

Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on
oath, deposes and says:

THAT HE IS the Administrative Secretary for the
Minnesota Water Resources Board; that he has compared
the attached copy of an Order relating to the *Petition*
For a Change of the boundaries of
Riley-Purgatory Creek Watershed District,
dated at Saint Paul, Minnesota, on the *5th day of November*
1971, 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.

Erling M. Weiberg
Erling M. Weiberg
Administrative Secretary

Subscribed and sworn to before me
this *24th* day of *November* 1971

Charles B. Schubert

CHARLES B. SCHUBERT
Notary Public, Ramsey County, Minn.
My Commission Expires Sept. 8, 1975

#20805

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 24 1971

Arlen J. Edsall
Secretary of State

Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

In the Matter of the Petition for a
Change of the Boundaries of Riley-
Purgatory Creek Watershed District

FINDINGS OF FACT
CONCLUSIONS OF LAW
ORDER

A petition dated December 2, 1970 and amended on January 11, 1971, was filed with the Minnesota Water Resources Board hereinafter referred to as the Board, by the Managers of the Riley-Purgatory Creek Watershed District, praying the Board by appropriate Decree to change the boundaries of the Riley-Purgatory Creek Watershed District and the boundaries of any other duly organized and existing watershed districts affected thereby in the manner set forth in the petition. A hearing was held on the petition on the 3rd day of June, 1971, at 8:00 P.M., CDT, at the Eden Prairie Village Hall, 8950 Eden Prairie Road, Eden Prairie, Minnesota, 55343. Charles Prior, a member of the Board, was appointed by the Board to hear the evidence and report it to the Board. Frederick S. Richards, attorney, appeared for the petitioner, and William Peterson, Special Assistant Attorney General, appeared with the Board. Present were Mr. Harold Macy, a member of the Board, and Erling Weiberg, the Board's Administrative Secretary. No one appeared in opposition to the petition.

A report on the proceedings and the evidence was made to the Board by the referee, Mr. Prior.

Upon the testimony and evidence offered on behalf of the petitioner and having duly considered the same and all the records in the files of the Board relating to said petition, the Board makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

- I. The Riley-Purgatory Creek Watershed District was established by an Order of the Board dated July 31, 1969 and its boundaries therein defined.
- II. The Minnehaha Creek Watershed District was established by an Order of the Board dated March 9, 1967 and its boundaries therein defined.
- III. A duly executed and sufficient petition was filed with the Board by the Managers of the Riley-Purgatory Creek Watershed District on January 11, 1971 together with affidavits of service thereof. The Board ordered a hearing thereon pursuant to statute which was held on the 3rd day of June, 1971, at 8:00 P.M., CDT, at the Eden Prairie Village Hall, 8950 Eden Prairie Road, Eden Prairie, Minnesota, 55343.
- IV. Due and proper notice of the hearing was given to the owners of all land affected, by publication in appropriate legal

newspapers as well as mailed notice thereof to the Minnehaha Creek Watershed District, the Lower Minnesota Watershed District and the Metropolitan Council.

- V. The Director of the Division of Waters, Soils and Minerals of the Minnesota Department of Natural Resources filed a written report with the Board based on the petition and other available data in his file. The report was received in evidence at the hearing.
- VI. Consent to a change in boundaries as petitioned for which effect a transfer of land from the Minnehaha Creek Watershed District to the Riley-Purgatory Creek Watershed District was filed with the Board by the Managers of the Minnehaha Creek Watershed District.
- VII. The boundary of the Riley-Purgatory Creek Watershed District as defined in the Order establishing said District dated July 31, 1969, should be changed as follows as petitioned for:
 - A. By adding the following description to the existing description beginning after the word "Section 32;" on Line 11 of the boundary description on Page 20 of the said Order establishing said District dated July 31, 1969:
"thence westerly and southerly along the south line of plat of Strand Estates 4th Addition to the southwesterly corner of said plat; thence from the

southwest corner of said plat, crossing Colorado Road on a southwesterly line to the southeasterly corner of Lot 18, Strand Estates 3rd Addition; thence westerly on the south line of Lot 18 to the southwest corner thereof; thence northerly on the west line of the plat of Strand estates 3rd Addition to the south line of the north half of the northeast quarter;"

- B. By substituting the following description for the existing description which begins with the words "thence easterly" on Line 26 of the land description on Page 25 of the said Order establishing said District dated July 31, 1969, and ending at the end of Line 5 of the boundary description on Page 26 of said Order:

"thence westerly on the north line of Section 2, Township 116 North, Range 23 West, 5th Principal Meridian, to the east shoreline of Christmas Lake; thence northerly and easterly in Hennepin County along the east shoreline of Christmas Lake to where the east shoreline intersects the south line of the north half of said Section 36, Township 117 North, Range 23 West; thence easterly along the south line of the north half of said Section 36 to the southwest corner of the southeast quarter of the northeast quarter of said Section 36; thence north along the west line of the southeast quarter of the northeast quarter to the center of Covington Road; thence

westerly and northerly on the centerline of Covington Road to the south line of the north half of the north half of said Section 36; thence east on the south line of the north half of the north half of said Section 36 to the southwest corner of the northwest quarter of the northeast quarter of said Section 36; thence north along the west line of the northeast quarter to the southwest corner of the southwest quarter of the southeast quarter of Section 25, Township 117 North, Range 23 West; thence north along the west line of the southeast quarter to the centerline of State Highway Number 7; thence northerly and easterly along the centerline of State Highway Number 7 to the intersection with the centerline of County State Aid Highway Number 5;".

