

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

AFFIDAVIT

Virgil C. Herrick, being first duly sworn on oath, deposes and says that he is executive secretary of the 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 30th day of September, 1959, with the original thereof on file in his official custody; and

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

Virgil C. Herrick
Virgil C. Herrick

Subscribed and sworn to before
me this 2nd day of October 1959.

CHARLES A. GROGAN
Notary Public, Ramsey County, Minn.
My Commission Expires Nov. 15, 1964

Charles A. Grogan

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 20 1959
James L. Henneman
Secretary of State

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STATE OF MINNESOTA

MINNESOTA WATER RESOURCES BOARD

In The Matter Of The Establishment)
Of A Watershed District In Hennepin)
County And Appointing Managers Thereof)

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 thereof for the general purpose of regulation and control of flood waters and conservation of waters for various beneficial uses, pursuant to the provisions of Laws 1955, Chapter 799, as amended, and

The Board having ordered that a hearing be held on said petition on the 23rd day of June, 1959, at 7:30 o'clock in the evening at the Bloomington Village Hall, in the village of Bloomington, Hennepin County, Minnesota, and the Board having held said hearing pursuant to said order on June 23, 1959, and

Frank Murray, Attorney General's Office, Virgil C. Herrick, attorney and Executive Secretary of the Minnesota Water Resources Board, having appeared for the Water Resources Board; John Harvey, Minneapolis, 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 having testified, and having duly considered the same, and having considered all 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 Hennepin was filed on the 8th day of January, 1959, with the secretary of the Minnesota Water Resources Board, and attached to said petition were proof of service of said petition upon the Director of the Division of Waters in the Department of Conservation, the Commissioner of Conservation, the county auditor of Hennepin County, and a map of the proposed district.

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II

That said petition was found sufficient by the Board, and a hearing was thereupon ordered to be held at 7:30 in the evening, June 23, 1959, in the village hall in the village of Bloomington, Hennepin County. Notice was given by publication in a legal newspaper 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 desirable, 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 Nine Mile Creek, within Hennepin County, containing an area of approximately 44 square miles, and including all or part of the following sections:

R 22 W - 5th P. M. Township 117 N.	Sections 13, 14, 24, 23, 22, 21, 25, 26, 27, 28, 29, 36, 35, 34, 33, 32.
R 22 W - 5th P. M. Township 116 N.	Sections 1, 2, 3, 4, 12, 11, 10, 13, 14.
R 21 W - 5th P. M. Township 117 N.	Sections 19, 30, 29, 28, 31, 32, 33.
R 21 W - 5th P. M. Township 116 N.	Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29.
R 24 W - 4th P. M. Township 28 N.	Sections 29, 30, 31, 32, 19.
R 24 W - 4th P. M. Township 27 N.	Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29.

as shown on Division of Water's Exhibit One, introduced at the hearing herein, in addition to the territory shown on the Division of Water's Exhibit one, subject to further changes as provided by law. The district shall extend to the Minn. R. and include the outlet of Nine Mile Creek in Sections 27 and 29 of Twp. 27N, R21W - 14th P.M.

V

That the name of the proposed district shall be The Nine Mile Creek Watershed District.

VI

That the facts set forth in the petition are found to exist and that the proposed works of the districts, and the purpose of the proposed works are as follows:

1. Changing, widening, deepening, straightening, or otherwise improving Nine Mile Creek in order to improve the use and capacity thereof and thereby alleviate damage caused by floods.
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 flood control, and recreational uses, and wildlife propagation.
3. Construction and operation of necessary works to insure a more uniform stream flow, to provide an adequate outlet for storm sewer systems.
4. Providing for sanitation and public health and regulating the use of streams, ditches or other watercourses for the purpose of disposing of waste.

VII

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.

VIII

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:

IX

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

X

That the public interest and the public welfare within the proposed district will be served and protected by the organization of the same if properly managed, and the purposes of the Watershed Act would be subserved by the creation thereof.

XI

That the said watershed district is hereby ordered established and is entitled The Nine Mile Creek District which shall hereafter be known, and it shall have all authority, powers and duties provided by law.

X

That the territory to be included in the proposed district is as follows: the Nine Mile Creek Watershed, within Hennepin County, containing an area of approximately 44 square miles, and including all or part of the following sections:

R 22 W - 5th P. M. Township 117 N.	Sections 1, 14, 24, 23, 22, 21, 25, 26, 27, 28, 29, 36, 35, 34, 33, 32.
R 22 W - 5th P. M. Township 116 N.	Sections 1, 2, 3, 4, 12, 11, 10, 13, 14.
R 21 W - 5th P. M.	Sections 19, 30, 29, 28, 31, 32, 33.
R 21 W - 5th P. M. Township 116 N.	Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29.
R 24 W - 4th P. M. Township 28 N.	Sections 29, 30, 31, 32, 19.

R 24 W - 4th P. M.
Township 27 N.

Sections 4, 5, 6, 7, 8, 9, 16, 17
18, 19, 20, 21, 22, 27, 28, 29.

as shown on Water Resource Board Exhibit Five, introduced at the hearing herein, in addition to the territory shown on the Division of Water's Exhibit One, the district shall extend to the Minnesota R. and include the outlets of Nine Mile Creek in Sections 27 and 29 of Twp. 27N-R 24 W, 4th P.M., subject to further changes as provided by law.

XI

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

Russell C. Marsh - 6509 Baker Road, Hopkins, Minnesota

Calvin L. DeLaittre - 4637 White Oak Road, Hopkins, Minnesota

Russell H. Zakariasen - 130 - 11th Ave. N., Hopkins, Minnesota

Frank V. Laska - 2225 Overlook Drive, Bloomington, Minnesota

John G. Kraemer - Glen Lake, Minnesota

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

XII

That the principal place of business of said district shall be located in the village of Bloomington, County of Hennepin, within said district.

XIII

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 improvements of lands, soils, forests, waters, wildlife, and projects therein. A copy of such plan shall forthwith be transmitted to the county auditor of the county affected, the secretary of the Board, the Commissioner of Conservation, and the Director of the Division of Waters of the Department of Conservation, the chief executive official of any municipality within the district. 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 the

Water Resources 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. All freeholders within the district affected thereby and interested therein shall be heard and all objections shall be determined.

Dated at Saint Paul this 30th day of September, 1959.

MINNESOTA WATER RESOURCES BOARD

John Dalcy, Chairman

14531