

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

ORDER RESCINDING TRANSFER OF DIVERSION  
CHANNEL AND DAM CONTROLLING FLOW OF  
WATER BETWEEN OSSAWINIMAKEE LAKE,  
LAKE NO. 18-352, AKA LONG LAKE, AND  
PELICAN LAKE, LAKE NO. 18-308, IN CROW  
WING COUNTY TO THE CITY OF BREEZY POINT  
(FORMERLY VILLAGE OF PELICAN LAKES) AND  
TO MODIFY THE EXISTING STRUCTURE.

WHEREAS, a channel was built in 1937 to conduct water from  
Ossawinimakee Lake (aka Long Lake), at a point in Government Lot 7,  
Section 3, to Pelican Lake, entering Pelican Lake at a point in Govern-  
ment Lot 4, Section 11, all in Township 136 North, Range 28 West, in Crow  
Wing County, and a dam was built in said channel at the bridge where County  
State Aid Highway No. 11 crosses said channel between Section 3 and Sec-  
tion 10 in said township and range; and said channel and dam have been  
operated by the Department of Natural Resources; and

WHEREAS, the Village of Pelican Lakes, now known as the City of  
Breezy Point, situated in Crow Wing County, Minnesota, pursuant to a re-  
solution of the Village Council of said Village of Pelican Lakes, did  
make application to take over the custody of the channel and diversion  
dam situated on Highway No. 11, this application dated the 13th day of  
September, 1961, pursuant to Minnesota State Statutes Annotated 105.63; and

WHEREAS, the State of Minnesota Department of Conservation did on  
the 13th day of November, 1961, order that the custody of the channel and  
diversion dam therein be transferred to the Village of Pelican Lakes, now  
known as the City of Breezy Point, which was approved; and

WHEREBY, the State Executive Council did approve the transfer  
on the 22nd day of November, 1961; and

WHEREAS, the City of Breezy Point has failed to maintain said  
channel and dam, and said dam has been vandalized and is in need of per-  
iodic inspection and maintenance which no local government body intends  
to provide; and

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WHEREAS, the order of the Department of Conservation dated November 13, 1961, provided for the cancellation and rescission of the order at any time it was deemed necessary for the protection of the public interests; and

WHEREAS, the City of Breezy Point passed a Resolution on September 5, 1978, supporting the transfer of the dam to the Department of Natural Resources and a plan for a fixed crest; and

WHEREAS, the Crow Wing Board of County Commissioners adopted a Resolution on September 6, 1978, approving both the transfer and the placement of a permanent fixed crest; and

WHEREAS, the Thirty Lakes Watershed District resolved on September 11, 1978, that they concur to the transfer of the dam and the intended plan for a fixed crest; and

WHEREAS, the Board of Directors of the Crow Wing Environment Protection Association did on August 30, 1978, adopt a Resolution urging a permanent non-adjustable dam should be established; and

WHEREAS, a public meeting was held on June 22, 1978, in the County Service Building, in Brainerd at which no opposition was voiced to the proposal rescinding the Order of Transfer to the City of Breezy Point (formerly Village of Pelican Lakes); and

WHEREAS, it is in the public interest to remove all adjustable and operative features of the subject structure and modify same with a fixed spillway crest; and

WHEREAS, the Commissioner of Natural Resources has determined that the rescission of such transfer will be in furtherance of the best interests of the public;

NOW THEREFORE, it is hereby ordered:

I.

That the Order of the Commissioner transferring the diversion channel and dam therein controlling flow of water between Pelican Lake (18-308) and Ossawinimakee Lake (18-352), aka Long Lake, in Crow Wing County to the City of Breezy Point (formerly Village of Pelican Lakes) dated November 13, 1961, should be and hereby is revoked and rescinded.

II.

That custody of the channel, and the dam therein, extending from Pelican Lake (18-308) in Government Lot 4, Section 11 to Ossawinimakee Lake (18-352), aka Long Lake, in Government Lot 7, Section 7, all in Township 135 North, Range 28 West, in Crow Wing County, be and hereby is transferred to the State of Minnesota.

III.

The Minnesota Department of Natural Resources is hereby authorized to modify the aforementioned dam in the following manner:

A. Remove the steel gates in bays number (numbered west to east) two (2) and five (5).

B. Pour a concrete fixed crest high level overflow spillway in bays one (1) and six (6) to elevation \*1208.7 which is equal to the existing top of piers between bays one (1) and two (2) and between bays five (5) and six (6).

C. Cut the piers between bays two (2) and three (3) and between bays four (4) and five (5) as necessary to conform with the elevation noted in D below. The center pier is to remain intact.

D. Pour a concrete fixed crest spillway in bays two (2), three (3), four (4) and five (5) at an elevation equal to a reading of 3.5 feet on the gage located on the southwest abutment of the structure. The "zero" of this gage is 1203.59; therefore, the spillway will be at elevation 1207.09 (1207.1). The reference mark (benchmark) at the site is a brass disk in the top of the northwest abutment of the structure, elevation 1213.71.

E. The modifications in A through D above will create a fixed crest spillway approximately twenty-two (22) feet in length at elevation 1207.1 with twelve (12) feet of high level overflow spillway (six (6) feet

\*All elevations in this document are in National Geodetic Vertical Datum (N.G.V.D.), 1929 based on levels from U.S. Coastal and Geodetic Survey (U.S.C. and G.S.) benchmark "D-187 1935" and also from U.S.C. and G.S. benchmark "H-187 1935".

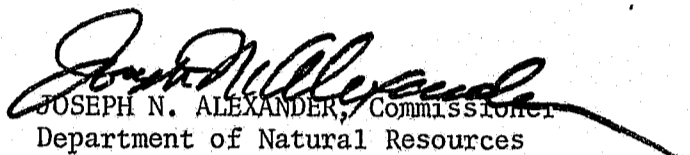
in length at either end of the spillway adjacent to both abutments] at elevation 1208.7. The modifications so attained will not substantially change the configuration nor the capacities offered by the existing structure.

IV.

This order is subject to the further approval of the Executive Council.

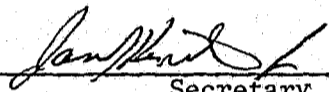
Dated at Saint Paul, Minnesota, this 3 day of

Apr, 1979.

  
JOSEPH N. ALEXANDER, Commissioner  
Department of Natural Resources

THE WITHIN TRANSFER IS HEREBY APPROVED.

EXECUTIVE COUNCIL

By   
Secretary June 11, 1979

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 18 1979  
  
Secretary of State  
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