

HISTORY OF ROUND LAKE

Date	History/Action	Source
April 9, 1936	Application is made by Sawyer County for a permit to construct, operate, and maintain a dam in and across the north fork of the Chief River	Public Service Commission, Volume 15, pgs 146-148
February 3, 1937	Sawyer County filed an application with the Public Service Commission requesting permission to divert surplus water from the north fork of the Chief River to Round Lake for the purpose of restoring Round Lake to its normal elevation and maintaining it at such elevation.	Public Service Commission under 2-WP-298
February 25, 1937	Decision of the Public Service Commission in Matter 2-WP-255 to grant permit to Sawyer County to construct the dam. The dam will raise the water approximately 13 feet above the creek bed. At maximum elevation, it will raise the normal water level of McClaine Lake, Farnsworth Lake, Upper Twin Lake, Lower Twin Lake, and Burns Lake from elevations 86.15, 85.3, 86.16, 86.05, and 85.51 feet respectively to a maximum elevation of approximately 90.0 feet and will create a considerable flowage aside of the lake areas on the lower reaches of Twin Creek and on the north fork of the Chief River in sections 15, 16, 17, Township 41 North Range 7 West. The pond created by the dam will also eventually be used to supply surplus water to raise Round Lake from its present low water level to return to its normal water level (see file 2-WP-298).	Public Service Commission, Volume 15, pgs 146-148
May 26, 1937	A clarification was made by the Public Service Commission to replace the word "maximum" and insert the word "normal" so the correct paragraph reads as follows: "It is proposed to construct a dam of reinforced concrete to maintain a pond elevation at a normal height of 90.0 feet when referred to the applicant's benchmark."	Public Service Commission under 2-WP-255

June 21,
1937

On the 25th day of Feb 1937, the PSC in docket 2-WP-255 issued a permit to Sawyer County authorizing it to construct and maintain a dam across the north fork of the Chief River. The purpose of the proposed dam is to create a pond for recreation, the restoration of lake levels, and the preservation of property values. The Wisconsin Works Progress Administration established a temp benchmark designated "benchmark A" with an assumed elevation of 99.07 feet. A permanent benchmark is to be established when the dam is constructed; all elevations mentions herein will be referred to the datum of said benchmark (this is the base benchmark for Round Lake).

"Round Lake is a large navigateable lake located in Township 41 North and ranges 7 and 8 West, Sawyer County. In recent years, the water level dropped to approx 73 feet, or about 10 feet below normal elevation."

"It is proposed to divert surplus water from the pond created by the Tiger Cat Dam to Round Lake for the purpose of raising the water level to normal and maintaining it at that elevation."

"The surplus water will be diverted through a series of lakes, depressions, and sloughs connected by four artificial channels as follows: Diversion Channel Number 1 will lead from the Tiger Cat Pond to Burns Lake; Diversion Channel Number 2 will lead from Burns Lake to Placid Lake, Diversion Channel Number 3 will lead from Placid Lake to a natural depression or slough in Section 19, Township 41 N of Range 7 West; Diversion Channel Number 4 will lead from the slough above mentioned to Round Lake. At the outlet of Diversion Channel Number 4 will be constructed 'a head spillway' control dam with stop log control gates. The crest of the control dam will be at elevation 89.5 feet and provide with removable stop logs to allow passage of a maximum of 150 cubic ft per second of water when the head water has reached a stage of approx 1.6 feet above its crest."

"The water of Placid Lake and the diversion channels between the control dam and Burns Lake, fed from the Tiger Cat Pond, will vary from elevation 89.5 feet to elevation 91.5 ft during maximum diversion, but generally held at elevation 90.00 feet during most of the time."

"The Public Service Commission now 'hereby there does issue and is granted to the applicant, the County of Sawyer, the permit provided for by Chapter 31 of the statutes for diverting water from the north fork of the Chief River to Round Lake as herein described, **FOR THE PURPOSE OF RESTORING ROUND LAKE TO ITS NORMAL ELEVATION AND MAINTAINING THE WATER LEVEL AT NORMAL.**'"

