



Minnesota Water Resources Board  
500 Lafayette Road  
First Floor  
St. Paul, Minnesota  
55146

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In the Matter of the Petition for a Change  
in the Boundary of the Red Lake Watershed  
District dated December 13, 1984 (M.S.  
Section 112.39, Subd. 4).  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A Petition signed by the Red Lake Watershed District (District) and landowners Kenneth J. and Nadine Gustafson; Cliff and Hannah Gustafson; Maurice Lesemann; Ardis Kruger; Marie Lehman; Alvin and Leon Bontrager; Philip and Donna Elmingo; Joseph and Selma Gustafson; Gary and Michelle Neese; Jack and Ruby Brittian; Dennis and Linda Freyholtz; Anton and Linda Jones; Regina Gonshorowski; and David and Connie Buck, having been filed with the Minnesota Water Resources Board (Board) requesting a change in the boundary of the District; the Board having considered said Petition at Board meetings on February 8 and March 8, 1985; the Board, being fully advised in the matter, makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- I. The Red Lake Watershed District was established on January 25, 1969.
- II. A Petition requesting a change in the District's boundary was filed with the Board on January 14, 1985. The Petition was dated December 13, 1985, and was signed by the President and Secretary of the District, and by each of the affected landowners.
- III. The Petition states that certain lands presently located within the District's boundary, in fact, drain into the Mississippi River basin. The Petition requests that the Board exclude said lands from the District.

- IV. On February 5, 1985 the Petition was served by mail on the Beltrami County Auditor and on February 6, 1985 the Petition was served by Inter-Office mail on the Commissioner of the Minnesota Department of Natural Resources, and the Director of the Division of Waters, Minnesota Department of Natural Resources.
- V. The petitioners, who are all of the affected private landowners and the District's board of managers, knowingly waived all requirements of notice and public hearing.
- VI. On March 7, 1985, the Board received the report of the Director of the Division of Waters, Minnesota Department of Natural Resources, on the proposed boundary change.
- VII. The Petition requests that the following described lands be excluded from the District:
- |   |                               |
|---|-------------------------------|
| <u>Beltrami County, Minnesota</u>             | <u>5th Principal Meridian</u> |
| A. Township 149 North, Range 32 West (Hagali) |                               |
| E $\frac{1}{2}$ Section 36.                   |                               |
| B. Township 149 North, Range 31 West (Hines)  |                               |
| NE $\frac{1}{4}$ Section 31                   |                               |
| W $\frac{1}{2}$ Section 31.                   |                               |
- VIII. That the majority of the area proposed to be excluded from the District drains southerly into the Mississippi River basin.

#### CONCLUSIONS OF LAW

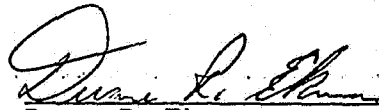
- I. That the Petition is sufficient.
- II. That the petitioners knowingly waived all requirements of notice and public hearing.
- III. That the Board has proper jurisdiction over proposed changes to watershed district boundaries and the said Petition under Minn. Stat. 1984, Section 112.39, Subd. 4.
- IV. That a majority of the lands described in Findings of Fact No. VII above, are not, in fact, part of the watershed of the Red Lake River.
- V. That the District can perform the functions for which it was established without the inclusion of said lands.

IT IS THEREFORE ORDERED

- I. That the lands described in Findings of Fact No. VII above, are hereby excluded from the District.
- II. That the new boundary of the District is hereby declared to be determined by the Board's Order of September 30, 1970, which established the boundary of the Red Lake Watershed District; as modified by the Board's boundary change Order of October 6, 1972; and as further modified by this Order.

Dated at Saint Paul, Minnesota 55146, this 8th day of March 1985.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman  
Chairman

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