

3. The Department has authority under Section 31.34, Wisconsin Statutes, to require a minimum discharge of water through the dam.
4. The order contained herein is reasonable, proper and necessary to protect public rights in navigable waters and to protect life, health and property.

ORDER

The Department therefore orders:

1. The minimum level is maintained at elevation 772.63 feet, MSL datum = 98.35 feet, PSC datum. This level is referenced to benchmark 296-I, which is a 2-inch chiseled square in the center of the right and (facing downstream) of the walkway over the radial gate section. Benchmark 296-I has an elevation of 778.20 feet, MSL datum.
2. The minimum flow release is set at 37 cfs at all times. One radial gate must be open at least 2.4 inches at all times, or both radial gates must be open at least 1.2 inches at all times.
3. This order supersedes all previous orders regarding levels at the Waterford Dam.
4. The Department retains jurisdiction to modify this order at any time.

Dated at Milwaukee, Wisconsin, 10-15-82.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Robert F. Winnie
Robert F. Winnie
District Director

INFORMATIONAL COPY

51.5

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Modification of the Operating)
Levels for the Waterford Dam, Racine County.)

3-SE-82-804 .

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

The Department finds that:

1. The Waterford Dam is located on the Fox River in Section 36, Township 4 North, Range 19 East, Racine County, Wisconsin.
2. The Waterford Dam is owned by Racine County and its operation is supervised by the Racine County Highway Commission.
3. The Waterford Dam is currently subject to Public Service Commission (PSC) order 2-WP-26, dated December 16, 1931. This order sets a minimum level of 98.35 feet, PSC datum.
4. The minimum level 98.35 feet, PSC datum, equals elevation 772.63 feet, mean sea level (MSL) datum.
5. The Department has determined that a minimum flow release of 37 cubic feet per second (cfs) is required at all times to protect downstream fish life and to protect the rights of downstream dischargers. This minimum flow release corresponds to one radial gate open 2.4 inches, or both radial gates open 1.2 inches each.
6. This modification of the Waterford Dam will not alter the established water levels, nor will it alter the operating pattern. The order converts the levels to Mean Sea Level from local datum and clarifies the operation of this dam.

CONCLUSIONS OF LAW

The Department concludes that:

1. The Department has authority under Section 31.02(1), Wisconsin Statutes, to regulate and control the level and flow of water in all navigable waters, including the Fox River.
2. The Department has authority under Section 31.02(2), Wisconsin Statutes, to determine reasonable methods of operation and maintenance of any dam so as to conserve and protect all public rights in navigable waters and so as to protect life, health and property; the operation and maintenance of dams is subject to the supervision, orders and regulations of the Department.