



STATE OF MINNESOTA
DEPARTMENT OF HIGHWAYS
ST. PAUL, MINN. 55101

March 10, 1964

16718
O.D.
RECEIVED
MAR 12 1964
SECRETARY OF STATE

Honorable Joseph L. Donovan
Secretary of State
Room 128, State Capitol
St. Paul, Minnesota

Re: S.P. 8580 (90=391) 901 *60-203
Minn. Proj. I 090-3 (24) 268
Winona County
Parcels 121B and Ch. Ch. 121B

Dear Mr. Donovan:

This is to inform you that the State of Minnesota, through its Deputy Commissioner of Highways, has made application to the U.S. Department of the Interior, Bureau of Land Management, Division of Field Services, Cadastral Engineering Section, Washington, D.C., for the survey of the two islands lying opposite the westerly shoreline of the Mississippi River and downstream from the U. S. Army Corps of Engineer's Lock and Dam No. 7.

The two islands carry the local designation of Juanita Island and Alcorn or Elkhorn Island and are geographically situated in Sections 33 and 34, Township 105 North, Range 4 West, of the 5th Principal Meridian, Winona County, Minnesota.

The application was made on the Bureau of Land Management's Form 4-022a. This letter of notification is served upon you in accordance with paragraph No. 2 of the instructions contained in said application.

Sincerely,

DEPARTMENT OF HIGHWAYS

Paul R. Staffeld
Deputy Commissioner

PRS:srs

STATE OF MINNESOTA

Office Memorandum • DEPARTMENT Secretary of State

TO : Commissioner of Highways
Attention: R.L. Terno, Engineer of Right of Way
DATE: Feb. 23, 1964
FROM : Joseph L. Donovan, Secretary of State
SUBJECT: S.P. 8580 (90-391) 901 060-203
Minn. Proj. I 090-3 (24) 268
Winona County
Parcel 121B and Ch. Ch. 121B

This will acknowledge receipt by the Secretary of State of Minnesota on January 30, 1964 of copy of letter Dept. of Highways by Paul R. Staffeld, Deputy Commissioner, to Harold E. Walde and application for survey of islands in sections 33 and 34, Township 105N, Range 4W, of 5th Principal Meridian, State of Minnesota, all as set forth in greater detail in Mr. Staffeld's memorandum hereto attached.

JOSEPH L. DONOVAN
Secretary of State

By VERNEST TALBOT
Asst. Secretary of State



STATE OF MINNESOTA

DEPARTMENT of HIGHWAYS

Office Memorandum

TO : Honorable Joseph L. Donovan, Secretary of State
Room 128, State Capitol

DATE: February 25, 1964

FROM : Paul R. Staffeld, Deputy Commissioner
Room 413, State Highway Building

SUBJECT: S.P. 8580 (90=391) 901 *60-203
Minn. Proj. I 090-3 (24) 268
Winona County
Parcel 121B and Ch. Ch. 121B

RECEIVED

FEB 28 1964

SECRETARY OF STATE

On January 27, 1964, the Department of Highways forwarded to your office a copy of the letter addressed to Harold E. Waldo of the U. S. Department of the Interior, Bureau of Land Management, Division of Field Services, Land Office, Washington, D.C., with regard to an application by the State for the survey of two islands situated along the westerly shoreline of the Mississippi River in sections 33 and 34, township 105 north, range 4 west, 5th Principal Meridian, Winona County, Minnesota.

Attached to said letter copy was a copy of the Federal Agency's form (Form 4-022a) whereby the State made formal application for the survey of the two islands which have apparently not been included on the United States Cadastral map; namely, Juanita and Alcorn or Elkhorn Islands (local designation).

We have recently received a letter from Leland P. Lewis, Chief, Cadastral Engineering Service of the U. S. Department of the Interior, requesting evidence that your office has been advised with respect to this matter. It would be appreciated if you would address a memorandum to the office of the Commissioner of Highways; to the attention of R. L. Towne, Engineer of Right of Way, acknowledging receipt of the above noted letter and application form.

