

Minnesota Water Resources Board  
353 Centennial Building  
St. Paul, Minnesota  
55101

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In the Matter of the Petition  
for the Establishment of the  
Belle Creek Watershed District  
in Goodhue County.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER

A nominating petition having been filed with the Minnesota Water Resources Board on March 5, 1968, praying for the establishment of a watershed district and the appointment of a Board of Managers thereto for the general purposes of conserving and making provident use of waters and other natural resources of the State of Minnesota, within the proposed Belle Creek Watershed District; and for, but not limited to, the reduction of damage by flood water to land, fences, roads and public utilities; the improvement of the stream channel of Belle Creek for public purposes; the reduction of sediment deposits by flood waters; and for the reduction of soil erosion with its attendant damage to productive land, farm ponds, and watercourses; under the provisions of Minnesota Laws of 1955, Chapter 799, as amended; and the Board on April 30, 1968, having authorized its Chairman to set a date in July 1968 for a hearing upon the petition and the Chairman thereupon selected the 12th day of July 1968 as the date for the hearing on the petition at 1:30 P.M. in the Gymnasium of the Wastedo Consolidated School, District Number 259, Cannon Falls, Minnesota, 55009;

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And the Board having held said hearing pursuant to said Order and Mr. Donn Christensen, Deputy Attorney General, St. Paul, and Erling M. Weiberg, Administrative Secretary, St. Paul, having appeared with the Board and Mr. Harold Mark, Goodhue, having appeared for the petitioners; and a number of other persons having appeared, some for and some against, the establishment of a watershed district;

And the Board having heard the testimony and having duly considered the same and having considered all the records and files of the Board relating to said petition and other data relating to the matter, now makes the following Findings of Fact, Conclusions of Law, and Order;

#### FINDINGS OF FACT

- I. A duly executed nominating petition by 84 resident freeholders within the Belle Creek Watershed, all located in Goodhue County, was filed with the Minnesota Water Resources Board on March 5, 1968. Filed with the nominating petition were the required proofs of service. The nominating petition was subsequently amended at the hearing by the petitioners.
- II. The County Auditor of Goodhue County, from his records, certified that 76 of the 84 petitioners were freeholders according to the records in his office.

III. Having found the nominating petition to be sufficient, the Board, on April 24, 1968, ordered a hearing to be held on June 7, 1968 at a proper location. The Board on April 30, 1968 rescinded this action and authorized its Chairman to set a date for the hearing in July 1968. The Chairman arranged for the hearing to begin at 1:30 P.M. on the 12th day of July 1968 in the Gymnasium of the Wastedo Consolidated School, District Number 259, Cannon Falls, Minnesota, 55009. Proper notice of hearing was given, as evidenced from exhibits introduced at the hearing. The Board held said hearing pursuant to the notice of hearing, on July 12, 1968.

IV. Due and proper notice was given to owners of all lands affected.

V. The Director of the Division of Waters, Soils and Minerals, Department of Conservation, filed a written preliminary report with the Board. Based upon the nominating petition and other available data in his file, the Director recommended the establishment of the proposed watershed district. The Director's report was received in evidence and supported by oral testimony.

VI. The following facts set forth by the petition and supported by testimony are found to exist:

- A. Belle Creek watershed is situated in the south central part of Goodhue County. It is the most easterly sub-watershed of the Cannon River Watershed. Belle Creek enters the south edge of the Cannon River about two miles southeast of the Village of Welch. The Cannon River is tributary to the Mississippi River between Red Wing and Hastings, Minnesota.
- B. The Valley of Belle Creek is deeply incised within the watershed. Rolling terrain with deep valleys characterizes the topography in the watershed. Over a distance of fifteen miles there is a fall of approximately 600 feet. The approximate size of the watershed is 83 square miles. Loess deposits make up most of the soil of the watershed except for some glacial drift deposits in the southwest part. Agricultural use of the land predominates in the watershed. Landowners engage primarily in livestock enterprises.
- C. There is frequent flooding of prime agricultural land in the flood plain of Belle Creek in the general area of Section 20, Township 111 North, Range 16 West (Belle Creek Township) to the vicinity of the unincorporated Village of Vasa. Flooding occurs frequently during the crop season with damage to growing crops. In recent years some flooding damage has occurred at some locations two or three

times a year with damage to crops. One effect of continuous flooding, including siltation of lands along Belle Creek itself, is the abandonment of some cropland to brush or idle land use.

