

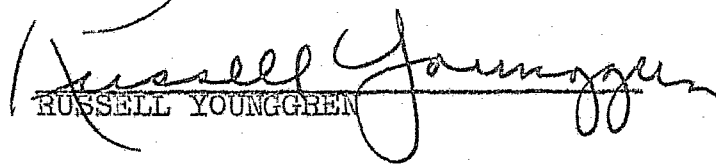
STATE OF MINNESOTA)
County of Kittson) ss.

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

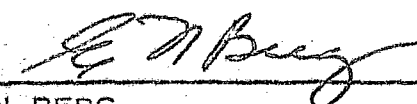
That he is the secretary of the Minnesota Water Re-
sources Board;

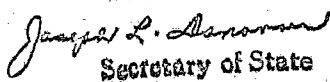
That he has compared the attached copy of the Find-
ings of Fact, Conclusions of Law and Order, dated at Saint
Paul, Minnesota, the 14th day of June, 1957, with the original
thereof on file and in his official custody; and

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 28 day of June, 1957.


E. N. BERG,
Notary Public, KITTSON CO., MINN.
My commission expires AUGUST 18, 1960.

13573 o.d.
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 2 - 1957

Secretary of State

13573

STATE OF MINNESOTA
WATER RESOURCES BOARD

In the Matter of the Establishment of)
a Watershed district in and for)
Hennepin, McLeod and Sibley)
Counties and appointing members)
thereof.)

FINDINGS OF FACT

CONCLUSIONS OF LAW

ORDER

An Order having been duly filed with the Minnesota State Water Resources Board on June 22, 1956 by the above entitled proceedings, which Order was dated September 12, 1955 and made by the Honorable C. A. Rolloff, Judge of the Twelfth Judicial District, and the Honorable Arlo E. Haering, Judge of the Eighth Judicial District, transferring certain proceedings entitled "In the Matter of the Petition for the Establishment of A Drainage and Conservancy District in and for Hennepin, McLeod and Sibley Counties" to the Minnesota Water Resources Board, pursuant to Laws of 1955, Chapter 799, Section 42, and

The Board having heretofore ordered that a hearing be held on said transfer at the Village of Arlington in the Community Hall on the 6th day of September 1956 at 10:00 o'clock in the forenoon, and

The Board having held said hearing at said time and place after due notice was given as provided by law, and having further held a continued hearing on said matter on the 8th day of November 1956 to complete the taking of additional testimony and evidence which had not been completed, and

The law firm of Gieselson and Reim of New Ulm, Minnesota, having appeared herein on behalf of the petitioners, and attorneys L. J. Lauerman of Olivia, Minnesota; Everett L. Young, New Ulm, Minnesota; M. J. Daley of Belle Plaine, Minnesota; and Joseph J. Norlerity, Chaska, Minnesota, having appeared on behalf of the objectors; and Robert C. Williamson, having appeared on behalf of the County of Sibley, and

The attorneys for the respective parties having made their arguments before the Board and having submitted their briefs herein, and

The Board having heard and considered the testimony and evidence adduced on behalf of all the parties, together with the arguments of counsel submitted in connection therewith, and having duly considered all the records, files and proceedings, herein relating to the subject matter of this hearing, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

I.

That a petition for a district relative to the High Island drainage and conservancy area dated July 19, 1954 was filed with the Clerk of Court, McLeod County, on December 10, 1954, pursuant to Chapter 111, Minnesota Statutes 1953, upon which petition hearings were duly held before the Honorable C. A. Rolloff of the Twelfth Judicial District, and Arlo E. Haering of the Eighth Judicial District, on January 24, 1955, March 9 and 10, 1955, and September 12, 1955. That said judges entered their Order on September 12, 1955 transferring the High Island Drainage and Conservancy District proceedings, Civil Case No. 11050, McLeod County, to the jurisdiction of the State Water Resources Board, pursuant to the provisions of Laws 1955, Chapter 799, Section 42. That said Order directed that all records pertaining to said proceeding on file with the clerk of said court be delivered to the State Water Resources Board.

II.

That the said Board on June 21, 1956 duly considered said Order of Transfer and ordered that a hearing be held thereon and notice thereof be sent by mail in accordance with law to all freeholders affected. Pursuant to such Order a hearing was duly held at the Village of Arlington, Community Hall, on the 6th day of September 1956 at 10:00 o'clock in the forenoon and continued to the 8th day of November 1956.

III.

That the director of the Division of Waters of the 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 same as being sound, practical and feasible from an engineering and economic standpoint, which report was received in evidence (State's Exhibit E) at the hearing and supported by other evidences.

IV.

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

All that part of Township 112, Ranges 26, 27; Townships 113, 114, Ranges 26-32; Township 115, Ranges 30-32, all in McLeod, Renville and Sibley Counties, containing an area of approximately 243 square miles within the watershed and including all thereof,

as shown on Petitioners' Exhibit A, introduced at the hearing herein, subject to further change as provided by law.

V.

The name of the proposed district is the "High Island Watershed District".

VI.

That the proposed works of the district are for the following purposes:

- A. Control and alleviation of damage by flood waters;
- B. Improvement of stream channels;
- C. Reclaiming wet and overflowed lands;
- D. Regulating the flow of streams and conserving the waters thereof;
- E. Diverting and changing water courses in part;
- F. Conserving water supply for domestic, recreational and other public uses;
- G. Consolidation of existing drainage systems within the district and the repair and improvement thereof;
- H. The imposition of preventive and remedial measures for the control and alleviation of land and soil erosion and sediment deposition in water courses and other bodies of water affected thereby; and
- I. Providing the regulation and control of the uses of streams, ditches, and other water courses for the purpose of disposing of sewage and other wastes,

all of which will be served by the proposed district if properly organized and managed.

