

STATE OF MINNESOTA  
WATER RESOURCES BOARD

AFFIDAVIT

STATE OF MINNESOTA )  
                                  ) ss  
COUNTY OF HANCOCK )

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 27th day of April 1961,  
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  
11<sup>th</sup> day of May 1961.

*Mae Smythe*  
\_\_\_\_\_  
Notary Public Dakota Co.  
Minn.  
MAE SMYTHE  
Notary Public, Dakota County, Minn.  
My Commission Expires April 13, 1967.

#15585  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 11 1961  
*Joseph L. Anderson*  
Secretary of State

STATE OF MINNESOTA  
WATER RESOURCES BOARD

In the Matter of the Establishment )  
of the Bear Valley Watershed ) FINDINGS OF FACT,  
District in Wabasha and Goodhue ) CONCLUSIONS OF LAW AND ORDER  
Counties and the Appointment of )  
Managers Thereto. )

A nominating petition having been filed with the Minnesota Water Resources Board, asking for the establishment and creation of a watershed district and the appointment of managers thereto for the general purpose of regulating and controlling flood waters, preventing soil erosion and conserving 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 17th day of March, 1961, at 10:00 A. M., in the Veterans of Foreign Wars Hall, Bellechester, Minnesota, and the Board having held said hearing pursuant to said Order on the 17th day of March, 1961, and

Virgil C. Herrick, Attorney and Executive Secretary of the Minnesota Water Resources Board having appeared for the Board, and

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

(Findings of Fact,  
Conclusions of Law  
and Order)

-2-

#### FINDINGS OF FACT

I. THAT, a duly executed petition of the counties of Wabasha and Goodhue was filed with the Minnesota Water Resources Board. Also filed with the Board was Proof of Service of said petition upon the Director of the Division of Waters, the Commissioner of Conservation and the county auditors of Wabasha and Goodhue Counties; 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 thereon was ordered to be held at 10:00 A.M., March 17, 1961, in the Veterans of Foreign Wars Hall, Bellechester, Minnesota. That the Board held said hearing pursuant to the Notice of Hearing on March 17, 1961.

III. THAT, the Director of the Division of Waters, Department of Conservation, made a study of the area involved in the proposed watershed and filed a report with the Board; That he recommended the establishment of such district as being desirable and feasible; this report was received in evidence at the hearing and supported by oral testimony.

IV. THAT, the following is a complete list of the territory recommended to be included in the Bear Valley Watershed District:

(Findings of Fact,  
Conclusions of Law  
and Order)

-3-

GOODHUE COUNTY

Township 111 N., Range 14 W. - (Belvidere)

SE $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 13
S $\frac{1}{2}$ of SW $\frac{1}{4}$	" 14
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 21
S $\frac{1}{2}$	" 22
E $\frac{1}{2}$ of NE $\frac{1}{4}$	" 22
S $\frac{1}{2}$	" 23
NW $\frac{1}{4}$	" 23
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 23
S $\frac{1}{2}$	" 24
S $\frac{1}{2}$ of NW $\frac{1}{4}$	" 24
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 24
All of Sections	" 25, 26, 27
S $\frac{1}{2}$	" 28
NE $\frac{1}{4}$	" 28
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 28
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 29
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 30
All of Sections	" 31, 32, 33, 34, 35, 36

Township 111 N., Range 15 W. - (Goodhue)

S $\frac{1}{2}$ of SE $\frac{1}{4}$	Section 25
E $\frac{1}{2}$	" 36
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 36

(Findings of Fact,  
Conclusions of Law  
and Order)

-4-

(GOODHUE COUNTY - continued)

Township 110 N., Range 15 W. - (Zumbrota)

NE $\frac{1}{2}$  of NE $\frac{1}{2}$  Section 1

WABASHA COUNTY

Township 110 N., Range 14 W. - (Chester)

All of Sections	Sections 1, 2, 3, 4, 5
E $\frac{1}{2}$	Section 6
NW $\frac{1}{4}$	" 6
E $\frac{1}{2}$ of SW $\frac{1}{4}$	" 6
E $\frac{1}{2}$	" 7
E $\frac{1}{2}$ of W $\frac{1}{2}$	" 7
All of Sections	Sections 8, 9, 10, 11, 12, 13, 14, 15, 16
E $\frac{1}{2}$	Section 17
NW $\frac{1}{4}$	" 17
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 17
NE $\frac{1}{4}$	" 18
NE $\frac{1}{2}$ of NW $\frac{1}{4}$	" 18
E $\frac{1}{2}$	" 20
All of Sections	Sections 21, 22, 23, 24, 25, 26, 27
NE $\frac{1}{2}$	Section 28
NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 28
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 28
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 28