- VIII. The lands affected by the changed descriptions set forth in Paragraphs VII-A and VII-B above are within the natural watershed of the Riley-Purgatory Creek Watershed District.
- IX. The lands which would be affected by substituting the following description petitioned for in lieu of the existing

boundary description, beginning after the word "Section 35" on line 15 of the boundary description on Page 21 of the said Order dated July 31, 1969, are not a part of the natural watershed of the Riley-Purgatory Creek Watershed, are not now a part of any watershed district and would appear to be land whose runoff is directly to the Lower Minnesota River:

"Commencing at the northwest corner of Section 35, Township 116 North, Range 22 West, thence on the boundary of the Lower Minnesota River Watershed District westerly on the centerline of U. S. Highway Number 212 to a point on the west line of Section 31, Township 116 North, Range 22 West; thence north on the west line of Sections 31 and 30, Township 116 North, Range 22 West, to the southwest corner of the north half of Section 30, Township 116 North, Range 22 West, all in the Village of Eden Prairie, County of Hennepin."

CONCLUSIONS OF LAW

- X. The Minnesota Water Resources Board has jurisdiction of the within matter and proceedings.
- XI. The public interest and welfare would be served by the change of boundaries set forth in Paragraphs VII-A and VII-B above.
- XII. The public interest would not be served by changing the boundary of the Riley-Purgatory Creek Watershed District as set forth in Paragraph IX above.

IT IS THEREFORE ORDERED

XIII. That the boundary of the Riley-Purgatory Creek Watershed District as defined in the Order establishing the said District, dated July 31, 1969, be and hereby is changed as follows:

A. By adding the following description to the existing description beginning after the word "Section 32;" on Line 11 of the boundary description on Page 20 of the said Order establishing said District dated July 31, 1969:

"thence westerly and southerly along the south line of plat of Strand Estates 4th Addition to the southwesterly corner of said plat; thence from the southwest corner of said plat, crossing Colorado Road on a southwesterly line to the southeasterly corner of Lot 18, Strand Estates 3rd Addition; thence westerly on the south line of Lot 18 to the southwest corner thereof; thence northerly on the west line of the plat of Strand Estates 3rd Addition to the south line of the north half of the northeast quarter;"

B. By substituting the following description for the existing description which begins with the words "thence easterly" on Line 26 of the land description on Page 25 of the said Order establishing said District dated July 31, 1969, and ending at the end of Line 5

of the boundary description on Page 26 of said Order:
"thence westerly on the north line of Section 2, Township
116 North, Range 23 West, 5th Principal Meridian, to the
east shoreline of Christmas Lake; thence northerly and
easterly in Hennepin County along the east shoreline of
Christmas Lake to where the east shoreline intersects the
south line of the north half of said Section 36, Township
117 North, Range 23 West; thence easterly along the south
line of the north half of said Section 36 to the southwest
corner of the southeast quarter of the northeast quarter
of said Section 36; thence north along the west line of
the southeast quarter of the northeast quarter to the
center of Covington Road; thence westerly and northerly
on the centerline of Covington Road to the south line
of the north half of the north half of said Section 36;
thence east on the south line of the north half of the
north half of said Section 36 to the southwest corner of
the northwest quarter of the northeast quarter of said
Section 36; thence north along the west line of the
northeast quarter to the southwest corner of the southwest
quarter of the southeast quarter of Section 25, Township
117 North, Range 23 West; thence north along the west
line of the southeast quarter to the centerline of State

Highway Number 7; thence northerly and easterly along the centerline of State Highway Number 7 to the intersection with the centerline of County State Aid Highway Number 5;".

XIV. The lands affected by the aforesaid change of boundaries be and hereby are a part of the Riley-Purgatory Creek Watershed District.

XV. That the petition as it relates to the description set forth in Paragraph IX above is denied.

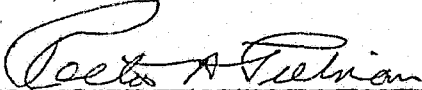
IT IS FURTHER ORDERED

XVI. The boundary of the Minnehaha Creek Watershed District as set forth in the Order establishing said District dated March 9, 1967, be and hereby is changed in accordance herewith and to correspond hereto; the land affected being subject to the requirement of law concerning current indebtedness and levies; and that such further Order be made relative thereto as may be necessary to effectuate the same.

This Order is effective immediately.

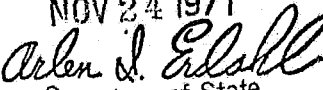
Dated at St. Paul, Minnesota this 5th day of November, 1971.

MINNESOTA WATER RESOURCES BOARD


Rector H. Putnam, Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 24 1971


Secretary of State

#20805

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1969
Joseph S. Adamson
Secretary of State

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

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

AFFIDAVIT

ERLING M. WEIBERG, being first duly sworn on oath,
deposes and says:

THAT HE IS the Administrative Secretary of the
Water Resources Board; that he has compared the attached
copy of an Order relating to Riley Purgatory Creek
Watershed District, dated at Saint Paul, Minnesota,
on the 31st day of July, 1969, 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.

Erling M. Weiberg

Erling M. Weiberg
Administrative Secretary

Subscribed and sworn to before me
this 14th day of August 1969.

Stephen S. Sokolik

STEPHEN S. SOKOLIK
Notary Public, Dakota County, Minn.
My Commission Expires Feb. 3, 1970.

