

Documents that Have Been Added to this Summary:

1. Hausman; 2. Sawyer County; 3. Carthel; 4. Dallam; 5. NWBE; 6. Tyrolt; 7. Reinemann; 8.

HISTORY OF THE TIGER CAT FLOWAGE

- We have two maps on CDs dated 1935. One shows the Tiger Cat flowage and the other shows the Tiger Cat diversion proposal.
- 2/25/37: PSCW issues a permit to construct the Tiger Cat Dam. “The normal elevation of the pond to be created by the Tiger Cat dam is at 90.0 feet.” (H00001, page 255.)
- 3/37: There are two maps on CD. One is the plans and profiles for the Tiger Cat diversion and the second is the flowage area map for the Tiger Cat diversion channels.
- 3/19/37: Easement for Diversion Channel. This grants the Sawyer County “the perpetual right and privilege to construct, build and maintain a diversion channel on the lands hereafter described to divert surplus water from the north fork of the Chief River below the outlet of Lower Twin Lake into Round Lake...for the purposes of bringing back and maintaining the normal level of Round Lake.” (SC0808.)
- Sawyer County applied for a permit to “divert surplus water from the north fork of the Chief River to Round Lake for the purposes of restoring Round Lake to its normal elevation.” (H00001, p. 254.)
- “It is proposed to divert surplus water from the pond created by the Tiger Cat dam to Round lake of the purposes of raising the water level to normal and maintaining it that elevation...The surplus water will be diverted through a series of lakes, depressions, and sloughs connected by four artificial channels, as follows: [description of 4 Diversion Channels]...” (H 00001, page 256.)
- “Diversion Channel No. 4 will lead from the slough above mentioned to Round Lake through Lot 2, section 18 and lot 2 section 19, township 41 north of range 7 west. At the outlet of Diversion Channel No. 4 will be construct a “Head Spillway” control dam with stop-log control gates. The crest of the control dam will be at elevation 89.5 feet and provided with removable stop logs to allow passage of a maximum of 150 cubic feet per second of water when the headwater has reached a stage of approximately 1.6 feet above its crest. The water of Placid Lake and the diversion channels between the control dam and the Burns Lake, fed from the Tiger Cat pond, will vary from elevation of 89.5 feet to elevation 91.5 feet during maximum diversion, but generally held at elevation 90.00 feet during most of the time.” (H00001, page 256)
- “The Commission further finds that the diversion of surplus water from the north fork of the Chief River to Round Lake will not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property. AND 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 purposes of restoring Round Lake to its normal elevation and maintaining the water level at normal...The Commission reserves jurisdiction for the purposes of determining the amount of water which may be from time to time diverted pursuant to this permit.” (H 00001 257- 258.)

- 12/22/38: Sawyer County Conservation Committee Letter to the WPA Administrator. This letter urges the WPA to begin the work creating the diversion channels to Round Lake. It states “This project is highly beneficial to Sawyer County in as much as it will accomplish the following purposes. 1. Will reestablish the water level of Round Lake – one of the most highly built up recreational lakes in northern Wisconsin, which has receded approximately 10.5 feet, and 2. Through reestablishment of water level, property values surrounding this lake would be definitely maintained for years to come, thus assuring a steady taxable income to Sawyer County.” (SC0930.)
- 5/39: We have a map on CD of the as-built Tiger Cat diversion structure.
- 10/39 Sawyer County says: “Permit to divert excess water from Chief River granted June 21, 1937 (2-WP-298). Excess water has been diverted from the Chief River into Round Lake since October, 1939.” (H00009.)
- 10/40 Diversion channels were completed in the Fall of 1939. The gates in the dam were opened in September or October 1939. The gates were closed on October 28, 1940. (H 117.)
- 1941 Order: The PSCW 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.” (H 121-122.)
- Prior to construction of the bridge, canal and control structure, in Sept 1941, someone tampered with the control boards on the Tiger Cat Flowage allowing lots of water to move into Round Lake. The Sawyer County Conservation Committee repaired it. (H 202.)
- 12/2/46: A letter from the PSCW to Sawyer County stating that water is being diverted from Tiger Cat Flowage to Round Lake. “Our Order in Docket 2-WP-513 specifies that water is not to be diverted after the water in Round and Little Round Lakes exceeds elevation 76.0 feet. Mr. Cavill [Superintendent of the Great Lakes Indian Agency] states that the water level of Round Lake on November 19, 1946 was 77.53 feet. Will you please investigate the matter, and if water is being diverted, have stop logs inserted to stop the flow of water.” (H284.)
- 12/2/46: PSCW letter to the Great Lakes Indian Agency stating “Sawyer County, the owner of the dams, is apparently violating the Order of this Commission and docket 2-WP-513, in that, as you informed us, they are diverting water into Round Lake. We are writing the County concerning the matter.” (H287.) “We cannot understand how that would be responsible for a depth of two feet of water under a 16 foot bridge on County Trunk Highway

E. It is, however, not quite clear to us just where this bridge is located unless it be at the outlet of Little Couderay Lake.” (SC2131.)

