

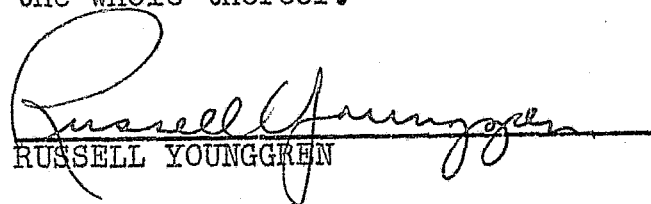
STATE OF MINNESOTA)
County of Kittson) ss.

RUSSELL YOUNGGREN, Being first duly sworn, on oath,
deposes and says:

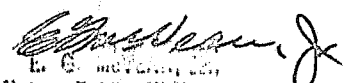
That he is the secretary of the Minnesota Water Re-
sources Board;

That he has compared the attached copy of the Findings
of Fact, Conclusions of Law and Order, dated at Saint Paul,
Minnesota, the 17th day of July, 1956, with the original thereof
on file and in his official custody; and

That said copy is a true and correct transcript from
and copy of said original and the whole thereof.


RUSSELL YOUNGGREN

Subscribed and sworn to before
me this 21 day of July, 1956.


E. G. McVey, Jr.
Notary Public, KITTSON CO., MINN.
My commission expires APRIL 9, 1961.

13016

STATE OF MINNESOTA
WATER RESOURCES BOARD

In the Matter of the Establishment)	FINDINGS OF FACT
of a Watershed District and)	CONCLUSIONS OF LAW
Appointing Managers thereof.)	ORDER

Nominating petitions having been heretofore filed with the State Water Resources Board praying for the establishment and creation of a watershed district and appointment of managers thereof for the general purpose of improving the channel of the Minnesota River by widening and deepening the same a distance of 25.1 miles upstream from the confluence of the Minnesota and Mississippi Rivers, pursuant to the provisions of Laws 1955, Chapter 799, and

The Board having ordered that a hearing be held on said petitions on the 2nd day of July, 1956, at 10:30 o'clock in the forenoon at the Shakopee High School Auditorium in the City of Shakopee, Scott County, Minnesota, and the Board having held said hearing pursuant to said order on July 2nd and 3rd of said year, and

Dean Johnson of the firm of Robins, Davis & Lyons having appeared for and on behalf of the proponents; Wellington Tully of the firm of Strong, Strong, Tully & Bush having appeared for and on behalf of the following:

Orwell Opdahl, 8705 West 108th Street, Bloomington;
E. H. Durst, 4906 Bruce Avenue South, Edina;
Harold R. Fowler, R. F. D. #1, Box 79, Hopkins;
James Wilke, R. F. D. #1, Hopkins;
J. F. Gage, R. F. D. #1, Hopkins;
Robert Brown, R. F. D. #1, Hopkins;
Lester J. Eck, R. F. D. #1, Hopkins;
Tom Clark, R. F. D. #1, Hopkins;
Gordon Clark, R. F. D. #1, Hopkins;
Luther Ford, 7317 Auto Club Road, Bloomington;
O. E. Bakke, 7333 Auto Club Road, Bloomington;
Mrs. F. H. Kaup, 7401 Auto Club Road, Bloomington;
O. D. Teigen, 6601 Auto Club Road, Bloomington;
Dr. Northrop Beach, 6821 Auto Club Road, Bloomington;
M. Hoyt Andrews, 6901 Auto Club Road, Bloomington;
Lawrence Fagerstrom, 11200 S. Old Shakopee Road, Bloomington;
Maybelle Boyson, 7501 Auto Club Road, Bloomington;

Alfred W. Hubbard, 7303 Auto Club Road, Bloomington;
George L. Patchin, Sr., 8201 West 108th Street, Bloomington;
William C. Walsh, 8615 West 108th Street, Bloomington;
H. D. Smith, 3015 Overlook Drive, Bloomington;
George Barnes, 3001 Overlook Drive, Bloomington;
George Hellickson, 2801 Overlook Drive, Bloomington;
Arnold McKenzie, 3131 Overlook Drive, Bloomington;
Dr. H. M. M. Wynne, 3301 Overlook Drive, Bloomington;
Dr. Paul S. Dwan, 3401 Overlook Drive, Bloomington;
Mr. and Mrs. Ben C. McCabe, 11000 Humbolt Avenue South;