Public Service
Commission 2-
WP-298
pgs 255-258

<p>December 4, 1940</p>	<p>Sawyer County applies to the Public Service Commission of Wisconsin, “to fix a normal water level for Round Lake and Little Round Lake, located in the town of Round Lake, Sawyer County.” In the application, Sawyer County asked that the normal water elevation be fixed at elevation 79.0; paragraph 7 of the application states “Above elevations are referred to benchmark 879-B, having an elevation of 93.52 and which is located and described as follows: ‘On the dam across the diversion canal between Placid and Round Lakes, and located in Sections 18 and 19, Township 41 North, Range 7 West, Sawyer County, Wisconsin.’ Benchmark 879-B is a bronze tablet marked Public Service Commission of Wisconsin, set in top of the west end of the north abutment of Waste way. Elevation is 93.52.”</p>	<p>State Records H0007 - H00009</p>
<p>December 30, 1940</p>	<p>Application of Sawyer County for a finding and determination of the problem of what constitutes the normal water levels of Round and Little Round Lakes in Sawyer County. Notice of hearing and order for publication.</p> <p>“It’s alleged that the water levels of Round and Little Round Lakes have dropped since 1900. The maximum recorded water surface of Round Lake occurred in 1900 when its elevation was at 83.34 feet; that the minimum elevation on record was in 1935 when the water had an elevation of 72.26 feet; that on Sept 5, 1940, the water surface had risen to 76.6 feet after a diversion of water into said lakes from the Chief River herein after referred to.”</p> <p>Note: All three claims of the water level being above 80 feet were made by Mr. Hamblin.</p> <p>“The applicant further alleges that the normal water level for Round and Little Round Lakes, in the opinion of the applicant (Sawyer County) is at elevation 79.00 feet.”</p> <p>“All elevations herein are referred to Public Service Commission benchmarks 879A and 879B located at the control dam in the diversion ditch between Placid Lake and Round Lake.”</p> <p>Benchmark 879A has an elevation of 102.6 feet; Benchmark 879B has an elevation of 93.52 feet.</p>	<p>PSC 2-WP-513</p>

<p>February 1, 1941</p>	<p>Letter from PSC to John C. Hirschfeld, Sr. stating “There appear to be two opposing groups of riparians on Round and Little Round Lakes. One group desires a high water level, while the other desires a lower level.”</p> <p>“Round Lake originally had an outlet stream which discharged into Little Round Lake, and from Little Round Lake into the Court Oreilles waters. This stream permitted the discharge of excess waters from Round Lake and Little Round Lake during years of excessive rainfall. The Commission is not informed whether this outlet stream is still open and available to maintain the level of water in Round Lake at the elevation which may be determined by the Commission. If this outlet stream has been obstructed, great damage may result to Round Lake and property on Round Lake and property on the lake in case of a heavy rainfall in Round Lake basin.”</p> <p>“It may be necessary to immediately require the county to furnish information concerning this outlet and perhaps require it (Sawyer County) to remove all obstructions so that Round Lake would not raise above its normal elevation in case of an unprecedented rainstorm in the drainage area..”</p>	<p>State of Wisconsin PSC Commission Records, letter H00151 and H00152</p>
<p>February 4, 1941</p>	<p>Hearing held at 10am at the County Courthouse, Hayward, Wisconsin by the Public Service Commission. Sworn testimony was taken and transcribed by most property owners on Round Lake.</p> <p>Note: It’s interesting to note that throughout these depositions that it was disclosed that Sawyer County filled in the natural drainage outlet or creek between Round Lake and Little Round Lake at where the Highway B bridge is now located.</p> <p>The first water gage established on Round Lake at Kaiser’s Resort was in 1924.</p>	<p>Public Service Commission 2-WP-513, H00018-H00111</p>
<p>February 19, 1941</p>	<p>Letter State of Wisconsin Public Service Commission to Adolf Sandstrom, Sawyer County Clerk, ordering Sawyer County to not allow the diversion channel to raise the level of Round Lake above 76.6 feet.</p>	<p>Public Service Commission datum</p>

May 20,
1941

Letter to the Public Service Commission, State of Wisconsin from Lester McDonald of Cole and McDonald Exploration Company

Some highlights of this letter are: "Went over to read the gauge at Kaisers on Round Lake as you requested last Sunday. Find the gauge has been removed from the bridge. The County has erected a concrete post and the marked board was temporarily fastened to it and in such a manner as to show the Lake level to be 75 feet. This in spite of the fact that the water is approximately .8 feet higher when I last wrote you. The water is now about 77.2 feet. The gauge should not have been removed from the bridge. A line level should be run from your benchmark as a check when it is installed. Believe one of your men should check this. Would not want to have this set at some arbitrary setting. Was very much upset to find the marker removed from the bridge as we were depending on its readings for our data."