- 12/5/46: Letter from Sawyer County’s Clarence Johnson to PSCW stating “The Round Lake diversion dam was checked and is absolutely not discharging any water into Round Lake.” “No water has been diverted through the Round Lake diversion dam since 1941.” (H290.)
- 12/17/47: Memo from the PSC. Regarding field inspections and water damage complaint. This memorandum which can be found at SC2151-2153 provides the narrative for the maps at SC1961 and SC1962. Specifically, the map that notes that “after the diversion ditch was put in at (G) it was necessary to put in culverts in here under that road [at NN]”. This memo describes the swampy area around the Tiger Cat diversion ditch indicating where overflow is circumventing the control structure. This memo is a nice description of the conditions existing in 1947. He concludes by stating “behind this extra foot of head at Tiger Cat there may be the fine hand of some of the resort area developers from around Hayward vicinity, this flowage created quite a little lakeshore property ... there are several unquestionable violations of Commission orders involved and they may be largely responsible for the damage.” (SC151-153.)
- 1/28/48: Letter from the PSCW to Sawyer County noting that under Docket 2-WP-255 the Tiger Cat Flowage had to be maintained at a normal level of 90 feet. On December 2, 1947 PSCW staff made an investigation and found the elevation to be 91.04 feet. “On date of inspection, therefore, Sawyer County, as owner of the Tiger Cat Dam, was maintaining the dam 1.04 feet above normal.” (H264 and H314.) (duplicates).
- 2/11/48: Letter from Sawyer County’s Attorney to the PSC. In response to the Commission’s letter of January 28, 1948. The County states “The fluctuation of the Tiger Cat Flowage has been due to unknown parties tampering with the dam controls. The Committee is now studying plans to place necessary locks on the spring to ensure correct control of the water level in the Tiger Cat Flowage.” “In closing the Committee wishes to assure the Indian Department that every effort will be made to control the waters in compliance with your regulations.” (SC1944-1945 & H321.)
- 5/6/48: The PSCW has an internal correspondence expressing dismay that the County continues to violate the Orders of the PSCW. They state that although some of the corrective actions will take time, others could have been easily achieved, including pulling the stop logs from the Tiger Cat Flowage. (H338.)
- 5/11/48: PSCW informs Sawyer County that the elevation of the Tiger Cat Flowage was 90.7 feet and that stop logs had to be removed because “Our permit dated February 25, 1937 specified a normal water level of 90.0 feet.” (H336.)
- 2/19/49: Letter from the PSCW to “Round Lake Area Improvement Association.” The PSCW discusses a Petition submitted to the Commission on February 13, 1949 where in numerous landowners ask that the water level of the Tiger Cat Flowage be raised to 90.5 feet. (See H363-3670 for copies of the Petition.) The PSCW states that “The dam that controls the level of the Tiger Cat Flowage, which has previously been ordered at 90.0 feet is owned by

Sawyer County.” The Commission states that any request to change the dam level would have to be submitted to Sawyer County. (H377.)

- 3/15/49: Letter from PSCW to Sawyer County regarding County’s application “for a permit to raise and enlarge the Tiger Cat Flowage.” The PSCW asks the County for evidence that it has easements for the land that would be flooded if the elevation of the Tiger Cat Flowage was raised from the current 90.0 feet. (H387.) (Please note that in H388 the County notes that it is only asking to raise the water level to 90.5 feet.)
- 4/19/49: Letter from PSCW to Sawyer County regarding Tiger Cat Flowage level. “We feel that in view of the complaints of riparians below the Round Lakes that the water levels as prescribed by the Order should not be exceeded and that the operation of the dams to maintain these levels should be carefully watched to avoid any further complaint.” (SC919.) In subsequent letters, the County and PSCW discuss seepage waters from Tiger Cat Flowage to Round Lake. (SC918. See also SC2764-66.) The Commission attaches an April 19, 1949 Inspection Report from W. H. Cartwright. Mr. Cartwright noted that Lac Courte Oreilles claims that damage occurred to their lake by excessive silt and northern pikes because of the higher waters caused by the Tiger Cat Flowage. Mr. Cartwright in his memo concludes as follows: “It is our opinion that if the following conditions are enforced, no further damage will be caused either to the Indian lands or to Lac Courte Oreilles: 1. Operate the Tiger Cat Flowage critically at 90.00 feet. Draw the Tiger Cat Flowage to 89.00 feet before the winter freeze up and maintain it at that level until near the end of the spring run-off. 2. Keep the top of the stop log gate elevation of the Placid Lake diversion structure at 91.00 feet and allow no direct diversion except when specifically permitted by the Public Service Commission. 3. Draw down the Round Lakes very gradually one-half foot, or to an elevation of 76.50 feet before the winter freeze up and maintain at that level until near the end of the spring run-off.” (H401.)
- 6/3/49: the hearing for a new docket (No. 2-WP-766) is held which addresses the County’s request that the water level for the Tiger Cat Flowage be raised from 90.0 feet to 90.5 feet. Some of the oral testimony given during the hearing related to the relationship of the elevation for the Tiger Cat Flowage and the water flows into the Round Lake Chain. Several witnesses said that there was a connection and if the water level at the Tiger Cat Flowage was increased from 90.0 to 90.5, then the water would also increase in the Round Lake chain. (See, for instance, H463, H468-470.)

Indeed at one point, one of the witnesses asked that the canal between Little Round and Squaw Lake be closed and returned to “its natural position.” (H472.) In the end, the hearing examiner agreed to keep the matter open until after a study had been completed. The study was intended to determine the relationship between the lake level in the Tiger Cat Flowage and the Round Lake Chain. (H473.) (SC2044-SC2092.) It is also attached at SC1341-SC1385 and SC2623-SC2667.

