

Minnesota Water Resources Board

500 Lafayette Road
First Floor
St. Paul, Minnesota
55146

STATE OF MINNESOTA)

)ss

AFFIDAVIT

COUNTY OF RAMSEY)

Karen Schultz

being first duly sworn on oath,

deposes and says:

THAT She IS the Secretary for the Minnesota
Water Resources Board; that she has compared the attached copy of
an Order relating to the Prior Lake-Spring Lake
Watershed District

dated at Saint Paul, Minnesota, on the 10th day of May 1985

with the original thereof on file in her official custody; and

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



Karen Schultz
Secretary

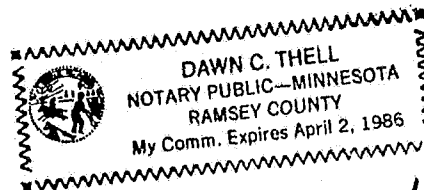
STATE OF Minnesota

COUNTY OF Ramsey

Subscribed and sworn to before me

this 11 day of June 1985

My Commission Expires 4-2-86



#36087
STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
JUN 11 1985

John Andrew Howe
Secretary of State

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

In the Matter of the Petition for Changes
in the Boundary of the Prior Lake-Spring
Lake Watershed District filed November 2,
1984

ORDER
REDEFINING THE BOUNDARY
OF THE
PRIOR LAKE-SPRING LAKE
WATERSHED DISTRICT

A sufficient petition having been filed with the Water Resources Board pursuant to Minn. Stat. sec. 473.8771 (1984) seeking changes in the boundary of the Prior Lake-Spring Lake Watershed District; proper Notice of Filing of Petition having been published; a timely written Request for Hearing having been received; a public hearing having been conducted on the petition; the report of the Administrative Law Judge having been received; and one exception to the Administrative Law Judge's report having been filed; the Water Resources Board, having fully considered the record, makes the following:

FINDINGS OF FACT

1. The Findings of Fact contained in the attached report of the Administrative Law Judge are adopted by the Water Resources Board, with the following exceptions:
 - a. Strike the first sentence of Finding 5, and insert the following:

"When the District's boundary was originally fixed, the best available topographic information was based on 10-foot contour intervals."

b. Strike Finding 10, and insert the following: "Some of the parcels proposed to be deleted from the District are subject to assessments payable in 1985 for the District's Flood Control Project 83-2. There are no other outstanding District assessments against any of the parcels affected by the petition. The proposed boundary changes will not affect the assessments or damages for any previously constructed District improvement."

CONCLUSIONS OF LAW

1. The Conclusions contained in the attached report of the Administrative Law Judge are adopted by the Water Resources Board, with the following exception:

Strike "boundaries" and "districts" in Conclusion 3, and insert "boundary" and "district", respectively.
2. It would serve the public welfare, public interest, and the purpose of the Minnesota Watershed Act to change the boundary of the Prior Lake-Spring Lake Watershed District as requested in the petition.

IT IS THEREFORE ORDERED THAT

1. The territory of the Prior Lake-Spring Lake Watershed District includes all of the tracts of land described below, including all bodies of water and watercourses therein, which supercedes the original territory defined in the Water Resources Board's March 4, 1970 Order that established the District, and the Board's boundary change Order of October 6, 1972; the legal boundary of the District is defined as the perimeter of the whole land area described below; the described lands may contain all or parts of quarter-quarter tracts, government lots, and lots within platted areas:

Scott County

5th Principal Meridian

1. Township 115 North, Range 21 West (City of Savage)

All of Section	Section	19
SW 1/4 of NW 1/4	"	29
SW 1/4	"	29
All of Section	"	30
W 1/2 of E 1/2	"	31
NW 1/4	"	31
N 1/2 of SW 1/4	"	31
SE 1/4 of SW 1/4	"	31.

