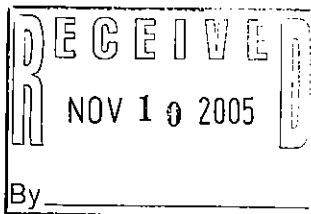


**OLSON & PRICE, Ltd.**

ATTORNEYS AT LAW



Thomas R. Olson  
Kimberly Asher Price  
Brian J. Wisdorf

220 Exchange Building  
26 East Exchange Street  
Saint Paul, MN 55101

(651) 298-9884 Phone  
(651) 298-0056 Fax  
[www.olsonprice.com](http://www.olsonprice.com)

November 9, 2005

Clerk of Appellate Courts  
Supreme Court  
305 Minnesota Judicial Center  
25 Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

**Re: In the Matter of the Cities of Annandale and Maple Lake, Ct. App. No. App.  
No. A04-2033  
Petition to File Amicus Brief**

Dear Clerk:

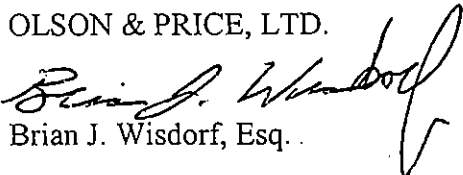
Enclosed for filing please find the original and four copies of the Request of Coalition for Clean Minnesota River, New Ulm Sportsfishermen, and Friends of the Minnesota Valley for Leave to File a Brief as Amici Curiae in support of Respondent Minnesota Center for Environmental Advocacy (MCEA) and Affidavit of Service.

Do not hesitate to contact my office if you have any questions.

Thank you.

Sincerely,

OLSON & PRICE, LTD.

  
Brian J. Wisdorf, Esq.

Enclosures

cc: Robert B. Roche  
Janette Brimmer  
Edward J. Laubach, Jr.  
Susan Naughton  
Molly McKee  
Christopher M. Hood  
Lloyd W. Grooms  
Charles N. Nauen  
Robert S. Halagan

STATE OF MINNESOTA

IN SUPREME COURT

A04-2033

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In Re: City of Annandale and Maple Lake  
NPDES/SDS Permit Issuance for  
Discharge of Treated Waste Water

**MOTION FOR LEAVE  
TO FILE AN  
*AMICUS CURIAE* BRIEF**

**BY  
COALITION FOR CLEAN MINNESOTA  
RIVER, NEW ULM AREA  
SPORTSFISHERMEN, AND FRIENDS  
OF THE MINNESOTA VALLEY**

---

TO: THE CITIES OF ANNANDALE AND MAPLE LAKE, THE MINNESOTA  
POLLUTION CONTROL AGENCY AND THE MINNESOTA CENTER FOR  
ENVIRONMENTAL ADVOCACY (MCEA), THROUGH THEIR COUNSEL OF  
RECORD, AND THE SUPREME COURT OF THE STATE OF MINNESOTA.

Pursuant to MRCAP 127 and 129, Coalition for Clean Minnesota River, New Ulm Sportsfishermen, and Friends of the Minnesota Valley (hereinafter collectively "Petitioners") request permission for leave to file a brief as *amicus curiae* in support of Respondent Minnesota Center for Environmental Advocacy (MCEA).

The interest of Petitioners is public, and their amicus brief will advocate affirmance of the Minnesota Court of Appeals decision in favor of respondent MCEA.

The Coalition for a Clean Minnesota River is a nonprofit organization for individuals, families, citizen groups, businesses, the faith community, youth organizations and others interested in improvement of water quality in the Minnesota River Watershed, with offices in New Ulm, Minnesota.

New Ulm Area Sportsfishermen is a nonprofit organization dedicated to activities for the enhancement, protection and preservation of fishing, fish habitat, and water quality in Southern Minnesota with offices in New Ulm Minnesota.

Friends of the Minnesota Valley works to protect and enhance the natural resources of the Lower Minnesota River Watershed, including the Minnesota Valley National Wildlife Refuge. Friends of the Minnesota Valley works to procure sound, science-based decisions that promote a healthy and sustainable River and Refuge. Its offices are in Bloomington.

Enforcement of environmental laws is crucial to the efforts of our citizen based organizations to clean up our polluted waters. If dumping of phosphorus into our streams is not seriously curtailed, and especially if it is increased, our streams will remain polluted or even get worse.

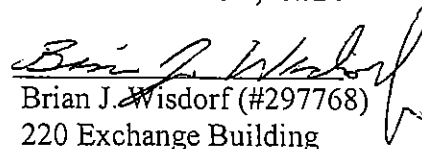
Petitioners' members and staff have been working for many years to clean up the river environment, and we are very concerned about efforts by cities to evade environmental laws designed to clean up our streams. Removing pollutants and poisons from our streams is central to the health of our citizenry and the economy of our Minnesota River Watershed.

For that reason, Petitioners believes that the Minnesota Court of Appeals was correct in ruling against the Minnesota Pollution Control Agency, which sought to grant a discharge permit to the two cities, which would have allowed increased dumping of phosphorus into an already impaired stream. This is a crucial issue for the water quality of streams and lakes in Minnesota, and the health of its citizenry.

Respectfully Submitted,

DATED: November 7, 2005

**OLSON & PRICE, LTD.**

  
Brian J. Wisdorf (#297768)  
220 Exchange Building  
26 East Exchange Street  
St. Paul, Minnesota 55101  
Telephone: (651)298-9884  
Facsimile: (651)298-0056

ATTORNEY FOR AMICUS CURIAE



(for League of MN Cities)

Christopher M. Hood  
Flaherty & Hood  
525 Park Street, Suite 470  
St. Paul, MN 55103  
(for MN Environmental Science and Economic Review Board)

Charles N. Nauen  
William A. Gengler  
Lockridge Grindal Nauen PLLP  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
(for Metropolitan Council)

Janette K. Brimmer  
MCEA  
26 East Exchange Street, Suite 206  
St. Paul, MN 55101-1667

by enclosing the same in envelopes addressed as set forth above, with postage fully prepaid and by depositing said envelope in a United States Postal Service Mailbox in St. Paul, Minnesota, and by faxing copies to the numbers set forth above, on the 9th day of November, 2005.

  
Quincy Curry

Subscribed and sworn to before  
me this 9<sup>th</sup> day of November, 2005.

Notary Public Ben Wisdorf  
My commission expires 1/31/08