- 2/8/50: DNR Letter to the PSCW. In reference to 2-WP-766, Tiger Cat Dam Chief River Docket was held open for further study. The Conservation Biologist states “After examining the observations (as furnished me) of the diversion ditch/creek weir, it is apparent that the authorized operation of the Tiger Cat Dam can be fixed at 90.5 feet without adversely

affecting the levels of Round Lake if adequately locked stop logs are placed in the Lake Placid diversion gate and the project operated within strict limits of the Public Service Commission Order. I continue to recommend that the artificial structures on potential or seasonal outlets to the Round Lakes be returned to as nearly natural conditions as can be reasonably ascertained. This should minimize the dangers of the Round Lakes contributing an exotic species to the Couderay Lakes.” (SC1914 & H 479.) It’s unclear whether he’s discussing inlets to Round Lake or outlets from Round Lake. However, by looking at SC1918 it appears he was discussing the inlets to Round Lakes. In order to minimize the chance of northern pike down to the Lac Courte Oreilles, they had prohibited diversions from the Tiger Cat Flowage into Round Lake. (See SC1918.)

- 2/8/50: Letter from the State of Wisconsin Conservation Department to the PSCW. “Since the weir study covers the fall season only, I feel it is not complete enough to answer all the problems involved. However, it does seem to indicate the Tiger Cat does not contribute to any great amount of subsurface water to the Round Lakes, which should be reason enough to prepare an Order on Tiger Cat.” The letter then goes on to discuss ways in which to eliminate the downstream migration of northern pike from Squaw Lake into the Lac Courte Oreilles lakes. (H 480.)
- 3/29/50: Letter from the PSCW to the Great Lakes Indian Agency in relation to Docket 2-WP-766. In the letter it notes that the Lac Courte Oreilles opposed the application to raise the Tiger Cat Flowage to 90.5 because they were concerned of foreign fish and silt migrating down into Couderay Lake. The letter notes “Mr. Omnernick who represented the Lac Courte Oreilles people indicated that the opposition of the application would be withdrawn if proper safeguards are made to protect Couderay chain of lakes against the migration of foreign fish and also the carrying of silt. The channel between Little Round Lake and Squaw Lake was only partially constructed, and it is not expected that it will be completed. It will probably be plugged up to the natural groundwater in the vicinity. Because of the circumstances that now exist we ask if you have any objection to a permit being issued to Sawyer County to raise and enlarge Tiger Cat Flowage as requested.” (SC1920.) The letter encloses the report from the Conservation Department which notes as follows: “We have observed the conditions at these flowages throughout 1949, and it is of the opinion of our staff that raising Tiger Cat Flowage .5 foot, or to an elevation of 90.5 feet, as requested, will not adversely affect Squaw Lake on Lac Courte Oreilles chain of lakes...The channel between Little Round Lake and Squaw Lake was only partially constructed, and it is not expected that it will be completed. It probably will be plugged up to the natural contour of the groundwater in the vicinity.” (H484.)
- 4/28/50: Letter from the Bureau of Indian Affairs to the PSCW. This letter discusses “a considerable increase of water at the point where C.T. ‘E’ crosses the creek from Squaw Lake. ... Apparently there was no water flowing through the culvert pipe under the road at the east outlet of Little Round Lake, but it was observed there was seepage water in the ditch to Squaw Lake. We prefer that the elevation of Tiger Cat Flowage be held at 90.0 until such time as an overflow can be constructed to the Chippewa Flowage, since diverting the water to Squaw Lake has caused a considerable amount of damage to Indian lands and timber.” (SC1921.)

- 5/18/50: Letter from the Bureau of Indian Affairs to the Public Service Commission of Wisconsin. The Bureau notes that the elevation of the Tiger Cat Flowage is above the maximum elevation of 90.5 feet. “There is no water flowing through the location of the old weir to the canal from Little Round Lake to Squaw Lake. This having been blocked by an earthen fill. We find a considerable quantity of water flowing through the two 24-inch culvert pipes under World’s End Road in the southeast/southeast of Section 2, Township 40 North, Range 8 west. It is apparent that water is entering Squaw Lake from Little Round Lake by way of a connecting swamp in Section 36, Township 41 North, Range 8 West, north of the reservation line induced by the present high head.” (SC0915.)
- 6/2/50: Order in Docket No. 2-WP-766 is issued. In the opinion portion of the Order, the PSCW stated “The Conservation Department has made a report of its investigation and is of the opinion that the Tiger Cat Flowage can be raised to 0.5 foot without causing any substantial excess waters to flow toward Squaw Lake. However, its opinion is conditioned on the requirement that diversion from 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... In view of the report made by the Conservation Department and knowledge of the Order of the Commission requiring specific authorization for each diversion to Round Lake, the objection of the residents in the Lac Courte Oreilles area has been withdrawn.” H477 and H489. Neither the factual findings or the permit specifically incorporate these two conditions into the conditions of the permit. However, the permit language is as follows: “And hereby there does issue and is granted to the Applicant, Sawyer County, the permit ---- as herein described.” (H490.) The County will likely argue that “as herein described” incorporated the language in the opinion section that conditioned the permit in filling in the northern drainage ditch and not allowing any diversions from the Tiger Cat Flowage into the Round Lake chain without explicit authorization from the Commission. (SC2474-2481.)
- 7/27/59: Internal PSCW memorandum. This memo describes the results of an investigation made by the PSCW and Sawyer County. On July 16, 1959, lake levels were taken at the Lake Placid Dam... (H502.)
- 8/2/61: Letter from the Conservation Department to the PSCW. “This letter is written in answer to your request for comments on the matter of authorizing and requiring Sawyer County **to construct and maintain** a channel leading from Little Round Lake into Squaw Lake as required in your permit under Docket 2-WP-513. ...
- 6/67: Sawyer County Conservation Committee Minutes. “Round Lake survey – request made to the Public Service Commission of Wisconsin as per Round Lake Property Owners’ request. The administrator is to request the district attorney for regulations regarding vandalism at various county owned and controlled dams. (SC0799.)
- 4/3/69: Letter from Robert Kinney to the Sawyer County Conservation Committee. Someone suggested that the County formulate a policy regarding dams in the County. (SC0789.)