2. Township 115 North, Range 22 West (Eagle Creek)

That portion south of the centerline of CSAH No. 16	Section	15
All of Sections	Sections	22 through 27, inclusive
E 1/2 of NE 1/4	Section	28
E 1/2	"	33
E 1/2 of SW 1/4	"	33
All of Sections	Sections	34 and 35
All of Section, except the south 208.7 feet of the east 551.75 feet of the west 1,073.45 feet of the SE 1/4 of SW 1/4	Section	36.

3. Township 114 North, Range 22 West (Spring Lake)

Blocks 2 and 3 of Costello's Addition; and that portion lying west of 9th Avenue, east of Costello's Addition, and north of the north line and the westerly extension of the north line of the Replat of Block 1, Brooksville-Hills 3rd Addition	Section	1
N 1/2, except Borgerding Addition	"	2
SW 1/4	"	2
N 1/2 of SE 1/4	"	2
SW 1/4 of SE 1/4	"	2

3. Township 114 North, Range 22 West (Spring Lake) (Cont.)

All of Section	Section	3
E 1/2	"	4
E 1/2 of NW 1/4	"	4
SW 1/4 of NW 1/4	"	4
SW 1/4	"	4
NE 1/4 of SE 1/4	"	5
S 1/2 of SE 1/4	"	5
E 1/2	"	7
All of Sections	Sections	8, 9, and 10
W 1/2 of E 1/2	Section	11
W 1/2	"	11
W 1/2 of NE 1/4	"	14
NW 1/4	"	14
W 1/2 of SW 1/4	"	14
All of Sections	Sections	15, 16, and 17
NE 1/4	Section	18
S 1/2 of NW 1/4	"	18
S 1/2	"	18
All of Sections	Sections	19 through 22, inclusive
NW 1/4 of NE 1/4	Section	23
W 1/2	"	23
W 1/2 of NE 1/4	"	26
NW 1/4	"	26
N 1/2 of SW 1/4	"	26
N 1/2	"	27
N 1/2 of SW 1/4	"	27
SW 1/4 of SW 1/4	"	27
NE 1/4 of SE 1/4	"	27
N 1/2	"	28
N 1/2 of SW 1/4	"	28
SE 1/4 of SW 1/4	"	28
SE 1/4	"	28
All of Sections	Sections	29 and 30
N 1/2 of N 1/2	Section	31
SE 1/4 of NE 1/4	"	31
SW 1/4 of NW 1/4	"	31

3. Township 114 North, Range 22 West (Spring Lake) (Cont.)

W 1/2 of NE 1/4	Section	32
NW 1/4	"	32
N 1/2 of SW 1/4	"	32.

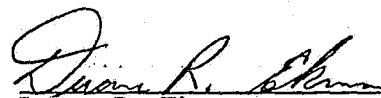
4. Township 114 North, Range 23 West (Sand Creek)

S 1/2 of NE 1/4	Section	13
S 1/2	"	13
SE 1/4	"	14
E 1/2	"	23
All of Sections	Sections	24 and 25
NE 1/4	Section	26
N 1/2 of SE 1/4	"	26
NE 1/4	"	36
NE 1/4 of NW 1/4	"	36.

2. The lands excluded from the Prior Lake-Spring Lake Watershed District shall remain liable for any existing District tax levies and special assessments until they are fully paid.

Dated at Saint Paul, Minnesota 55146, this 10th day of May 1985.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

WRB-85-003-RD

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WATER RESOURCE BOARD

In the Matter of the Petition for
Changes in the Boundary of the
Prior Lake-Spring Lake Watershed
District Filed November 2, 1984
(M.S. 1984, Section 473.8771).

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDED ORDER

The above-entitled matter came on for hearing in Prior Lake, Minnesota, on April 12, 1985, before Richard DeLong, Administrative Law Judge for the Minnesota Office of Administrative Hearings.

Appearances: James D. Bates, Attorney at Law, P.O. Box 67, 16670 Franklin Trail S.E., Prior Lake, Minnesota 55372, appeared on behalf of the Prior Lake-Spring Lake Watershed District and Mel Sinn, Executive Director, Minnesota Water Resources Board, 500 Lafayette Road, First Floor, St. Paul, Minnesota 55146, appeared on behalf of the Board. Peggy Lynch, Georgia Holmes and Marlin Rieppel, Board members also appeared.

