

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region
141 NW Barstow Street Room 180
Waukesha WI 53188

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 262-574-2127
Toll Free 1-888-936-7463
TTY Access via relay - 711



Doc. #: IP-SE-2016-68-03794

Monday, October 03, 2016

CITY OF NEW BERLIN
CITY HALL, 3805 S. CASPER DR.
New Berlin WI 53151

Expedited delivery via email: todds@huntmanagement.com

Dear CITY OF NEW BERLIN:

The enclosed document is a "Notice of Pending Application" for the transfer of ownership of the Fountain Square Dam. Wisconsin law requires that the public be allowed an opportunity to comment on a project like yours. The enclosed notice has been prepared and is intended to help you meet this requirement.

Before we can proceed in processing your application, state law requires that you:

- 1) Publish this as a Class 1 Notice, at your expense, in the Muskego New Berlin NOW newspaper, news@jrn.com; 1741 Dolphin Drive, Suite A, Waukesha, WI, 53186; Phone: (414) 224-2100; News and Public Notices Fax: (262) 367-1136 or (262) 446-6646
- 2) Obtain an affidavit from the newspaper to prove that the notice was published.
Please send me the affidavit of publication to the address listed above, by no later than *10/19/2016*.

The Department will also publish the notice on our Internet website (<http://dnr.wi.gov/permits/water/notices.html>). The 30-day period to request a hearing in writing will begin on the date on which the Department first publishes the notice on our Internet website.

If you have any questions about this notice, please call at 262-574-2127 or email me at michelle.hase@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Hase'.

Michelle Hase
Water Management Engineer
Wisconsin Department of Natural Resources
Southeast Region

Cc: Fountain Square Townhouses, Prospect Management Co. 5045 N. Green Bay Ave. Glendale, WI 53209

Notice of Pending Application for Proposed Dam Transfer of Ownership

CITY OF NEW BERLIN, CITY OF NEW BERLIN, CITY HALL, 3805 S. CASPER DR., New Berlin WI 53151, has applied to the Department of Natural Resources for a permit to transfer ownership of the Fountain Square Dam.

The project is located in the SW quarter of the SE quarter of Section 12, Township 6 North, Range 20 E, Waukesha County.

CITY OF NEW BERLIN intends to transfer the property on which the Fountain Square Dam is located to Fountain Square Townhouses. The Department must approve the transfer of dam ownership when a specific piece of land on which a dam is physically located is transferred (ss. 710.11 and 31.14(4), Wisconsin Statutes).

The Department will determine whether the proposal complies with 1.11 and 31.185(1), 31.12, 31.14, Wisconsin Statutes, and NR 150, Wisconsin Administrative Code.

The Department has made a tentative determination that it will issue the permit for the proposed transfer.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at: <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> or you may contact Michelle Hase, Wisconsin DNR, Southeast Region, 141 NW Barstow Street Room 180, Waukesha WI 53188, phone number 262-574-2127, michelle.hase@wisconsin.gov.

If you object to this application and would like request a contested case hearing before an Administrative Law Judge, your objection shall specify:

- 1) Why the proposed project violates the legal standards found under Chapter 31 Wisconsin Statutes; and
- 2) That you or your representative will appear at the hearing and present information supporting your objection.

A request for a contested case hearing must be received within 30 days of publication on the Department's website.

If no objections are received which request a hearing, the Department may issue its decision without a hearing.

Docket Number IP-SE-2016-68-03794.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Dated: _____ October 4, 2016 _____

Michelle Hase
Water Management Engineer
Wisconsin Department of Natural Resources
Southeast Region