D. Notwithstanding the efforts of many landowners who have applied conservation land treatment practices to the land, there is erosion within the watershed. With heavy rains this is a serious problem. Silt is deposited upon the floodplain of Belle Creek and in the lower channel of some watercourses in the watershed. Evidence substantiates that there is stream bank erosion along portions of the Belle Creek channel and of other watercourses. In the upper reaches of the watershed can be found most of the existing conservation land treatment practices, which continue to be applied by some landowners. With heavy rains erosion of the soil continues. It is estimated that gully erosion destroys twenty acres of land annually. On land in the upper reaches not protected by conservation land treatment practices, there is sheet erosion with a loss of top soil. Continuous flooding of land adjacent to the watercourses of the watershed interferes with the execution of conservation plans by some landowners.

E. Flood waters and siltation have caused damage to roads and bridges within the watershed by flooding over certain stretches of county and township roads and by washing out some bridges and culverts. At some locations bridges, previously repaired, have been damaged to the extent that new ones needed to be installed. For economic reasons one local unit of government has not been able to correct satisfactorily its bridge damage and provide for the public safety. Testimony indicates a need for a broad improvement plan in order that a county highway construction proposal in the watershed would result in savings of public money. Local units of government have experienced increased maintenance costs due to flooding, siltation and rock falls upon road surfaces. Occasions have occurred when excess waters have flooded roads and caused pot holes considered to be hazardous by a resident.

F. Flood waters in the watershed have also damaged fences and scattered debris on the land along the watercourses.

G. Recreational opportunities can be provided for the general public in the proposed area.

VII. The name of the proposed watershed district is to be the Belle Creek Watershed District.

VIII. A Board of Managers of three residents of the proposed watershed district is to govern the watershed district.

IX. The proposed watershed district will be for the public welfare and in the public interest and the purposes of the Minnesota Watershed Act will be subserved by the establishment of the watershed district.

Upon the foregoing findings of fact the Board makes the following:

CONCLUSIONS OF LAW

X. The Minnesota Water Resources Board has jurisdiction in the matter of the establishment of the proposed watershed district.

XI. The public welfare and public interest will be served by the establishment of the watershed district and purposes of the Minnesota Watershed Act will be subserved by the establishment of the proposed watershed district.

IT IS THEREFORE ORDERED

XII. That the Belle Creek Watershed District is hereby established and given the corporate name of Belle Creek Watershed District by which name it shall hereafter be known and it shall have all authority, powers and duties as provided by law.

XIII. The approximate size of the Belle Creek Watershed District is 83 square miles. The territory of Belle

Creek Watershed District includes all 40-acre tracts of land, some of which may be fractional, or tracts of land of less than 40 acres or parts thereof, all government lots or parts thereof, or all lots of land within platted areas. The lands of Belle Creek Watershed District are hereby described below:

A. Goodhue County 5th Principal Meridian

1. Township 113 North, Range 16 West (Vasa)

SE $\frac{1}{4}$ of NE $\frac{1}{4}$	Section 33
E $\frac{1}{2}$ of SW $\frac{1}{4}$	" 33
SE $\frac{1}{4}$	" 33
S $\frac{1}{2}$ of N $\frac{1}{2}$	" 34
S $\frac{1}{2}$	" 34

That part of the W $\frac{1}{2}$  of  
Section 35 south of  
the north boundary of  
Vasa Township " 35.

