



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, May 16, 2018

### **Agenda Item**

**Item 6. J. - Boundary Change - Riley/Purgatory/Bluff Creek, Nine Mile Creek, Minnehaha Creek and Lower Minnesota River Watershed Districts**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The Board of Water Soil Resources approved the petition adjusting the boundaries between Riley/Purgatory/Bluff Creek, Nine Mile Creek, Minnehaha Creek and Lower Minnesota River Watershed Districts. The order approving the petition is attached.

### **Attachments**

Notice from BWSR to Secretary of State, Steve Simon  
Affidavit of Service  
Findings of Fact, Conclusions and Order, dated March 28, 2018  
Map

### **Recommended Action**

No action recommended

**Date:** 4/25/2018

**To:** Steve Simon, Secretary of State (hand delivered)

**From:** Annie Felix-Gerth, Water Programs Coordinator

**RE: Order Riley Purgatory Bluff Creek Watershed District, Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District Boundary Change**

Pursuant to Minn. Stat. § 103B.205 to 103B.255, hereby enclosed for filing is a certified copy of the Minnesota Board of Water and Soil Resources Findings of Fact, Conclusions, and Order dated March 28, 2018, including attachment of a map, five pages total, changing the boundaries of the Riley Purgatory Bluff Creek Watershed District, Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District.

Please contact me at 651-238-0677 or [annie.felix-gerth@state.mn.us](mailto:annie.felix-gerth@state.mn.us) if you have any questions.

Attachments (Affidavit of Service, Order, Map)

c: Riley Purgatory Bluff Creek Watershed District, Claire Bleser  
Lower Minnesota River Watershed District, Linda Loomis  
Nine Mile Creek Watershed District, Randy Anhorn  
Minnehaha Creek Watershed District, Lars Erdahl  
City of Minnetonka, Geralyn Barone  
City of Deephaven, Dana Young  
City of Shorewood, Greg Lerud  
City of Chanhassen, Todd Gerhardt  
City of Eden Prairie, Rick Getschow  
City of Bloomington, Jamie Verbrugge  
City of Chaska, Matt Podhradsky  
Carver County Auditor, Laurie Davies  
Hennepin County Auditor  
BWSR: Kevin Bigalke, Steve Christopher, Aaron Spence (email)

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA )  
                                      )  ss.  
COUNTY OF RAMSEY  )

Minnesota Board of Water and Soil Resources

I, Annie Felix-Gerth, Water Programs Coordinator with the Minnesota Board of Water and Soil Resources, County of Ramsey, State of Minnesota, being first duly sworn, on oath says that on April 25, 2018 at 1:00 PM she served the Minnesota Board of Water and Soil Resources Order dated March 28, 2018, relating to the boundary change of the Riley Purgatory Bluff Creek Watershed District, Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District, to Steve Simon, Secretary of State, therein named, personally at the State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, Saint Paul, County of Ramsey, State of Minnesota, by depositing with support staff at the front desk in the Office of the Secretary of State, a certified true and correct copy thereof.

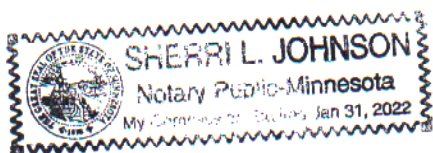
*Annie Felix-Gerth*

\_\_\_\_\_  
Annie Felix-Gerth

Subscribed and sworn to before me  
this 25<sup>th</sup> day of April, 2018.

*Sherril L. Johnson*

\_\_\_\_\_  
Notary Public



Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, Minnesota 55155

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**In the Matter** of the Boundary Change for the Riley Purgatory Bluff Creek Watershed District Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District in Carver and Hennepin Counties pursuant to Minnesota Statutes § 103B.215.

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**ORDER  
BOUNDARY CHANGE**

**Whereas**, the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District filed a Petition dated September 18, 2017 with the Board of Water and Soil Resources (Board) to change the boundary of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District pursuant to Minn. Stat. § 103B.215, and;

**Whereas**, the Board has completed its review of the Petition;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

**FINDINGS OF FACT**

1. **Petition.** The Petition to change the boundaries of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District was filed by the Riley Purgatory Bluff Creek Watershed District Board of Managers with the Board on September 18, 2017.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in Carver and Hennepin Counties entirely within the metropolitan area and totals approximately 2,171.32 acres of land. The transfer of acres is summarized in the table below. The Petitioned Area is depicted on a map attached to the Petition and further identified in property identification tables attached to the Petition.

