

Minnesota Board of Water and Soil Resources
90 West Plato Boulevard
First Floor
St. Paul, Minnesota 55107

JAN 14 1988

John Andrew Howe
Secretary of State

In the Matter of the Petition for Changes
in the Boundary of the Sauk River
Watershed District Filed October 14,
1987 (Minn. Stat. Sec. 112.39, Subd. 4)

ORDER AMENDING
THE BOUNDARY OF THE SAUK
RIVER WATERSHED DISTRICT

A petition having been filed pursuant to Minnesota Statutes Section 112.39, Subdivision 4 (1986) seeking certain changes in the boundary of the Sauk River Watershed District (District); and notice of filing of the petition having been given; the Board of Water and Soil Resources (Board) makes the following:

FINDINGS OF FACT

1. On October 14, 1987 the District filed a petition requesting that the following described lands in Stearns County in Township 124 North, Range 28 West (St. Cloud) totaling approximately 360 acres be excluded from the District: a) the South Half of the Southwest Quarter of Section 30; b) the Southwest Quarter of the Southeast Quarter of Section 30; c) the Northwest Quarter of Section 31; and d) the West Half of the Southwest Quarter of Section 31.
2. The Board published Notice of Filing of the petition in the Cold Spring Record in Stearns County on November 4 and 11, 1987. On November 17, 1987 the Board mailed Notice of Filing to the Auditor of Stearns County, the managers of the District, the Division of Waters of the Minnesota Department of Natural Resources, and other persons. The Notice of Filing described the

boundary change requested in the petition; invited written comments; stated that any person who objected to the proposed boundary changes could submit a written request for hearing; and stated that if no written requests for hearing were received by December 11, 1987 the Board would make a decision on the petition without conducting a hearing.

3. No comments or requests for hearing were received by the Board in response to the Notice of Filing.
4. Before filing the petition, a representative of the District inspected the lands proposed to be excluded in response to concerns raised by the landowners who believed the lands were improperly included within the District's boundary. Upon inspection, the District found that the lands were not, in fact, a part of the watershed.
5. The petition states that the lands proposed to be excluded from the District have not been assessed any benefits or damages for any previous District improvement project.

CONCLUSIONS OF LAW

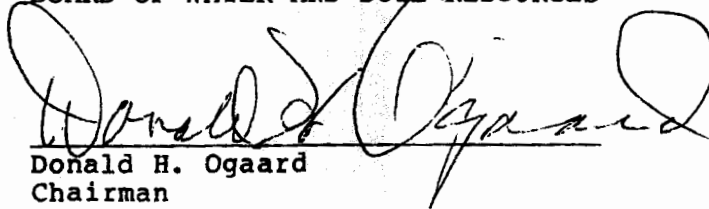
1. The Board has proper jurisdiction in this matter.
2. All relevant, substantive, and procedural requirements of law have been fulfilled.
3. It would be in the public welfare and public interest, and would subserve the purpose of the Minnesota Watershed Act, to amend the legal boundary of the District by excluding the lands described in the petition because it would make the District's legal boundary more closely conform to the actual watershed divide, and the District can perform the functions for which it was established without the inclusion of said lands.

IT IS THEREFORE ORDERED

1. That the land described in Paragraph 1 of the above Findings of Fact are hereby excluded from the territory of the Sauk River Watershed District.
2. That any existing District tax levies on the lands described in Paragraph 1 of the above Findings of Fact shall continue in force until fully paid.
3. That the territory of the Sauk River Watershed District is defined by the former Water Resources Board's Order dated July 22, 1986, which originally established the District's boundary, as modified by this Order.

Dated at Saint Paul, Minnesota 55107, this 23rd day of December 1987.

BOARD OF WATER AND SOIL RESOURCES


Donald H. Ogaard
Chairman

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STATE OF MINNESOTA
DEPARTMENT OF STATE
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