

STATE OF MINNESOTA
WATER RESOURCES BOARD

AFFIDAVIT

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

VIRGIL G. 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 23rd day of MARCH 19 60, 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 G. Herrick
Virgil G. Herrick

Subscribed and sworn to before me this 28th day of March 19 60.

Arnold E. Anderson

ARNOLD E. ANDERSON
Notary Public, Ramsey County, Minn.
My Commission Expires Sept. 4, 1963,

#14533
STATE OF MINNESOTA
DEPARTMENT OF STATE
D. H. LEEDY
MAR 28 1960
Joseph R. Anderson
Secretary of State

STATE OF MINNESOTA
MINNESOTA WATER RESOURCES BOARD

In the Matter of the Establishment
of a Watershed District in Carver,
Dakota, Hennepin, Ramsey and Scott
Counties and the Appointment of
Managers thereto.

FINDING OF FACTS
CONCLUSIONS OF LAW
AND
ORDER

Nominating petitions having been heretofore filed with the Minnesota Water Resources Board praying for the establishment and creation of a watershed district and appointment of managers thereto for the general purpose of improving the channel of the Minnesota River, pursuant to the provisions of Laws of 1955, Chapter 799, as amended, and the Board having ordered that a hearing be held on said petition on the 16th day of December, 1959, at 10:00 A. M. in the auditorium of the Shakopee High School, Shakopee, Minnesota, and the Board having held such hearing pursuant to said Order on December 16th and 17th, 1959; and

Frank Murray of the Attorney General's office; and Virgil C. Herrick, Attorney and Executive Secretary of the Board having appeared for the Board; Dean K. Johnson having appeared for the Upper Mississippi Waterways Association; R. C. Johnson having appeared for Dakota County; Thomas Quayle having appeared for Ramsey County; M. L. Stahlke having appeared for Carver County; John Harvey having appeared for Hennepin County; and

The Board having heard the testimony and evidence offered by the proponents, no objectors having testified, and having duly considered the same, now makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

I.

That duly executed petitions from the Counties of Carver, Dakota, Hennepin, Ramsey and Scott were filed with the Minnesota Water Resources Board together with Proof of Service of said

petitions upon the Director of the Division of Waters, the Commissioner of Conservation and proof that a copy was on file with the auditor of each of the above counties; also attached and made a part of the petitions were maps of the proposed district; and

II.

That said petitions were found sufficient by the Board and a hearing thereon was ordered to be held at 10:00 A. M., December 16, 1959, in the auditorium of the Shakopee High School, Shakopee, Minnesota. Notice of this hearing was given by publication in a regular newspaper in each county affected as required by statute and in addition thereto, notice was mailed to the Commissioner of Conservation, the Director of the Division of Waters, the county auditors of the above counties, the chief executive official of the affected municipalities and to various legislators and public officials; and

III.

That the Director of the Division of Waters, Department of Conservation, made a study of the area considered in the proposed watershed district and filed his report with the Board, recommending that the district be established with the boundaries described in the petition; and

IV.

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

Beginning at a point in the Mississippi River where the boundary between Ramsey County and Dakota County intersects the east line of Section 22, Township 28 North, Range 23 West, 4th principal meridian; thence south along the east boundary of said Section 22 to the north right-of-way line of T. H. No. 13, thence westerly and southwesterly along said north right-of-way limits of T. H. No. 13 to a point where the same intersects the west line of Section 19, Township 27, Range 23; thence north along the west line of said Section 19 to a point where the same intersects contour line 800 feet above sea level, 4th general adjustment, 1929; thence southwesterly along said 800 ft.

