



June 2, 2017

IP-SE-2012-52-05673

Racine County Board of Drainage Commissioners  
c/o Alan Jasperson  
500 College Ave.  
Racine, WI 53403

Dear Mr. Jasperson:

The Department of Natural Resources has reviewed your request to modify your current water level management order setting levels or flows on the Rochester Dam, located in the Village of Rochester, Racine County.

The Department has approved your proposed modification such that for high flow periods when the Wind Lake and/or Waterford Dams open the gates to 50% or more, the Rochester dam will be allowed to temporarily drop below the minimum water elevation of 4.20 ft. on gauge, to a water elevation no lower than 3.36 ft. on gauge. When the Wind Lake and Waterford Dams close their gates to less than 50%, the radial gates will gradually then be gradually closed to restore operations to the normal water elevation and will be maintained as nearly as practical, until such a time that another high flow period arises.

Attached is a copy of your new water level order which lists the conditions which must be followed. Please read your water level order conditions carefully so that you are fully aware of what is expected of you.

If you have any questions about your permit, please call me at (262) 574-2136.

Sincerely,

Elaine Johnson  
Water Management Specialist

cc: Tom Halter, Dam Operator  
Julie Anderson, Racine County  
Betty Novy, Village of Rochester  
Rebecca Ewald, Village of Waterford  
Russ Rasmussen, Michelle Scott, Michelle Hase, Andrea Stern, DNR

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BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

Application of the Racine County Board	)	
of Drainage Commissioners for a	)	IP-SE-2012-52-05673
modification to the water level order	)	
setting levels or flows on Rochester	)	
Dam, Village of Rochester, Racine	)	
County.		

FINDINGS OF FACT, CONCLUSIONS OF LAW, PERMIT AND ORDER

Alan Jasperson- Secretary/Treasurer of the Racine County Board of Drainage Commissioners - 500 College Ave., Racine, WI 53403, filed a request with the Department in accordance with Section 31.05, Wisconsin Statutes, on 12/7/2012 for a modification under Section 31.06, Wisconsin Statutes, to operate the Rochester dam across the Fox River, Village of Rochester, Racine County. Permit granted and order issued.

FINDINGS OF FACT

1. Alan Jasperson- Secretary/Treasurer of the Racine County Board of Drainage Commissioners - 500 College Ave., Racine, WI 53403, filed a request with the Department in accordance with Section 31.05, Wisconsin Statutes, on 12/7/2012, for a modification to the water level orders under Section 31.06, Wisconsin Statutes, to operate and maintain the Rochester dam across the Fox River in the Village of Rochester, Racine County. The Department and the applicant have complied with all procedural requirements of Section 31.06, Wisconsin Statutes.
2. The applicant proposed to modify the order issued on 4/22/1982 such that during high flow periods when the Wind Lake and/or Waterford Dams open the gates to 50% or more, the Rochester Dam will be allowed to temporarily drop below the minimum water elevation of 4.20 ft. on the gauge to a water elevation no lower than 3.36 ft. on the gauge. When the Wind Lake and Waterford Dams close their gates to less than 50%, the radial gates will then be gradually closed to restore operations to the normal water elevation and will be maintained as nearly as practical, until such a time that another high flow period arises.

\* 3.36 ft. on gauge = 764.16 ft. Mean Sea Level (MSL) datum or 74.86 ft. Public Service Commission (PSC) datum

4.20 ft. on gauge = 765.00 ft. MSL or 75.70 ft. PSC

4.70 ft. on gauge = 765.50 ft. MSL or 76.20 ft. PSC

5.20 ft. on gauge = 766.00 ft. MSL or 76.70 ft. PSC

5.70 ft. on gauge = 766.50 ft. MSL or 77.20 ft. PSC

3. The Fox River is navigable in fact.
4. No structural changes to the dam are needed to comply with the requested water level modification.
5. The proposed water level modification will not have significant adverse impacts to the public interest.
6. The project will conform to the standards in Chapters 31.02, Wisconsin Statutes.
7. All original findings of fact documented in the original order 3-SE-81-802 issued 4/22/1982 order remain valid.

#### CONCLUSIONS OF LAW

1. The Department has the authority under Chapter 31, Wisconsin Statutes, and the foregoing Findings of Fact, to issue the permit requested, subject to the conditions in the order which follows.
2. The Department has complied with the requirements of Chapter NR 150, Wisconsin Administrative Code and Section 1.11, Wisconsin Statutes.

#### ORDER

IT IS THEREFORE ORDERED THAT the application of the Racine County Board of Drainage Commissioners under Section 31.02(1), Wisconsin Statutes, to modify an order setting water levels or flows on the Rochester Dam, located in the in the Section 11, T3N, R19E Village of Rochester, Racine County, WI, be, and the same is hereby approved subject to the following conditions:

1. The conditions in 3-SE-81-802 not modified by this order remain valid and in effect.
2. The Department shall retain jurisdiction indefinitely for the purpose of amending or rescinding this order in accordance with the public interest.
3. During high flow periods when the Wind Lake and/or Waterford Dams open the gates to 50% or more, the Rochester Dam will be allowed to temporarily drop below the minimum water elevation of 4.20 ft. on the gauge to a water elevation no lower than 3.36 ft. on the gauge. When the Wind Lake and Waterford Dams close their gates to less than 50%, the radial gates will then be gradually closed to restore operations to the normal water elevation and will be maintained as nearly as practical, until such a time that another high flow period arises.
4. The Drainage District must notify the Department when implementing the high water condition.

5. The Drainage District must keep records of operation while implementing the high water condition and submit this data to the Department.
6. The Drainage District must notify the Department if the levels cannot be brought back up to normal within 48 hours of Wind Lake and Waterford closing their gates below 50%.

Dated at Waukesha Service Center, Wisconsin on June 2, 2017.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By 

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Elaine Johnson  
Water Management Specialist