The record closed on April 12, 1985.

Notice is hereby given that, pursuant to Minn. Stat. § 14.61 the final decision of the Water Resources Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with the Water Resources Board, Duane R. Ekman, Chairman, DNR Building - First Floor, 500 Lafayette Road, St. Paul, Minnesota 55146.

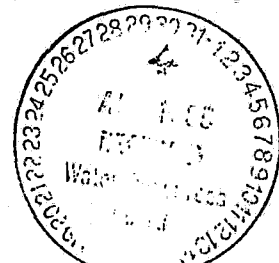
STATEMENT OF ISSUES

Whether certain lands described more specifically hereinafter should be excluded from the Prior Lake-Spring Lake Watershed District, and other lands, also more specifically described hereinafter, should be incorporated into said Watershed District?

By reason of the foregoing, the undersigned makes the following:

FINDINGS OF FACT

1. On November 2, 1984, the managers of the Prior Lake-Spring Lake Watershed District filed a boundary change petition requesting that certain lands presently incorporated within the District be excluded therefrom and that other lands presently not within the District be incorporated therein. Specifically, the petition, as subsequently amended, related to the following lands in Scott County:



(a) Lands Proposed to be Added to the District.

- (1) The SE 1/4 of the SE 1/4 of Section 35, T. 115, R. 22;
- (2) That part of the N 1/2 of Section 2, T. 114, R. 22, lying northerly of the centerline of the vacated right-of-way of the Chicago, Milwaukee and St. Paul Railroad and easterly of the centerline of West Street, except Borgerding Addition;
- (3) Blocks 2 and 3 of Costello's Addition;
- (4) That part of the NW 1/4 of Section 1, T. 114, R. 22, lying westerly of 9th Avenue, easterly of Costello's Addition, and northerly of the north line, and its westerly extension, of the Replat of Block 1, Brooksville Hills 3rd Addition.

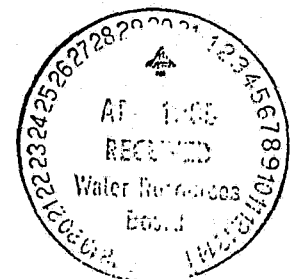
(b) Lands Proposed to be Excluded From the District.

- (1) The NW 1/4 of the NW 1/4 of Section 4, Township 114 North, Range 22 West;
- (2) The E 1/2 of the NE 1/4, and the NE 1/4 of the SE 1/4 of Section 32, Township 114 North, Range 22 West;
- (3) The South 208.7 feet of the East 551.75 feet of the West 1,073.45 feet of the SE 1/4 of the SW 1/4 of Section 36, Township 115 North, Range 22 West.

2. On March 18, 1985, the Chairman of the Water Resources Board issued a Notice of and Order for Hearing scheduling a public hearing on the petition for April 12, 1985, in Prior Lake, Minnesota. Copies of said Notice and Order were mailed to approximately 40 interested individuals and public officials, including the Director of the Division of Waters, on March 18, 1985. A copy of said Notice and Order was also published in the Prior Lake American newspaper on March 25 and April 1, 1985.

3. The City of Prior Lake and the Township of Spring Lake, which have jurisdiction over the territories proposed to be added to, or deleted from the petitioning District, have submitted written statements of concurrence in the petition.

4. The Prior Lake-Spring Lake Watershed District was established in approximately 1970. When assessments were levied in 1982, residents within the District complained that certain residents outside of the District should also be assessed because of the drainage patterns on their lands. In 1984, the District ordered its consulting engineers to perform a complete survey of the area to determine if the boundaries were in need of alteration in order to comport with actual drainage divides and sound hydrologic principles.



5. At the time the present District boundaries were fixed, the state-of-the-art in topographic mapping was the utilization of 10-foot intervals. The survey directed by the District was conducted in the fall of 1984 and completed in late March of 1985, and the topographic mapping which resulted therefrom was based upon 2-foot intervals. This constitutes a more accurate portrayal of topographical features.