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

In the Matter of the Petition for
the Establishment of the Riley-
Purgatory Creek Watershed District
located in Hennepin and Carver
Counties.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A nominating petition, initiated by seventy resident freeholders of the Riley Creek-Purgatory Creek watershed area in Hennepin and Carver Counties, having been filed with the Minnesota Water Resources Board on September 19, 1968, praying for the establishment of a watershed district to be known as Riley-Purgatory Creek Watershed District, and the appointment of a Board of Managers thereto, or in the alternative, the enlargement of the existing Nine Mile Creek Watershed District to include the Riley Creek and Purgatory Creek watersheds; and the petition states that either the establishment of Riley-Purgatory Creek Watershed District or the enlargement of Nine Mile Creek Watershed District would be in the public interest and contribute to the public health and welfare in that it would prevent

the construction of permanent improvements within the flood plain of the said creeks, and would provide an agency to manage and provide for the provident use of waters and natural resources within the proposed watershed area, and would be for the following purposes, but not limited thereto:

To control flood water to alleviate damage to lands in the Riley Creek and Purgatory Creek drainage basins; to improve stream channels, lakes, marshes, and other watercourses for drainage, recreation, wildlife, and other public purposes; to regulate and manage the flow of surface waters and conserve the surface and ground waters of the basins for beneficial purposes; to prevent damage to roads, bridges, and other public and private improvements within the basins;

To provide and conserve water for industrial, domestic, recreational or other public uses; to consolidate and coordinate the drainage resulting from existing public drainage systems within the Riley Creek and Purgatory Creek drainage basins; to adopt preventive and remedial measures for the control of waste discharges, land and soil erosion, and the prevention of siltation of watercourses or other bodies of water within the proposed district;

To regulate improvements by riparian owners of the beds, banks and shores of lakes, streams and marshes by permit or rules and regulations of the managers in order to preserve the same for beneficial public uses; to provide for wildlife and recreational areas, such as parks and camps, by controlling, preserving, and regulating waters through reclaiming and filling wet and overflowed lands and acquiring lands where necessary in the public interest;

To provide for the regulation of improvements by individual municipalities within the Riley Creek and Purgatory Creek drainage basins, and regulate the installation of utilities, including water lines, sewer lines, natural gas lines, and other construction facilities placed in, under, or adjacent to the creek channels or water areas of the proposed district; to maintain and preserve the water quality of the drainage basin so as to preserve the natural and aesthetic characteristics to the fullest extent possible in an urban area;

To create artificial water storage areas and maintain and improve natural water storage areas, such as lakes and marshes within the basins; and to provide for the orderly management of waters for all beneficial purposes under provisions of Minnesota Laws of 1955, Chapter 799, as amended;

And the Board on February 3, 1969, having ordered a hearing to be held on said petition on the 29th day of March 1968, at 9:30 A.M., C.S.T., in the Council Room, Eden Prairie Village Hall, 8950 Eden Prairie Road, Eden Prairie, Minnesota, 55343;

And Mr. Richard Hessburg, Special Assistant Attorney General, St. Paul, Mr. Erling Weiberg, Administrative Secretary for the Board, St. Paul, having appeared for the Board; Mr. Howard Peterson, Eden Prairie, having appeared for the petitioners; Mr. George Hite, having appeared for the Village of Eden Prairie; Mr. Donald Asmus, having appeared for the Village of Minnetonka; Mr. Hibbert Hill, having appeared for the Village of Chanhassen; Mr. Frederick Richards, Attorney, having appeared for the Lower Minnesota River Watershed District and the Nine Mile Creek Watershed District; Mr. William Schoell, Hopkins, an engineer, having appeared for the Southwest Sanitary Sewer District; and other persons having appeared, some for and some against the establishment of a watershed district;

And, the Board having heard the testimony and evidence offered 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 seventy resident freeholders of the Riley Creek and Purgatory Creek watershed areas, which are located partly in Hennepin County and Carver County, was filed with the Minnesota Water Resources Board on September 19, 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 Auditors of Carver and Hennepin Counties, from their records, provided required statements to the Board. The County Auditor of Hennepin County certified that the petitioners were freeholders according to the records in his office.
- III. Having found the nominating petition to be sufficient, the Board, on February 3, 1969, ordered its hearing on the matter to be held at 9:30 A.M., Central Standard Time, March 29, 1969, in the Council Room, of the Eden Prairie Village Hall, Eden Prairie, Minnesota, 55343. 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 March 29, 1969.

- 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's report was received in evidence and supported by oral testimony.
- VI. The following facts are found to exist:
 - A. The watershed areas of Riley Creek and Purgatory Creek are located partially in eastern Carver County and in the southwestern region of Hennepin County.
 - B. Of these two watersheds, Purgatory Creek is the more easterly and Riley Creek is the more westerly. Both Creeks are tributary to the north side of the Minnesota River. A small area of both Riley Creek and Purgatory Creek watershed including the outlets of each creek is in the Lower Minnesota River Watershed District. The Board has established the Lower Minnesota River Watershed District.