**Table 1. Summary of transfer acres**

Current District/WMO	Proposed District/WMO	Area (Ac)
Carver County	Riley Purgatory Bluff	50.88
Lower Minnesota	Riley Purgatory Bluff	136.88
Minnehaha Creek	Carver County	76.70
Minnehaha Creek	Riley Purgatory Bluff	463.01
Nine Mile Creek	Riley Purgatory Bluff	690.37
N/A	Minnehaha Creek	1.61
N/A	Riley Purgatory Bluff	2.48
Riley Purgatory Bluff	Carver County	154.62
Riley Purgatory Bluff	Lower Minnesota	190.88
Riley Purgatory Bluff	Minnehaha Creek	139.79
Riley Purgatory Bluff	Nine Mile Creek	264.09

3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.
4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. §103B.215, Subd. 2 (c) from the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District were submitted with the Petition.
5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the Riley Purgatory Bluff Creek Watershed District, or the Minnehaha Creek Watershed District, or the Nine Mile Creek Watershed District, or the Lower Minnesota River Watershed District pursuant to Minn. Stat. § 103B.225.
6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Chaska Herald, the Chanhassen Villager, the Eden Prairie News, the Sun Sailor, and the Bloomington Sun Current on February 12<sup>th</sup> and 19<sup>th</sup>, 2018, and mailed to the Carver County and Hennepin County Auditors, the Cities of Minnetonka, Deephaven, Shorewood, Chanhassen, Eden Prairie, Bloomington, and Chaska, and all of the watershed districts involved.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd.3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.
8. **Central Region Committee.** On March 8, 2018, the Board's Central Region Committee and staff met in St. Paul to review and discuss the boundary change Petition. Those in attendance from the Board's Committee were Joe Collins – chair, Paige Winebarger, Teresa McDill, Jack Ditmore, Duane Willenbring, and Jill Crafton and Patty Acomb – by telephone. Board staff in attendance were Central Region Manager Kevin Bigalke, and Board Conservationists Steve Christopher & Jason Weirnerman. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District boundary change to the full Board contingent on there being no request for a public hearing.

## CONCLUSIONS

1. The Petition for boundary change of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District is valid in accordance with Minn. Stat. § 103B.215.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
4. The territory included in the requested boundary change is within the hydrologic boundaries of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District.
5. The governing bodies of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District concur with the requested boundary change.
6. The requested boundary change is consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

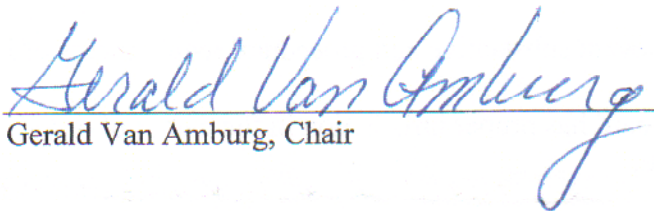
7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
8. The proposed boundary change should be approved per the Petition for the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District should be encouraged to change their organizational boundaries consistent with this Order.





## ORDER

The Board hereby orders that the boundaries of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District are changed per the Petition as depicted on the map attached to this Order and made a part hereof, including the data sets the map was created from. The Board recommends that the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District take immediate action to change its organizational boundary consistent with this Order.

Dated at Saint Paul, Minnesota this 28th day of March, 2018.

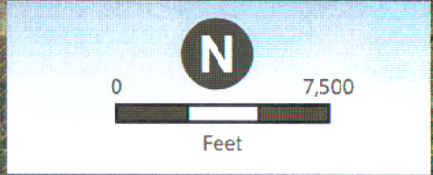
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:   
Gerald Van Amburg, Chair

 Proposed RPBCWD Legal Boundary  
 Previous/Existing Watershed Boundary  
**Proposed Parcel Changes**  
 Leaving RPBCWD  
 Joining RPBCWD

**PROPOSED LEGAL BOUNDARY UPDATES**  
 Riley-Purgatory-Bluff Creek Watershed District

**Figure 1**



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