

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

Investigation and Hearing on Motion of)
the Department of Natural Resources as)
to the Maximum and Minimum Levels to be) 3-WR-1823
Established for Buffalo Lake, Towns of)
Montello, Packwaukee and Moundsville,)
Marquette County, Wisconsin)

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

The Department of Natural Resources records indicate that levels for Buffalo Lake, Marquette County have never been formally established. The Department has received numerous complaints regarding levels maintained by the Montello dam located in Sections 8 and 17, Township 15 North, Range 10 East, Marquette County.

Public hearing was held August 24, 1976 at Montello, Wisconsin before Examiner Maurice H. Van Susteren.

APPEARANCES:

IN SUPPORT:

Buffalo Lake Improvement Association, by

Mrs. Mary Albert, Board of Director
Montello

Robert Bowdey, Vice President
Montello

Earl E. Featherstone
Montello

Gene Kobey, Attorney
Montello

Claude H. Reading, Director
Packwaukee

APPEARANCES:

IN SUPPORT:

Buffalo Lake Improvement Association, by

June Schumann, President
Montello

Joseph & Evelyne Biebl
Montello

Emil E. Johnson
Montello

Shady Rest Resort, by

Edwin Strozinsky
Montello

IN OPPOSITION:

Lois Kempley
Montello

William Kempley
Montello

Chester Kempley
Endeavor

Ray F. Goetz
Montello

Dan R. McNamara
Montello

John Fupman
Montello

Theodore A. Cegielski
Montello

Norbert Bollenbach
Montello

Donald Alf
Endeavor

Tom McDowell
Montello

APPEARANCES:

IN OPPOSITION:

Harold Jones
Endeavor

George W. Krueger
Montello

Norman McChesney
Montello

Howard McGwin
Montello

Donald G. Mercurio
Glendale

Vincent Metcalf
Montello

Duane J. Miller
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Clayton W. Mitchell
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Richard R. Mueller
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L. D. Owens, Jr.
Montello

Llewellyn Owens
Montello

Mark Simon
Montello

Mary Simon
Montello

Paul Wade
Endeavor

Glen C. Willkomm
Montello

Jim Williams
Endeavor

APPEARANCES:

AS INTEREST MAY APPEAR:

Department of Natural Resources
Division of Resource Management, by

Richard L. Prorise, Attorney
Madison

WPDR, by

Tom Geretsen
Portage

Portage Daily Register, by

Doug Mell, Reporter
Portage

B. G. Petersen, Zoning Administrator
Montello

C. W. Springstroh
Montello

FINDINGS OF FACT

1. The State of Wisconsin owns and the Department of Natural Resources operates and maintains the Montello dam the structure that controls levels on Buffalo Lake.

2. The dam consists of a 188 foot spillway and a lock chamber. The crest of the spillway is at elevation 771.05 Mean Sea Level datum. Twelve inch flashboards have been used on top of the spillway to assist in establishing and holding levels. The tops of the sluice gates in the lock chamber are at the same level as the spillway with 12 inch flashboards.

3. Attempts have been made in the past to maintain levels 6 to 12 inches above spillway crest as measured on a gauge on the

north abutment wall. A range of 4.3 to 4.8 on the gauge has made farmers, resort owners and homeowners unhappy. Wildly fluctuating levels are due to a flat stream gradient to carry water from a 600 square mile drainage area. Occasional heavy rainfall causes a sudden increase in water elevations.

4. Agricultural interests require as low a water level as possible in the spring for planting and in the fall for harvesting. Recreational interests want levels as high as possible during the summer months of June, July and August. A level therefore of 4.3 in the spring and fall and a level of 4.8 in the summer would satisfy most competing interests. Lake levels would be maintained by the spillway crest only and use of the lock sluice gates up to shortly before Memorial Day. The flashboards would be placed on the spillway shortly before Memorial Day and removed after Labor Day. The lock sluice gates can be used to control levels together with the spillway crest during periods of high levels such as the spring runoff or heavy rain.

The foregoing operation of the dam is in the interest of public rights in navigable waters, will promote safety and protect life, health and property.

CONCLUSION OF LAW

The Department has the power and authority under Section 31.02, Wisconsin Statutes, to issue an order establishing levels on Buffalo Lake.

ORDER

THE DEPARTMENT, THEREFORE, ORDERS:

1. The maximum level of Buffalo Lake shall be established

at 4.3 on the gauge on the north abutment wall of the dam during the period of October 1 to May 20 of each year and maintained by the spillway crest and lock sluice gates and the use of flashboards if necessary to maintain the 4.3 levels.

2. The maximum level of Buffalo Lake shall be established at 4.8 on the gauge on the north abutment wall of the dam during the period of May 20 to October 1 of each year and maintained by spillway flashboards and lock sluice gates. The minimum level of Buffalo Lake shall be established at 4.3 during the period of May 20 to October 1 of each year and maintained by spillway flashboards and lock sluice gates.

Dated at Madison, Wisconsin

NOV 17 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By



Maurice H. Van Basteren
Hearing Examiner