

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

13.19

In the Matter of Reestablishment of)
Water Levels for Lakes Monona and)
Waubesa, Dane County)

3-SD-77-819

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Department of Natural Resources proposes to reestablish water levels pursuant to Section 31.02, Statutes, for Lakes Monona and Waubesa in Dane County, Wisconsin.

FINDINGS OF FACT

1. The City of Madison and Dane County, Wisconsin 53701, requested the Department to reestablish water levels pursuant to Section 31.02, Statutes, for Lake Mendota in the City of Madison, Dane County. The Department has proposed in Docket No. 3-SD-77-808 to reestablish the water levels for Lake Mendota. Because the water levels of Lakes Monona and Waubesa are highly dependent on the operation of the Tenney Park Dam, which controls the water level of Lake Mendota, the Department has proposed to reestablish the water levels for these lakes.

2. The water level of Lakes Monona and Waubesa is controlled by the Babcock Park Lock and Dam located on the Yahara River at the outlet of Lake Waubesa in the southwest quarter of Section 3, T6N, R10E, Dane County, Wisconsin. The Dam is owned and operated by Dane County, Wisconsin.

3. Normal water levels were established for Lakes Monona and Waubesa by the Railroad Commission of Wisconsin in Docket No. 2-WP-290 (June 28, 1917). Levels of 845.0 feet and 844.8 feet, adjusted mean sea level datum, were set for Lakes Monona and Waubesa, respectively.

4. The ordinary high watermark of Lake Monona has been determined to be at elevation 845.82 feet, mean sea level datum. The ordinary high water mark of Lake Waubesa has been determined to be at elevation 845.67 feet, mean sea level datum. Establishing and maintaining water levels above 845.82 feet on Lake Monona and 845.67 feet on Lake Waubesa would infringe on use presently made of private property abutting the lakes

5. Water levels above 845.2 feet on Lake Monona and 845.0 feet on Lake Waubesa, both mean sea level, will inundate the shoreline and lead to excessive erosion and siltation from wave action.

6. In order to aid the spawning of northern pike, it is desirable that the water level be brought to and be maintained at 844.5 feet, mean sea level datum, on Lake Waubesa as soon as possible after March 1. In order to aid the spawning of walleye and other fish in the Yahara River downstream from the Babcock Park Lock and Dam, it is desirable to discharge at least 50 cubic feet per second from the dam from April 1 through May 15.

7. In order to allow recreational use adjacent to the shoreline on Lake Monona, an elevation of at least 844.7 feet, mean sea level datum, must be maintained between the first spring runoff occurring after March 1 and October 30. Water levels below 844.7 feet, mean sea level datum, between November 1 and the first spring runoff occurring after March 1 will not adversely affect recreational use near the shore. Between November 1 and the first spring runoff occurring after March 1, it is desirable to lower the water level to elevation 842.1 feet, mean sea level datum, to prevent ice damage to the shoreline and to provide for flood storage capacity during the spring runoff.

8. In order to allow recreational use adjacent to the shoreline on Lake Waubesa, an elevation of at least 844.5 feet, mean sea level datum, must be maintained between the first spring runoff occurring after March 1 and October 30. Water levels below 844.7 feet, mean sea level datum, between November 1 and the first spring runoff occurring after March 1 will not adversely affect recreational use near the shore. Between November 1 and the first spring runoff occurring after March 1, it is desirable to lower the water level to elevation 841.9 feet, mean sea level datum, to prevent ice damage to the shoreline and to provide for flood storage capacity during the spring runoff.

9. All elevations herein are referenced to a Public Service Commission of Wisconsin benchmark No. 691-B which is a tablet marked Public Service Commission set in the top of the upstream end of the left wall of the Babcock Park lock chamber, elevation 849.82 feet, USGS, mean sea level datum adjusted to 1929.

10. The following water levels are in the interest of public rights in navigable waters and will promote safety and protect life, health and property:

a. for Lake Monona:

maximum water level of 845.2 feet, mean sea level datum.

minimum water level of 844.7 feet, mean sea level datum, between the first spring runoff occurring after March 1 and October 30.

minimum water level of 842.1 feet, mean sea level datum, between November 1 and the first spring runoff occurring after March 1.

b. for Lake Waubesa:

maximum water level of 845.0 feet, mean sea level datum.

minimum water level of 844.5 feet, mean sea level datum, between the first spring runoff occurring after March 1 and October 30.

minimum water level of 841.9 feet, mean sea level datum, between November 1 and the first spring runoff occurring after March 1.

11. The configuration of the drainage area above the Babcock Park Dam is such that lake levels respond to rainfall within approximately one day. This makes timely operation of the Babcock Park Dam essential in minimizing fluctuations in lake levels.

12. The water quality of the Yahara River downstream of the Babcock Park Lock and Dam is dependent upon the amount of water released. To be consistent with the design of the sewage treatment plant at Stoughton and present water quality standards, a minimum of 10 cubic feet per second should be released from the dam.

13. The Department has made an environmental assessment of the proposed water levels and has determined that their establishment would not be a major state action significantly affecting the quality of the human environment.

CONCLUSIONS OF LAW

1. The Department has authority under subsections 31.02(1) and (2), Statutes, and in accordance with the foregoing findings of fact, to issue an order establishing water levels for Lake Mendota.

2. The Department has complied with Section 1.11, Statutes.

ORDER

THE DEPARTMENT THEREFORE ORDERS:

1. The maximum level of Lakes Monona and Waubesa is established at 845.2 feet and 845.0 feet, mean sea level datum, respectively.

2. The minimum level of Lakes Monona and Waubesa between the first spring runoff occurring after March 1 and October 30 is established at 844.7 feet and 844.5 feet, mean sea level datum, respectively.

3. The minimum level of Lakes Monona and Waubesa between November 1 and the first spring runoff occurring after March 1 is established at 842.2 feet and 842.0 feet, mean sea level datum, respectively.

4. A minimum discharge of 50 cfs must be maintained at the Babcock Park Lock and Dam between April 1 and May 15. At all other times, a minimum discharge of at least 10 cfs shall be maintained.

5. The above established levels and flows shall be adhered to as closely as possible by reasonable and proper operation of the Babcock Park Lock and Dam. Care shall be taken that the dam is operated expediently during periods of high rainfall.

Dated at Waunakee, Wisconsin

Jan. 18, 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By

Douglas Morrissette

Douglas Morrissette
Southern District Director