



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

DIVISION OF RESOURCE DEVELOPMENT  
MADISON, WISCONSIN 53702

May 13, 1968

3-WR-177

Mr. James A. Hamblin, County Clerk, Sawyer County Courthouse, Hayward,  
Wisconsin 54843  
Doris Andersen, Clerk, Town of Draper, Loretta, Wisconsin 54852  
Mr. John S. Beattie, District Attorney, Hayward, Wisconsin 54843  
Mr. John A. Beale, Administrator, Division of Conservation, Hill Farms  
State Office Building, Madison, Wisconsin  
Mr. Lester P. Voigt, Secretary, Department of Natural Resources, Hill  
Farms State Office Building, Madison, Wisconsin

Application of Sawyer County to Establish  
New Levels on Upper Brunet Flowage, Town of  
Draper, Sawyer County

Gentlemen:

We enclose copy of Findings of Fact and Order issued in the above  
entitled matter.

Very truly yours,

A handwritten signature in green ink that reads 'Freeman Holmer'.

Freeman Holmer  
Administrator

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BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RESOURCE DEVELOPMENT

Application of Sawyer County to Establish )  
New Levels on Upper Brunet Flowage, Town of ) 3-WR-177  
Draper, Sawyer County )

FINDINGS OF FACT AND ORDER

Sawyer County on February 20, 1968, completed filing an application with the Division for the establishment of new levels on Upper Brunet Flowage, Sawyer County. Maximum and minimum levels established.

Pursuant to due notice, hearing was held April 3, 1968 at Hayward before Examiner Maurice H. Van Susteren.

Appearances:

Sawyer County, by

John S. Beattie, district attorney  
Hayward

Robert Kinney, county resource agent  
Hayward

In Support:

Township of Draper, by

Emil Peitemeier, town board chairman  
Loretta

As Interests May Appear:

Department of Natural Resources  
Division of Conservation, by

Lester C. Tiews, district game manager  
Ladysmith

Of the Division Staff:

Richard J. Knitter, land and water use section

FINDINGS OF FACT

1. Sawyer County on February 20, 1968, completed filing an application to establish new levels to be maintained on the Upper Brunet Flowage in the town of Draper, Sawyer County.

2. The Upper Brunet Dam is owned and operated by Sawyer County and is located in the northeast quarter of the southwest quarter of section 4, township 39 north, range 4 west. It was authorized in docket 2-WP-400 (20 P.S.C.W.) 314 in 1938. The dam was constructed for recreational purposes and is being used for such. In docket 2-WP-438 (21 P.S.C.W. 842) issued in 1939, the county obtained permission to raise the water level to elevation 97.0 feet.

3. The Division records indicate the level of the flowage has been at the following elevations:

August 20, 1958	97.91 feet
August 21, 1962	99.11 feet
June 24, 1965	99.16 feet
August 4, 1966	99.08 feet
April 3, 1968	99.41 feet
April 17, 1968	99.61 feet.

4. The elevations herein are referred to benchmark 880-A, which is a bronze tablet stamped Public Service Commission of Wisconsin set in the top of the east end of the old north abutment wall of the dam. Assumed elevation is 102.01 feet and 1392.05 feet, mean sea level datum.

5. The dam consists of an earth dike with a concrete spillway section containing 4 stoplog gates with a total width of 40 feet, which normally maintains a head of 14 feet. There is normally approximately 5 feet of freeboard to the top of the roadway on the dike. The dam is capable of maintaining the lake level at elevation 99.5 feet.

6. As evidenced by the above levels and the testimony at the hearing, the water levels have been illegally held approximately 2 feet above the maximum of 97.0 feet. The maintenance of a normal level at 99.0 feet would appear to be in the public interest as there would be little change in the existing levels.

7. The interest of public rights in the Upper Brunet Flowage, the protection of safety, and the protection of life, health and property requires that the maximum level of the lake held by the dam be established

at 99.5 feet and that a minimum level be established at 98.5 feet and that the level be maintained at the normal elevation of 99.0 feet by operation of the dam whenever possible. Such said maximum, minimum and normal elevations are reasonable levels and will maintain the level of the lake within a range which has been normal in the past.

#### CONCLUSION OF LAW

The Division has authority under section 31.02, Statutes, and in accordance with the foregoing findings of fact to establish the maximum, minimum and normal elevation to be held by the dam, subject to the qualifications noted in the foregoing findings of fact.

#### ORDER

It is therefore ordered that:

1. The maximum level for the Upper Brunet Flowage be and hereby is established at 99.5 feet insofar as it can be affected by the control structure.
2. The minimum level of the flowage be and it is hereby established at elevation 98.5 feet insofar as it can be affected by the control structure.
3. The owner of the dam shall at all times when possible operate the structure to maintain the normal elevation at 99.0 feet.
4. Jurisdiction to issue a further order in this matter with or without hearing be and hereby is retained.

Dated at Madison, Wisconsin, May 13, 1968

DIVISION OF RESOURCE DEVELOPMENT

Freeman Holmer  
Freeman Holmer, Administrator