Walter Bush, Jr. of the firm of Strong, Strong, Tully & Bush having appeared for and on behalf of the Aetna Holding Company and several freeholders (Messrs. Hubbard, Tom Clark, Fred Manfred, Luther Ford, Patchin and Gage); Gerald H. Geheren, Special Assistant Attorney General, having appeared for and on behalf of the Minnesota Highway Department; Henry Volk having appeared for and on behalf of the Valley Holding Company; John K. Harvey, Assistant County Attorney, having appeared for and on behalf of Hennepin County; James Kempf, Village Attorney, having appeared for and on behalf of the Village of Bloomington; William B. Odell, City Attorney, having appeared for and on behalf of the City of Chaska; R. J. Larson having appeared for and on behalf of the Auto Club of Minneapolis; R. C. Nelsen, County Attorney, having appeared for and on behalf of Dakota County; John F. Casey, Jr., Special Assistant Attorney General, and Melvin J. Peterson, Assistant Attorney General, having appeared for and on behalf of the State of Minnesota, and

The Board having heard the testimony and evidence offered and received on behalf of the petitioners and the objectors, and having duly considered the same, together with arguments of counsel submitted in connection therewith and having considered all the records and files of the Board relating to said petitions, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

I.

That duly executed petitions of the County of Scott; City of Shakopee, Villages of Prior Lake and Savage, all in Scott

County; and the Village of Bloomington in Hennepin County; were filed on the 21st day of June, 1956, with the secretary of the Minnesota Water Resources Board and proof of service of said petitions upon the Director of the Division of Waters in the Department of Conservation, the Commissioner of Conservation, and the county auditors of Carver, Dakota, Hennepin and Scott Counties, was filed on June 21, 1956 with the secretary of said Board, together with a map of the proposed district.

II.

That on June 21, 1956, said petitions were found sufficient by the Board and a hearing thereon was ordered to be held in the Shakopee High School Auditorium July 2, 1956, at 10:30 o'clock in the forenoon in the City of Shakopee, Scott County, and notice was sent by mail to persons affected thereby as required by statute and in addition thereto notice was sent to various legislators, persons and associations that might be interested therein.

III.

That the Director of the Division of Waters, Department of Conservation, made a study of the area considered in the proposed watershed and filed his report with the Board recommending the establishment of the proposed watershed district as being sound, practical and feasible from an engineering and economic standpoint, which report was received in evidence at the hearing and supported by oral testimony.

IV.

That the territory to be included in the proposed district is as follows:

That area falling within the 800 foot contour line, S.L.D. 1929, 5th Gen. Adj., as such contour is established on both sides of the Minnesota River for a distance of approximately 25.1 miles upstream from the confluence of the Minnesota and the Mississippi Rivers, subject to further change as provided by law.

V.

That the name of the proposed district shall be "The Lower Minnesota River Watershed District."

VI.

That the facts set forth in the petition are found to exist and that the proposed works of the district are for the following purposes:

A. Improvement of the channel of the Minnesota River within territory described herein;

B. Diverting or changing, in whole or in part, of the watercourse of the Minnesota River within the territory herein described;

C. Controlling or alleviating damage by flood waters; and

D. Controlling or alleviating land and soil erosion and siltation of watercourses;

all of which will be served by the proposed district if properly organized and managed and the same will be of further use in sanitary control of the watercourse and for recreational and industrial use of the Minnesota River channel.

VII.

That the immediately contemplated improvement provides for the straightening, enlarging and deepening of the navigable channel of the Minnesota River from its mouth to mile 14.2 above the confluence of the Minnesota and Mississippi Rivers with a minimum channel bottom of 100 feet in width and approximately 160 feet at the top, having one on three side slopes with some increase in width at bends and proposed passing areas, all in accordance with the 1952 report of the United States Army Corps of Engineers which report was received in evidence.

VIII.

That the immediately contemplated improvement planned provides for federal participation to the extent of \$2,375,000 and the balance of \$125,000 to be provided by local participation through the proposed watershed district for a total cost of \$2,500,000, having a ratio of benefits to costs of 3.49 to one computed upon an annual cost basis with fifty year amortization of the original cost. The immediate plan further contemplates that the watershed district will provide without cost to the United States all lands, easements and rights of way necessary for the construction of the project and subsequent maintenance and to hold the United States free and harmless from any damages due to construction works, all of which costs are included in the foregoing costs of \$125,000. That the foregoing local costs are contemplated to be assessed against parties receiving benefits therefrom and not against freeholders who own lands for residential purposes only and to holdings unconnected with any benefits from said project.