contour line to a point where said contour line intersects the boundary line between Scott County and Dakota County; thence south on said boundary line to the north right-of-way line of T. H. No. 13; thence west along the north right-of-way line of said T. H. No. 13 to a point where the same intersects said contour line 800 thence westerly along the north right-of-way line of said T. H. No. 13 to a point in Section 16, Township 115, Range 21 West, 5th principal meridian, where said T. H. No. 13 intersects said contour line 800; thence following the course of said 800 ft. contour line to a point where the same intersects the south line of Section 11, Township 115, Range 23 West, 5th principal meridian; thence west along the south side of said Section 11 and Section 10 to a point near the south quarter corner of said Section 10 where the south line of said Section 10 intersects said 800 ft. contour line; thence southwestward along said 800 ft. contour line to the north 16th line of Section 21, Township 115, Range 23 West, 5th principal meridian; thence west along said north 16th line through Sections 21 and 20 and a part of Section 19 to a point where said north 16th line intersects the 800 ft. contour line on the west side of the Minnesota River; thence northerly along the course of said 800 ft. contour line on the westerly and northerly side of the Minnesota River to a point where said 800 ft. contour line intersects the E-W quarter line of Section 36, Township 116 North, Range 22 West, 5th principal meridian; thence east along said quarter line to the west line of Section 31, Township 116, Range 21 West, 5th principal meridian; thence south along the west line of said Section 31 to the southwest corner thereof; thence east along the north side of Section 6, Township 115 North, Range 21 West, 5th principal meridian, to the northeast corner of said Section 6; thence south along the east side of said Section 6 to a point at or near the east quarter corner of said Section 6 where the same intersects said 800 ft. contour line; thence easterly along the course of said 800 ft. contour line to a point where the same intersects the south line of Section 21, Township 27 North, Range 24 West, 4th principal meridian, thence east along the south line of said Section 21 to a point where the same intersects said contour line 800; thence easterly along the course of said contour line 800 to a point where the same intersects the Mendota Bridge highway; thence easterly to the nearest point on the west end of Pike Island; thence northerly along the west end of said Pike Island to the Mississippi River; thence easterly along the north shore of said Pike Island to the easterly tip thereof; thence on a straight line to the point of beginning.

That said boundary does not include all of the natural watershed tributary to the Minnesota River below the upper limits of the proposed district near Carver, Minnesota.

That much of the proposed boundary is described by reference to contour lines. Such a description is not adequate if the district intends to levy an ad valorem tax for administrative and organizational expenses.

V.

That the name of the proposed district is the Lower Minnesota River Watershed District;

VI.

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

The major purpose of the proposed watershed district is the improvement of navigation. The district might also be petitioned for local flood protection projects, for development of land for recreational, park and wildlife purposes.

It appears that the district, if organized, would be petitioned to act as a local sponsor for a proposed navigation channel. This project would be in cooperation with the United States Army, Corps of Engineers.

A navigation channel has been constructed and is being maintained by private interests. A considerable amount of commercial traffic has been moved through the channel. In the last two years this movement has exceeded 1½ million tons.

Because of the shallow, winding nature of the river channel, traffic cannot move at maximum efficiency. It is estimated that if the proposed channel improvement project is adopted that the barges would be able to carry an additional 15-20% capacity, and decrease the time of operation by approximately 15%.

The total amount of goods that may be transported on the river is approaching its maximum under present conditions. An improved channel is expected to increase the amount of transportation and to induce additional industrial development in the river valley.

Annual benefits have been estimated at \$341,900. The estimated benefits are exclusive of transportation savings realized on the commerce presently moving on the river or expected in the future without the improvement. The benefit-cost ratio, based upon estimated current cost and benefits, is 2.6:1.0 (using a 2½% interest charge) or 1.92:1.0 (using a 5% interest charge), indicating that the project is definitely economically feasible.

The proposed project, if adopted would: Benefit recreational boating interests using the Lower Minnesota River by providing a more definite channel; Have a slightly detrimental effect on wildlife by destroying a relatively small amount of habitat; have an insignificant effect on flood conditions and would not change the water level in adjoining lakes and sloughs.

That a watershed district, if created, would have the necessary powers and authority to meet the local requirements of cooperation specified by Federal law. That the area described in the nominating petition is adequate for purposes of the proposed channel improvement.

VII.

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. On record as petitioning for or supporting the creation of the district

are the boards of county commissioners from five counties, officials of two municipalities, organized labor and representatives of many business corporations.

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

VIII.

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

IX.

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;

X.

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

XI.

That the territory to be included in the proposed District is as described in item IV above;

The Board realizes that this description may not be of sufficient certainty to permit the managers of the District to levy an assessment for organizational and administrative expense purposes. It will be incumbent upon the managers working with their employees and advisors, the county auditors of the above counties and the Division of Waters, Department of Conservation, to develop a more definite description. The boundaries are subject to change as provided in the Watershed Act.

The Board also feels that it would be advantageous to include the entire natural watershed within the watershed district.

It urges the county commissioners of the petitioning counties to petition to add additional areas as the need becomes evident;

XII.

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:

Alfred W. Hubbard	7303 Auto Club Road	Minneapolis 20, Minnesota
Casimir Lubansky		Chaska, Minnesota
John Casperson	Route 1	Savage, Minnesota
C. H. Bingham	9901 Dalridge Road	Minneapolis 20, Minnesota
Kenneth W. Westberg		Savage, Minnesota

XIII.

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

Dated at Saint Paul, Minnesota, this 23rd day of March, 1960.

MINNESOTA WATER RESOURCES BOARD

George Loughland
Chairman

#14533
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 28 1960
Joseph L. Johnson
Secretary of State