

STATE OF MINNESOTA
WATER RESOURCES BOARD
353 Centennial Building
St. Paul, Minnesota
55101

14532
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 15 1965
Joseph A. Johnson
Secretary of State

In the Matter of the Petition for
Change and Clarification of the
Boundary of the Crooked Creek
Watershed District.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER.

A petition having been filed with the Minnesota Water Resources Board, on March 3, 1965, asking for a clarification of the boundary of the Crooked Creek Watershed District, pursuant to the provisions of Minnesota Laws of 1955, Chapter 799, as amended;

And the Board on March 29, 1965, having ordered that a hearing be held on said petition on the 29th day of April 1965, at 7:30 P.M. Central Standard Time, in the Courtroom in the Courthouse, Caledonia, Minnesota, and the Board having held said hearing pursuant to said order; and, Mr. Lawrence Vaubel, Attorney General's Office, and Mr. Erling M. Weiberg, Administrative Secretary of the Board, appearing with the Board's referee; and Mr. Clarence Eikens, having appeared for the Managers;

And the Board having heard testimony and evidence offered on behalf of the petitioners and by interested citizens and having duly considered the same now makes the following Findings of Fact, Conclusions of Law, Order.

FINDINGS OF FACT

I. The Crooked Creek Watershed District was established by order of the Minnesota Water Resources Board dated December 1, 1957, and therein did define a boundary by specific townships, ranges, and

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(Findings of Fact,
Conclusions of Law,
Order)

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sections and a watershed divide line as shown on the map included in the "Preliminary Report of the Director of Waters" dated October 13, 1959.

II. That the Crooked Creek Watershed District territory all lies in Houston county; that a petition, including a map, executed by the County Board of Commissioners of Houston county and by the Managers of the Crooked Creek Watershed District was filed with the Minnesota Water Resources Board. Proofs of Service substantiate the receipt of the petition by the Commissioner of Conservation and the Director of the Division of Waters, and an affidavit of personal service indicates a copy of the petition was filed in the office of the County Auditor of Houston county, all pursuant to law;

III. The petition, as amended, was found sufficient by the Board and a hearing was ordered to be held at 7:30 P.M. Central Standard Time, April 29, 1965, in the Courtroom of the Courthouse, Caledonia, Minnesota;

IV. The Director of the Division of Waters examined the petition and filed his report with the Board, which report was received in evidence at the hearing. The Director recommended a boundary for said district in accordance with the petition and with certain suggestions made in his report;

V. Of the following described land there was service by publication and, in addition, service by mail was made on persons whose property was not listed in the petition filed with the Board on March 3, 1965. In determining the revised boundary of the district the Board considered the inclusion or exclusion of parts or all of the following lands:

(Findings of Fact,
Conclusions of Law,
Order)

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A. Houston County

(1) Township 101 North, Range 4 West

$N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 2
All of Sections 3 through 6 inclusive.
 $NW\frac{1}{4}$ of Section 7
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 7
 $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 7
 $N\frac{1}{2}$ of Section 8
 $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 8
All of Section 9
 $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 10
 $W\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 10
 $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 10
 $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 10
 $NW\frac{1}{4}$ of Section 10
 $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 15
 $SW\frac{1}{4}$ of $NW\frac{1}{4}$ except 12 acres
south and east of centerline
of County Highway No. 14 of
Section 15
 $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 16
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 16
 $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 16

(2) Township 101 North, Range 5 West

All of Sections 1 and 2
 $E\frac{1}{2}$ of Section 3
 $NW\frac{1}{4}$ of Section 3
 $NE\frac{1}{4}$ of Section 4
 $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 4
 $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 10
 $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 11
 $NE\frac{1}{4}$ of Section 11
 $NE\frac{1}{4}$ of Section 12
 $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 12
 $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 12

(3) Township 102 North, Range 4 West

$SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 5
 $SW\frac{1}{4}$ of Section 5
 $S\frac{1}{2}$ of Section 6
All of Sections 7 and 8
 $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 9
 $SW\frac{1}{4}$ of Section 9
 $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 9
 $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 10
 $S\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 14
 $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 14
 $SE\frac{1}{4}$ of Section 15

(Findings of Fact,
Conclusions of Law,
Order)

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(3) Township 102 North, Range 4 West (cont.)