- C. Easterly of the Purgatory Creek watershed, and adjacent thereto lies the watershed area of Nine Mile Creek, which is also tributary to the north side of the Minnesota River. The Board has established the Nine Mile Creek Watershed District, which includes all lands contributing runoff to Nine Mile Creek, except for a small area of land near the mouth of Nine Mile Creek Watershed District.
- D. Lands north of Riley Creek and Purgatory Creek watersheds are in the Minnehaha Creek watershed. Minnehaha Creek is a tributary to the west side of the Mississippi River and empties into the Mississippi River just above the confluence of the Minnesota River with the Mississippi River. The Board has established the Minnehaha Creek Watershed District, which includes all lands contributing runoff to Minnehaha Creek.
- E. In its lower reaches, Purgatory Creek is spring fed and flows throughout the year.

- F. The Department of Conservation has constructed barriers in the two creeks to prevent the ascent of these streams by rough fish.
- G. The distance of the combined watersheds from north to south is approximately nine and one half miles and the extent from east to west is about twelve miles.
- H. On the west ridge line of Riley Creek Watershed in Carver County the elevation is about 1,080 feet above sea level. The outlet elevation of Riley Creek at the boundary of the Lower Minnesota River Watershed District is 710 feet above sea level. Both creeks in their approach to the Minnesota River lowlands descend in valleys which are deep and narrow.
- I. There are several meandered lakes within the watershed areas:

TABLE I

Meandered Lakes Within Combined Watershed

<u>Item</u>	<u>Location</u>	<u>Lake Name</u>	<u>Size Acres</u>
<u>Purgatory Creek</u>			
1.	Hennepin County	Mitchell	175
2.	Hennepin County	Red Lake	87
3.	Hennepin County	Starring	182
4.	Hennepin County	Duck	58
5.	Hennepin County	Neill*	163
6.	Hennepin County	Silver	44
7.	Carver County	Lotus	241
<u>Riley Creek</u>			
8.	Carver County	Ann	100
9.	Carver County	Lucy	100
10.	Carver County	Suzan	92
11.	Hennepin County	Grass**	805
12.	Hennepin & Carver Counties	Riley	300
13.	Hennepin & Carver Counties	Rice**	734

* Minnesota Special Laws of 1879 authorized drainage of this lake.

** Grass Lake and Rice Lake in Riley Creek watershed are within the boundary of the Lower Minnesota River Watershed District.

- J. There are some county and judicial drainage systems in the Purgatory Creek watershed; no public drainage systems are known to exist in Riley Creek watershed.
- K. The Riley Creek and the Purgatory Creek watersheds are found within the seven-county Twin City Metropolitan area. The watersheds are located just southwest of Minneapolis and its adjacent ring of suburban municipalities.
- L. The use of the land surface of the watersheds is now in the process of transition from a rural agricultural economy (land used for agriculture) to a metropolitan fringe area economy (abandonment of agriculture and land used for urban needs). Some housing developments have been built in the watersheds. Vacant or open land adjacent to lakes in the watersheds appear now to be particularly attractive for housing developments.
- M. The area of the watersheds, except for a few rural municipalities, was formerly governed by township governments. Now the entire area

of the combined watersheds is within the boundaries of the following incorporated municipalities: Villages of Eden Prairie, Chanhassen, Minnetonka, Deephaven, and the City of Bloomington.

N. Until recent years, the major use of surface water and ground water has been for agricultural purposes. Recently urban needs have increased the domestic and industrial use of water. The changing requirements for water supply have necessitated a use of ground water by means of wells. Schools, municipalities, and other institutions in the watersheds secure their water supply through wells.

O. There is concern about the condition of the lakes within the watersheds. Lake Riley, within a decade, has changed to a less clean lake (algae growth), which is attributed to dwellings near the shoreline with improper sewage disposal systems, the dumping of soil in the lake, and probable effects from water flows into Lake Riley out of Rice Marsh Lake. Effluent of a municipal sewage system discharges into Rice Marsh Lake.

- P. The use of land abutting water of lakes concerns residents. Duck Lake has some residential development adjacent to its shoreline that experiences flooding at times due to high water in the lake. There is no control structure on the lake to maintain a desired lake level. There is no established water level for Duck Lake though there has been local effort to do so. A suitable water level determination for the lakes would provide a guide to the shoreline development of the lakes. Development and use of the shores of the lakes is expected to increase.
- Q. Located in the northeast corner of the Village of Eden Prairie; near the east boundary of the Purgatory watershed, common to the Nine Mile Creek Watershed, is an important interchange complex of the Minnesota Highway System. At this location, Interstate No. 494, traversing east to west on the south side of the Minneapolis-St. Paul Metropolitan area, turns northward. Out of this interchange the combined U.S. Highways No. 212 and No. 169 proceed in a southwesterly direction across Purgatory Creek watershed to the

bottomlands of the Minnesota River, in Eden Prairie, thence westerly along the Minnesota River towards the communities of Chaska and Shakopee. A principal highway artery, State Highway No. 5, oriented east to west, crosses over the middle of the two watersheds. This Highway connects to Interstate No. 494 at the interchange mentioned above. State Highway No. 7 lies east to west across the upper reaches of Purgatory Creek watershed. Along the extreme west edge of the north half of the watershed area, oriented north to south, is located Highway No. 101.

- R. In the upper reaches of Purgatory Creek watershed is an area of wet and wild land, which acts as a reservoir for runoff and which controls water flow therefrom into Purgatory Creek. An inspection of the map in the Director's Report shows County Ditch No. 2 drains this area southward into Purgatory Creek. Along the west edge of this wild area is State Highway No. 101, and along the south edge of the area is State Highway No. 7. Proper drainage of

State Highway No. 101 does not occur because the roadway is settling. There was flooding of State Highway No. 101 in 1965 and again in March of 1969 between the Chicago and Northwestern Railroad and State Highway No. 7. Generally this wet and wild land has been encroached upon in a minor way by man's activity. The petitioners seek a governmental device, that in cooperation with other municipalities, supported by hydrologic data, could safeguard this wet and wild area for water storage, controlled water movement, some recreational purposes, preservation of wildlife, and to protect the land from improper use and attendant water problems.