Enclosure (1)

Copy of Letter by L. P. Lewis; dated 2-17-64



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

6.05b-1E
DUB.7
BIM 075098

Your reference:
S.P. 8500 (90-391) 901 *60-203
Min. Proj. 1 090-5 268
Winona County
Parcel 121B & Ch. Ch. 121B

February 17, 1964

Mr. R. L. Towne
Mr. R. L. Towne
Engineer of Right of Way
Department of Highways
State of Minnesota
St. Paul, Minnesota 55101

RECEIVED

FEB 28 1964

SECRETARY OF STATE

Dear Mr. Towne:

Receipt is acknowledged of the application for survey, submitted January 27, for the examination and survey of Juanita Island and Alcorn or Elkhorn Island in secs. 33 and 34, T. 105 N., R. 4 W., 5th Prin. Mer., Minnesota.

The application has been well prepared except for the evidence of service to the Attorney General and the Secretary of State for the State of Minnesota. The instructions on the back of the application form reads, "A copy of each notice, with proof of service thereof must be filed with the application." In addition to this, it is felt that the record title holder of the two islands should also be served with a notice so they may have an opportunity to present any claim they may have to the lands.

Thirty days subsequent to the receipt of the requested proofs of service, your application for survey will be approved and placed upon our schedule for a field examination and survey should the engineer find the islands to be public land.

Sincerely yours,

Leland P. Lewis

Leland P. Lewis
Chief, Cadastral Engineering Section

of HIGHWAYS

Honorable Joseph L. Donovan, Secretary of State
Room 123, State Capitol

February 25, 1964

Paul R. Staffeld, Deputy Commissioner
Room 413, State Highway Building

RECEIVED

FEB 28 1964

S.P. 8530 (90-391) 901 *60-203
Minn. Proj. I 090-3 (24) 268
Winona County
Parcel 121B and Ch. Ch. 121B

SECRETARY OF STATE

On January 27, 1964, the Department of Highways forwarded to your office a copy of the letter addressed to Harold E. Waldo of the U. S. Department of the Interior, Bureau of Land Management, Division of Field Services, Land Office, Washington, D.C., with regard to an application by the State for the survey of two islands situated along the westerly shoreline of the Mississippi River in sections 33 and 34, township 105 north, range 4 west, 5th Principal Meridian, Winona County, Minnesota.

Attached to said letter copy was a copy of the Federal Agency's form (Form 4-022a) whereby the State made formal application for the survey of the two islands which have apparently not been included on the United States Cadastral map; namely, Juanita and Alcorn or Elkhorn Islands (local designation).

We have recently received a letter from Leland P. Lewis, Chief, Cadastral Engineering Service of the U. S. Department of the Interior, requesting evidence that your office has been advised with respect to this matter. It would be appreciated if you would address a memorandum to the office of the Commissioner of Highways; to the attention of R. L. Torne, Engineer of Right of Way, acknowledging receipt of the above noted letter and application form.

Enclosure (1)

Copy of letter by L. P. Lewis; dated 2-17-64

16715



STATE OF MINNESOTA
DEPARTMENT OF HIGHWAYS
ST. PAUL 1, MINN.

February 25, 1964

RECEIVED

FEB 28 1964

SECRETARY OF STATE

Mr. Gilles R. Leonard
2920 Birch Avenue
LaCrosse, Wisconsin

Re: S.P. 8380 (90-351) 901 460-203
Minn. Proj. I 090-3 (24) 243
Winona County
Parcel 121 and Ch.Ch. 121B

Dear Sir:

This is to inform you that the State of Minnesota, through its Commissioner of Highways, has made application to the U. S. Department of the Interior, Bureau of Land Management, Division of Field Services, Cadastral Engineering Section, Washington, D.C., for the survey of the two islands opposite the westerly shoreline of the Mississippi River in sections 33 and 34, township 105 north, range 4 west, 5th Principal Meridian, Winona County, Minnesota.

Application has been made on the Federal Agency's form (Form 4-022a); with notification of said application being mailed to the Attorney General and the Secretary of State of the State of Minnesota. The islands in question carry the local designation of Juanita and Alcorn or Elkhorn Islands.