Microfilm copy
of letter from
State Archives,
H00192

<p>September 29, 1941</p>	<p>Public Service Commission of Wisconsin issues the following finding and order (see attached 2-WP-513) setting the water level at 77.0 feet. In the ruling of this matter, it states:</p> <p>“A petition requesting the Commission to fix a normal level not to exceed 76.6 feet was filed with the Commission. The petition was signed by Marie H. MacLean, et al.”</p> <p>The Commission further states:</p> <p>“The problem of determining and finding the normal elevations of Round and Little Round Lakes calls for the solution of another problem, mainly, how the normal levels as determined and found by the Commission may be maintained, or, more specifically, how an abnormal rise in the water elevations can be prevented during abnormal floods or freshets or during successive wet years. This case is quite unusual in this, that whereas water can be released into Round Lake to compensate for losses by evaporation and seepage, Round Lake contains no outlets through which water may be discharged if and when abnormal rainfall and runoff causes the lake to exceed its normal elevation. The necessity of providing an outlet and control works for Round Lake is so intimately connected with the findings of what the normal level is, that it would be impractical to find and determine the normal level without also providing the means of maintaining such normal level.”</p> <p>“While we do not agree with the contention of the applicant (Sawyer County) that the normal level of Round Lake is at 79.00 feet, Public Service Commission datum, nor with the contention of a few riparians that the normal level of the lake is as low as 75.00 feet, we believe that the elevations which we find to be normal, as hereinafter provided, will not only be generally concurred in, but will be almost universally approved, provided an outlet is provided which will enable Sawyer County to prevent the lake from rising above the normal elevation.”</p> <p>“The evidence indicates that Round Lake formerly had an elevation of approximately 83 feet and that at this elevation, a stream flowed from Round Lake to Little Round Lake, thence into Squaw Lake, and thence into Court Oreilles chain. Navigation seems to have been carried on from Round Lake to Lake Court Oreilles during the early history of the state. However that may be, a survey made during the summer of 1941 by Cecil Noyes, County Surveyor,</p>	<p>Public Service Commission 2-WP-513</p>
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Sept 29,
1941cont

shows that Squaw Lake is about 2,600 feet distant from Round Lake by way of an old natural water course or depression. This is the water course that was later obstructed by a road fill. At the time of the survey, Squaw Lake was at elevation 74.8 feet; Little Round Lake was at 75.05 feet, and Round Lake was at elevation 75.6 feet. The profile on the map prepared by Mr. Noyes shows that the ground surface along the natural depression rises on a fill at the old trail to elevation 82.36 feet. Except for this fill, the ground surface varies from 77.71 feet in a gradual slope to elevation 76.05 feet. According to Mr. Noyes, it will require the removal of approximately 1200 cubic feet of dirt to provide an outlet from Round Lake when the water in that lake is at elevation 77.00 feet.”

“The staff was set according to the datum of the Public Service Commission benchmark 898A, consisting of a spike and a white pine tree on the Ewig property on the east shore of Round Lake, elevation 82.58 feet (Tiger Cat datum). It should be stated that until the staff gauge was established sometime after May 13, 1941, all elevations herein were referred to the gauge on Kaiser’s bridge at Kaiser’s Resort, which was also set according to the datum of the Public Service Commission, benchmark 898A.”

“On the establishment of the staff gauge on the concrete post, the gauge on Kaiser’s bridge was abandoned.”

“An examination of the shore of the lake made by the examiner on July 29 and 30, 1941 and reported to the Commission shows that the water elevation of Round Lake was at 76.9 feet on the staff gage at Kaiser’s resort. All large trees of saw-log size were standing approximately 3 feet above the water surface. All trees 20 years or older were standing at an elevation which would indicate that the water level on the day of the inspection was not above normal. The trees could thrive and reach maturity, even though the water had been constantly at an elevation of 77.0 feet or higher. Perhaps this is best illustrated by trees along the flowage of the lot owned by Reverend Clarence E. Wee. A Norway pine about 16 inches in diameter stood on the shore at an elevation of about 4 feet above the water. A white pine about 20 years old 15 feet from the water’s edge grew on land approximately 2.5 feet above the elevation of the water. A white pine about 16 years old 12 feet from the water’s edge was about 1.75 feet above the water surface. Another Norway pine 16 years old about 7 feet from the water’s edge stood on land approximately 1.75 feet above the water surface. At other locations around the lake there were large trees 50 or 100 years old, all of which were approximately 3 feet or more above the water surface. The water level, as already stated, was at elevation 76.9 feet. The timber line along the shore indicated that the water level was normal rather than abnormally high.”

NOTE: The current distance between Little Round Lake dam and Squaw Lake is estimated to be less than 500 feet.

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“FINDINGS

THE COMMISSION FINDS:

1. That the normal elevation of Round and Little Round Lakes is at 77.0 feet, when referred to the staff gage at Kaiser’s resort on Round Lake.
2. That the highway fill in County Trunk Highway B in the channel between Round and Little Round Lakes constitutes an illegal obstruction to navigation in the channel between Round and Little Round Lakes; that in order to afford reasonable navigation between the two lakes it will be necessary to construct a bridge in Country Trunk Highway B over the outlet stream of a width of not less than 8 feet and an overhead clearance of not less than 3 feet, so that the bottom of the girders underneath the bridge will be not lower than elevation 80.00 feet.
3. That in order that the normal elevation of Round and Little Round Lakes may be maintained, it will be necessary to construct an outlet canal not less than 10 feet in width from Little Round Lake to Squaw Lake, the high point of which shall be at an elevation of not more than 75.25 feet, and which should contain a control works to regulate the water levels of the lake.”