- S. The natural beauty of the lower reaches of Purgatory Creek was depicted by photographic scenes. Wildlife live in the area. Residents in this area have undertaken projects on their property to store water from springs in order to enhance wildlife habitat. Witnesses expressed concern over the effects of future uncontrolled upstream developments that would allow for a change in the regimen of the streamflow of this creek.

- T. There has been some pollution of the surface water from sewage systems in recent years, as more intensive use of the land surface of the watersheds is experienced upon the change of land use from agricultural purposes to concentrated urban development needs.
- U. The municipalities of Eden Prairie, Chanhassen, Deephaven and Minnetonka have participated in the recent establishment of the Southwest Sanitary Sewer District. The latter district is now constructing a major sanitary sewer interceptor in the Village of Eden Prairie, known as the Purgatory Creek Interceptor, which is generally located in or near stretches of the Purgatory Creek watercourse. The terminus of the interceptor systems of the Southwest Sanitary Sewer District, north of the Minnesota River, is a sewage plant located on the south side of the Minnesota River on a proposed site in Eagle Creek Township.

- V. The fields, marshes, lakes and streams in the watersheds provide habitat for game and fish.
- W. Quality of the environment is of concern to the residents of the two watershed areas as revealed in the testimony and in certain exhibits of two municipalities. Concern is expressed over the possible imprudent or potentially destructive actions by man as far as the natural beauty of the creeks. The Community Development Plan for Eden Prairie calls for the conservation (protection) of significant natural amenities, such as, lakes, streams,....and specifically proposes to reserve all of Round Lake and Starring Lake for public use. The "wild" valley of Purgatory Creek is proposed to be reserved.... The Eden Prairie Village Council has concerned itself by ordinance with the protection of land for park purposes around lakes and adjacent to streams to provide for recreational needs of their people.
- X. The Village of Chanhassen Park Plan envisions the preservation of all of the lake frontage of Lake Ann, and part of Rice Marsh Lake. This village's

Park and Recreation Open Space Plan reflects a concern for safeguarding natural resources.

- Y. To provide water recreation sites within the watershed area and for the Minneapolis-St. Paul Metropolitan Area the Minnesota Department of Conservation has provided public access to Starring Lake in the Purgatory Creek watershed. Public access to Riley Lake in Riley Creek watershed exists through the cooperation of the Village of Eden Prairie and the Chicago and Northwestern Railroad.
- Z. Part of Hyland Lake Park, located in the City of Bloomington, is partially within the proposed district. Hyland Lake Park is within the system of the Hennepin County Park District, which district has as an objective the retention or restoration to a natural state of at least 80 percent of the total area of its parks.
- AA. Upon a study of the problems, such as, financing, distribution of managers and Overall Plan modification, associated with the operation of a watershed district, the petitioners and other affected groups testified that the establishment

of a separate Riley-Purgatory Creek Watershed District was desired. The enlargement of the adjacent Nine Mile Creek, or Minnehaha Creek, or the Lower Minnesota River Watershed Districts by the addition of the Riley Creek and Purgatory Creek watershed areas to any one of the existing contiguous watershed districts was not supported by the petitioners.

BB.. Residents testified about the on-going activity of affected municipalities to guide land development and use within their boundary; nevertheless, an overall agency is needed to proceed with the planning of watercourses and lakes and their adjacent floodplain and shoreline lands notwithstanding the boundaries of municipalities. A question arose as to the effectiveness of coordination and cooperation of adjacent municipalities on a continuing basis for planning or management activities relative to water management in the watersheds. Local leaders are cognizant that a comprehensive plan for orderly water management of the combined watershed areas, and thus orderly

land use changes, is needed. A watershed district would be the basis for an attack on the water problems in the watershed areas in cooperation with the municipalities.

- VII. The name of the proposed watershed district is to be the Riley-Purgatory Creek Watershed District.
- VIII. A Board of Managers of five 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 proposed 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 Riley-Purgatory Creek Watershed District is hereby established, and given the corporate name of Riley-Purgatory 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 boundary of the Riley-Purgatory Creek Watershed District is hereby declared to be the continuous line as described hereinafter:

Commencing at a point of beginning at the southeast corner of Section 28, Township 116 North, Range 21 West, 5th Principal Meridian, in the City of Bloomington, in Hennepin County, proceeding westerly on the south line of Section 28, Township 116 North, Range 21 West, 5th Principal Meridian, to the southwest corner of Section 28; thence southerly on the east line of Section 32, to the southeast corner of the northeast quarter of the northeast quarter of Section 32; thence westerly on the south line of the north half of the northeast quarter to the southeast corner of the northeast quarter of the northwest quarter of Section 32;

Thence southerly on the east line of the southeast quarter of the northwest quarter to the northeast corner of the southwest quarter of Section 32; thence westerly on the south line of the northwest quarter to the southwest corner of the northwest quarter of Section 32; thence southerly on the east line of Section 31 to the southeast corner of Section 31, Township 116 North, Range 21 West;