Sincerely,

DEPARTMENT OF HIGHWAYS

Paul R. Stafford
Deputy Commissioner

FBS:aya

cc:Honorable Joseph L. Donovan
Room 128, State Capitol
St. Paul, Minnesota

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P
Y

Arnold
said - "File"



STATE OF MINNESOTA
DEPARTMENT OF HIGHWAYS
ST. PAUL 1, MINN.

January 27, 1964

RECEIVED

JAN 30 1964

SECRETARY OF STATE

Mr. Harold E. Valdes
U.S. Department of the Interior
Bureau of Land Management
Division of Field Services, Land Office
Washington, D.C. - 20216

Re: S.P. 6580 (90-34.1) 901 40-203
Minn. Proj. 1 040-3 (24) 265
Winona County
Parcel 1218 & Ch. Ch. 1218
Your Re: C.05b-21
DMS675098

Dear Sir:

By your letter dated January 6, 1964 the Department of Highways of the State of Minnesota received notification that the application which was submitted to your office through the U.S. Bureau of Public Roads on November 21, 1963 was being held for rejection.

In the letter of November 21, 1963 we requested the transference of any rights which the Federal Government held in two islands located in the Mississippi River opposite the western shore, namely: Juanita Island; being situated in the east half of the northeast quarter (1/4 1/4) of section 33; and Alcorn or Elkhorn Island; being situated in the west half of the west half (1/4 1/4) of section 34, all in township 105 north, range 4 west of the 5th Principal Meridian, State of Minnesota.

The aforementioned application was made under the provisions of Title 23, United States Code, 107(c). These lands are very vital and pertinent to the construction of the bridge over the Mississippi River (Bridge No. 9329) between the States of Minnesota and Wisconsin. This construction is a part of Interstate Trunk Highway No. 99 which is presently programmed for a contract letting in October 1964.

In accordance with your instructions the State of Minnesota is making an application for the survey of islands on your form (Form 4-622a). Also, due to the relevancy of these islands and their importance associated with the proposed construction, we are requesting that the State be furnished with some form of right of entry and permit to construct if at all possible.

Mr. Harold E. Waldo

- 2 -

January 27, 1964

In support of our application we are submitting the following:

Exhibit "A" - A blue line print of the Department of Highways Right-of-Way map. Showing the subject islands outlined in the color "green"; and the lands which the State owns in fee outlined in the color "red". This map orients the islands with respect to the U. S. Army Corps of Engineers Lock and Dam No. 7 in the Mississippi River.

Exhibit "B-1", "B-2", "B-3" - Xerox copy of the State's Petitions in the eminent domain proceedings entitled as follows: State Vs. Carl W. Schubert, et al and State Vs. Joseph C. Bickel, et al; dated 1960; and State Vs. Giles R. Leonard, et al; dated 1961. In these proceedings the State acquired an estate in fee simple absolute over the westerly shore line opposite said islands.

Exhibit "C" - Xerox copy of an Order for Judgment in an action to the District Court of Winona County, Minnesota, Third Judicial District.

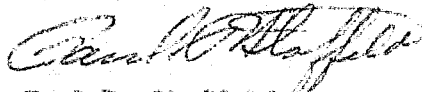
The Instructional item No. 2 of Form 4-022a makes reference to notices being served upon owners of the shore lands opposite the subject islands. Since the State of Minnesota holds fee title to these lands it is felt that Exhibits "B-1", "B-2", and "B-3" fulfill this requirement. As to notices of application being served on the State officials noted in said item No. 2 we are forwarding duplicate originals of this letter to the following: The State Attorney General, the Secretary of State, and the Deputy Attorney General for the Department of Highways.

Item No. 4 of the instructions on Form 4-022a requests evidence of the existence of said islands above ordinary high water elevation at the time of Minnesota's admittance to the Union. Attention is directed to Exhibit "C" wherein it is stated that these islands were in existence prior to May 11, 1858; Articles 15, 16, 18 and 19, of Page 13 of said Order give official recognition of this fact.

✓ If your office requires further information with regard to this matter "Application for Survey" please contact this office to the attention of R. L. Towne, Engineer of Right of Way.

