Board members Ekman, Harriman and Kinneberg were present.
- V. The Valley Branch Watershed District was established by Order of the Board on November 14, 1968 - see Paragraph XII of the Board's Order.
- VI. The Board of Managers to govern the Valley Branch Watershed District consists of five residents of the watershed district; the power to appoint the five managers to the Board of Managers of Valley Branch Watershed District was given to the Board of Commissioners of Washington County - see Paragraph XV of the Board's Order.
- VII. The petition of the Board of Commissioners of Ramsey County seeking redistribution of the managers of the Valley Branch Watershed District was filed with the Board 11 years, 4 months and 13 days after the Valley Branch Watershed District was established by the Board.

- VIII. Since establishment of the Valley Branch Watershed District all managerial appointments have been made by the Board of Commissioners of Washington County and all appointees have been residents of Washington County.
- IX. The petitioner seeks a "voice", a vote on the Board of Managers of the Valley Branch Watershed District, that is, one manager of the Valley Branch Watershed District hereinafter be appointed by the Board of Commissioners of Ramsey County.
- X. The approximate size of the watershed district is 64 square miles; about 63 square miles are located in Washington County and about one square mile is in Ramsey County.
- XI. The record of the terms of the managers of the Valley Branch Watershed District in the Board's office show that the terms of two managers (\*Maynard L. Eder and \*A. W. Horning) of the Valley Branch Watershed District Board of Managers did expire on November 13, 1980.
- XII. The record of the Board's office on the day of the date of this Order, as to the appointment of managers for two three-year terms, which expired on November 13, 1980, shows that the appointments have not been made by the Board of Commissioners of Washington County.
- XIII. The hearing examiner filed his report and recommendation with the Board on October 13, 1980.

#### CONCLUSIONS OF LAW

- XIV. That the Minnesota Water Resources Board has jurisdiction in the matter of redistributing the power of county boards to appoint managers between two counties or among more than three counties, according to Minn. Stat. 1978, Section 112.42, Subd. 3.
- XV. That the redistribution of the power to appoint managers of the Valley Branch Watershed District between Ramsey and Washington Counties would be in accordance with the policy and purposes of Chapter 112 because this action would benefit the administration of the Watershed Act by protecting the public welfare and benefitting the inhabitants of the watershed district.

XVI. That the public welfare and the public interest will be served by the redistribution of managers and the purpose of Chapter 112 would be subserved by the redistribution of the managers as follows: One manager residing in the watershed district in Ramsey County and appointed by the Board of Commissioners of Ramsey County and four managers residing in the watershed district in Washington County and appointed by the Board of Commissioners of Washington County.

IT IS THEREFORE ORDERED

XVII. That the Board of Commissioners of Ramsey County shall have the power to appoint one manager to the Board of Managers of Valley Branch Watershed District.

XVIII. That the Board of Commissioners of Washington County shall have the power to appoint four managers to the Board of Managers of the Valley Branch Watershed District.

XIX. That effective the date of this Order the Board of Commissioners of Washington County shall make one appointment of a manager to the Board of Managers of the Valley Branch Watershed District for a term expiring November 13, 1983, and thereafter succeeding appointments for this managerial position shall be for a three-year term.

XX. That effective the date of this Order the Board of Commissioners of Ramsey County shall make one appointment of a manager to the Board of Managers of the Valley Branch Watershed District for a term expiring November 13, 1983, and thereafter succeeding appointments for this managerial position shall be for a three-year term.

XXI. That the remaining three managerial positions of the Valley Branch Watershed District, occupied by citizens and with terms expiring as shown:

TABLE I

	<u>Name</u>	<u>Term Expires</u>
1.	*Mr. Allen W. Dornfeld	- 11-13-81
2.	*Mr. Robert N. Rosas	- 11-13-82
3.	*Mr. George Hedges	- 11-13-81,

and appointments made by the Board of Commissioners of Washington County, shall continue to be appointed by the Board of Commissioners of Washington County, and succeeding appointments to these managerial positions shall be each for a three-year term.

\*In this Order the appearance of the names of the incumbent managers is in no way to be construed as the appointment by the Minnesota Water Resources Board of any manager to the Valley Branch Watershed District Board of Managers, or to indicate any preference in the matter of appointments. The names identify in a precise manner, the particular term under consideration insofar as distribution among the counties and for other purposes. Terms begin on November 14th.

XXII. That effective the date of this Order, Paragraph XV, pages 16 and 17, of the Board's Order establishing the Valley Branch Watershed District, dated November 14, 1968, is declared null and void.

Dated at Saint Paul, Minnesota, this 19th day of December 1980.

MINNESOTA WATER RESOURCES BOARD

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JAN 12 1981  
*Joan Anderson Howe*  
Secretary of State

*Duane R. Ekman*  
Duane R. Ekman  
Chairman