Thence on the boundary of the Lower Minnesota River Watershed District westerly on the south line of Section 31 to the wouthwest corner thereof; thence northerly on the west line of Section 31 to the east quarter corner of Section 36, Township 116 North, Range 22 West; thence westerly in the village of Eden Prairie on the east-west quarter line in Section 36 to the centerline of River View Road (formerly County Road No. 37); thence westerly and northwesterly on the centerline of River View Road to the intersection with the north-south quarter line of Section 35;

Thence northerly on the north-south quarter line of Section 35 to the north line of Section 35; thence westerly on the north line of Section 35 to the northwest corner of Section 35; thence diverging from the boundary of the Lower Minnesota River Watershed District northerly on the east line of Section 27, Township 116 North, Range 22 West, to the southeast corner of the northeast quarter of the southeast quarter of Section 27; thence westerly on the south line of the north half of the south half to the southwest corner of the northeast quarter of the southwest quarter of Section 27;

Thence northerly on the west line of the northeast quarter of the southwest quarter to the northwest corner of the northeast quarter of the southwest quarter of Section 27; thence westerly on the south line of the northwest quarter to the southwest corner of the northwest quarter of Section 27; thence northerly on the east line Of Section 28, Township 116 North, Range 22 West, to the southeast corner of the northeast quarter of the northeast quarter of Section 28; thence westerly on the south line of the northeast quarter of the northeast quarter to the southwest corner of the northeast quarter of the northeast quarter of Section 28;

Thence northerly on the west line of the northeast quarter of the northeast quarter to the northwest corner of the northeast quarter of the northeast quarter of Section 28; thence westerly on the south line of Section 21 to the southwest corner of the southeast quarter of Section 21; thence southerly on the east line of the west half of Section 28 to the southeast corner of the northeast quarter of the southwest quarter of Section 28; thence westerly on the south line of the north half of the southwest quarter of Section 28 to the northeast corner of the west half of the southwest quarter of the southwest quarter of Section 28;

Thence southerly on the east line of the west half of the southwest quarter of the southwest quarter to the southeast corner of the west half of the southwest quarter of the southwest quarter of Section 28, Township 116 North, Range 22 West; thence in Section 33, Township 116 North, Range 22 West, south in Government Lot 4, to the centerline of U.S. Highway No. 212; thence on the boundary of the Lower Minnesota River Watershed District, westerly on the centerline of U.S. Highway No. 212 in Government Lot 4 in Section 33 and in Government Lot 9 in Section 32 to a point directly south of the southwest corner of the east half of the southeast quarter of the southeast quarter of Section 29, Township 116 North, Range 22 West;

Thence north, diverging from the boundary of the Lower Minnesota River Watershed District, in Government Lot 9, on a direct line to the southwest corner of the east half of the southeast quarter of the southeast quarter of Section 29; thence northerly on the west line of the east half of the southeast quarter of the southeast quarter of Section 29, Township 116 North, Range 22 West, to the south line of the north half of the south half of Section 29;

Thence westerly on the south line of the north half of the south half of Section 29 and on the south line of the north half of the south half of Section 30, Township 116 North, Range 22 West, to the southwest corner of the northeast quarter of the southwest quarter of Section 30; thence northerly on the west line of the northeast quarter of the southwest quarter to the northwest corner of the northeast quarter of the southwest quarter of Section 30; thence westerly on the south line of the north half of Section 30, to the southwest corner of the north half of Section 30, all in Village of Eden Prairie, County of Hennepin;

Thence in Carver County, in the Village of Chanhassen, in Township 116 North, Range 23 West, 5th Principal Meridian, from the southeast corner of the north half of Section 25, westerly on the south line of the north half to the southwest corner of the southeast quarter of the northwest quarter of Section 25; thence northerly on the west line of the southeast quarter of the northwest quarter to the northwest corner of the southeast quarter of the northwest quarter of Section 25; thence westerly on the south line of the northwest quarter of the northwest quarter to the southwest corner of the northwest quarter of the northwest quarter of Section 25;

Thence westerly in Section 26, Township 116 North, Range 23 West, on the south line of the northeast quarter of the northeast quarter to the southwest corner of the northeast quarter of the northeast quarter of Section 26; thence northerly on the west line of the northeast quarter of the northeast quarter to the northwest corner of the northeast quarter of the northeast quarter of Section 26; thence easterly on the north line of Section 26 to the northeast corner of Section 26; thence northerly on the west line of Section 24, Township 116 North, Range 23 West, to the northwest corner of the southwest quarter of the southwest quarter of Section 24;

Thence easterly on the north line of the southwest quarter of the southwest quarter to the northeast corner of the southwest quarter of the southwest quarter of Section 24; thence northerly on the west line of the northeast quarter of the southwest quarter to the northwest corner of the northeast quarter of the southwest quarter of Section 24; thence westerly on the south line of the north half of Section 24 and the south line of the north half of Section 23 to the northeast corner of the northwest quarter of the southeast quarter of Section 23; thence south on the east line of the northwest quarter of the southeast quarter to the southeast corner of the northwest quarter of the southeast quarter of Section 23;

Thence westerly on the south line of the north half of the south half to the southwest corner of the northeast quarter of the southwest quarter of Section 23; thence northerly on the west line of the east half of the west half of Section 23 and the west line of the east half of the west half of Section 14, Township 116 North, Range 23 West to the northwest corner of the southeast quarter of the southwest quarter of Section 14; thence westerly on the south line of the northwest quarter of the southwest quarter to the southwest corner of the northwest quarter of the southwest quarter of Section 14;

