

Subject: [illegible]

Minnesota Board of Water and Soil Resources
155 South Wabasha Street
Suite 104
St. Paul, Minnesota 55107

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

MAY 31 1989

Secretary of State

In the Matter of the Petition to
Amend the Boundary of The Two Rivers
Watershed District filed February 13,
1989 (Minn. Stat. 1988, sec. 112.39,
subd. 4)

ORDER
AMENDING THE BOUNDARY
OF THE TWO RIVERS
WATERSHED DISTRICT

A sufficient petition having been filed with the Minnesota Board of Water and Soil Resources (BWSR) seeking a correction in the legal boundary of The Two Rivers Watershed District (District); and proper legal notice of filing of the petition having been given; the BWSR makes the following:

FINDINGS OF FACT

1. On February 13, 1989 the board of managers of the District filed a petition with the BWSR requesting that certain lands within Marshall County totaling approximately 1,640 acres be excluded from the District's legal boundary because they drain into the neighboring Tamarack River watershed.
2. On February 21, 1989 the BWSR issued a Notice of Filing of Petition acknowledging receipt of the petition, explaining the action proposed in the petition, and inviting written comments from interested persons. The Notice further announced that any person objecting to the proposed boundary amendment could submit a written request for hearing within 30 days of the last date of legal publication of the Notice.

3. The Notice of Filing of Petition was published in the Stephen Messenger in Marshall County on March 2 and March 9, 1989. The Notice was mailed to the District, the Marshall County Auditor, the Director of the Division of Waters of the Minnesota Department of Natural Resources, and other interested persons on February 22, 1989.
4. No written requests for hearing were received by the BWSR in response to the Notice of Filing of Petition.
5. On March 9, 1989 the BWSR received a letter from Ronald D. Harnack, Administrator of the Permits and Land Use Section of the Division of Waters of the Minnesota DNR, stating that "We have reviewed the request and have no reason to disagree with the determination that the acreage involved drains toward the Tamarac. Therefore, the DNR has no objections to this petition."
6. The lands proposed to be excluded from the District's legal boundary are all located within Marshall County, Minnesota and are described as follows:
 - A. T 158 N., R. 48 W. (Sinnott Township)

N 1/2	Section 1
N 1/2 of S 1/2	Section 1
NE 1/4	Section 2
S 1/2 of NW 1/4	Section 2
N 1/2 of S 1/2	Section 2
SE 1/4 of NE 1/4	Section 3
NE 1/4 of SE 1/4	Section 3
 - B. T 158 N., R. 47 W. (Augsburg Township)

N 1/2 of SW 1/4	Section 4
S 1/2 of NE 1/4	Section 5
NW 1/4 of NE 1/4	Section 5
NW 1/4	Section 5
N 1/2	Section 6

7. The lands proposed to be excluded from the District's legal boundary comprise a contiguous area of land abutting the District's southern boundary line.
8. The majority of the acreage proposed to be excluded from the District's legal boundary drains southerly into the neighboring Tamarac River watershed. .

CONCLUSIONS OF LAW

1. The BWSR has proper jurisdiction in this matter.
2. All relevant, substantive, and procedural requirements of law have been fulfilled.
3. The District can perform the functions for which it was established without inclusion of the lands proposed to be excluded from the District.
4. It would be in the public welfare and public interest, and further the purposes of the Minnesota Watershed Act, to amend the legal boundary of the District as requested in the petition.

IT IS THEREFORE ORDERED

1. That the lands described in Paragraph 6 of the above Findings of Fact are hereby excluded from the District.
2. That the Order dated October 30, 1986, which redefined the boundary of The Two Rivers Watershed District, is hereby amended as follows:

A. On page 14, in paragraph C.3., strike all of the parcels listed in Sections 1, 2, and 3; and insert the following described parcels:

N 1/2 of NW 1/4	Section 2
N 1/2 of NE 1/4	Section 3
SW 1/4 of NE 1/4	Section 3
NW 1/4	Section 3

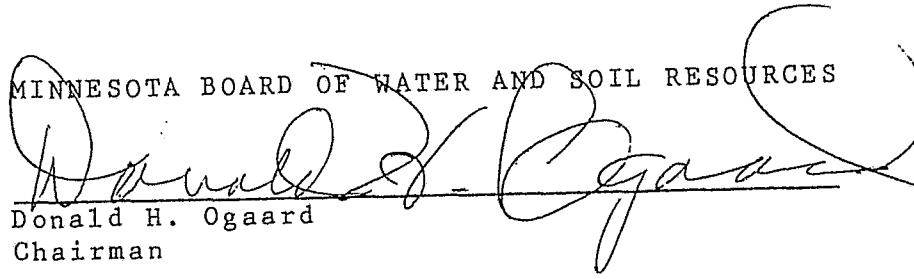
B. On page 15 in paragraph C.4., strike "N 1/2 of S 1/2 Section 4" and the parcels listed in Sections 5 and 6; and insert the following described parcels:

N 1/2 of SE 1/4	Section 4
NE 1/4 of NE 1/4	Section 5

3. That the legal boundary of The Two Rivers Watershed District is defined by the Order dated October 30, 1986; as modified by this Order.

Dated at Detroit Lakes, Minnesota 56501, this 24th day of May 1989.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Donald H. Ogaard
Chairman

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