6. The most recent topographical survey indicated that there are certain parcels of land adjacent to the present District boundaries in which over 50% of the area drains into the Prior Lake-Spring Lake Watershed. Specifically, these are the parcels which are proposed to be added to the District.

7. Likewise, the recent survey indicated that there are certain parcels of land within the present District boundaries in which less than 50% of the area drains into the Prior Lake-Spring Lake Watershed. Specifically, these are the parcels which are proposed to be deleted from the District.

8. The proposed modified boundaries do more accurately comport with actual drainage divides and sound hydrologic principles.

9. The proposed change is consistent with the purposes and requirements of M.S.A. § § 473.875 to 473.883 in that it will give the District's Board of Managers jurisdiction over lands properly involved in the management and conservation of waters and natural resources in the Prior Lake-Spring Lake Watershed, and to eliminate those lands not properly includable in the Prior Lake-Spring Lake Watershed; and will provide a more equitable basis for assessment of properties benefited by actions of the Watershed District generally and by improvements constructed and maintained by the Watershed District.

10. The only improvement previously constructed by the District for which there remains an outstanding indebtedness is the Prior Lake Outlet Project, No. WD 76-4. Assessments for the benefits determined in that project will be fully paid by the end of calendar year 1992. Neither benefits nor damages for this improvement will be affected by the proposed boundary change; however, properties added to the District will be assessed for maintenance of this improvement as necessary.

11. With regard to the lands proposed to be deleted, no watershed management organization exists with boundaries contiguous to those of the Prior Lake-Spring Lake Watershed District.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Water Resources Board and the Administrative Law Judge have jurisdiction in this matter.

2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.

3. Sound hydrological principles and management require a granting of the request to modify the boundaries of the subject watershed districts.

Based upon the foregoing Conclusions, the undersigned makes the following:

RECOMMENDATION

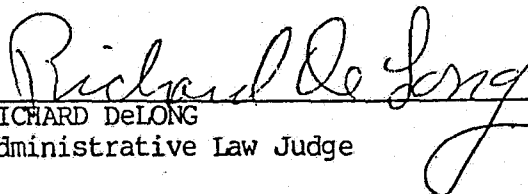
IT IS HEREBY RECOMMENDED that the Minnesota Resources Board grant the joint petition of the Prior Lake-Spring Lake Watershed District by incorporating into its legal boundaries the following lands located in Scott County:

- (1) The SE 1/4 of the SE 1/4 of Section 35, T. 115, R. 22;
- (2) That part of the N 1/2 of Section 2, T. 114, R. 22, lying northerly of the centerline of the vacated right-of-way of the Chicago, Milwaukee and St. Paul Railroad and easterly of the centerline of West Street, except Borgerding Addition;
- (3) Blocks 2 and 3 of Costello's Addition;
- (4) That part of the NW 1/4 of Section 1, T. 114, R. 22, lying westerly of 9th Avenue, easterly of Costello's Addition, and northerly of the north line, and its westerly extension, of the Replat of Block 1, Brooksville Hills 3rd Addition; and

by deleting from its existing legal boundaries the following lands, all located in Scott County:

- (1) The NW 1/4 of the NW 1/4 of Section 4, Township 114 North, Range 22 West;
- (2) The E 1/2 of the NE 1/4, and the NE 1/4 of the SE 1/4 of Section 32, Township 114 North, Range 22 West;
- (3) The South 208.7 feet of the East 551.75 feet of the West 1,073.45 feet of the SE 1/4 of the SW 1/4 of Section 36, Township 115 North, Range 22 West.

Dated: April 27, 1985.

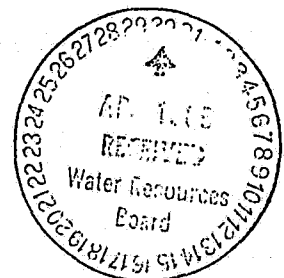

RICHARD DeLONG
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the administrative law judge by first class mail.

Reported: Taped.

36087
O.D.



OP # 36087