Note: See Paragraph XIII-A. 3. below.

2. Township 112 North, Range 17 West (Cannon Falls)

SW $\frac{1}{4}$ of SE $\frac{1}{4}$	Section 13
NE $\frac{1}{4}$	" 24
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	" 24
E $\frac{1}{2}$ of SW $\frac{1}{4}$	" 24
SE $\frac{1}{4}$	" 24
All of Section	" 25
S $\frac{1}{2}$ of NE $\frac{1}{4}$	" 26
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" 26
SE $\frac{1}{4}$	" 26
NE $\frac{1}{4}$	" 35
E $\frac{1}{2}$ of W $\frac{1}{2}$	" 35
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" 35
SE $\frac{1}{4}$	" 35
All of Section	" 36.



3. Township 112 North, Range 16 West (Vasa)

$N\frac{1}{2}$ of $NW\frac{1}{4}$	Section	2
$SW\frac{1}{4}$ of $NW\frac{1}{4}$	"	2
All of Section	"	3
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	"	4
$S\frac{1}{2}$ of $NW\frac{1}{4}$	"	4
$S\frac{1}{2}$	"	4
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	"	8
$E\frac{1}{2}$ of $SE\frac{1}{4}$	"	8
All of Sections	"	9, 10
$W\frac{1}{2}$ of $W\frac{1}{2}$	"	11
$SE\frac{1}{4}$ of $SW\frac{1}{4}$	"	11
$W\frac{1}{2}$	"	14
All of Sections	"	15, 16
$E\frac{1}{2}$ of $NE\frac{1}{4}$	"	17
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	"	17
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	"	17
$S\frac{1}{2}$ of $SW\frac{1}{4}$	"	17
$SE\frac{1}{4}$	"	17
$S\frac{1}{2}$ of $SE\frac{1}{4}$	"	18
All of Sections	"	19, 20, 21, 22
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	"	23
$W\frac{1}{2}$ of $NE\frac{1}{4}$	"	26
$W\frac{1}{2}$	"	26
$W\frac{1}{2}$ of $SE\frac{1}{4}$	"	26
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	"	26
All of Sections	"	27, 28, 29, 30, 31, 32, 33, 34, 35
$S\frac{1}{2}$ of $NE\frac{1}{4}$	"	36
$W\frac{1}{2}$	"	36
$SE\frac{1}{4}$	"	36.

Note: See Paragraph XIII-A. 1. above.

4. Township 112 North, Range 15 West (Featherstone)

SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 31  
 W  $\frac{1}{2}$  of SW  $\frac{1}{4}$  " 31.

5. Township 111 North, Range 17 West (Leon)

All of Section	Section	1
N $\frac{1}{2}$ of N $\frac{1}{2}$	"	2
S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	2
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	2
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	2
	SE $\frac{1}{4}$	2
	NE $\frac{1}{4}$	11
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	"	11
	SE $\frac{1}{4}$	11
All of Sections	"	12, 13
	NE $\frac{1}{4}$	14
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	14
S $\frac{1}{2}$ of NW $\frac{1}{4}$	"	14
	S $\frac{1}{2}$	14
S $\frac{1}{2}$ of SW $\frac{1}{4}$	"	15
	SE $\frac{1}{4}$	15
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	21
S $\frac{1}{2}$ of NE $\frac{1}{4}$	"	21
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	"	21
E $\frac{1}{2}$ of SW $\frac{1}{4}$	"	21
	SE $\frac{1}{4}$	21
All of Sections	"	22, 23, 24, 25, 26, 27
	NE $\frac{1}{4}$	28
N $\frac{1}{2}$ of NW $\frac{1}{4}$	"	28
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	"	28
N $\frac{1}{2}$ of SE $\frac{1}{4}$	"	28
	NE $\frac{1}{4}$	34
E $\frac{1}{2}$ of NW $\frac{1}{4}$	"	34
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	"	34
E $\frac{1}{2}$ of SE $\frac{1}{4}$	"	34
All of Sections	"	35, 36.