- 8/3/80: Dam Survey Report. Notes that water is passing through the logs of the Tiger Cat Dam. However, no water passes over the gates. “No water passes over lower spillway either.” (SC1326.)
- 3/5/82: Sawyer County Conservation Committee Minutes. Noted that the ownership of the Tiger Cat Dam was being transferred apparently to the Town of Round Lake. (SC2562.) See SC2563 in which Dale Olson contacts the Town of Round Lake regarding some improper maintenance to the Dam.
- 12/22/83: Letter from Department of Natural Resources to a Resident. This letter explains why the County is seeking to raise the normal lake level of the Tiger Cat Flowage. “The reason for the proposal is to authorize the level at which it is felt navigation through the various channels is easier.” (SC0959.)
- 12/27/83: Letter from the WDNR to a Resident. This letter states that “high water levels do contribute to shoreline erosion.” It also points out that the County had been maintaining the level of the Tiger Cat Flowage “above the authorized level for the past 10 or more years.” (SC0956.)
- 4/25/84: Letter from the Department of Natural Resources. This letter explains that Sawyer County has recently requested that the authorized “normal” water level of the Tiger Cat Flowage be changed from 90.5 feet to 91.34 feet. Public Service Commission Datum. (SC0955.)
- 5/16/84: Letter from the PSC to Ken Carlson of the Round Lake Properties Association. Mr. Carlson had sent a letter to the PSC outlining the 5 issues that are still of concern today in 2004. In response, the Public Service Commission stated that laws passed in 1965 resulted in the transfer of the jurisdiction over surface water regulations from the PSC to the DNR. (SC1830.)
- 8/8/84: DNR approves raising the Tiger Cat maximum level to 91.34 feet. (SC2461-2466.)
- 9/28/84: Memorandum from the Sawyer County Extension Agent to the Sawyer County Conservation Committee. Robert Kinney recommends that “local people in these areas can be empowered to operate dams to control water levels within the prescribed benchmarks...” He recommends these citizens “keep detailed water level reports on the enclosed water level report form prepared by the DNR.” (No form attached.) That each of the dams would be locked with two locks so “at least 2 of the 3 or 5 appointees would have to be present to open or close the gates or planks.” (SC0751.)
- 11/10/88: Letter from DNR to Sawyer County regarding Tiger Cat Dam Inspection Report. Among other things, this report stated “This dam has a very small spillway capacity unless the stop logs are removed. A mechanism for stop log removal should be constructed and kept at the dam. The operating rules for the dam should clearly state when (how large a rain/flood), the logs will be removed and who will remove them.” (SC1304.)

- 3/22/89: Letter from UW Extension to WDNR. Regarding Lake Placid dam operation, maintenance and inspection plans. (DNR330-333.)
- 9/19/89: Sketch of Lake Placid Dam and calculations of a hydraulic capacity. (DNR01665.)
- 2/22/90: Letter from DNR to Sawyer County Conservation Committee. This letter asks “Has the County improved the means to operate the dam [gate operation]?” This relates to the Lake Placid dam. (DNR325 & SC0750.)
- 3/21/90: Letter from Sawyer County Forestry Department to WDNR. In relation to the Lake Placid Dam. “No changes have been made to improve the operation of the gate on this dam. The County feels that no change is needed.” (DNR323.)
- 3/21/90: Sawyer County Forest Department Letter to DNR. This is a dam report. It provides a report on the Tiger Cat Dam noting that seepage is occurring through the dam. It also states “the gate operation has not been improved.” “The seepage is looked at when the dam is monitored. There seems to be very little change in the amounts of water seeping through.” (SC0747.)
- 4/27/92: Letter from DNR to Sawyer County. In this letter the DNR acknowledges that the County has asked for assistance in developing flood elevations on a number of lakes in Sawyer County. The DNR states that it generally provides such an assistance in response to land use permit applications. The DNR then describes how one calculates the regional flood elevation. Among other things it states “the engineering analysis should be based on gates closed conditions, unless the dam owner can demonstrate that the gates can be effectively operated and an operation and maintenance plan has been approved by the Department.” (DNR1680-1681.)
- 9/7/93: Memo from Joe Skidmore to Frank Dallam regarding Round Lake information. In preparation for Frank’s trip to Sawyer County with regards to the flood elevations, Joe compiled numerous information. It states “...Lake Placid Dam, (also called the diversion dam) ... it was apparently built to control the amount of water flowing into Round Lake from the Tiger Cat Flowage chain of lakes. It appears that when the Tiger Cat Dam was built, the level of Placid Lake was raised enough to start sending water into Round Lake. This dam was built to stop or at least regulate the ‘escaping’ water. No operation plan is listed.” (DNR1658.)
- 9/27/93: Letter from the DNR to Sawyer County regarding informational request for Big Round Lake. This letter discussed developing the regional flood elevation. “The [Lake Placid] diversion structure (dam) that connects Lake Placid to Big Round Lake was originally intended to be used only as a means to maintain a minimum elevation in Big Round Lake. The site visit indicated two to four inches of water flowing over the stop logs. Again there is not an operational procedure for adjusting the stop logs. Consideration should be given to limiting the range of adjustment of the structure. This would include limiting the number of stop logs that can be removed and cutting off unnecessary channel iron. For the RFE of Big and Little Round Lake, the diversion structure will be considered with all stop