$W\frac{1}{2}$ of Section 15
All of Sections 16 through 22 inclusive.
 $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 23
 $NW\frac{1}{4}$ of Section 23
 $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 26
 $NW\frac{1}{4}$ of Section 26
All of Sections 27 through 34 inclusive.
 $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 35
 $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 35
 $W\frac{1}{2}$ of Section 35

(4) Township 102 North, Range 5 West

$SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 3
 $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 3
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 4
 $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 4
 $S\frac{1}{2}$ of Section 4
 $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 4
 $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 4
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 5
 $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 5
 $S\frac{1}{2}$ of Section 5
 $NW\frac{1}{4}$ of Section 5
 $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 6
 $S\frac{1}{2}$ of Section 6
All of Sections 7, 8, 9, and 10
 $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 11
 $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 11
 $S\frac{1}{2}$ of Section 11
 $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 11
 $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 11
All of Sections 12 through 30 inclusive.
 $N\frac{1}{2}$ of Section 31
 $N\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 31
 $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 31
 $N\frac{1}{2}$ of Section 32
 $SE\frac{1}{4}$ of Section 32
 $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 32
All of Sections 33, 34, 35, and 36

(5) Township 102 North, Range 6 West

$SE\frac{1}{4}$ of Section 1
 $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 1
All of Sections 12 and 13
 $E\frac{1}{2}$ of Section 14
 $E\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 14
 $E\frac{1}{2}$ of Section 23
 $SW\frac{1}{4}$ of Section 23

(Findings of Fact,
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(5) Township 102 North, Range 6 West (cont.)

$E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 23
All of Sections 24 and 25
 $E\frac{1}{2}$ of Section 26
 $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 26
 $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 26
 $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 26
 $E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 26
 $E\frac{1}{2}$ of $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 26
 $N\frac{1}{2}$ of Section 36
 $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 36

B. Also the following lands in Houston County:

(6) Township 101 North, Range 4 West

$NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 2
 $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 2
 $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 2
 $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 2
 $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 7
 $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 8
 $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 8
 $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 8
 $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 10
 $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 10
 $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 10
 $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 11
 $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 15
The 12 acres south and east
of County Highway No. 14
in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 15

(7) Township 101 North, Range 5 West

$NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 3
 $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 4
 $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 4
 $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 4
 $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 10
 $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 11
 $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 12
 $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 12
 $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 12
 $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 12

(8) Township 102 North, Range 4 West

$SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 4
 $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 5
 $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 5
 $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 5

(Findings of Fact,
Conclusions of Law,
Order)

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(8) Township 102 North, Range 4 West (cont.)

SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 23
SE $\frac{1}{4}$ of Section 23
E $\frac{1}{2}$ of Section 26
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 26
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35

(9) Township 102 North, Range 5 West

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32

(10) Township 102 North, Range 6 West

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1
E $\frac{1}{2}$ of Section 11
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22
W $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26
NE $\frac{1}{4}$ of Section 27
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36

(Findings of Fact,
Conclusions of Law,
Order)

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VI. The lands of the said district, taking into account the request of the petitioners, the recommendations of the Director, and the testimony at the hearing, are as listed in this order in paragraph IX below:

CONCLUSIONS OF LAW

VII. The Minnesota Water Resources Board has jurisdiction over the matter of the clarification of the said district's boundary, and the authority to define the said boundary.

VIII. That the public interest and the public welfare will be served by the modification of the boundary as hereinafter set forth; that the said lands are contiguous and can be feasibly administered by the Managers of the established district.

IT IS THEREFORE ORDERED,

IX. That the territory of the Crooked Creek Watershed District, of approximately 71 square miles, includes all government lots, forty-acre tracts, or tracts of lesser acreage within the Crooked Creek Watershed District, is as described below:

A. Houston County

(1) Township 101 North, Range 4 West

$N\frac{1}{2}$ of $NW\frac{1}{4}$ Section 2

All of Sections Sections 3, 4, 5, 6

$E\frac{1}{2}$ of $NE\frac{1}{4}$ Section 7

$NW\frac{1}{4}$ of $NE\frac{1}{4}$ " 7

" $NW\frac{1}{4}$ " 7

$NE\frac{1}{4}$ of $SE\frac{1}{4}$ " 8

"

(Findings of Fact,
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(1) Township 101 North, Range 4 West (cont.)

All of Section	Section 9
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 10
W $\frac{1}{2}$ of NE $\frac{1}{4}$	" 10
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 10
W $\frac{1}{2}$ of SW $\frac{1}{4}$	" 10
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 15
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 15
E $\frac{1}{2}$ of NE $\frac{1}{4}$	" 16
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 16
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 16

(2) Township 102 North, Range 4 West

SW $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 5
S $\frac{1}{2}$	" 5
All of Sections	" 6
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 7 and 8
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 9
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 9
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 9
S $\frac{1}{2}$ of SW $\frac{1}{4}$	" 10
W $\frac{1}{2}$	" 14
SE $\frac{1}{4}$	" 14
All of Sections	" 15
W $\frac{1}{2}$	" 15
SE $\frac{1}{4}$	" 15
All of Sections	" 16, 17, 18, 19, 20, 21, and 22
W $\frac{1}{2}$	" 23
SE $\frac{1}{4}$	" 23
N $\frac{1}{2}$	" 26
SW $\frac{1}{4}$	" 26
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 26
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 26
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 26
All of Sections	" 27, 28, 29, 30, 31, 32, 33, and 34

(Findings of Fact,
Conclusions of Law,
Order)

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(2) Township 102 North, Range 4 West (cont.)

