

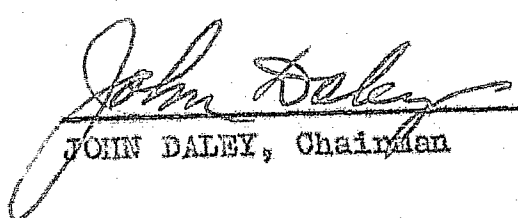
STATE OF MINNESOTA)
County of Ramsey } ss.

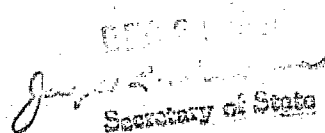
JOHN DALEY, Being first duly sworn, on oath, deposes
and says:

That he is chairman of the Minnesota Water Resources
Board;

That he has compared the attached copy of the Findings
of Fact, Conclusions of Law and Order, dated at Saint Paul,
Minnesota, the 26th day of December, 1958, with the original
thereof on file and in his official custody; and

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


JOHN DALEY, Chairman


Secretary of State

14206

STATE OF MINNESOTA
MINNESOTA WATER RESOURCES BOARD

In the Matter of the Establishment
of a Watershed District in Winona
County and Appointment of Managers
Thereeto

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

Nominating petition having been heretofore filed with the State Water Resources Board praying for the establishment and creation of a watershed district and appointment of managers thereto for the general purpose of regulation and control of flood waters and conservation of waters and various beneficial uses, pursuant to the provisions of Laws of 1955, Chapter 799 as amended by Laws of 1957, Chapter 279; and

The Board having ordered that a hearing be held on said Petition on the 6th day of November, 1958 at 10:00 in the forenoon at the auditorium of the Holy Trinity School, Rollingstone, Winona County, Minnesota, and the Board having held said hearing pursuant to said Order on November 6, 1958; and

Virgil O. Herrick, Attorney and Executive Secretary of the Minnesota Water Resources Board appeared for the Water Resource Board; and Alton B. Bergh, Attorney, St. Charles, Minnesota having appeared for the proponents; and

The Board having heard the testimony and evidence offered and received on behalf of the petitioners, no objectors being present, and having duly considered the same, and having considered all of the records and files of the Board relating to said Petition, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

I.

That a duly executed petition of the County of Winona was

filed on the 12th day of September, 1958 with the Executive Secretary of the Minnesota Water Resources Board together with Proof of Service of said Petition upon the Director of the Division of Waters, the Commissioner of Conservation and the County Auditor of Winona County, together with a map of the proposed district;

II.

That on the 18th day of September, 1958, said Petition was found sufficient by the Board and a hearing thereon was ordered to be held at 10:00 in the forenoon, November 6, 1958 in the auditorium of the Holy Trinity School, Rollingstone, Winona County, Minnesota, notice was given by publication in legal newspapers in the county affected as required by statute and in addition thereto, notice was sent to the County Auditor of the affected county, the chief executive official of the affected municipalities and to various legislators and public officials 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: The entire territory drained by Garvin Brook and all of its tributaries including South Branch of Garvin Brook, Arches Branch of

Garvin Brook, Rollingstone Creek and its tributaries, Middle Valley, Supprechts Valley, Bear Creek Valley, Straight Valley and Speltz Creek, all within Winona County, containing an area of approximately 63,740 acres or 98 square miles, and including all or part of the following sections:

<u>Townships</u>	<u>Sections or portions thereof involved</u>
Rollingstone	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 30, 31, 32, 33, 34.
Norton	1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36.
Utica	1, 2, 3, 4, 11, 12, 13, 14, 24.
Hillsdale	10, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
Warren	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36.
Wilson	17, 18, 19, 20, 30, 31.
Mount Vernon	23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

As shown on the Director of Waters exhibit #1 introduced at the hearing herein, subject to further changes as provided by law.

V.

That the name of the proposed district shall be Stockton-Rollingstone-Minnesota City Watershed District.

