

STATE OF MINNESOTA  
WATER RESOURCES BOARD  
353 Centennial Building  
St. Paul 1, Minnesota

#16717  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 30 1963  
*Joseph R. Peterson*  
Secretary of State

-----  
In the Matter of the Establishment  
of the Cooks Valley Watershed District  
in Wabasha County and the appointment  
of Managers thereto.  
-----

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER.

A nominating petition having been filed with the Minnesota Water Resources Board on October 8, 1963, asking for the establishment of a watershed district and the appointment of managers thereto for the general purpose of conserving and making provident use of the waters and other natural resources, to alleviate damage to property by flood waters, to provide for sanitation and public health, to reduce soil erosion and siltation of watercourses or bodies of water, and for other purposes as found in the Minnesota Watershed Act, pursuant to the provisions of laws of Minnesota, 1955, Chapter 799, as amended;

And the Board on October 15, 1963, having ordered that a hearing be held on said petition on the 4th day of November, 1963, at 8 p.m. in the Municipal Auditorium, Kellogg, Minnesota, and the Board having held said hearing pursuant to said order, and Mr. Frank Murray, Attorney General's Office, St. Paul, Mr. Erling M. Weiberg, Administrative Secretary of the Minnesota Water Resources Board, St. Paul, appearing with the Board, and Mr. Matt Metz, Wabasha, spoke in behalf of the petitioners, the Wabasha County Board of Commissioners;

And the Board having heard the testimony and evidence offered on behalf of the petitioners, as well as testimony objecting to establishment of a watershed district by one resident land owner,

(Findings of Fact,  
Conclusions of Law  
and Order)

-2-

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

I. A duly executed petition by the Wabasha County Board of Commissioners was filed with the Minnesota Water Resources Board. Filed with the nominating petition was an Affidavit of Mailing by the County Auditor, Wabasha County, stating that a copy of the petition was mailed to the Director of the Division of Waters, and the Commissioner of Conservation; and that a copy of the petition was on file in said County Auditor's office. A map of the proposed district was attached to said petition.

II. Having found the nominating petition to be sufficient, the Board ordered a hearing to be held at 8 p.m., November 4, 1963, in the Municipal Auditorium, Kellogg, Minnesota, after proper Notice of Hearing was given. The Board held said hearing, pursuant to the Notice of Hearing, on November 4, 1963.

III. The Director of the Division of Waters, Department of Conservation, conducted a study of the area involved in the proposed watershed district and filed a written report with the Board. The Director recommended the establishment of the proposed district as being feasible. The Director's report was received in evidence at the hearing and was supported by oral testimony. The map of the proposed watershed district in the Director's report consisted of two sheets.

IV. The following is a complete list of the territory recom-  
mended to be included in the Cooks Valley Watershed District:

WABASHA COUNTY

Township 110 North, Range 10 West - (Greenfield)

$S\frac{1}{2}$ of $SW\frac{1}{4}$	Section 2
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	" 2
$W\frac{1}{2}$ of $SW\frac{1}{4}$	" 3
Fractional Forty- $NW\frac{1}{4}$ of $NE\frac{1}{4}$	" 4
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	" 4
Fractional Forty- $NE\frac{1}{4}$ of $NW\frac{1}{4}$	" 4
Fractional Forty- $NW\frac{1}{4}$ of $NW\frac{1}{4}$	" 4
$S\frac{1}{2}$ of $NW\frac{1}{4}$	" 4
$S\frac{1}{2}$	" 4
$E\frac{1}{2}$ of $NE\frac{1}{4}$	" 9
$E\frac{1}{2}$ of $NW\frac{1}{4}$	" 9
$E\frac{1}{2}$ of $SW\frac{1}{4}$	" 9
$SE\frac{1}{4}$	" 9
All of Section	" 10
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	" 11
$S\frac{1}{2}$ of $NE\frac{1}{4}$	" 11
$W\frac{1}{2}$	" 11
$SE\frac{1}{4}$	" 11
$NW\frac{1}{4}$ of $NW\frac{1}{4}$	" 13
$S\frac{1}{2}$ of $NW\frac{1}{4}$	" 13
$SW\frac{1}{4}$	" 13
All of Sections	" 14, 15
$E\frac{1}{2}$ of $NE\frac{1}{4}$	" 16
$E\frac{1}{2}$ of $NW\frac{1}{4}$	" 16
$N\frac{1}{2}$ of $SE\frac{1}{4}$	" 16
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	" 16
Fractional Forty- $SW\frac{1}{4}$ of $NW\frac{1}{4}$	" 19
Fractional Forty- $NW\frac{1}{4}$ of $SW\frac{1}{4}$	" 19
Fractional Forty- $SW\frac{1}{4}$ of $SW\frac{1}{4}$	" 19
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	" 19
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	" 19
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 22
$N\frac{1}{2}$ of $SE\frac{1}{4}$	" 22