Thence northerly on the west line of Section 14 to the northwest corner thereof; thence westerly on the south line of the Section 10 to the southwest corner of the southeast quarter of the southeast quarter of Section 10; thence northerly on the west line of the southeast quarter of the southeast quarter to the northwest corner of the southeast quarter of the southeast quarter of Section 10; thence westerly on the south line of the north half of the southeast quarter to the southwest corner of the northwest quarter of the southeast quarter of Section 10; thence northerly on the west line of the southeast quarter to the northwest corner thereof;

Thence westerly on the south line of the northwest quarter to the southwest corner of the southeast quarter of the northwest quarter of Section 10; thence northerly on the west line of the southeast quarter of the northwest quarter to the northwest corner of the southeast quarter of the northwest quarter in Section 10; thence westerly on the south line of the north half of the northwest quarter to the southwest corner of the northwest quarter of the northwest quarter of Section 10; thence northerly on the west line of Section 10 to the northwest corner thereof;

Thence on the boundary of the Minnehaha Creek Watershed District, northerly on the east line of Section 4 to the southeast corner of the north half of Section 4; thence easterly on the south line of the north halves of Sections 3 and 2, Township 116 North, Range 23 West, 5th Principal Meridian, to the centerline of County State Aid Highway No. 17; thence southerly on the centerline of County State Aid Highway No. 17 to the south line of Section 2; thence easterly on the south line of Section 2 to the southeast corner thereof; thence northerly on the east line of Section 2 to the northeast corner of Section 2, Township 116 North, Range 23 West, 5th Principal Meridian; thence easterly on the north line of Section 1, Township 116 North, Range 23 West, 5th Principal Meridian, the same being the boundary between the Village of Chanhassen in Carver County and the Village of Shorewood in Hennepin County and the north boundary of Township 116 North, Range 23 West, 5th Principal Meridian,

to the southeast corner of Section 36, in Township 117 North, Range 23 West, 5th Principal Meridian; thence northerly in Hennepin County on the east line of Sections 36 and 25, Township 117 North, Range 23 West, 5th Principal Meridian, the same being the boundary between Township 117 North, Range 23 West, 5th Principal Meridian, and Township 117 North, Range 22 West, 5th Principal Meridian, and the boundary between the Village of Shorewood and the Village of Minnetonka, to the centerline

of State Highway No. 7; thence southwesterly on the centerline of State Highway No. 7, being the boundary between the Village of Shorewood and the Village of Deephaven, to the centerline of County State Aid Highway No. 5;

Thence northerly in Sections 25 and 24, Township 117 North, Range 23 West, 5th Principal Meridian, in the Village of Deephaven on the centerline of County State Aid Highway No. 5 and northerly in the Village of Deephaven on the centerline of County State Aid Highway No. 5 on the boundary between Township 117 North, Range 23 West, 5th Principal Meridian, and Township 117 North, Range 22 West, 5th Principal Meridian, and northeasterly and northerly in the Village of Deephaven in Sections 19 and 18, Township 117 North, Range 22 West, 5th Principal Meridian, and easterly in the Village of Deephaven in Section 18 on the centerline of County State Aid Highway No. 5 to the east boundary of the Village of Deephaven;

Thence easterly in the Village of Minnetonka in Sections 18 and 17, Township 117 North, Range 22 West, 5th Principal Meridian, on the centerline of County State Aid Highway No. 5 to the east line of Section 17; thence southerly on the west line of Sections 16, 21 and 28, Township 117 North, Range 22 West, 5th Principal Meridian, to the centerline of State Highway No. 7; thence easterly on the centerline of State Highway No. 7 to its intersection with the centerline of the highway formerly designated County Road No. 145 and now designated Williston Road;

Thence southerly along the centerline of Williston Road to the north line of Section 33, Township 117 North, Range 22 West; thence westerly along said north line to west line of Section 33, Township 117 North, Range 22 West; thence southerly along said west line of Section 33 to the northwest corner of the southwest quarter of the southwest quarter of Section 33, Township 117 North, Range 22 West; thence easterly along the north line of south half of the southwest

quarter of Section 33, Township 117 North, Range 22 West, to the northeast corner thereof; thence southerly along the east line of said south half of southwest quarter to the south line of Section 33, Township 117 North, Range 22 West; thence westerly along the south line of said Section 33 to the northwest corner of Section 4, Township 116 North, Range 22 West; thence southerly along the west line of said Section 4 to the north line of the plat of Eden View 2nd Addition; thence easterly along the north line of said addition to its intersection with east line of County Road 4; thence southerly along the east line of County Road 4 to its intersection with the southwesterly line of the plat of Birch Island Acres;

Thence southerly and easterly along the south line of the plats of Birch Island Acres and Registered Land Survey Number 261 to the east-west quarter line of said Section 4, Township 116 North, Range 22 West; thence easterly along the east-west quarter line of said Section 4 to the east line thereof; thence southerly along the east line of said Section 4 to the southeast corner thereof; thence easterly along the south line of Section 3, Township 116 North, Range 22 West to its intersection with the centerline of County Road 60; thence southerly and easterly along the centerline of County Road 60 to its intersection with the centerline of State Trunk Highway Number 212; thence southerly and westerly along the centerline of Highway 212 to its intersection with the centerline of State Trunk Highway Number 5 in the southeast quarter of Section 11, Township 116 North, Range 22 West;