“ORDER

IT IS THEREFORE ORDERED:

1. That Sawyer County construct a bridge in County Trunk Highway B over the outlet in Round and Little Round Lakes of a width of not less than 8 feet and an overhead clearance of 3 feet above the normal elevation of the lakes.
2. That Sawyer County construct an outlet channel from Little Round Lake to Squaw Lake of the capacity to discharge 150 c.f.s., with a dam and control gates whereby the water level in Round and Little Round Lakes may be controlled.
3. That Sawyer County shall maintain Round and Little Round Lakes at the normal elevation of 77.00 feet at all times when a sufficient water supply exists and during freshets and heavy run-off to prevent the water levels from rising above elevation 77.25 feet. These elevations are referred to the staff gage at Kaiser’s resort.
4. That the plans for the bridge in County Trunk Highway B and for the outlet canal from Little Round Lake to Squaw Lake, including the control works, be submitted to the Commission on or before December 1, 1941.
5. That the bridge in County Trunk Highway B, the outlet canal, and the control works therein be constructed and ready for operation by July 1, 1942.”

“IT IS FURTHER ORDERED: That until the bridge and the canal and control works have been constructed and placed in operation that no water shall be diverted from the Tiger Cat flowage into Round Lake when the water in Round and Little Round Lakes exceeds elevation 76.0 feet.”

“Dated at Madison, Wisconsin, this 29th day of September 1941.”

<p>February 18, 1942</p>	<p>Letter from State of Wisconsin Public Service Commission to Sawyer County Board stating that the PSC has not received nor heard from Sawyer County plans for Item 4 and 5 of the September 29, 1941 order in 2-WP-513 issued on September 29, 1941. Item #4 “that the plans for the bridge in County Trunk Highway B and for the outlet canal from Little Round Lake to Squaw Lake including the control works be submitted to the Commission on or before December 1, 1941.” Item # 5 “the bridge in County Trunk Highway B, the outlet canal, and the control works therein, be constructed and ready for operation by July 1, 1942.”</p>	<p>State of Wisconsin Public Service Commission letter dated February 18, 1942 H00208</p>
<p>March 5, 1942</p>	<p>Letter from State of Wisconsin Public Service Commission to Sawyer County Clerk stating “We recently received from the Banister Engineering Company the plan, profile, and cross section of the proposed canal to be constructed between Little Round Lake and Squaw Lake. Before this plan can be approved, it will be necessary for the County to submit plans covering the construction of the control works to be built in this canal and the bridge to be constructed between Round Lake and Little Round Lake, as both of these facilities were REQUIRED BY THE ORDER OF THIS COMMISSION 2-WP-513, which was dated September 29, 1941.”</p>	<p>State of Wisconsin Public Service Commission letter dated March 5, 1942 H00211</p>
<p>April 4, 1942</p>	<p>Letter from Public Service Commission to John Moreland, Hayward stating “On February 26, 1942 Sawyer County filed plans for the proposed canal for the Little Round Lake and Squaw Lake. These plans are satisfactory EXCEPT no control works were provided in the canal. The county was informed that adequate means of controlling the level of water in round lakes would have to be provided before the plans are approved.”</p> <p>“About March 18, (1942), Mr. Wilson, the Chairman of the County Board of Supervisors, appeared before the Commission and stated that the improvements required by the order of the Commission would be provided.”</p> <p>“In your letter you state that the water level of round lake is nearing the 80 foot level; that unless means for controlling the water level is provided within the next 60 days, great and irreparable damage will be occasioned”</p> <p>“We are sending a copy of this letter to Mr. Wilson.”</p>	<p>Letter from Public Service Commission to John Moreland, H00217</p>
<p>April 6, 1942</p>	<p>Letter from Banister Engineering to Ed Gobler, Sawyer County Highway Commissioner, basically states that Banister Engineering out of St Paul, MN, is willing to draw up plans for bridge and control dam for an additional sum of \$55 plus expenses.</p>	<p>Letter from Banister Engineering to Ed Gobler, H00218 and H00219</p>

<p>May 19, 1942 and May 22, 1942</p>	<p>Letter from James Wilson to the Public Service Commission and letter back from the Public Service Commission to James Wilson requesting permission to install a 36 in culvert between Round Lake and Little Round Lake. Public Service Commission authorized the temporary permission.</p>	<p>Letter from James Wilson to the Public Service Commission and letter back from Public Service Commission to James Wilson H00220, 221, and 222</p>
<p>June 17, 1942</p>	<p>Letter from State of Wisconsin Public Service Commission to Mrs. Minnie J. Webb stating that “On May 7, Mr. James H. Wilson, Chairman of the Sawyer County Board of Supervisors, telephoned the Commission that he had a stream shovel ready to dig that canal and that he wanted to construct a culvert in County Trunk B instead of the bridge. He was advised that this was satisfactory to the Commission as a TEMPORARY measure and that the bridge could be constructed later.”</p> <p>“On May 19, we received a letter from Mr. Wilson stating that operations would be starting at once.”</p> <p>“We assume the culvert in County Trunk Highway B and the canal have been constructed, but we have not heard from the County with reference thereto. We are again writing the County today.</p>	<p>Letter from State of Wisconsin Public Service Commission to Mrs. Minnie Webb H00227 and 228</p>