Gov't Lot No. 2	Section 35
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 35
W $\frac{1}{2}$ of NW $\frac{1}{4}$	" 35
Gov't Lot No. 3	" 35
Gov't Lot No. 4	" 35
W $\frac{1}{2}$ of SW $\frac{1}{4}$	" 35
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 35

That part of Government Lots 1,
5, 7, and 8 lying westerly,
northwesterly and southwesterly
of the centerline of State
Highway No. 26, as now laid out
and established, all in section 35

Section 35

(3) Township 101 North, Range 5 West

All of Sections	Sections 1 and 2
N $\frac{1}{2}$	Section 3
SE $\frac{1}{4}$	" 3
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 4
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 4
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 10
N $\frac{1}{2}$ of NE $\frac{1}{4}$	" 11
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 11
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 12
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 12
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 12

(4) Township 102 North, Range 5 West

SW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section 3
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 3
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 4
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 4
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 4
S $\frac{1}{2}$ of NW $\frac{1}{4}$	" 4
	S $\frac{1}{2}$
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 5
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 5
	NW $\frac{1}{4}$
	S $\frac{1}{2}$

(Findings of Fact,
Conclusions of Law,
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(4) Township 102 North, Range 5 West (cont.)

SE $\frac{1}{4}$ of NE $\frac{1}{4}$ S $\frac{1}{2}$	Section 6 "	6
All of Sections	"	7, 8, 9, and 10
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	11
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ S $\frac{1}{2}$ of NW $\frac{1}{4}$	"	11
	"	11
	"	11
All of Sections	"	12 through 30 inclusive.
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	31
N $\frac{1}{2}$ of S $\frac{1}{2}$	"	31
N $\frac{1}{2}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	32
	"	32
	"	32
All of Sections	"	33, 34, 35, and 36

(5) Township 102 North, Range 6 West

E $\frac{1}{2}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 1 "	1
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ E $\frac{1}{2}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$	"	11
	"	11
All of Sections	"	12 and 13
E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ E $\frac{1}{2}$	"	14
	"	14
E $\frac{1}{2}$ of NE $\frac{1}{4}$ NW $\frac{1}{4}$ S $\frac{1}{2}$	"	23
	"	23
	"	23
All of Sections	"	24 and 25
E $\frac{1}{2}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	26
	"	26
	"	26
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	27
	"	27
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ N $\frac{1}{2}$	"	36
	"	36

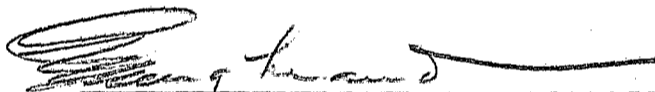
(Findings of Fact,
Conclusions of Law,
Order)

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X. The amended exact boundary of the Crooked Creek Watershed District is hereby declared to be determined by the extremities of the whole land area described in paragraph IX above.

Dated at Saint Paul, Minnesota, this 13th day of September 1965, and effective immediately.

MINNESOTA WATER RESOURCES BOARD



G. E. Loughland
Chairman

STATE OF MINNESOTA
WATER RESOURCES BOARD

AFFIDAVIT

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

VIRGIL C. HERRICK, being first duly sworn on oath deposes and says:

THAT he is the 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 St. Paul, Minnesota the 1ST day of DECEMBER _____ 19 59, with the original thereof on file in his official custody; and

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

Virgil C. Herrick
Virgil C. Herrick

Subscribed and sworn to before me this
11 day of December 19 59.

Roberta R. Schneider

ROBERTA R. SCHNEIDER
Notary Public, Scott County, Minnesota
My Commission Expires June 19, 1965.

#14532
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 11 1959

James L. Assmann
Secretary of State

STATE OF MINNESOTA
WATER RESOURCES BOARD

In the Matter of the Establishment of a)
Watershed District in Houston County)
and Appointment of Managers thereto.)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

Nominating Petition having been heretofore filed with the Minnesota Water Resources Board asked 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 for various beneficial uses pursuant to the provisions of Laws of Minnesota 1955, Chapter 799, as amended; and

The Board having ordered that a hearing be held on said Petition on the 21st day of October, 1959 at 1:00 P.M. in the Court House, Caledonia, Minnesota, and the Board having held said hearing pursuant to said Order on the 21st day of October, 1959; and

Frank Murray, Attorney General's office, Virgil Herrick, Attorney and Executive Secretary of the Minnesota Water Resources Board having appeared for the Board and L. L. Roerkohl, Caledonia, Minnesota, having appeared for the Petitioners; 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 Houston was filed on the 9th day of September, 1959 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 that a copy was on file with the County Auditor of Houston County; also attached and made a part of the Petition was a map of the proposed district;