(Findings of Fact,  
Conclusions of Law  
and Order)

-4-

(WABASHA COUNTY - continued)

(Township 110 North, Range 10 West - (Greenfield) - continued)

That part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ east of the Chicago, Milwaukee, St. Paul, and Pacific railroad right-of-way	Section 22
That part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ east of the Chicago, Milwaukee, St. Paul, and Pacific railroad right-of-way	" 22
All of Section	" 23
Lots 1, 2, 3, 4, 5, 6, 7, 8	" 24
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 24
W $\frac{1}{2}$ of NW $\frac{1}{4}$	" 24
W $\frac{1}{2}$ of SE $\frac{1}{4}$	" 24
All of Sections	" 25, 26
That part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ east of the Chicago, Milwaukee, St. Paul, and Pacific railroad right-of-way	" 27
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 27
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 27
S $\frac{1}{2}$ of NW $\frac{1}{4}$	" 27
S $\frac{1}{2}$	" 27
S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 28
W $\frac{1}{2}$ of NE $\frac{1}{4}$	" 28
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 28
W $\frac{1}{2}$	" 28
SE $\frac{1}{4}$	" 28
All of Sections	" 29, 30, 31, 32, 33, 34, 35, 36.

Township 110 North, Range 11 West - (Glasgow)

NE $\frac{1}{4}$	Section 23
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 23
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 23
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 24
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 24
S $\frac{1}{2}$ of NW $\frac{1}{4}$	" 24
S $\frac{1}{2}$	" 24
All of Section	" 25

(Findings of Fact,  
Conclusions of Law  
and Order)

-5-

(WABASHA COUNTY - continued)

(Township 110 North, Range 11 West - (Glasgow) - continued)

E $\frac{1}{2}$ of NE $\frac{1}{4}$	Section 26
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 26
E $\frac{1}{2}$ of NE $\frac{1}{4}$	" 35
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 35
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 35
S $\frac{1}{2}$ of SE $\frac{1}{4}$	" 35
All of Section	" 36

Township 110 North, Range 9 West

NW $\frac{1}{4}$ of NW $\frac{1}{4}$	Section 30
Lots 3, 4	" 30
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	" 30
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 30
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 30
W $\frac{1}{2}$ of W $\frac{1}{2}$	" 31

Township 109 North, Range 9 West - (Minneiska)

NE $\frac{1}{4}$ of NW $\frac{1}{4}$	(40.00)	"	6
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	(40.02)	"	6
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	(40.05)	"	6
SE $\frac{1}{4}$ of NW $\frac{1}{4}$		"	6
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	(40.07)	"	6
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	(40.10)	"	6
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	(40.07)	"	7
Fractional Forty-SW $\frac{1}{4}$ of NW $\frac{1}{4}$		"	7
SE $\frac{1}{4}$ of NW $\frac{1}{4}$		"	7
Fractional Forty-NW $\frac{1}{4}$ of SW $\frac{1}{4}$		"	7
Fractional Forty-SW $\frac{1}{4}$ of SW $\frac{1}{4}$		"	7
E $\frac{1}{2}$ of SW $\frac{1}{4}$		"	7
W $\frac{1}{2}$ of SE $\frac{1}{4}$		"	7
W $\frac{1}{2}$ of NE $\frac{1}{4}$		"	18
E $\frac{1}{2}$ of NW $\frac{1}{4}$		"	18
Fractional Forty-NW $\frac{1}{4}$ of NW $\frac{1}{4}$		"	18
Fractional Forty-SW $\frac{1}{4}$ of NW $\frac{1}{4}$		"	18
Fractional Forty-NW $\frac{1}{4}$ of SW $\frac{1}{4}$		"	18
Fractional Forty-SW $\frac{1}{4}$ of SW $\frac{1}{4}$		"	18
E $\frac{1}{2}$ of SW $\frac{1}{4}$		"	18
Fractional Forty-NW $\frac{1}{4}$ of NW $\frac{1}{4}$		"	19

(Findings of Fact,  
Conclusions of Law  
and Order)

-6-

(WABASHA COUNTY - continued)

Township 109 North, Range 10 West - (Watopa)

All of Sections	Section 1, 2
Lots 1, 2, 3, 4, 5, 6	" 3
The east 40 acres of lot 7	" 3
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 3
NW $\frac{1}{4}$	" 3
NE $\frac{1}{4}$	" 4
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 4
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 4
N $\frac{1}{2}$	" 5
SW $\frac{1}{4}$	" 5
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 5
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 5
All of Section	" 6
All of section <u>except</u> SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 7
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 8
NE $\frac{1}{4}$	" 11
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 11
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 11
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 11
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 11
All of Section	" 12
NE $\frac{1}{4}$	" 13
N $\frac{1}{2}$ of NW $\frac{1}{4}$	" 13
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 13
N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 13
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	" 13
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" 18
E $\frac{1}{2}$ of NW $\frac{1}{4}$	" 18
Fractional Forty-NW $\frac{1}{4}$ of NW $\frac{1}{4}$ (36.27)	" 18
Fractional Forty-SW $\frac{1}{4}$ of NW $\frac{1}{4}$ (36.29)	" 18
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	" 24