<p>June 27, 1942</p>	<p>State of Wisconsin Public Service Commission letter to Mrs. Minnie Webb stating “We have just received a letter from Mr J. H. Wilson, Chairman of the Town Board of Sawyer County, who advised us that two 36 inch culverts are now taking water from Big Round Lake to Little Round Lake and Squaw Lake and that the water is falling into (sp) Round Lakes.”</p> <p>“Further answering you letter of June 22, it was the opinion of the Commission that the elevation which the Commission fixed for Round Lake was the normal elevation at which the lake had been maintained for many years (before the recent dry years lowered the lake) and that such normal so determined is in the best interests of most of the riparians on the Lake. The difficulty was that Sawyer County DID NOT PROPERLY PROVIDE AN OUTLET WHEREBY THE NORMAL ELEVATION FIXED BY THE COMMISSION COULD BE MAINTAINED. We believe, however, that as soon as the water is reduced to normal the county will be able to prevent the water from rising above that normal.”</p>	<p>State of Wisconsin Public Service Commission letter to Mrs. Minnie Webb H00247</p>
<p>August 20, 1942</p>	<p>State of Wisconsin Public Service Commission letter to Sawyer County Board of Supervisors stating “We have been informed that Sawyer County has installed two 36 inch culverts in Highway County Trunk B and a timber box culvert designed with stop log slots in THE TOWN ROAD AT THE OUTLET OF LITTLE ROUND LAKE.”</p> <p>“In our water power case No. 513 dated September 19, 1941 the order states that plans are to be submitted for the later culvert. To date our records do not show any such plans submitted for our approval. Will you therefore please send us two sets so this case may be closed.”</p>	<p>State of Wisconsin Public Service Commission letter to Sawyer County Board of Supervisors H00250</p>

<p>December 17, 1947</p>	<p>Public Service Commission of Wisconsin Departmental Correspondence to G. P. Steinmetz from J. E. Price. Subject: Field Inspection on Water Damage Complaint, where Inspector Price states, "The whole thing seems to add up to just this. Sometime during the past five or six years, the water elevation at Round Lake got out of hand and the excess poured down into this swamp area killing off quite a little timber and damaging some of the Indian's pasture lands. Just where the water came from, I do not know, but it seems quite possible that at least some of it may have come from the Tiger Cat flowage. Behind this extra foot of head, at Tiger Cat, there might be the fine hand of some of the high pressure resort area developers from around Hayward vicinity, this flowage created quite a little lake shore property."</p> <p>Note: The Tiger Cat flowage was to be maintained at 90.00 feet normal pool. Sawyer County has been maintaining during the previous years as high as 91.5 feet, allowing excess waters to flow into Round Lake around the Diversion Channel Number Four.</p>	<p>Dec 17, 1947 Inspection Report H00304, 305, and 306</p> <p>September 5, 1995 DNR letter to Sawyer County SC0947 SC0948 SC0949</p>
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<p>January 28, 1948</p>	<p>Letter from State of Wisconsin Public Service Commission of Wisconsin to Harold Anderson, County Clerk of Sawyer County stating, "As the survey on June 26, 1947 when referred to, the staff gauge at Reasoner's Resort, the elevation of the sill of the culverts were found to average 76.86 feet, and the width of the overflow was 10.8 feet. Apparently neither the findings nor the order of the Commission have been complied with."</p> <p>"Between the time of the survey of June 26, 1947 and Mr Price's inspection of Dec 22, 1947 the bridge and overflow section at the culvert of Little Round Lake have apparently been replaced by a 36 inch - diameter culvert. This seems to reduce the capacity of the canal still more than the 10.8 foot overflow section. Mr. Price does not state who installed the culvert."</p> <p>"Will you please have an investigation made and inform us of your intentions relative to the above matters."</p> <p>Note: It is now 1948; there is no bridge over Highway B and no control structure at the outlet of Little Round Lake.</p>	<p>Letter from State of Wisconsin Public Service Commission of Wisconsin to Harold Anderson H00264, 265, and 266</p>
<p>May 6, 1948</p>	<p>Public Service Commission State of Wisconsin; Department Correspondence from J.E. Price, Engineer for the Public Service Commission. Mr. Price did an inspection on the Round Lake water system and attached a map showing Tiger Cat Flowage, the diversion dam, Round and Little Round Lake, and Squaw Creek. On this map, it is noted "After the diversion ditch was put in at 'four' (meaning channel four diversion; Lake Placid to Round Lake), it was necessary to put in culverts here under the road", and pinpoints the location of where Highway NN crosses Squaw Creek. Prior to culverts being here, there are numerous documents that make reference to a 20-25 foot clear span bridge over this stream.</p>	
<p>July 8, 1948</p>	<p>W.A. Muegge memo Field Book #910, State of Wisconsin, stating that a meeting on June 24, 1948, between Muegge, Arnold Anderson, Arthur Hansen, Chairman of the County Board, and Sherman Wise, Agriculture Agent for Sawyer County, stating how dangerous it is for people trying to portage boats across Highway B and that the intention of the County is to get the bridge built between Big Round and Little Round Lake as soon as possible to allow boats to go through.</p>	<p>July 8, 1948 memo and the 1941 Public Service Commission Order</p>