logs removed. When the RFE at Tiger Cat is determined, the top of the channel iron will be used.” (DNR1639-1641.)

- 8/8/95: Letter from WDNR to Sawyer County. “Most of the complainants voice concern over the rapid loss of shoreline at their properties, which is a legitimate concern if the levels are being maintained higher than the maximum authorized level of 1345.50 feet, mean sea level, which would read 5.50 on the County Trunk Highway B bridge. On several occasions when I was in the area, I stopped to look at the water levels for various locations, including the Highway B bridge, Little Round Lake dam, Tiger Cat diversion canal dam, and the Tiger Cat dam. On each occasion, Round Lake was higher than the authorized maximum level. ... On one occasion one stop log was in place in the Little Round Dam and only a trickle of water was flowing through. Also, roughly 8 inches of water was flowing over the Tiger Cat diversion canal dam into Round Lake and only 3 inches over the Tiger Cat Dam. It was obvious why levels on Round Lake were high. Unnecessary water was being diverted from Tiger Cat flowage to Round Lake. I suspect someone removed a board or two from the diversion dam as the locking device was not secured over the boards. As you know when Round Lake is at its normal operating level, the diversion dam should be ‘shut off’ so that no flow is going through. Excess water in the Tiger Cat flowage should be diverted over the Tiger Cat dam. I am sure your department is very busy and monitors these dams as time allows, however, closer monitoring may need to be employed, especially if you are experiencing tampering. ... 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 poor 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.” (H595.) **8/25/95: Tiger Cat Flowage meeting. Todd Nass at the Tiger Cat Flowage meeting noted that too much water was flowing over the Lake Placid Dam causing high waters on Round Lake. Moreover, Ted Turza said “A culvert is taking water out of the diversion channel between Lake Placid and Round Lake, which runs beneath McLain Road, and the water is running into a swamp on private property. It is bypassing the channel’s control dam.” (DNR343.)**
- 9/5/95: Letter from WDNR to Shirley Suhsen, Chair of Sawyer County Land and Conservation Committee. Todd Nass reports that he conducted an inspection of Little Round Lake Dam, County Trunk Highway B Bridge, Lake Placid Diversion Dam, a large wetland runoff into Round Lake and the Tiger Cat Dam. With a few minor exceptions, all of the dams were being operated properly at the time. However, Mr. Nass reports that past operations of the dams have not been good, which led him to “conclude that some changes need to be made in the day-to-day operations of these dams.” “Water levels must be maintained within the authorized range required by the water level orders issued for both water bodies. I have attached a list of the authorized levels for the Tiger Cat flowage and Round and Little Round Lake. Exceeding these levels can cause damage to private property and degradation of the Lakes’ water quality.”

The letter then discusses water flowing through a wetland which circumvents the Lake Placid Dam and enters the Tiger Cat flowage. “It is excess ground water being discharged through a 117 acre wetland just north of the diversion canal. This flow is documented by the Public Service Commission staff as early as 1947. We believe that this raise of the ground water table occurred when the Tiger Cat flowage was first flowed. Observations by 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 wetland adjacent to the diversion canal. In fact, the flow that drains the wetland 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.”

“The County should not wait until complaints are received to adjust the flowage levels. Routine adjustments must be made to maintain consistent levels.

“The water levels on Round Lake have been maintained consistently higher than the authorized maximum level. There is considerable evidence to support this. Presently, the water level is slightly above the authorized maximum, yet this is well-below the ordinary high water mark of the lake. The OHWM is the erosion mark established on the lakebed by consistent high water. Also water stains in the staff gauge at Hwy B Bridge clearly show that water has been held 0.59 feet above the authorized maximum level. I can also state the water has been high each time I have looked at the gauge.

“Mike Krueger told us that he receives 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 of the Tiger Cat Flowage, they will question why the water is low during periods when the level is actually in 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 water above the authorized maximum level is a taking of property.

“No water should be released from the diversion canal dam unless the level of Round Lake falls below the authorized normal level. This is only likely during a drought period. ...

“The need to monitor Round Lake’s water level on a more regular basis is essential. ... The number of complaints received this year indicates that the County should prioritize monitoring of its dams. Though complaints will likely be received no matter how the dams are operated, the County, as owner of the dams, is required to operate the dams to comply with the authorized water levels.

“In summary, I believe the complaints we received this summer are legitimate. ... The level of Round Lake has exceeded its maximum authorized level through most of the summer. The Department recommends that the County prioritize this monitoring of the water levels, and works with the local residents and/or lake associations to establish a monitoring program which will insure day-to-day consistency and dam operation.” (SC947-951.) The authorized water levels specified by Mr. Nass indicate that for Round and Little Round Lakes, the maximum authorized level is 77.25 feet, which is 1345.50 feet at mean sea level and 5.50 feet on the gauge.

