

SPECIAL MEETING OF THE BOARD OF MANAGERS OF THE  
MIDDLE RIVER-SNAKE RIVER WATERSHED DISTRICT  
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN  
8:00 A.M. SEPTEMBER 26, 2002

The meeting was called to order by Vice President Jim Johnson. Managers Doug Sorenson, Jerome Potucek, Richard Kuzel and Jim Johnson were present. Blake Sobolik, Ron Adrian, Jim Stengrim, John Golden, George Hess, Don Diedrich, Ron Zutz, Loren Zutz, Wallace Diedrich and others were also present.

Ron Osowski joined the meeting at approximately 8:05 a.m.

A discussion was held concerning the revised estimates of the damages prepared for the Agassiz Valley Water Management Project.

Motion by Mr. Jim Johnson, seconded by Mr. Doug Sorenson that the following resolution be adopted:

**FINDINGS OF FACT AND ORDER REGARDING  
AGASSIZ VALLEY WATER MANAGEMENT PROJECT  
PURSUANT TO MINNESOTA STATUTES §103D.601**

WHEREAS, pursuant to Minnesota Statutes §103D.601, et al, a public hearing was held before the Middle River Snake River Watershed District Board of Managers at the Warren-Alvarado-Oslo High School in Warren, Minnesota, on June 10, 2002, at 9:00 o'clock a.m. This public hearing was held pursuant to Minnesota Statutes §103D.741 and 103D.745; and

WHEREAS, all of the managers of the Middle River Snake River Watershed District Board of Managers were present at said hearing, together with their attorney, Blake S Sobolik of Brink, Sobolik, Severson, Malm & Albrecht, P.A., of Hallock, Minnesota, who presided and conducted the hearing on behalf of the Board of Managers; and

WHEREAS, the purpose of the hearing was to hear all parties interested for and against confirming the Engineer's Report and Appraiser's Report; and

WHEREAS, Rick St. Germain, Houston Engineering of Fargo, North Dakota, the Engineer appointed by the Middle River Snake River Watershed District Board of Managers to prepare an engineer's report as required by statute, provided his testimony at the hearing; and

WHEREAS, the appraisers, Daryl Matthews, Norman Anderson and Rodney Langaas, who were the appraisers appointed in this matter by the Board of Managers of the Middle River Snake River Watershed District were also present

and provided their testimony at the hearing concerning their appraiser's report; and

WHEREAS, Ronald J Adrian, the Engineer for the Middle River Snake River Watershed District, provided testimony as to the benefits and the costs of the environmental enhancements that were required to be placed in the project; and

WHEREAS, numerous individuals provided their testimony at the hearing and further submitted written documentation which was subsequently reviewed in detail by the Middle River Snake River Watershed District Board of Managers; and

WHEREAS, a transcript of the hearing was made by the court reporter in attendance; and

WHEREAS, all jurisdictional documents required by statute and other documents were presented at the hearing and were introduced into the record and identified and made a part of the record; and

WHEREAS, the Engineer's Report and the Appraiser's Report have been filed with the Board of Managers as required by statute; and

WHEREAS, it was noted from the file that subsequent to the Engineer's Report being filed with the Board of Managers that a complete copy of the same was sent to the Director of the Division of Waters of the Department of Natural Resources and the Director did not issue an Advisory Report primarily because they have been involved through the mediation process in the planning of this project. Therefore since no advisory report was filed and the time for filing the same has expired, the final hearing on this matter was proper; and

WHEREAS, it was noted from the file that also subsequent to the Engineer's Report being filed with the Board of Managers that a complete copy of the same was sent to the Board of Water and Soil Resources and that Board of Soil Water Resources had provided an Advisory Report, which was introduced at the hearing as Exhibit 4; and

WHEREAS, testimony was provided as to the benefits of this project that pursuant to Minnesota Statutes §103D.721 the Board of Managers of the Middle River Snake River Watershed District will determine said benefits; and

WHEREAS, based upon the Engineer's Report, the Appraiser's Report, opinion of counsel for the Middle River Snake River Watershed District, public comment received at the hearing and written comments received at the time of hearing and all other records and proceedings herein, the Middle River Snake River Watershed District Board of Managers makes the following Findings of Fact and Order:

## **FINDINGS OF FACT**

### **I.**

That the Middle River Snake River Watershed District Board of Managers has jurisdiction of this matter and all legal requirements were met in order to conduct the hearing held on June 10, 2002.