November 8, 1948	Letter from Public Service Commission, State of Wisconsin to Arnold Anderson, Sawyer County Clerk stating conference held June 24 1948 between yourself, Arthur Hansen, and Sherman Wise. Mr. Muegge (State of Wisconsin) was informed that it was the intention of the County to replace the culverts at the outlets of Big Round and Little Round Lakes with other culverts of sufficient capacity. "Will you please inform us as to whether this work has been done."	Letter from Public Service Commission to Arnold Anderson
November 22, 1948	Letter from Public Service Commission, State of Wisconsin, to Arnold Anderson, County Clerk, Sawyer County stating that the Public Service Commission is in receipt of Sawyer County's November 17 letter where Sawyer County states they're making plans for a bridge at Highway B but did not mention the outlet structure at Little Round Lake. The PSC further states "it will do no good to place a larger culvert or bridge in the county highway if the one at the outlet of Little Round is not also increased."	November 22, 1948 letter
February 15, 1949	Letter to the PSC from Sawyer County stating they are submitting plans for the outlet structure at Little Round Lake, proposing a reinforced concrete culvert with two 4x6 openings and the inlet set at 75.0.	February 15, 1949 letter
February 23, 1949	Letter from Public Service Commission, State of Wisconsin, to Sherman Wise, Sawyer County stating "It appears therefore that the outlet structure of a twin box culvert, each 4x6 feet, with the bottom elevation of 75.0 feet, would be inadequate to comply with the order requiring a maximum water level of 77.25 feet."	February 23, 1949 letter
April 20, 1949	<p>Letter from Public Service Commission, State of Wisconsin, to Giles Anderson ordering Mr. Anderson to fill in an unauthorized channel from Little Round Lake to Squaw Lake.</p> <p>Note: This is not the Public Service Commission's channel, but a different one as the County Clerk is also named Anderson.</p>	April 20, 1949 letter

<p>March 6, 1949</p>	<p>Application from Sawyer County to the Public Service Commission to raise the water level of the Tiger Cat Flowage.</p> <p>Note: On this date, March 6, 1949, apparently Sawyer County has not built the Highway B bridge as ordered, has not constructed the outlet channel out of Little Round Lake, and files this application to enlarge a water body next to Round Lake with no way for the water to be controlled and discharged. Hearing was held on June 3, 1949. Action was postponed for further investigation.</p> <p>On June 2, 1950, permission was granted to make the lawful level of the Tiger Cat Flowage 90.5 feet from 90.0 feet.</p> <p>In the 1950 permit, not in the findings or in the order, the following statement was made: "That diversion from the Tiger Cat Flowage to Round Lake be permitted only as authorized by the Public Service Commission which retained jurisdiction for this authority in its docket 2-WP-513, and also that the partially constructed channel from Little Round Lake to Squaw Lake be kept blocked up to the elevation of the natural ground levels to cause any excess waters to flow towards Squaw Lake as determined by the natural ground contour."</p> <p>NOTE: THE DIVERSION CHANNEL THAT WAS ORDERED IN 2-WP-513, WAS COMPLETED IN 1942. THE ANDERSON CHANNEL IS A DIFFERENT CHANNEL ON THE EAST END OF LITTLE ROUND AND OSPREY LAKE.</p>	<p>March 6, 1949 application</p>
<p>May 4, 1949</p>	<p>Letter from Giles Anderson to Public Service Commission stating that this "channel" is a natural depression and that there is no water running through it at this time.</p>	<p>May 4, 1949 letter</p>
<p>June 13, 1961</p>	<p>R..M. Mires, State Employee, stated that inspection was made on the Little Round Lake outlet on June 7 1961, and that the crest, or the sill, of the control structure was 74.43 feet and the water level read 77.7 feet.</p>	

<p>October 6, 1961</p>	<p>Memo from W.H. Cartwright, Engineer for State of Wisconsin stating that an investigation was made on September 20, 1961, and further stating:</p> <p>“The dam and bridge crossing of the Little Round Lake outlet controls the lake level. It has two 5-foot gates with sills at elevation 74.3 feet, Public Service Commission datum. The channel from the bridge where the dam is located to the Cattail Marsh ahead of Squaw Lake is more than ten feet wide and its bottom elevation is below 74.0 feet. The outlet conditions comply, we believe, with the order of the Commission in Docket 2-WP-513.”</p> <p>“The Commission’s order in Docket 2-WP-513 established the minimum level in the lakes at elevation 77.0 feet and the maximum level at 77.25 feet; however, the physical circumstances are such that proper operation of the outlet gate cannot be discharged of sufficient water without raising Round Lake levels above the maximum established level when excess runoff occurs. This is because there is little slope from Round Lakes to Squaw Lake, which is a natural condition and cannot be changed.”</p> <p>“With these circumstances the control section in the outlet of Little Round Lake is adequate and the operation is proper.”</p> <p>Note: Current elevation of the sill of the Little Round Lake dam has been raised to elevation 76.0.</p>	<p>State of Wisconsin document H00520</p>
<p>1968, 1969, and 1970</p>	<p>Sawyer County applied for permits to dredge Osprey Creek upstream of Highway NN.</p>	<p>DNR permits</p>
<p>December 10, 1941</p>	<p>Original Drainage Profile for the proposed diversion channel and the outlet channel shows that Osprey Lake surface water is approximately 2.5 feet below Round Lake water levels.</p>	<p>Original Drainage Profile Map and list of all property owners on Round and Little Round Lake, now in Department of Natural Resource’s possession</p>