6. Township 111 North, Range 16 West (Belle Creek)

	N $\frac{1}{2}$	Section	1
NW $\frac{1}{4}$ of SW $\frac{1}{4}$		"	1
All of Sections		"	2, 3, 4, 5, 6, 7, 8, 9, 10
N $\frac{1}{2}$ of NE $\frac{1}{4}$		"	11
SW $\frac{1}{4}$ of NE $\frac{1}{4}$		"	11
W $\frac{1}{2}$ of SE $\frac{1}{4}$		"	11
W $\frac{1}{2}$ of NE $\frac{1}{4}$		"	14
NE $\frac{1}{4}$ of SW $\frac{1}{4}$		"	14
W $\frac{1}{2}$ of SW $\frac{1}{4}$		"	14
All of Sections		"	15, 16, 17, 18, 19, 20, 21, 22
W $\frac{1}{2}$ of SE $\frac{1}{4}$		"	23
		"	23
W $\frac{1}{2}$		"	26
All of Sections		"	27, 28, 29, 30, 31, 32, 33
NW $\frac{1}{4}$ of SE $\frac{1}{4}$		"	34
		"	34
		"	34
NW $\frac{1}{4}$ of NW $\frac{1}{4}$		"	35.

7. Township 111 North, Range 15 West (Goodhue)

W $\frac{1}{2}$  of NW $\frac{1}{4}$  Section 6.

8. Township 110 North, Range 17 West (Wanamingo)

All of Section		Section	1
E $\frac{1}{2}$ of SW $\frac{1}{4}$	N $\frac{1}{2}$	"	2
	SE $\frac{1}{4}$	"	2
		"	2
NE $\frac{1}{4}$ of NW $\frac{1}{4}$		"	11
		"	11
NE $\frac{1}{4}$ of SW $\frac{1}{4}$		"	12
NW $\frac{1}{4}$ of SE $\frac{1}{4}$		"	12
		"	12

9. Township 110 North, Range 16 West (Minneola)

	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	Section 3	3
	All of Sections	"	4, 5, 6
	N $\frac{1}{2}$ of NE $\frac{1}{4}$	"	7
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	"	7
	N $\frac{1}{2}$ of NW $\frac{1}{4}$	"	7
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	"	7
	N $\frac{1}{2}$ of S $\frac{1}{2}$	"	8
	N $\frac{1}{2}$ of NW $\frac{1}{4}$	"	9
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	"	9.

XIV. The boundary of Belle Creek Watershed District is hereby declared to be determined and is defined by the extremity of the whole land area described in Paragraph XIII above.

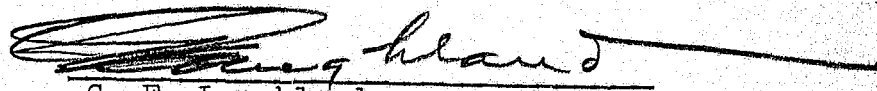
XV. The first Board of Managers of three residents of Belle Creek Watershed District, whose terms shall be for one year, and until their successors are appointed and qualified, is as follows:

1. Mr. Robert Farrell, Goodhue, Minnesota, 55027
2. Mr. Albert Kunde, Goodhue, Minnesota, 55027
3. Mr. Alva C. Rapp, Cannon Falls, Minnesota, 55009

XVI. The principal place of business of the Belle Creek Watershed District shall be the Belle Creek Township Hall, located in the NW $\frac{1}{4}$  of Section 15, Goodhue County, Goodhue, Minnesota, 55027.

Dated at Saint Paul, Minnesota, this 14th day of  
November 1968.

MINNESOTA WATER RESOURCES BOARD



G. E. Loughland  
Chairman

# 20372

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
DEC 16 1968

*Joseph A. Johnson*  
Secretary of State

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