



Hook, Line, and Sinker

July
2000
Volume 10
Issue 7

The Official Publication of The New Ulm Area Sport Fishermen

Club Fishing Contest Sept. 9

On September 9th we will have what will probably become an annual event for the Club. We will be having a fishing contest on the Minnesota River at Dick Petermann's property up river from New Ulm. The details will be finalized at the July meeting and we will have a map in the August newsletter. There will be overnight camping as we are not sure how long the contest will run. Make sure you keep that date open, it is sure to be a memorable event.



Social Night

August 9th will possibly be our last social night of the summer. So far we have not had a lot of members participate. Don't miss this opportunity to spend some time with your fellow members. The grill will be going, so bring something for your supper and have an enjoyable evening with some really good people.

CLEAR LAKE UPDATE

Repairs made on handicap walkway

About ten members congregated at Clear Lake on June 27th to do some repairs on the handicap walkway we installed several years ago. We had planned on repairing the entire walkway, but due to the uncertain future of the fishing pier, we only went half way. It seems that the fishing pier has turned into a pile of junk. Now the Park Commission is trying to decide what to do. There were several options discussed the night we were at the lake. Maybe

one of them will come to fruition.

The lake itself looks good, the water level is up somewhat and the DNR has closed the lake to fishing and boating for the time being. Sometime yet before it gets cold one needs to get on the lake and sink a couple of the aeration lines. We will discuss this more at the upcoming meeting.

A special thanks to all the guys who helped repair the walkway.

Camp Courage fishing better than ever

On June 21st, we held our annual Camp Courage Fishing Day at Studtmann's Pond in Courtland. This year there were sixteen kids participating and there was at least one club member for every kid. As always they had a wonderful time. All kinds of fish were caught, and a lot of them were caught. As always it is great to see the smiles on the kids' faces every time they get to reel in a fish. This fishing trip is the high point of camp for most of these kids.

One of the boys had a doctor's appointment in the Cities that day and was begging his mother to get the

appointment changed so he could go fishing. Needless to say his mother did not relent, but she did drop him off on the way back from the Cities. In the 15 minutes he had to fish before supper, he proceeded to catch more fish than any of the other kids had caught in two hours. Well, he wasn't done yet. After supper he had to get back down to the pond and fish some more. This is probably the best activity that our club participates in.

A special thanks to Jeff and Tammy Studtmann for letting us invade their home again this year.

Club Calendar

July 21 - 23	Food Stand at Super Stop Texaco
July 27	Meeting 7:30 p.m. at the Club House
August 8th	Social Night 6:00 p.m. at the Club House
August 31	Meeting at Club House
September 9	Club Fishing Contest 12:00 Noon

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Hook, Line, and Sinkers

The Official Publication of the New Ulm Area Sport Fishermen

The Hook Line and Sinkers is published monthly by copy haus for the New Ulm Area Sport Fishermen. The opinions expressed in this newsletter are solely those of respective writers and not to be construed as the opinion of the NUASF or its members. Send all correspondence and submissions to Mike Deinken, Editor, 1022 Spring Street, New Ulm, Minnesota 56073.

The NUASF Board

President - Scott Sparlin (359-2346); Vice-President - Jerry Carlson (354-8869); Secretary / Treasurer - Mike Deinken (359-9650); Board Members: Jim Huelke (354-3654), Dave Mecklenburg (794-7859), Ken Sutherland (354-4140).

FROM THE PRESIDENT. . .

A big time thank you to the volunteers of the food booth. After the first weekend of running the booth we have set a new record for sales for a weekend. We did over a \$1200.00 gross so that will translate into a real nice boost to the club.

Our thanks to the Studtmann's and everyone who volunteered for the Camp Courage Kids fishing day. The kids had a blast catching a lot of fish at the pond. The weather was great and the bugs were not too bad either. We had a club member for every camper and there were 21 campers, so it was a lot bigger than last year.

There have been some reports of people fishing from the pier at Clear Lake. There have also been boats out on the lake as well. If you see someone fishing at the lake please report it to the DNR at 359-6000. Just ask for the tip line. People keep calling me to report it, I tell them "report it yourself, you have a phone". I do however follow up after a few days from getting a call. Amazingly many don't call. I don't get it.

The Minnesota River is up quite a bit and real good for boat travel. I would suggest to anyone looking for a good evening of fishing that the sand bars off the tributaries are real good right now because of the water depths. The walleye are usually in front of the sand bars and the cats are at the pools downstream from the bar. A 13 lb.+ walleye was recently weighed in from the river. It was caught on a jig and a twister.

There are several things on the agenda for the next meeting, so make an effort to get there, we need your input. Bring a friend, see you there.

STATE OF MINNESOTA IN SUPREME COURT

Ruth Stensrud, et a
Petitioners,

vs.

Lyon County Ditch #7

REspondent

TO: The Minnesota Supreme Court

1 RULE 129 REQUEST FOR LEAVE TO FILE

ANICUS CURIAE BRIEF

APPELLATE COURT CASE NO. C1-99-1316

DATE OF FILING OF COURT OF

APPEALS DECISION: APRIL 25, 2000

The Minnesota Division for Environment Advocacy; the Izaak Walton League of America, Minnesota Division; the Coalition for a Clean Minnesota River; the Minnesota Council of Trout Unlimited; and the New Ulm Area Sports Fishermen hereby request permission to file an amicus curiae brief in the above-referenced matter.