<p>August 8, 1995</p>	<p>Letter from Department of Natural Resources to Michael Kruger, Administrator, Sawyer County Forestry Department stating “Dam keeping is an enormous responsibility, as it is difficult to please all property owners of the lake. Authorized levels are established to protect private property and preserve the resource for use by the public. Exceeding the authorized levels can result in loss of shoreline and ultimately poorer water quality and degradation of aquatic populations. In addition, exceeding the maximum authorized level is a ‘takings’ of private property. If an individual filed suit against the county, the county would be liable.”</p>	<p>SC1828</p>
<p>September 5, 1995</p>	<p>Letter from State of Wisconsin, Department of Natural Resources to Shirley Susan, Chairman, Sawyer County Land Conservation Committee stating,</p> <p>“In response to Ted Turza’s comments that the Tiger Cat flowage is losing water through a flow which circumvents the Lake Placid dam, careful operation of the Tiger Cat dam can easily compensate for this loss. The flow which circumvents the Lake Placid dam does not come from a direct surface water connection to the Tiger Cat flowage. It is excess ground water being discharged through a 117 acre wetland just north of the diversion canal. This flow was documented by the Public Service Commission (PSC) staff as early as 1947. We believe that the raise of the ground water table occurred when the Tiger Cat flowage was first flowed. Observations by the PSC staff and the dam keeper at that time indicate that several of the ponds and wetlands in the vicinity of the flowage fluctuate in syncrocy with the level of the flowage. Specific mention was made to the increase of water in the large wetlands adjacent to the diversion canal. In fact, the flow that drains the wetlands into the diversion canal downstream of the dam was referred to as a creek in 1947. Successive authorized increases in the flowage level in 1950 and 1984 has only increased this flow into Round Lake.”</p> <p>“Mike Kreuger told us that he received far more complaints about low water than he does about high water. I do not doubt this. If people are used to excessive water levels, then similar to the situation on the Tiger Cat flowage, they will question why the water is low during periods when the level is actually within its authorized range. Mike has explained that when the water level drops below the maximum authorized level, he adds stop logs to the dam. This has resulted in excessively high levels. I must remind the County that holding the water above the authorized maximum level is a taking of private property.”</p>	<p>DNR letter dated 9/5/1995 SC947 SC948 SC949</p>
<p>June 5, 2000</p>	<p>Sawyer County hires Heather Harrington of Northern Wisconsin Based Engineers, Inc. to provide hundred year flood plain for Round Lake.</p>	<p>SC0151</p>

2002	Through numerous surveys, the sill of the Little Round Lake dam is now elevation 76 feet with another 6-9 inches of rocks placed on top of the wood floor.	
May 12, 2004	<p>Robert Montgomery (Sawyer County’s expert witness from Robert Montgomery and Associates in Madison) notes of meeting on 5/12/04 with Mike Kruger, Sawyer County Forestry Department; Kruger states to Montgomery that the Little Round Lake dam floor under his term of being in charge of the dam had a concrete floor and doesn’t know if it’s the original floor that is there now.</p> <p>Note: Floor that is currently there now is made of wood and is at elevation 76.0 feet versus what the State of Wisconsin believes the elevation to be at 74.3 feet.</p>	Montgomery notes, 5/12/04 with Mike Kruger and 1961 letter from W.H. Cartwright, P.S.C. SC0024 and MA0377
June 2, 2004	<p>Petition from Sawyer County to the Wisconsin Department of Natural Resources titled “Petition of Sawyer County to Review and Clarify Certain Orders Relating to Round Lake.”</p> <p>“We are writing on behalf of Sawyer County to request that the Department of Natural Resources (‘DNR’) exercise its authority to regulate and control the level and flow of water in navigable waters, and review and clarify certain orders issued by the Public Service Commission of Wisconsin (‘PSC’) and the DNR relating to Round Lake, Little Round Lake and Osprey Lake in Sawyer County.”</p>	Aartila Deposition, Exhibit 134
June 8, 2004	After the fact permit application from Sawyer County to the State of Wisconsin for culverts that were placed under Highway NN in 1999.	Aartila Deposition, Exhibit 135

