

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

Application of the Lake Pewaukee Sanitary District)
to Formally Establish the Existing Maximum Level) 3-WR-1576
and to Set a Minimum Level for Pewaukee Lake,)
Towns of Pewaukee and Delafield, Waukesha County)

FINDINGS OF FACT AND ORDER

Lake Pewaukee Sanitary District, c/o Tom L. Sawyer, Attorney,
15255 Watertown Plank Road, Elm Grove, Wisconsin 53122, on October 3, 1972,
applied for the establishment of levels for Pewaukee Lake, Towns of Pewaukee
and Delafield, Waukesha County.

Pursuant to due notice, public hearing was held in the County
Board Room of the Waukesha County Courthouse, Waukesha, at 10:30 a.m.
on March 25, 1974, before Examiner David H. Schwarz.

APPEARANCES:

Lake Pewaukee Sanitary District, Applicant, by

Tom L. Sawyer, Attorney
Elm Grove

IN SUPPORT:

Phillip Rinke and Self, by

Allen W. Bowen
Pewaukee

APPEARANCES: (continued)

AS INTEREST MAY APPEAR:

Village of Pewaukee, by

August Fabyan, Jr., Attorney
Hartland

David L. Kluge, Administrative Engineer
Pewaukee

Garrett Boyce, County Supervisor
Pewaukee

Eugene J. Nord, Property Owner
Pewaukee Lake

FINDINGS OF FACT

1. The Department and Lake Pewaukee Sanitary District have complied with all applicable provisions of section 31.02, Wisconsin Statutes.
2. Pewaukee Lake is located in sections 12, 13, 14, 15, 22, 23, 24 and 25, township 7 north, range 18 east, and sections 7, 8, 17 and 18, township 7 north, range 19 east, Waukesha County.
3. Pewaukee Lake is navigable in fact.
4. Pewaukee Lake levels are maintained by a dam located at the outlet in the southwest quarter of the northwest quarter of section 9, township 7 north, range 19 east, Waukesha County. The dam was originally authorized by the Territorial Legislature in 1842. It is presently owned and operated by the Village of Pewaukee. The dam consists of two 4-foot wide overflow spillway sections and a gate section 4 feet wide and 4 feet high. The spillway crest is at an elevation of 852.20 feet, mean sea level

datum (MSL). The flow capacity of the dam with one foot of water over the spillways is approximately 150 cubic feet per second (cfs). This is approximately the capacity of the channel downstream from the dam.

5. Levels of Pewaukee Lake have been monitored by the Department since 1920. The average observed lake level since that time has been elevation 852.60, mean sea level. In 1952, the Public Service Commission advised the Village of Pewaukee that a maximum lake level of 852.8 feet, MSL, equivalent to about 6 inches of water over the spillway, should be maintained. This level has proven satisfactory for recreational use on the lake. The recreational season normally extends from about May 15 to October 1.

6. During spring runoff and other flooding periods, water storage is needed to prevent flooding below the dam. Ice damage has resulted in the past from high winter water levels. A minimum level at the spillway crest would reduce ice damage and provide about 1,200 acre-feet of storage below the maximum level. Under normal circumstances, heavy rainfall and runoff is completed by May 15.

CONCLUSION OF LAW

The Department has authority under section 31.02, Statutes, and in accordance with the foregoing findings of fact to issue an order establishing maximum and minimum levels for Pewaukee Lake.

ORDER

The Department therefore orders:

1. The maximum level of Pewaukee Lake is hereby established at elevation 852.80 feet, mean sea level.
2. The minimum level of Pewaukee Lake is hereby established at elevation 852.20 feet, mean sea level.
3. From May 15 to October 1 of each year, the Village of Pewaukee shall maintain a lake level as near the maximum as can reasonably be accomplished by proper operation of the dam.
4. From October 15 to May 1 of each year, the Village of Pewaukee shall maintain a lake level as near the minimum as can reasonably be accomplished by proper operation of the dam.
5. From May 1 to May 15, weather permitting, the lake level shall be gradually raised to conform to provision 3, above, and from October 1 to October 15, weather permitting, the lake level shall be gradually lowered to conform to provision 4, above.
6. The Department shall retain jurisdiction indefinitely for the purpose of amending or rescinding this order in accordance with the public interest.

Dated at Madison, Wisconsin,

JUN 18 1974

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By



Andrew C. Damon, Acting Administrator
Division of Enforcement