9/27/95: Newspaper article on high water articles. Todd Nass reported that the Lake Placid diversion dam was being operated properly, however, “Minor maintenance was required.” “The Lake Placid diversion canal dam had been closed and was passing only ‘normal seepage’ through the boards. Since then, Kruger has added an additional 10-inch board to the dam and locked the boards in place to create a safer freeboard.” (DNR319.)

- 1/26/99: Letter from Dale Olson to a resident. Describing the Tiger Cat Flowage, Dale states “The stop logs have not been utilized for some time and water is allowed to flow naturally from Placid Lake to Round Lake.” This letter provides nice history of the diversion project. (SC2511-2512.)

- 4/99: Conservationist Work Report. “Water level concerns – Lac Courte Oreilles and Big Round Lake”... “monitoring dams.” (SC809.)
- 6/99: Sawyer County Conservation Work Report. “Monitor dams.” (SC811.) There are similar notations concerning the conservationist monitoring dams at SC812, 814, 815, 816, 817, 820, 821. Also SC813 states “operate dams.”
- 5/4/01: Minutes from the Land and Water Conservation Committee. "Discussion on history of Tiger Cat Dam projects, current state of dam and review of aerial map. Consensus is to begin researching possible abandonment." (SC 0145.)
- 4/16/01: E-mail from Dale Olson to Frank Dallam. Dale explains that the County "would like also to eliminate the diversion canal linking Tiger Cat Flowage with Round Lake. This is a simple filling of the canal and removal of the stop log structure. What is the proper procedure for starting this project."
- 7/2/03: E-mail from Frank Dallam to Jan Eck. "Got a chance to skim the report submitted by Mr. Hausman's attorney and as of yet, still do not consider the County in violation of the original order. ... The attorney's report did specifically point out the leakage entering Round Lake from the diversion channel. This should be rectified post haste, if not already done." (SC347.) (DNR00031)
- 12/5/03: E-mail from Frank Dallam to Mike Cain. Frank was forwarding a picture of "the downstream side of the Lake Placid Dam. This is the control structure for the diversion channel that is referenced in the orders to divert water from Tiger Cat flowage to Round Lake. Believe this is the 'violation of Tiger Cat's order' that Mr. Hausman's lawyers are referring to. The County was instructed to fix the leakage." The photo shows that there is minor leakage coming through the stop logs but not significant leakage. Moreover, it is noteworthy that this photo was apparently taken after Jon Furlow and Lauren Azar had met with Mike Cain to discuss the importance of the Tiger Cat Flowage diversion. (DNR00022.)
- Undated: A summary of the approved water levels for the Tiger Cat Dam. As provided at SC2457. SC2460 also provides the three dockets relating to the Tiger Cat Dam.
- Tiger Cat Flowage Project. Documents SC1248-SC1717 all relate to the construction of the Tiger Cat Dam and the diversion project. This includes detailed specifications, building materials, flowage easements, etc.
- Tiger Cat Dam. There are numerous documents relating to the Tiger Cat Dam found at SC2563-2610. This includes repeated notes about water going over or through the boards. Note the Tiger Cat Dam is not the same thing as the water control structure on Diversion Canal No. 4.

HISTORY OF THE CTY HWY B CONTROL STRUCTURES

- 1914 or 1915: There was a bridge maintained between Big Round and Little Round Lake and “we could go through with boats.” (H 00051.)
- 12/26/40: Plans for a “Steel Stringer-Conc Deck, Creosoted Timber Br.” For “Round Lake-Little Round Lake.” (H 123. Also on CD.) This may not relate to Cty Hwy B.
- 2/1/41: Letter from PSC to John Hirschfeld. “Round Lake originally had an outlet stream which discharged into Little Round Lake and from Little Round Lake into Courte Oreilles waters. This stream permitted the discharge of excess waters of Round Lake and Little Round Lake during years of excessive rain falls. The Commission is not informed whether this outlet stream is still open and available to maintain a level of water in Round Lake, the elevation of which may be determined by the Commission. If this outlet stream has been obstructed, great damage may result to Round Lake and property on the Lake in case of a heavy rainfall in the Round Lake basin.” (SC2350.)
- 2/7/41: Memo from the PSC. “Round Lake embraces five square miles. To the south of Round Lake a small lake is located which was formerly a part of Round Lake. This lake is called Little Round Lake. A county road runs between these two lakes. Formerly a bridge permitted the passage of water and boats from Round Lake and Little Round Lake. The bridge was taken out and solid fill put in the former channel. There was testimony that during the early history of the lakes high water flowed from Round Lake into Little Round Lake, thence through a swamp into Squaw Lake, the outlet stream of which flowed into the Couderay chain. The County in 1941 agreed to make a survey to determine the feasibility of providing a channel from Round Lake to Little Round Lake and thence into Couderay chain for the purpose of preventing the lake from rising too high during wet years and causing damage to improvements and property on the shore of the lake.” (SC2387-2388.)
- 4/4/41 Hearing: “We have to build a bridge or something at the crossing of County Trunk B and the old records show there was an outlet at one time and that at the present time we are having a survey made to determine where that outlet is and if we have a rather heavy rain it will be impossible to control that water even if we shut off the diversion ditch.” (H0032.) H0034 also implies there is no bridge as of 4/4/41.
- 4/4/41 Hearing: Cty Hwy B used to be “Old Chippewa Road.” When the county took the road over, they removed the bridge. H00077. Later someone said that the county took over the road around 1916 or 1917, but the bridge wasn’t taken out and filled in until about 1925. (H00087-88.) See also H 115 where the commission order describes the filling in of the channel and swampy area located between Round and Little Round dam. “It [Little Round Lake] is now separated from Round Lake by a low, swampy area several hundred feet wide.” (H 115.)
- 1941 Order: The PSCW found that “The highway fill and County Trunk Highway B in the channel between Round and Little Round Lakes constitutes an illegal obstruction and navigation in the channel between the 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