VII.

That the general plan of improvements contemplated by the proposed district provides for the construction of a main ditch commencing at the outlet of Judicial Ditch No. 24, in Section 22, Township 114 North, Range 30 West, McLeod County and there entering and following the alignment of High Island Creek as far as practicable and terminating at the confluence of said creek and the Minnesota River. That said main course would be so coordinated with local ditch systems as to receive the discharges from the following ditches:

County Ditch 102 and 103, Renville County;
County Ditches 4, 6, 8, 14, 26, 45, 10, 15, 31A, 34 and 38, Sibley County;
County Ditch 39, McLeod County;
Judicial Ditches 11 and 24, Renville, McLeod and Sibley Counties;
Judicial Ditches 5 and 15, Sibley and McLeod Counties;
Judicial Ditch 12, Sibley County; and
Judicial Ditch 26, Renville County;

and that the additional waters discharged by proposed Judicial Ditch No. 16 in McLeod and Sibley Counties, would also be received therein, together with waters from other private drainage systems at a total preliminary estimated cost of \$665,000 with additional costs to extend the improvements all the way to the Minnesota River. That it further appears to the Board that the foregoing costs can be considerably reduced through the construction of reservoirs and water control structures and the use of natural storage on lakes and streams in the area and the use of appurtenant works necessary therefor in a program of water conservation and flood control as distinguished from drainage and thus reduce the size and capacity of the ditch needed to accommodate the passage of discharged waters. That from the available testimony and other evidence it appears to the Board that the improvements would be economically feasible and the benefits therefrom would exceed the costs if properly designed and constructed. That the cost of the construction of said system is to be assessed against the freeholders receiving benefits therefrom.

VIII.

That the watershed district proposed herein will serve as a qualified agency to cooperate with the federal government to secure federal funds, when available, to aid in land utilization and for the enhancement of soil and water conservation practices.

IX.

That the proposed watershed district will serve the public interest and promote the general public welfare in the conservation of its natural resources within the proposed district including wildlife, water resources, forests, and soils, and 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 creation of the watershed district will serve the purposes enumerated in the Watershed Act.

X.

That the hearing held herein was in the nature of a preliminary hearing affecting no property rights or vested interests at this time; and before the same are in any way affected, subsequent hearings will be necessary and a specific overall plan adopted, all as provided by statute.

XI.

That through the establishment of the various county and judicial ditch systems enumerated above, together with numerous private tiles and ditches, the water from the upper reaches of the watershed district that does not escape by evaporation and other natural causes eventually reaches High Island Creek in such quantities and at such times as to overflow the lands in the lower reaches of the watershed and cause considerable damage to crop lands, fences, buildings, road, wells, and pasture lands and other property, resulting in substantial loss of property and property values and creating unsanitary and unwholesome conditions generally to the great detriment of the public and property owners down stream, which condition is made all the more critical by the continuous increase in the number of irrigated ditch systems in the watershed above, which, although beneficial to the immediate property owners, are a source of controversy and detriment to the interests of the property owners down below. That under existing conditions, High Island Creek is inadequate at times to carry off the waters which are so drained into it and that it is necessary and desirable that a plan be adopted whereby such flood conditions can be alleviated and destructive damage reduced for the protection of public and private rights. That the foregoing conditions have been the source of much controversy among property owners in the watershed for many years and there can be little hope for a solution to such controversy without the adoption of an entire watershed program to harmonize the existing conflicts of interest with stability and permanency.

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

XII.

That the Board has jurisdiction of 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.

XIV.

That the engineering and economic practicability of creating the district will be sound and feasible when considered in relationship to the public interest and cost, and that the purposes of the Watershed Act will be subserved by the creation thereof.

XV.

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

XVI.

The territory to be embraced within the "High Island Watershed District" shall be as follows:

All that part of Township 112, Ranges 26, 27; Township 113, 114, Ranges 26-32; Township 115, Ranges 30-32, all in Molecki, Kenville and Sibley Counties, containing an area of approximately 243 square miles within the watershed, including all thereof,

as shown on Petitioners' Exhibit A, subject to further change as provided by law.

XVII.

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

Joseph E. Wessier, R.F.D. #1, Arlington;
Clarence C. Barkarch, Route #1, Gaylord;
Paul A. Schumann, Arlington;
Harold L. Bauer, Route #1, Brownston; and
Oliver A. Schafar, R.F.D. #2, Hector,

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

XVIII.

That the principal place of business of said district shall be located in the Village of Arlington, County of Sibley, within the said district.

XIX.

That said Board of Managers within a reasonable time after qualifying shall employ an engineer and staff to develop an overall plan of improvements for reclamation, drainage, erosion and flood control and improvement of lands, soils, forests, waters, wildlife therein, and other purposes authorized by law. A copy of such plan, when adopted by the Board of Managers, shall forthwith be transmitted to the county auditor of each county affected, the secretary of the Minnesota Water Resources 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 by the managers to the county auditor of each county affected. Within forty-five (45) days thereafter, the Board shall hold a hearing upon the proposed plan. Notice of such hearing shall be given by the Board, 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 10th day of June, 1957.

/s/ John Daley
JOHN DALEY, Chairman

/s/ Russell Younggren
RUSSELL YOUNGREN, Secretary

/s/ Charles L. Horn
CHARLES L. HORN

13573