Our interest in this matter is public in nature. The court of appeals decision affects the public's interest in ensuring that new and expanding drainage projects not cause detrimental impacts downstream water quality and fish and wildlife habitat. Our particular interest is to ensure that state drainage laws enacted to protect the environment and natural resources are properly interpreted and applied. To this end, the amici support the position of the petitioner, Yellow Medicine/Lyon County Judicial Ditch No. 10 Drainage Authority, and seek reversal of the decision below.

The court of appeals has ruled that an upstream drainage system may increase its drainage flow from newly drained land without permission from the downstream system to which it outlets. The downstream system and the landowners it presently serves object to this result because newly increased upstream drainage will interfere with their existing downstream drainage (e.g. increased upland flow will clog the downstream system causing poor drainage and flooding on land that currently has good drainage).

The amici wish to show that the downstream environment also suffers. Increased flows from newly drained land often result in draining valuable wetlands, adding new pollution loads (in this case the already badly polluted Minnesota River), causing flash flows that drainage flow from newly drained land without permission from the downstream system to which it outlets. The downstream system and the landowners it presently serves object to this result because newly increased upstream drainage will interfere with their existing downstream drainage (e.g. increased upland flow will clog the downstream system causing poor drainage and flooding on land that currently has good drainage).

The amici wish to show that the downstream environment also suffers. Increased flows from newly drained land often result in draining valuable wetlands, adding new pollution loads (in this case the already badly polluted Minnesota River), causing flash flows that tear apart stable stream channels destroying fish and wildlife habitat, and causing downstream flooding, increasing the risk of damage to the environment as well as personal injury and property damage.

Continued on page three

Downstream interests (including environmental interests) are protected, in part, by the requirement under Minn. Stst. § 103E.401 Subd. 2, that permission from the downstream drainage authority is required before an upstream system "drains property not assessed for benefits". The downstream approval requirement ensures that the downstream drainage authority has the opportunity to consider impacts to the environment and natural resources along with other factors it weighs in making its decision.

The court of appeals did not discuss two important aspects of the case. First, the trial court found that "the CD7 Improvement will allow farmers to serve land within CD7 with drainage tile that they previously could not serve because the increased depth of the ditch will allow private tile to extend a greater distance from the ditch (typically 600 feet)." Petitioners' Appendix A150. Second, this newly drained land is, by definition, land "not assessed for benefits." It is well established that there must be actual direct benefit to property before assessments are allowed. *Seilita v. Faribault County*, 237 Minn. 38, N.W.2d 308 (1952), *In the matter of Douglas, etc.*, 419 N.W.2d 639 (Minn. App. 1988). Thus, the trial court's finding that new land will be drained should trigger the requirement for downstream approval and the court of appeal's decision needs to be reversed.

The magnitude of the potential environmental impacts that will result in this case (including the results for our environment and natural resources) is simply too great to let the court of appeal's decision stand without considering application of the § 103E.401 approval requirement in the context of the trial court's factual determination that new land would be drained by the new CD7 drainage improvement (as well as the other arguments raised by the petitioners for Supreme Court review). The organizations seeking leave to file an amicus curiae brief seek to present that issue fully to this Court.

Finally as described below, the membership of the organizations seeking to leave to file an amicus curiae brief is a strong demonstration that the criteria for discretionary review is met in this case. The question presented is an important one to the public and the outcome has statewide impact. In addition, its a question that is likely to recur unless resolved by the Supreme Court because (1) drainage is being constructed today at an unprecedented rate and (2) the court of appeals decision leaves a gaping question as to when newly drained and therefore, newly assessed drainage requires downstream approval.

Organizations seeking to file amicus curiae briefs

The Minnesota Center for Environmental Advocacy (MCEA) is a non-profit Minnesota corporation with offices located in St. Paul. MCEA is dedicated to using law, science and research to protect Minnesota's natural resources, its wildlife and the health of its people. Many MCEA members live and work in the areas affected by existing and proposed new drainage projects. These include many MCEA members who use and enjoy the natural resources of the Minnesota River watershed basin, where they hunt, fish, hike, birdwatch, ski and otherwise pursue outdoor recreation activities.

The Izaak Walton League of America, Minnesota Division is involved with conservation and environmental interests on behalf of members who utilize the lands affected by existing and proposed new drainage for hunting, fishing, skiing, bird watching, hiking and other aesthetic and recreational purposes.

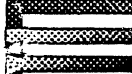
The Coalition for a Clean Minnesota River, with offices in New Ulm, Minnesota, is a non-profit organization for individuals, families, citizens' groups, businesses, the faith community, youth organizations and other interested in improvement of water quality in the Minnesota River Watershed. Many Coalition members live and work in areas affected by existing and proposed drainage projects. They use and enjoy the natural resources of the Minnesota River watershed basin and are working to reduce flooding and improve water quality downstream of CD7.

The Minnesota Council of Trout Unlimited is a nonprofit organization of approximately 1900 members dedicated to conserving, protecting and restoring Minnesota's cold water fisheries, including fisheries designed as "trout streams" by the Minnesota Department of Natural Resources. A number of Trout Unlimited members reside, work, fish and otherwise recreate in the Minnesota River watershed basin and other area affected by existing and proposed new drainage improvements.

The New Ulm Area Sportsfishermen, with offices in New Ulm, Minnesota, is a non-profit organization dedicated to the enhancement, protecting and preservation of fishing, fish habitat, and water quality in Southern Minnesota. Many organization members fish reaches downstream of existing and proposed new drainage improvements and otherwise use and enjoy the natural resources of the Minnesota River watershed basin.

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