II

That said Petition was found sufficient by the Board and a hearing

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therein was ordered to be held at 1:00 P.M., October 21, 1959, in the Court House, Caledonia, Houston County, Minnesota. Notice was given by publication in a regular newspaper in the County affected as required by statute and in addition thereto, notice was sent to the County Auditor of Houston 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, recommended the establishment of the proposed watershed district as being desirable and feasible, 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 Crooked Creek Watershed, located within Houston County, containing an area of approximately 72 square miles and including all or part of the following sections:

Township 103N Range 5W (Union Township) Sections 32, 33

Township 102N Range 4W (Brownsville and Crooked Creek Townships)
Sections 5 through 10, 14 through 23, 26 through 35

Township 102N Range 5W (Mayville and Crooked Creek Townships)
Sections 1 through 36

Township 102N Range 6W (Caledonia Township) Sections 1, 11
through 14, 22 through 27, 36

Township 101N Range 4W (Jefferson and Crooked Creek Townships)
Sections 2 through 11, 15, 16

Township 101N Range 5W (Winnebago Township) Sections 1 through
5, 10, 11, 12

Village of Caledonia

As shown on Division of Waters Exhibit I introduced at the hearing herein, and subject to further changes as provided by law;

V

That the name of the proposed district is the Crooked Creek Watershed District;

VI

That the following facts set forth in the Petition and supported by testimony and exhibits at the hearing are found to exist:

Flooding is so frequent in the main valley of Crooked Creek from Freeberg to the Mississippi River that it is impossible to successfully crop the land;

Flood water damage to crop and pasture land below existing possible retention sites is estimated to be \$13,425.00 annually; damage to fences within the watershed is estimated at \$40,000.00 annually; damage to public transportation facilities is estimated at \$28,500.00 annually;

Sediment damage is severe. It is estimated that the valley floor at Freeberg has been built up approximately 26 feet and is presently nearly level with the village. This build-up has caused agricultural land to be taken out of production, has damaged woodlands and has made it necessary to rebuild roads and bridges;

Surveys show that 25.5% of the watershed has lost from one-fourth to one-half of its topsoil and 25.8% has lost 50% of its topsoil. This loss occurs on the cropland in the upper end of the watershed. It is estimated that 85% of the sediment that is building up on the flooded plain in the vicinity of Freeberg is derived from erosion on upland cropland;

VII

The Board finds upon the evidence presented that there is need for the following conservation practices:

1. Construction of flood water retarding structures;
2. Development of agricultural practices to reduce sheet erosion and thus reduce sediment deposits;
3. Control of gulley erosion by construction of control structures;
4. Stream bank stabilization in certain sections of the watershed;
5. Further development of woodlands under forest management principles;
6. The above practices should be developed in a manner beneficial to fish and wildlife. In addition, the active cooperation of State and Federal Conservation Agencies should be sought in developing an active wild life management program;

VIII

That the proposed district will be in the public welfare and public interest and that the purpose of the Watershed District Act will be subserved by the creation of the district;

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:

X

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

XI

That the public interest and 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;

XII

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

XIII

That the territory to be included in the proposed District is as follows: The entire Crooked Creek Watershed, located within Houston County, containing an area of approximately 72 square miles and including all or part of the following sections:

Township 103N Range 5W (Union Township) Sections 32,33

Township 102N Range 4W (Brownsville and Crooked Creed Townships) Sections 5 through 10, 14 through 23, 26 through 35

Township 102N Range 5W (Mayville and Crooked Creek Townships) Sections 1 through 36

Township 101N Range 6W (Caledonia Township) Sections 1, 11 through 14, 22 through 27, 36

Township 101N Range 4W (Jefferson and Crooked Creek Townships) Sections 2 through 11, 15, 16

Township 101N Range 5W (Winnebago Township) Sections 1 through 5, 10, 11, 12

Village of Caledonia

As shown on Division of Waters Exhibit I introduced at the hearing herein, and subject to further changes as provided by law.

XIV

That the first Board of Managers of said district, whose terms shall be for one year, and until their successors are appointed and qualified, are as follows:

Clarence H. Eikens - - Route 3, Caledonia, Minnesota
Saylor P. Wheaton - - Route 1, Caledonia, Minnesota
Leo M. McCormick - - - Route 3, Caledonia, Minnesota
Wilfred B. Pohlman - - Route 3, Caledonia, Minnesota
Arnold B. Goetzinger - Caledonia, Minnesota

XV

That the principal place of business of said district shall be located in the village of Caledonia, County of Houston, within said district;

XVI

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 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 1st day of December, 1959.

Minnesota Water Resources Board
George Loughland, Chairman

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