Thence southerly and easterly along the centerline of Highway No. 5 to its intersection with the west line extended of Lot 13 of Auditor's Subdivision No. 335; thence southerly along the west line of said Lot 13 and along the west line of the northeast quarter of the southeast quarter of Section 14, Township 116 North, Range 22 West of the 5th Principal Meridian to the south line of the northeast quarter of the southeast quarter of said Section 14;

Thence easterly along said South line to the west line of Section 13, Township 116 North, Range 22 West; thence southerly along the west line of Sections 13 and 24, Township 116 North, Range 22 West to the south line of the northwest quarter of the northwest quarter of said Section 24; thence easterly along said south line to the west line of Government Lot 8 in said Section 24; thence southerly along said west line to the north line of Government Lot 9 in said Section 24; thence easterly along north line of said Government Lot 9 to the center of said Section 24; thence southerly along the north-south centerline of said Section 24 to the south quarter corner of said Section 24; thence easterly along the south line of said Section 24 to a point, said point being 648 feet westerly of the southeast corner of said Section 24 and measured along said south line; thence northerly 250 feet parallel with east line of said Section 24;

Thence easterly 410 feet parallel with said south line; thence northerly 410 feet parallel with said east line; thence easterly 238 feet parallel with said south line to the east line of said Section 24; thence northerly along said east line of Section 24 to its intersection with the north line of southwest quarter of the southwest quarter of Section 19, Township 116 North, Range 21 West; thence easterly along said north line to the east line of the southwest quarter of the southwest quarter of said Section 19; thence southerly along the east line of the southwest quarter of the southwest quarter of said Section 19 and east line of the northwest quarter of the northwest quarter of Section 30, Township 116 North, Range 21 West to its intersection with the north line of the southeast quarter of the northwest quarter of said Section 30;

Thence easterly along said north line to the north-south quarter line of said Section 30; thence southerly along said north-south quarter line to the east-west quarter line of said Section 30; thence easterly along said east-west quarter line of Section 30 and the east-west quarter line of Section 29, Township 116 North, Range 21 West to the north-south quarter line of said Section 29; thence northerly along said north-south quarter line to the north line of the south half

of the northwest quarter of the northeast quarter of said Section 29; thence easterly along said north line and the north line of the south half of the northeast quarter of the northeast quarter of said Section 29 to its intersection with the west line of Section 28, Township 116 North, Range 21 West; thence southerly along the said west line of said Section 28 to the south line of Government Lot 2 of said Section 28; thence easterly along the south line of said Government Lot 2 to a point 638.1 feet west of the east line of said Section 28; thence northerly parallel to said east line to a point 1830.1 feet south of the north line of the south half of Government Lot 1 of said Section 28; thence easterly, parallel to said north line of the south half of Government Lot 1, 638.1 feet to the west line of Section 18, Township 27 North, Range 24 West of the 4th Principal Meridian;

Thence, diverging from the boundary of the Nine Mile Creek Watershed District, southerly on the east line of Section 28 to the southeast corner of Section 28, Township 116 North, Range 21 West, 5th Principal Meridian, the point of beginning.

XIV. The territory of Riley-Purgatory Creek Watershed

District is that land located inside of the boundary line as described in Paragraph XIII above. The territory includes all forty-acre tracts, which may be fractional; or tracts of less than forty acres; all government lots or parts thereof; and, all lots within platted areas. The approximate size of Riley-Purgatory Creek Watershed District is 43 square miles.

XV. The Board of Managers of the Riley-Purgatory Creek Watershed District shall consist of five managers.

XVI. The distribution of managers between Carver County and Hennepin County is as follows:

1. Carver County : 1 Manager
2. Hennepin County: 4 Managers

XVII. One year beyond the date of this Order, when the managers will be appointed by the Carver County and Hennepin County Boards of Commissioners, the distribution of the succeeding terms of the managers shall be as follows:

1. One Manager's Term - For Three Years - Carver County
2. One Manager's Term - For Three Years - Hennepin County
3. Two Managers' Terms - Each for Two Years - Hennepin County
4. One Manager's Term - For One Year - Hennepin County

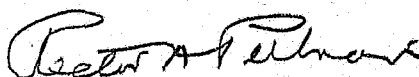
XVIII. After the expiration of the above terms of the Managers, appointed by the County Boards of Commissioners, the succeeding terms of the managers shall be for terms of three years each.

XIX. The first Board of Managers of five residents of the Riley-Purgatory Creek Watershed District, whose terms shall be for one year, effective the date of this Order, and until their successors are appointed and qualified, is as follows:

1. Mr. Ray C. Peterson, Route 4, Box 808, Excelsior, Minnesota, 55331.
 2. Mr. John Youngstrom, 17018 Clear Springs Terrace, Minnetonka, Minnesota, 55343.
 3. Mr. Howard L. Peterson, 7021 Duck Lake Road, Eden Prairie, Minnesota, 55343.
 4. Mr. Howard Merriman, Route 1, Chaska, Minnesota, 55318.
 5. Mr. Donald Pennie, 9599 Bluff Road, Eden Prairie, Minnesota, 55343.
- XX. The principal place of business of the Riley-Purgatory Creek Watershed District shall be located in the Village of Eden Prairie, Minnesota, 55343.

Dated at Saint Paul, Minnesota, 55101, this 31st day of July 1969.

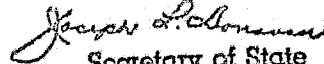
MINNESOTA WATER RESOURCES BOARD



Rector H. Putnam
Chairman

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#20805

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1969

Secretary of State