County Trunk Highway B over the outlet stream of a width of not less than eight feet and overhead clearance of not less than three feet, so that the bottom of the girders underneath the bridge will not be lower than elevation 80.00 feet.” (H 00120.)

- 1941 Order: The PSCW ordered that “That Sawyer County construct a bridge in County Trunk B over the outlet in Round and Little Round Lakes of a width of not less than eight feet and an overhead clearance of three feet above the normal elevation of the lakes. ... That the plans for the bridge in County Trunk Highway B ... be submitted to the Commission on or before December 1, 1941. That the bridge in County Trunk Highway B, ... be constructed and be ready for operation by July 1, 1942. (H 121.)
- 2/18/42: The County did not submit plans for the Bridge in accordance with the deadline set by the Order. (H 208.)
- 2/24/42: Banister Engineering tells PSCW the County Conservation Committee will be presenting the plans for the bridge “at a later date.” (H 210.)
- 4/6/42: Banister Engineering sends a letter to the County with proposed specifications for the bridge and inquires “whether you are considering a reinforced concrete highway bridge, or whether you have in mind a less expensive pile and timber structure.” (H 219.)
- Prior to 5/42: There was a bridge. (H 216, see also H 00075.)
- 5/42: Two 36-inch culverts installed “in old thoroughfare.” (H 254.) This is temporary because they could not get steel for a new bridge. H254 provides other specifications for the culverts.
- 5/19/42: County sends PSCW a letter saying that they cannot construct a bridge at this time because they are unable “to purchase steel and necessary building materials.” (H220.) Therefore, the County proposes to install a 36” culvert as a temporary measure.
- 5/23/42: PSCW send letter to county approving “use of a temporary culvert instead of a bridge under the conditions named [specifically as soon as the necessary materials can be obtained a bridge will be substituted].” (H 222.)
- 9/29/42: Letter from County Highway Commissioner. This letter includes a report on Round Lake and the Squaw Lake diversion project. It provides a nice summary of the existing conditions in 1942 including the following:
 - County Hwy B – 2-36” corrugated sheet metal culverts with elevation 75.38 and 75.17.
 - Sluice way dam and ditch between Little Round Lake and Squaw Lake – Cross section 11’ wide, 1’ water, 11 square feet.
 - World’s End Road – Timber bridge, cross section 8.64 square feet.

- County Hwy E (Timber bridge on Squaw Creek) – Cross section 9 square feet.

(SC2205.)

- 6/43: The culverts were running full, estimated at 30 c.f.s. (H257 & 260.)
- 12/17/47: “County Hwy B between Round Lake and Little Round Lake. This road virtually constitutes a dam across the outlet of Round Lake and has only two small culverts to carry off the water into Little Round Lake. ... This is apparently where the County was ordered to build a bridge in case 2-WP-513.” (H308.)
- 1/28/48: “Our Order in docket 2-WP-513 directs that a bridge not less than 8 feet wide and having a clearance of 3 feet above the normal level of 77.0 feet be constructed in County Trunk Hwy B between Round and Little Round Lakes by July 1, 1942. Because of the shortage of material at that time, permission was given by letter of May 22, 1942 for the temporary installation of a 36 inch culvert to alleviate damage by high water. Mr. Price’s report indicates there are two small culverts in the highway. A survey of June 26, 1947 by other Commission representatives reports that the culverts are 36 inches in diameter. ...” (H264 and H314 (Duplicates).)
- 2/11/48: Letter from Sawyer County’s Attorney to the PSC. In response to the Commission’s letter of January 28, 1948. The County states it “does not have the funds for the construction of the bridge on Hwy B, however, they wish to assure you that this will be taken care of just as soon as the necessary monies are available. ... The fluctuation of the Tiger Cat Flowage has been due to unknown parties tampering with the dam controls. The Committee is now studying plans to place necessary locks on the spring to ensure correct control of the water level in the Tiger Cat Flowage.” “In closing the Committee wishes to assure the Indian Department that every effort will be made to control the waters in compliance with your regulations.” (SC1944-1945 & H323-324.)
- 5/25/48: A letter from the PSCW to Sawyer County. “It is our suggestion that ... the outlet structure be reconstructed in accordance with the Order of the Public Service Commission in Docket 2-WP-513. Our records indicate that there are two 36 inch culverts at the outlet of Round Lake ...” (H345.)
- 7/8/48: Memo from the PSCW noting an interview of the County Board Chair on June 24, 1948. “At the interview Mr. Anderson stated that the necessity of portaging of boats across County Trunk Highway B between Round and Little Round Lakes is a hazard and it is the intention of the County to place an adequate culvert in the highway to allow boats to pass through” (H348.)
- 11/8/48: PSCW letter to Sawyer County noting 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.” The letter asks whether the work has been completed. (H352.)
- 11/17/48: Letter from Sawyer County to the PSCW stating that the County is “in the process of making the plans and other necessary work of the bridge between Big and Little Round ...