IX.

That the watershed district proposed herein will serve as a qualified state agency to cooperate with the United States Army Corps of Engineers and secure funds from the federal government for construction of the foregoing improvements at low economic cost to the local people benefited thereby in aid of land utilization, navigation, and other conservation uses providing a beneficial public use of the water resources of the state and will serve to promote the general public welfare.

X.

That the proposed watershed district will serve the public interest in the conservation of its natural resources within the proposed district, including wildlife, water resources, forests, and soils, and the engineering and economic practicability of creating the district will be sound and feasible when

considered in relation to the public interest and resulting costs and that the creation of the watershed district will serve the purposes of the watershed act.

XI.

That the objectors who appeared at said hearing and noted objections to the same and who filed objections with the Board are not adversely affected thereby and provisions of statute relative to this proceeding contemplate the protection of private rights and provide for due process of law. That the question as to whether or not the objectors are affected by this proceeding must necessarily be determined at the proper stage of the organization of the watershed district. That the hearing herein conducted was in the nature of a preliminary hearing affecting no property rights at this time with subsequent hearing provided thereon by statute. That no evidence was offered by the objectors or received to show that any rights of the objectors or any freeholders were adversely affected in any manner or would be adversely affected in any manner in the event that a watershed district be established and a board of managers appointed as provided by law.

Upon the foregoing Findings of Fact, the Board CONCLUDES and ORDERS:

XII.

That the Board has jurisdiction over the subject matter of the proposed watershed district.

XIII.

That the public interest and the conservation of the natural resources within the proposed district including wildlife, water resources, forests, and soils will be served and protected by the organization of the same, if properly managed; that the engineering and economic practicability of creating the district will be sound and feasible when considered in relation to the public interest and the resulting costs; and the purposes of the watershed act would be subserved by the creation thereof.

XIV.

That the said watershed district is hereby ordered established and is entitled, "The Lower Minnesota Watershed District", which title is to be its corporate name by which in all proceedings it shall hereafter be known and it shall have all the authority, powers and duties provided by law.

XV.

The territory to be embraced within The Lower Minnesota Watershed District shall be as follows:

That area falling within the 800 foot contour line, S.L.D. 1929, 5th Gen. Adj., as such contour is established on both sides of the Minnesota River for a distance of approximately 25.1 miles upstream from the confluence of the Minnesota and the Mississippi Rivers, subject to further change as provided by law.

XVI.

The first Board of Managers of said district, whose terms shall be for one year, are as follows:

Gordon Beaudette, Dakota County;
William J. Runge, Scott County;
Emil Teske, Carver County;
Bruce Clark, Hennepin County; and
Leo B. Shaw, Scott County,

to have all the powers, duties, obligations and responsibilities provided by law.

XVII.

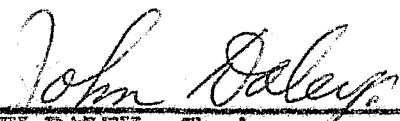
That the principal place of business of said district shall be located in the City of Shakopee, County of Scott, within the said district.


XVIII.


That said Board of Managers within a reasonable time after qualifying shall adopt an overall plan for projects and

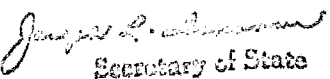
improvements within the district for reclamation, drainage, erosion, and flood control and improvement of lands, soils, forests, waters, wildlife, and projects therein. A copy of such plan shall forthwith be transmitted to the county auditor of each county affected, the secretary of the Board, the Commissioner of Conservation, and the Director of the Division of Waters of the Department of Conservation. Thereupon the managers shall forthwith cause a notice that such plan has been adopted to be posted at three (3) conspicuous places within the district. Upon receipt of such copy the said commissioner and director shall examine the same and within twenty (20) days thereafter shall transmit to this Board their recommendations in connection therewith a copy of which shall be transmitted to the managers and the county auditor of each county affected. Within forty-five (45) days thereafter, the Board shall have a hearing upon the proposed plan. Notice of such hearing shall be given by the Board by mail to each freeholder, all as provided by law. All freeholders within the district affected thereby and interested therein shall be heard and all objections shall be determined.

Dated at Saint Paul, Minnesota, this 17th day of July, 1956.


JOHN DALEY, Chairman


RUSSELL YOUNGGREN, Secretary


CHARLES L. HORN

STATE OF MINNESOTA
DEPARTMENT OF STATE
JUL 18 1956
JUL 30 1956

Secretary of State

13016