<p>July 9, 2004</p>	<p>Letter from the State of Wisconsin Department of Natural Resources to Sawyer County stating that DNR has received Sawyer County's after the fact permit application.</p> <p>"Because these culvert inlets are elevated above the bed of Osprey Creek, the Department will be reviewing and making a determination whether this after the fact culvert permit application is appropriately regulated under Chapter 30 or 31 of the Wisconsin statutes."</p> <p>"The DNR requests additional information to assess the culvert placement. The requested information includes; 1). A cross section, parallel and perpendicular to the culvert placement showing the bed of Osprey Creek - both upstream and downstream.</p> <p>2). A stream slope diagram of Osprey Creek, from the outlet of Osprey Lake to 1,000 feet downstream of Hwy NN crossing.</p> <p>3). Statement, analysis, and documentation showing compliance with NR 116, Wis: admin. code, including the flood flow capacity of the culverts and flood plain cross section at the culvert location.</p> <p>4). Hydrology and hydraulic analysis of Osprey Creek system up to Little Round Lake (above the dam) with an emphasis of potential flood flow capacity reduction and flood plain elevation impact that are attributed to the elevated culvert placement."</p> <p>"Please submit the requested information to me as soon as possible because we cannot proceed with processing your application until it is determined to be complete."</p>	<p>Aartila Deposition, Exhibit 136</p>
<p>July 14, 2004</p>	<p>Letter from State of Wisconsin Department of Natural Resources to the attorneys for Sawyer County stating that the Department of Natural Resources has received the petition from Sawyer County to clarify certain orders relating to Round Lake/Tiger Cat flowage.</p>	<p>Kafura Deposition, Exhibit 109</p>
<p>2004 and 2005</p>	<p>Dave Kafura from Department of Natural Resources Water Management Specialist for Sawyer County, took a canoe downstream from the Little Round Lake Dam. Immediately, after clearing the channel, approx 250 feet downstream, it was observed there were 2-3 foot in diameter white pine tree stumps two feet under the water.</p>	

June 17,
2005

Deposition of Robert Montgomery (Expert Engineer Witness for Sawyer County, Madison, Wisconsin), on June 17, 2005 by Lauren Azar of Michael Best and Friedrich, Madison, Wisconsin. Page 147 states:

“Q: Now, how did Sawyer County contribute to the current high water problem?”

“A: I can describe how Sawyer County has - - Sawyer County has constructed facilities that result in a hydraulic situation that we’ve been talking about - analyzing.”

“Q: And can I stop right there, because the hydraulic situation that we’ve been analyzing is a situation in which Sawyer County cannot control the water levels on Round Lake, so as to not exceed 77.25 in normal conditions, correct?”

“A: Yes, that’s correct.”

“Q: Now I’m sorry, go ahead and continue with your answer.”

“A: So give me again the question, exactly that you want me to answer.”

(Reporter reads back previous question)

“A: You’re phrasing of contribute is what I’m struggling here with a little bit. Sawyer County constructed all the facilities that we’ve been speaking about, the control structures at - upstream, Tiger Cat, not Tiger Cat, Lake Placid, they constructed the dam at Little Round Lake.

They constructed the bridge at County Highway B, they constructed the culverts at County Highway NN. They’ve periodically, or at least once, conducted a project to clean out some of the channel upstream. That situation, along with the general setting of the watershed, has resulted in the water level problems, the water level issues, the water level characteristics that we have right now.”

Deposition of
Robert J.
Montgomery,
6/17/2005

June 2005

Barr Engineering took three separate soil borings from the downstream shoulder of Highway NN and determined that the culverts placed at Highway NN were done so approximately 2.5 feet above the natural stream bed.

2006	<p>Undisputed facts in the Round Lake water level situation are:</p> <ol style="list-style-type: none">1. Lac Courte Oreilles Lake is approximately 50 feet lower than the creek bed at Highway NN over approx three and a half mile distance2. The natural creek bed elevation at Highway NN Crossing is elevation 72.3. The floor of the Little Round Lake Dam is elevation 76 feet plus 6-9 inches of debris.4. The channel upstream and downstream of the Little Round Lake dam is now is excess of 76 feet because of siltation.5. The water level on Round Lake cannot be maintained at elevation 77.0 because of the manmade structures that have blocked the flow of water.6. Ground water seepage and surface overflow waters from the Tiger Cat Flowage prevents Round Lake from dropping severely in times of drought. In 2005, surveys were done before the large rains in the fall showing that most lakes were down 1.5-2.5 feet in Sawyer County, and Round Lake was only down 6 inches, while the Tiger Cat was down approximately 16 inches.7. The culverts at Highway NN are acting as an illegal dam, restricting the flow of water out of Osprey Lake, Round Lake, and Little Round Lake.8. If you start with a water surface elevation of 77 and, in less than two miles, that surface becomes elevation 72, and then, in another three miles, it becomes elevation 22, there is no reason that there should be a water control problem in this scenario; only if there is man made obstructions interfering with Mother Nature.	
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