(Findings of Fact,  
Conclusions of Law  
and Order)

-5-

WABASHA COUNTY

(Township 110 N., Range 14 W. - (Chester) - continued)

NE $\frac{1}{2}$ of NE $\frac{1}{4}$	Section 29
N $\frac{1}{2}$	" 34
N $\frac{1}{2}$	" 35
N $\frac{1}{2}$	" 36
N $\frac{1}{2}$ of S $\frac{1}{2}$	" 36

Township 110 N., Range 13 W. - (Gillford)

W $\frac{1}{2}$	Section 6
SE $\frac{1}{4}$	" 6
All of Section	" 7
W $\frac{1}{2}$	" 18
W $\frac{1}{2}$	" 19
W $\frac{1}{2}$ of E $\frac{1}{2}$	" 19
W $\frac{1}{2}$	" 30
W $\frac{1}{2}$ of E $\frac{1}{2}$	" 30
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ of NW $\frac{1}{2}$	" 31

Township 111 N., Range 13 W. - (Mt. Pleasant)

W $\frac{1}{2}$ of Section 19	
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 19
All of Section	" 30
N $\frac{1}{2}$	" 31
SW $\frac{1}{4}$	" 31
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 31

(Findings of Fact,  
Conclusions of Law  
and Order)

-6-

V. THAT, the name of the proposed district is the Bear Valley Watershed District.

VI. THAT, the following facts set forth in the petition and supported by testimony and exhibits at the hearing were found to exist. That there is frequent flooding of good quality crop land throughout the watershed. That, as a result of these floods there is a considerable amount of erosion damage. That, in addition, the flood waters have caused considerable damage to road systems and bridges within the district. The use of detention structures with controlled releases would materially assist in reducing flood problems and damages caused therefrom. That, in addition, land-treatment measures properly applied would greatly reduce the soil erosion. That, benefits of an overall watershed program appeared to exceed the expected costs and damages.

VII. THAT, the proposed district will be in the public welfare and public interest and that the purposes of the Watershed District Act will be served by the creation of the district.

VIII. THAT, despite publication of notice 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 makes the following CONCLUSIONS OF LAW AND ORDER:

(Findings of Fact,  
Conclusions of Law  
and Order)

-7-

IX. THAT, the Board has jurisdiction over the subject matter of the proposed watershed district.

X. 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 Minnesota Watershed Act would be served by the creation thereof.

XI. THAT, the said district is hereby ordered established and is entitled, "Bear Valley Watershed District," by which it shall hereafter be known, and it shall have all authority, powers and duties provided by law.

XII. THAT, the territory to be included in the district is as described in Number IV above, which is located in Wabasha and Goodhue Counties, and which contains an area of approximately 46 square miles. Boundaries of said district are subject to further changes, as provided by law.

XIII. THAT, the First Board of Managers of said district, whose term shall be for one year and until their successors are appointed and qualified are, as follows:

Art Dammon - Lake City, Minnesota - Wabasha County

Alfred Startz - Zumbro Falls, Minnesota - Wabasha County

Fred Hueneke - Goodhue, Minnesota - Goodhue County

At the expiration of the term of office of the above managers, the Wabasha County Commissioners of Wabasha County shall appoint one



(Findings of Fact,  
Conclusions of Law  
and Order)

-8-

manager for a term of one year and one manager for a term of three years. The Goodhue County Commissioners shall appoint a manager for a term of two years; thereafter, all managers shall be appointed by the respective county boards for a period of three years.

XIV. THAT, the principal place of business of said watershed district shall be located in Bellechester, Minnesota, within the said district.

IV. 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 auditors of the counties affected, the Water Resources Board, the Commissioner of Conservation, the Director of the Division of Waters of the Department of Conservation, and 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 with 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 to the county auditor of each county affected. Within forty-five

(Findings of Fact,  
Conclusions of Law  
and Order)

-9-

(45) days thereafter, the Minnesota Water Resources Board shall have a hearing upon the proposed plan. Notice of such hearing shall be given by the Minnesota Water Resources Board. All freeholders within the district affected thereby and interested therein shall be heard and all objections shall be determined.

MINNESOTA WATER RESOURCES BOARD  
George E. Loughland, Chairman

Dated at St. Paul this 27th day  
of April, 1961.

15585