

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

In the Matter of the Petition to
Amend the Boundary of the Bois de Sioux
Watershed District filed in November
1989 (Minn. Stat. 1988, sec. 112.39,
subd. 4)

**ORDER AMENDING THE BOUNDARY
OF THE BOIS DE SIOUX
WATERSHED DISTRICT**

A sufficient petition having been filed with the Minnesota Board of Water and Soil Resources (BWSR) seeking corrections in the legal boundary of the Bois de Sioux 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 November 7 and 15, 1989 the board of managers of the District filed a petition with the BWSR requesting that certain lands within Otter Tail, Grant, and Stevens Counties totaling approximately 2,280 acres be excluded from the District's legal boundary in order to make the legal boundary more closely conform to the actual watershed drainage divide.
2. On November 16, 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 *Fergus Falls Daily Journal* in Otter Tail County on December 11 and 18, 1989; in the *Grant County Herald* in Grant County on December 13 and 20, 1989; and in the *Chokio Review* in Stevens County on December 7 and 14, 1989. The Notice was mailed to the District, the County Auditors, the Director of the Division of Waters of the Minnesota Department of Natural Resources, and other interested persons.
4. No written requests for hearing were received by the BWSR in response to the Notice of Filing of Petition.
5. On November 21, 1989 a letter was issued by Ronald D. Harnack, Administrator of the Permits and Land Use Section of the Division of Waters of the Minnesota DNR, stating that "The Minnesota Department of Natural Resources (DNR) has received a Petition and an Amended Petition to change the boundary of the Bois de Sioux Watershed District. After reviewing the proposal, the DNR has no objections to the proposed boundary changes."
6. The lands proposed to be excluded from the District's legal boundary are described as follows:

A. Otter Tail County

1. T132N, R43W (Buse Township)

SW 1/4 of SW 1/4	Section 28
S 1/2 of SE 1/4	" 29
NE 1/4 of NE 1/4	" 32
NW 1/4 of NW 1/4	" 33

B. Grant County

1. T130N, R42W (Pomme de Terre Township)
NW 1/4 of SE 1/4 Section 22
2. T129N, R42W (Sanford Township)
NW 1/4 of NE 1/4 Section 10
S 1/2 of NE 1/4 " 10
SE 1/4 " 10
S 1/2 of SW 1/4 " 11
S 1/2 of SE 1/4 " 11
N 1/2 of NE 1/4 " 15
SW 1/4 of NE 1/4 " 15
NE 1/4 of NE 1/4 " 34
S 1/2 of NE 1/4 " 34
SW 1/4 " 34
W 1/2 of SE 1/4 " 34
3. T128N, R42W (Lien Township)
NW 1/4 of NW 1/4 Section 3
NE 1/4 " 4
SE 1/4 of NW 1/4 " 4
SW 1/4 of SE 1/4 " 36

C. Stevens County

1. T125N, R43W (Pepperton Township)
SW 1/4 Section 16
E 1/2 of SW 1/4 " 17
NW 1/4 of SE 1/4 " 17
S 1/2 of SE 1/4 " 17
E 1/2 of NW 1/4 " 20
NE 1/4 " 20
NW 1/4 of NE 1/4 " 21
NW 1/4 " 21
NW 1/4 of SW 1/4 " 21

7. The lands proposed to be excluded from the District's legal boundary are contiguous to the District's existing boundary line.

8. The majority of the acreage proposed to be excluded from the District's legal boundary is not part of the contributing watershed of the Bois de Sioux River.

CONCLUSIONS OF LAW

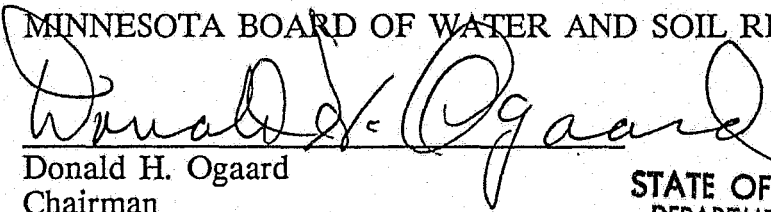
1. The BWSR has proper jurisdiction in this matter.
2. All relevant, substantive, and procedural requirements of law have been fulfilled.
3. The District can perform the functions for which it was established without inclusion of the lands proposed to be excluded from the District.
4. It would be in 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 legal boundary of the Bois de Sioux Watershed District is defined by the BWSR Order dated May 11, 1988, which originally defined the legal boundary; as modified by this Order.

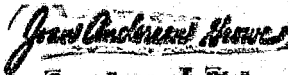
Dated at Saint Paul, Minnesota 55107, this 28th day of February 1990.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Donald H. Ogaard
Chairman

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

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Secretary of State