

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

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT

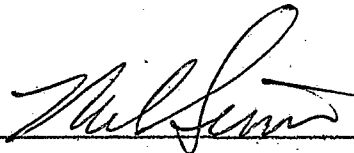
MEL SINN being first duly sworn on
oath, deposes and says:

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

THIRTY LAKES WATERSHED DISTRICT

dated at Saint Paul, Minnesota, on the 18th DAY OF
NOVEMBER 1981, with the original thereof on file in his
official custody; and

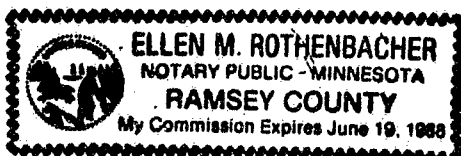
THAT SAID COPY is a true and correct copy of said
original and the whole thereof.



MEL SINN

Subscribed and sworn to before me
this 11th day of December 1981

Ellen M. Rothenbacher



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 15 1981
John Andrew Brown
Secretary of State

33713

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

In the Matter of the Petition dated
August 18, 1981, for a Change in the
Boundary Line of the Thirty Lakes
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 (Board) asking for a change in the boundary of the Thirty Lakes 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 1:00 p.m. on October 14, 1981, in the City Hall in Breezy Point, Minnesota. The hearing was conducted by state hearing examiner, Kent Roberts.

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. Thomas Borden, Attorney, appeared for the petitioner, the Thirty Lakes Watershed District. A total of 12 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 Thirty Lakes Watershed District was established by Order of the Minnesota Water Resources Board on May 18, 1971.
- II. A sufficient petition for a change of boundary of the Thirty Lakes Watershed District was filed with the Board on August 21, 1981.

- III. A Director's Report on the petition was filed with the Board on October 13, 1981.
- IV. All of the territory affected by 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 14, 1981.
- VI. The hearing examiner filed his recommendations with the Board on November 4, 1981.
- VII. No exceptions to the hearing examiner's report were filed with the Board.
- VIII. As a result of the platting of the Whitebirch Seven and Whitebirch Fifteen subdivisions in the City of Breezy Point, various lots in said plats lie partly within and partly without the legal boundary of the Thirty Lakes Watershed District.
- IX. The existing location of the District's boundary line within Whitebirch Seven and Whitebirch Fifteen makes it difficult for the Crow Wing County Auditor's Office to determine which lots are to be included within the District for taxation purposes, and the Crow Wing County Auditor's Office has requested that the District's boundary be changed so that individually owned lots are not split by the District's boundary line. The County Auditor testified that, for taxation purposes, lots split by the District's boundary line must be considered either completely in or completely out of the District.
- X. The District's boundary can be changed within the Whitebirch Seven and Whitebirch Fifteen developments so that it does not split any individual lots, and so that it closely follows the natural watershed divide.
- XI. The proposed boundary change would result in some lands being added to the Thirty Lakes Watershed District, and some lands being removed from the District.
- XII. The majority of each parcel, presently wholly or partly within the boundary of the Thirty Lakes Watershed District, and proposed to be removed from the District by the petitioner, does not drain into the Thirty Lakes watershed.
- XIII. The majority of each parcel, presently wholly or partly outside the boundary of the Thirty Lakes Watershed District, and proposed to be included in the District by the petitioner, does drain into the Thirty Lakes watershed.

CONCLUSIONS OF LAW

- XIV. The Board has jurisdiction over watershed district boundary changes, and the authority to include and exclude lands under Minn. Stat. Section 112.39, Subd. 4.
- XV. It would serve the purpose of Minn. Stat. Chapter 112 and be for the public welfare and public interest to exclude the lands proposed to be removed from the Thirty Lakes Watershed District by the petitioner. These lands have not and will not receive any benefits from the operation of the Thirty Lakes Watershed District; the Thirty Lakes 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 Thirty Lakes watershed; and these lands are not subject to any benefits or damages for any improvement previously constructed by the Thirty Lakes Watershed District.
- XVI. It would serve the purpose of Minn. Stat. Chapter 112 and be for the public welfare and public interest to include the lands proposed to be added to the Thirty Lakes Watershed District by the petitioner. These lands are contiguous to the Thirty Lakes Watershed District; these lands can be feasibly administered by the managers of the Thirty Lakes Watershed District; and these lands are, in fact, a part of the Thirty Lakes watershed.

IT IS THEREFORE ORDERED

- XVII. That the lands proposed to be added to the Thirty Lakes Watershed District by the petitioner are hereby included in, and made a part of, the Thirty Lakes Watershed District.
- XVIII. That the lands proposed to be removed from the Thirty Lakes Watershed District by the petitioner are hereby excluded from, and are no longer a part of, the Thirty Lakes Watershed District.
- XIX. That the original Order of the Board dated May 18, 1971, that established the Thirty Lakes Watershed District and defines its boundary, is amended as follows:

A. On page 16 strike lines 6 through 17, which consist, in part, of the following:

"on the west line of Section 17...to the southwest corner of the southeast quarter of the southeast quarter, all in Section 17;"

and insert in lieu thereof the following:

"on the west line of Section 17 to its intersection with the south line of Lot 14, Block One, Whitebirch Seven, extended westerly; thence easterly on the south line of said Lot 14 to the southeast corner of said Lot 14; thence southerly on the east lines of Lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, Block One, Whitebirch Seven, to the southeast corner of said Lot 1; thence westerly on the south line of said Lot 1 to its intersection with the east right-of-way line of Ranchette Drive in Whitebirch Seven; thence southerly on the east right-of-way line of said Ranchette Drive to its intersection with the north right-of-way line of Dove Street in Whitebirch Seven; thence east on the north right-of-way line of said Dove Street to the west right-of-way line of Suffolk Drive in Whitebirch Seven; thence northwesterly on the west right-of-way line of said Suffolk Drive to its intersection with the southeast line of Lot 1, Block Two, Whitebirch Seven; thence westerly on the southeast and southwest lines of said Lot 1 to the southwest corner of said Lot 1; thence northerly on the west lines of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block Two, Whitebirch Seven, to the northwest corner of said Lot 8; thence easterly along the north line of said Lot 8, and its easterly extension, to the centerline of Suffolk Circle in Whitebirch Seven; thence southerly along the centerline of Suffolk Circle to its intersection with the centerline of Chinook Trail, extended westerly, in Whitebirch Seven; thence easterly along the centerline of Chinook Trail to its intersection

with the west line of Lot 4, Block Four, Whitebirch Seven, extended northerly; then southerly along the west line of said Lot 4 to the southwest corner of said Lot 4; thence easterly along the south lines of Lots 4, 5, 6, 7, 8, 9, 10, and 11, Block Four, Whitebirch Seven, to the southeast corner of said Lot 11; thence northerly along the east line of said Lot 11, and its northerly extension, to its intersection with the centerline of Chinook Trail in Whitebirch Seven; thence easterly along the centerline of Chinook Trail, and its easterly extension, to its intersection with the centerline of Shawnee Pass in Whitebirch Seven; thence easterly along the centerline of Shawnee Pass to its intersection with the west line of Outlot B in Whitebirch Seven, extended northerly; thence southerly along the west line of said Outlot B to its intersection with the northwest corner of Lot 4, Block Five, Whitebirch Seven; thence southerly along the west lines of Lots 4, 3, 2, and 1 of Block 5, Whitebirch Seven, to the southwest corner of said Lot 1; thence southeasterly along the south line of said Lot 1, and its easterly extension, to its intersection with the centerline of Osceola Circle in Whitebirch Seven; thence southerly along the centerline of Osceola Circle and its southerly extension to its intersection with the south line of Section 17, Township 136 North, Range 28 West; thence westerly on the south line of Section 17 to the southwest corner of the southeast quarter of the southeast quarter of Section 17;"

- B. On page 25 strike lines 34 through 39, consisting in part, of the following:

"to the northeast corner of the south half...to the northwest corner of Section 17, the point of beginning."
and insert in lieu thereof the following:

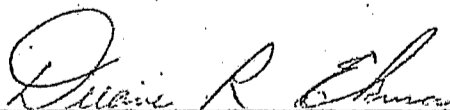
"to its intersection with the north line of Outlot C, Whitebirch Fifteen; thence northwesterly along the north line of said Outlot C to its intersection with the southeast right-of-way line of White Overlook Drive in Whitebirch Fifteen; thence northwesterly along the right-of-way line of said White Overlook Drive to its intersection with the northeast line of Outlot D, Whitebirch Fifteen; thence northwesterly along the northeast line of said Outlot D, and its westerly extension, to its intersection with the centerline of Cherokee Trail in Whitebirch Fifteen; thence southwesterly along the centerline of Cherokee Trail to its intersection with the south line of Lot 11, Block Five, Whitebirch Fifteen, extended westerly; thence southeasterly along the south line of said Lot 11 to its intersection with the west line of Lot 16, Block Five, Whitebirch Fifteen; thence southwesterly along the west lines of Lots 16, 17, 18, and 19, Block Five, Whitebirch Fifteen, to the intersection with the southwest line of said Lot 19; thence southeasterly along the southwest line of said Lot 19, and its southeasterly extension, to the centerline of White Overlook Drive in Whitebirch Fifteen; thence southwesterly along the centerline of White Overlook Drive to the southwest line of Lot 7, Block Nine, Whitebirch Fifteen, extended northwesterly; thence southeasterly along the southwest line of said Lot 7 to its intersection with the northwest line of Lot 25, Block Nine, Whitebirch Fifteen; thence southwesterly along the northwest lines of Lots 25 and 26, Block Nine, Whitebirch Fifteen, to the intersection with the southwest line of said Lot 26; thence southeasterly along the southwest line of said Lot 26, and its southeasterly extension, to its intersection with the centerline of Winter Trail in Whitebirch Fifteen; thence westerly along

the centerline of Winter Trail, and its westerly extension, to its intersection with the west line of Section 8, Township 136 North, Range 28 West; thence southerly on the west line of Section 8 to the northwest corner of Section 17, the point of beginning."

XX. That the new boundary of the Thirty Lakes Watershed District is defined by the Board's Order of May 18, 1971, which established the District; as modified by the Board's boundary change Order of June 9, 1971; and as modified by this Order.

Dated at Saint Paul, Minnesota, this 18th day of November 1981 and effective immediately.

MINNESOTA WATER RESOURCES BOARD


Duane R. Ekman
Chairman