Township 109 North, Range 11 West - (Highland)

All of Section                      Section 1

(WABASHA COUNTY - continued)

(Township 109 North, Range 11 West - (Highland) - continued)

Fractional Forty-NE $\frac{1}{4}$	of NE $\frac{1}{4}$	Section 2	
Fractional Forty-NW $\frac{1}{4}$	of NE $\frac{1}{4}$	" 2	
	S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 2	
Fractional Forty-NE $\frac{1}{4}$	of NW $\frac{1}{4}$	" 2	
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 2	
		SE $\frac{1}{4}$	" 2
	E $\frac{1}{2}$ of NE $\frac{1}{4}$	" 10	
		N $\frac{1}{2}$	" 11
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	" 11	
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 11	
		SE $\frac{1}{4}$	" 11
	All of Section	" 12	
		N $\frac{1}{2}$	" 13
	N $\frac{1}{2}$ of SW $\frac{1}{4}$	" 13	
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	" 13	
		NE $\frac{1}{4}$	" 14
	N $\frac{1}{2}$ of SE $\frac{1}{4}$	" 14	

V. The following facts, set forth in the petition and supported by testimony and exhibits, were found to exist. There is frequent flooding of good quality crop land and buildings in the Gorman Creek flood plain. In this area there is land not protected by conservation practices that seriously erodes during heavy rainfall. From the eroding slopes of the Gorman Creek area soil is deposited in the main stream bed and also on adjoining land during overflows. Some structures have been installed to detain runoff water. Larger detention structures located in Gorman Creek area, when installed, will reduce flood water damage within the area. In addition conservation land treatment practices on all lands will reduce soil erosion, deposition of silt, and retain more water in the soil. Proposals for

trout habitat improvement in the upper tributaries of Gorman Creek are under consideration. Habitat for wildlife will be improved by water management. Recreational opportunities will be increased and provided for the general public in the proposed district. In the Mississippi River bottom area serious floods from the Zumbro River cause considerable damage to land. Destructive floods in the past have caused land owners to construct costly private dikes, which have proved inadequate. Overflow waters have deposited debris and sediment on good farm land as well as eroding stream bank channels. There exists a plan suggesting levees and straightening of the channel across the bottom lands to the main Mississippi River channel. Such measures will assist in alleviating the flood problems in this area. Flood waters have damaged roads and bridges within the proposed district resulting in costly repair bills.

VI. The name of the proposed watershed district is to be the Cooks Valley Watershed District, governed by a Board of Managers of five residents of the proposed watershed district.

VII. The proposed watershed district will be in the public welfare and public interest, and the purposes of the Watershed District Act will be served by the establishment of the district.

Upon the foregoing Findings of Fact, the Board makes the following:

#### CONCLUSIONS OF LAW

VIII. The Minnesota Water Resources Board has jurisdiction over the matter of the proposed watershed district formation.



(Findings of Fact,  
Conclusions of Law  
and Order)

-9-

IX. The public interest and public welfare within the proposed watershed district will be served by the establishment of the district, and the purposes of the Minnesota Watershed Act will be served by the formation thereof.

IT IS THEREFORE ORDERED

X. That, the proposed watershed district is hereby established and is named the "Cooks Valley Watershed District" by which it shall hereafter be known, and it shall have all the authority, powers, and duties as provided by law.

XI. The territory to be included in the district (of approximately 38 square miles) is as described in number IV above. The boundary of the Cooks Valley Watershed District is hereby declared to be determined by the extremities of the whole land area described in number IV above.

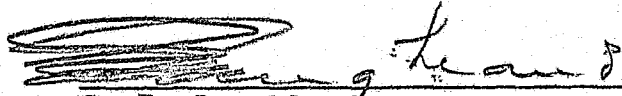
XII. The first Board of Managers of the Cooks Valley Watershed District of five residents, whose terms shall be for one year, and until their successors are appointed and qualified, are as follows:

Mr. Arthur G. Graff	Kellogg, Minnesota
Mr. Quentin L. Dildine	Kellogg, Minnesota
Mr. William R. Kennedy	Kellogg, Minnesota
Mr. Frank L. Spooner	Kellogg, Minnesota
Mr. Willard C. Drysdale	Wabasha, Minnesota

XIV. The principal place of business of the Cooks Valley Watershed District shall be located in Kellogg, Minnesota.

Dated at Saint Paul, Minnesota, this 9th day of December, 1963:

MINNESOTA WATER RESOURCES BOARD

  
G. E. Loughland,  
Chairman

#16717