VI.

That the facts set forth in the Petition are found to exist and that the proposed works of the district, and the purposes of the works are as follows:

- (1) Changing, widening, deepening, straightening or otherwise improving the branches of Garvin Brook and its tributaries in order to improve the use and capacity thereof, thereby alleviate damages caused by floods.

- 4-
- (2) Regulation, control, and conservation of the waters within the watershed by the construction of reservoirs or by other appropriate methods to hold and control the waters for certain beneficial uses including domestic, industrial, recreational, agricultural, and for wildlife purposes.

VII.

That the watershed district proposed herein will serve as a qualified state agency to cooperate with the Soil Conservation Service, U. S. Department of Agriculture in the construction of the foregoing improvements, much of the cost of which may be borne by the forementioned Federal agency in conjunction with the Watershed Protection and Flood Prevention Program, or other conservation programs.

VIII.

That the proposed watershed district will serve the public interests in the conservation of its natural resources within the proposed district, including wildlife, water resources, forests and soils and the engineering and economical practicability of creating a district will be sound and feasible when considered in relation to the public interest and the resulting costs and that the creation of a watershed district will serve the purposes of the Watershed Act.

IX.

That despite publication of notice as required by law, no persons objecting to the creation of the watershed district appeared, and no testimony or other evidence in opposition to the creation of the district was offered at the hearing.

Upon the foregoing FINDINGS OF FACT, the Board CONCLUDES AND
ORDERS:

I.

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

II.

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 economical practicability of creating the district will be sound and feasible when considered in relation to the public interest and the resulting cost; and the purposes of the Watershed Act would be subserved by the creation thereof.

III.

That the said watershed district is hereby ordered established and is entitled the Stockton-Rollingstone-Minnesota City Watershed District, which shall hereafter be known and shall have all the authority, powers, and duties provided by law.

IV.

That the territory to be included in the proposed district is as follows: The entire territory drained by Garvin Brook and all of its tributaries including South Branch of Garvin Brook, Arches Branch of Garvin Brook, Rollingstone Creek and its tributaries, Middle Valley, Rupprechts Valley, Bear Creek Valley, Straight Valley and Spelts Creek, all within Winona County, containing an area of approximately 65,740 acres or 98 square miles, and including all or part of the following sections:

<u>Townships</u>	<u>Sections or portions thereof involved</u>
Hollingstone	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 31, 32, 33, 34.
Norton	1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36.
Utica	1, 2, 3, 4, 11, 12, 13, 14, 24.
Hillsdale	10, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
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Wilson	17, 18, 19, 20, 30, 31.
Mount Vernon	23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

As shown on the Director of Waters exhibit #1 introduced at the hearing herein, subject to further changes as provided by law.

XIV.

That the first Board of Managers of said district, whose term shall be for one year are as follows:

1. Russell T. Church - Minnesota City
2. Herbert J. Spelz - Minnieska
3. Richard J. Fews - Winona

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

XV.

That the principle place of business of said district shall be located in the Village of Minnesota City, County of Winona within the said district.


XVI.

That the 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, flood and pollution control and improvement of lands, soils, forests, waters, wildlife and projects connected therewith. A copy of such plan shall forthwith be transmitted to the County Auditor of the 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 in three conspicuous places within the district. Upon receipt of such copy the said Commissioner and Director will examine the same and within 20 days thereafter will transmit to the Water Resources Board their recommendations in connection therewith, a copy of which shall be transmitted to said Board of Managers and said county auditor. Within 45 days thereafter the Water Resources Board shall have a hearing upon the proposed plan. Notice of such hearing shall be given by the Board. All freeholders within the district affected thereby and interested therein shall be heard and objections shall be determined.

The Water Resources Board has approved the above Order at a meeting held on the 17th day of December, 1958.

Dated at Saint Paul, Minnesota this 26th day of December, 1958.



CHARLES L. HORN, Secretary

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Joseph J. ...
Secretary of State