Sincerely,

DEPARTMENT OF HIGHWAYS

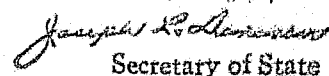


Paul R. Stafford
Deputy Commissioner

Enclosures (12)
Application for Survey (2)
Right of Way Map (2)
Petitions in Eminent Domain (6)
District Court Order (2)

cc: Honorable Joseph L. Donovan ✓

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 27 1964


Secretary of State

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR SURVEY OF ISLANDS OR OMITTED PUBLIC LANDS

(See instructions on reverse)

~~Mr.~~
~~Mrs.~~
~~Miss~~ Minnesota Department of Highways, of State Highway Building
(Street and number or R. D. number)

St. Paul 1, Minnesota
(City or post office and State), hereby applies for the survey of
{*islands
*omitted lands} that have never been surveyed by the United States Government in sections 33 and 34,
Township 105 north, Range 4 west, of the 5th Principal Meridian, State
of Minnesota, and represents that:

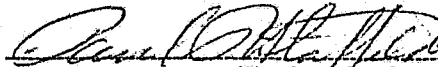
Notice of intention to apply for this survey has been served on the proper State officials and on the owners of ~~{*the shore lands opposite
*the lands adjacent}~~ those included in this application as required in paragraph 2 of the instructions on the reverse thereof. Copies of such notices are submitted herewith.

The ~~{*islands
*omitted lands}~~ covered by this application have not been formed by accretion or otherwise since the survey and disposal of the adjacent lands, but were in existence and above ordinary high-water elevation at the time of the original survey of the township.

A diagram showing the approximate configuration of the area applied for and its position with reference to the public land surveys is submitted herewith. There are also submitted the statements of at least two persons familiar with the land as to its size, elevation, appearance, and the species, size, and estimated age of the timber growth thereon, together with a description of any improvements on the area.

I certify that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

January 27, 1964
(Date)


(Signature of applicant)

Paul R. Staffeld, Deputy Commissioner

Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

*Strike out inapplicable words.

INSTRUCTIONS

1. Application for the survey of an island or other land omitted from the original survey should be made on Form 4-022a, or its equivalent, and filed in duplicate with the Regional Administrator, Bureau of Land Management, for the State in which the lands are situated, or with the Director, Bureau of Land Management, Washington 25, D. C.
2. Notice of intention to apply for the survey of an island or other land omitted from the original survey must be served on the adjacent land owners, and the Attorney General and the Secretary of State for the State in which the land is situated, at least 30 days prior to the date of application for survey. Service may be had by registered mail or in person, evidence of which may consist of the registry return receipt or signed acknowledgment of service. A copy of each notice, with proof of service thereof must be filed with the application. Failure to obtain evidence of service may be explained.
3. No particular form of notice is prescribed. The notice must make it clear, however, that the land covered by the application is contended to be public land of the United States and subject to survey and administration as such, and that any protest against the proposed survey should be filed with the Regional Administrator, Bureau of Land Management, or with the Director, Bureau of Land Management, Washington 25, D. C. It must be shown what particular surveyed lands opposite the island, or adjoining the unsurveyed land, are owned by the adjacent land owner on whom the notice is served.
4. An application for the survey of an island or other land omitted from the original survey must be accompanied by evidence showing that the land was in existence and above ordinary high-water elevation when the State was admitted into the Union, and when the adjacent lands were surveyed. Such evidence should consist of statements from at least two persons familiar with the land, as to its size, elevation, and appearance, and the species, size, and age of the timber growth thereon, or nature of other vegetation, and the nature and extent of any improvements on the area; additional evidence also may be submitted.
5. A diagram showing the approximate configuration of the island or other land included in the application, and its location with reference to the public land surveys, must accompany the application.
6. In the event of approval of the application, the costs of the survey will be borne by the Government.
7. Should the island or other land be surveyed as public land, no preference right to acquire the same under the laws governing the disposal of public lands will be gained by the filing of the application for survey.

#16718
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 31 1964

Joseph R. Lammiman
Secretary of State.

GPO 047895