### **II.**

That by Order dated November 20, 2000, the Board of Managers appointed Rick St. Germain of Houston Engineering to act as the Engineer for the Agassiz Valley Water Management Project.

### **III.**

That by Order dated December 17, 2001, the Board of Managers authorized the appointment of three disinterested resident owners of the State to act as appraisers in this matter, in accordance with this order Daryl Matthew, Norman Anderson and Rodney Langaas were appointed who each took the oath to faithfully perform the duties as prescribed by statute on January, 10, 2002. That the Appraisers Report determining the damages for the properties required for the project was filed with the Board of Managers on March 28, 2002.

### **IV.**

That notice of the public hearing held on the 10<sup>th</sup> day of June, 2002, has been duly given by mail and publication as required under Minn. Statutes §103B.741 and that this Order is made pursuant to Minn. Statutes §103D.745.

### **V.**

That notice was given and served pursuant to Minn. Statutes §103D.741, Subd.3 as required by law in order for the Middle River Snake River Watershed District to acquire an interest in real property for the purpose of the Agassiz Valley Water Management Project. That further, the Notice of Pendency of these proceedings as required by Minn. Statutes §103D.741, Subd. 3 was recorded before the Appraiser's Report was filed.

### **VI.**

That at the public hearing the board heard oral testimony from the Engineer, Appraisers, Ronald J. Adrian and from other interested parties which was set forth in the transcript. The Board also received written comments from various interested persons which comments have been reviewed by the Board of Managers and are on file at the Watershed District Office. The Board of Managers has considered both the oral and written comments when rendering its decision as contained in this order.

### **VII.**

That the reports as made or amended are complet and correct.

### **VIII.**

That the damages and benefits have been properly determined.

**IX.**

That the Board of Managers finds that the Agassiz Valley Water Management project will be conducive to public health; will promote the general welfare; and is in compliance with Minn. Statutes §103D which is commonly referred to as the Watershed Law.

**X.**

That the Board of Managers finds that the benefits as determined from the construction and implementation of the project will be greater than the cost of the construction or implementation and damages.

**XI.**

That the Engineer's Report as made or amended is complete and correct.

**XII.**

That the Board of Managers have determined the benefits or damages to certain lands listed in the Appraiser's Report as originally filed or as modified and amended, which modifications and amendments are included in the attached, table 1, table 2, table 3 and table 4. Said tables include all the damages to properties determined to be required for the establishment the Agassiz Valley Water Management Project. These amendments made by the Board of Managers are made a part of the original report as if set forth therein.

Based upon these Findings of Fact, the Board of Managers hereby makes the following:

**ORDER**

**I.**

The report of the Engineer as filed or amended is hereby confirmed and adopted and the Engineer is hereby ordered to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the surveys and plans to the managers.

**II.**

That the report of the appraisers, which includes their determination of damages to all lands and properties affected by this project, is hereby confirmed and adopted as amended, which amendments are set forth in table 1, table 2, table 3 and table 4 which are attached to this order.

**III.**

The attorney for the Watershed District is hereby authorized to make a certificate as required by Minnesota Statutes and record the same with the County Recorder of the County where the property is located which certificate will convey the lands to the Watershed District for purposes of implementation of the Agassiz Valley Water Management Project.

**IV.**

That it is hereby authorized and directed that the Agassiz Valley Water Management Project proceed according to law and further this project may be constructed and implemented and bid as a whole or different parts of the project may be constructed separately as deemed appropriate by the District's Engineer.

**V.**

That this final hearing shall be recessed until the Engineer's Report and bids are received.

Motion carried.

It was agreed that upon the filing of the resolution concerning the Agassiz Valley Water Management Project that the persons who made known their name and address, that copies would be sent to them.

The meeting was adjourned at approximately 8:50 a.m.

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Richard Kuzel  
Secretary