

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 Executive Secretary for the Minnesota
Water Resources Board; that he has compared the attached
copy of an Order relating to the BOUNDARY CHANGE OF THE

MINNEHAHA CREEK WATERSHED DISTRICT

dated at Saint Paul, Minnesota, on the 9th day of
December 1981, with the original thereof on file in his
official custody; and

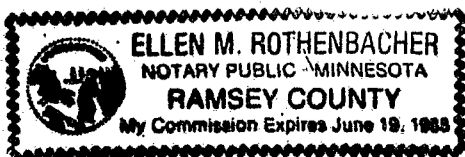
THAT SAID COPY is a true and correct copy of said
original and the whole thereof.



MEL SINN

Subscribed and sworn to before me
this 11th day of December 19 81

Ellen M. Rothenbacher



STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
DEC 15 1981

Jean Anderson Howe
Secretary of State

133711

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

In the Matter of the Petition dated
July 31, 1981, to Withdraw Territory
from the Minnehaha Creek Watershed
District (Section 112.85)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A petition having been filed with the Minnesota Water Resources Board (Board) asking for the withdrawal of certain territory from the Minnehaha Creek Watershed District; a report having been filed by the Director of the Division of Waters, Minnesota Department of Natural Resources, on the petition; and proper Notice having been given by the Board; the Board held a hearing on the petition at 7:30 p.m. on October 7, 1981, in the City Council Chambers in Medina, Minnesota. The hearing was conducted by Kent Roberts, a state hearing examiner.

Benjamin Harriman, Board Secretary, served as the Board's Referee at the hearing; Cooper Ashley, Special Assistant Attorney General, appeared for the Board; and Mel Sinn, Board engineer, also appeared for the Board. Becky A. Comstock, Attorney, appeared for the petitioner, the Elm Creek Conservation Commission and its member, the City of Medina. A total of seven people attended the hearing.

The Referee having reported to the Board; the hearing examiner having submitted his report and recommendation; the Board, having considered the record, makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER:

FINDINGS OF FACT

- I. The Minnehaha Creek Watershed District was established by Order of the Minnesota Water Resources Board on March 9, 1967.
- II. A sufficient petition for withdrawal of territory from the Minnehaha Creek Watershed District was filed with the Board on August 5, 1981, and August 21, 1981.

- III. A Director's Report on the petition was filed with the Board on September 25, 1981.
- IV. All of the territory listed in the petition was included in the Board's Notice of Hearing, which was properly published in a legal newspaper.
- V. The Board held a hearing on the petition on October 7, 1981.
- VI. The hearing examiner filed his recommendation with the Board on November 4, 1981.
- VII. No exceptions to the hearing examiner's report were filed with the Board.
- VIII. The majority of the following described lands, presently in the Minnehaha Creek Watershed District, drain into the Elm Creek watershed. None of these lands are subject to any benefits or damages for any improvement established by the managers of the Minnehaha Creek Watershed District.

Hennepin County, Minnesota

5th Principal Meridian

Township 118 North, Range 23 West (City of Medina)

That part of the E $\frac{1}{2}$ of Section 13
 lying north of the centerline of
 Medina Road Section 13

That part of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of
 Section 22 lying north of the
 centerline of County State Aid
 Highway No. 24 Section 22

CONCLUSIONS OF LAW

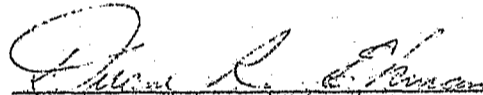
- IX. The Board has jurisdiction over proceedings to withdraw territory from watershed districts, and the authority to release lands, according to Minn. Stat. Section 112.85.
- X. It would serve the purpose of Minn. Stat. Chapter 112 and be for the public welfare and public interest to release the lands listed in Paragraph VIII above, from the Minnehaha Creek Watershed District. These lands have not and will not receive any benefits from the operation of the Minnehaha Creek Watershed District; the Minnehaha Creek Watershed District can perform the functions for which it was established without inclusion of these lands; these lands are not, in fact, a part of the Minnehaha Creek watershed; and these lands are not subject to any benefits or damages for any improvement previously constructed by the Minnehaha Creek Watershed District.

IT IS THEREFORE ORDERED

- XI. That the lands listed in Paragraph VIII above, are excluded from the Minnehaha Creek Watershed District; subject to the requirements of law concerning current indebtedness and levies.
- XII. That the original Order of the Minnesota Water Resources Board dated March 9, 1967, which established the Minnehaha Creek Watershed District and defines its boundary, is amended as follows:
- A. Strike lines 40 through 45 on page 10, and strike lines 1 through 8 on page 11; and insert in lieu thereof the following:
- "and westerly on the centerline of Medina Road to its intersection with the centerline of Hunter Drive; thence northerly on the centerline of Hunter Drive to the northeast corner of the southwest quarter of Section 13, Township 118 North, Range 23 West; thence westerly".
- B. Also strike lines 24 and 25 on page 11; and insert in lieu thereof the following:
- "east line of the northwest quarter of Section 22 to its intersection with the centerline of County State Aid Highway No. 24; thence northwesterly on the centerline of County State Aid Highway No. 24 to its intersection with the west line of the east half of the northwest quarter of Section 22; thence northerly on the west line of the east half of the northwest quarter of Section 22 to the north line of Section 22; thence westerly".
- XIII. That the new boundary of the Minnehaha Creek Watershed District is defined by the Board's Order of March 9, 1967, which established the District; as modified by the Board's boundary change Orders of November 5, 1971, and March 19, 1979; and as modified by this Order.

Dated at Saint Paul, Minnesota, 55102, this 9th day of December
1981 and effective immediately.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

133711