We are attempting to secure federal aid ... so this may slow the work up to some extent at least until we hear from the above department whether aid will be granted.” (H354.)

- 1/6/49: Plans of “Round Lake – Thorough Fare.” This is located on the CD. These plans were approved. (See H358.)
- 1/7/49: Letter from Sawyer UW-Extension to PSCW submitting plans for the bridge between Big Round and Little Round Lakes at County Highway B. The County extension asks whether the plans meet with the PSCW’s specifications. (H357.) The plans for the Bridge can be found at WDNR 557.
- 1/12/49: Letter from PSCW to Sawyer County approving of the bridge plans at County Highway B stating that the Order requires a bridge span of more than eight feet and a clearance of normal lake level of at least three feet. (H358.)
- 5/16/55: Internal memorandum at the PSCW stating as follows: “Mr. Sherman Weiss called... and stated that the County was now prepared to install a timber culvert 12 feet wide and 7 feet high in County Trunk B just below the outlet of the lake.... Provisions for stop logs to control the elevation of Round Lake will be provided at the culvert and the bottom of the culvert will be set at elevation 75.5 feet.” (H496.)
- 1/9/62: Memo from W.H. Cartwright. “Before the Chief River Dam was constructed, Big and Little Round Lakes were not connected. It appears that at times of excessive runoff, Big Round Lake overflowed to Little Round Lake and, in turn, overflowed to Squaw Lake. Since the Chief River Dam has been in place with the raised flowage, apparently there has been sufficient underground diversion to Big Round and Little Round to raise their levels and at times cause overflow to Squaw.” (SC1874.)
- 10/19/68: Letter from a Riparian on Squaw Lake to Mr. Kinney. This letter describes high water problems at Squaw Lake and also describes current conditions of the pertinent water control structures. At County Trunk B, he describes a very large culvert. At NN, he describes two 3-foot and one 2-foot culverts which are “about 10% of the flow through County Trunk B.” The culverts at NN are partially blocked by sediment. (SC1169-SC1171. See also SC3132-SC3134.)
- 9/5/95: Letter from WDNR to Shirley Suhsen, Chair of Sawyer County Land and Conservation Committee. Todd Nass reports that he conducted an inspection of Little Round Lake Dam, County Trunk Highway B Bridge, Lake Placid Diversion Dam, a large wetland runoff into Round Lake and the Tiger Cat Dam.

“The water levels on Round Lake have been maintained consistently higher than the authorized maximum level. There is considerable evidence to support this. Presently, the water level is slightly above the authorized maximum, yet this is well-below the ordinary high water mark of the lake. The OHWM is the erosion mark established on the lakebed by consistent high water. Also water stains in the staff gauge at Hwy B Bridge clearly show that water has been held 0.59 feet above the authorized maximum level. I can also state the water has been high each time I have looked at the gauge.” (SC947-951.)

HISTORY OF THE CARLSON ROAD CONTROL STRUCTURES

- 12/6/40: Sawyer County applies to PSCW “to fix a normal water level for Round Lake and Little Round Lake.” (H00007.” The County applied “pursuant to Section 31, Wisconsin Statutes, to fix and establish the normal level of Round Lake and Little Round Lake, navigable waters, at elevation 79.0, and for the Public Service Commission to determine how said normal level is to be maintained.” (H00008.)
- “The diversion canal [Tiger Cat Flowage] was constructed and water has been diverted into said lakes since October 1939 resulting in a substantial rise of the water surface of said lakes.” (H 00013.)
- 1941: The PSCW found that “In order that the 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 shall contain control works to regulate the water levels of the lake.” (H 00120-121.)
- 1941 Order: The PSCW ordered 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. ... That plans 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. ... The outlet canal, and the control works therein be constructed and ready for operation by July 1, 1942.” (H 121.)
- 7/26/41: Some calculations relating to the 1941 proceeding. These could be the calculations in which the PSC staff determined what the specifications for the Carlson Road Dam. (SC2402-2403.)
- 9/26/41: A plan for the Round Lake Channel in Docket No. 2-WP-513, may be found at H 205. It specifies the size of the channel and the resultant c.f.s. given specified elevations.
- 2/18/42: The County did not submit plans for the Control Structure in accordance with the deadline set by the Order. (H208.)
- 2/24/42: Banister Engineering tells PSCW the County Conservation Committee will be presenting the plans for the control structure “at a later date.” (H210.)
- 5/19/42: County sends letter to PSCW proposing “a rock headwall, set at an elevation of 77.6 which will act as an overflow dam. This work we are now doing will be of a temporary nature and when conditions permit, any necessary changes can be made to make the work permanent and satisfactory to all persons concerned.” (H 221.)

- 5/23/42: PSCW sends letter to county approving the culverts for CTH B and the canal between Little Round and Squaw. The approval does not mention the proposed control works at Carlson Road. (H 222.)
 - 5/25/42: “Temporary timber dam” and private bridge constructed. “Stop log plate in sluice way set at elevation 77.0; stop log set at 77.5 but removed until such time as lakes are drained to desired elevation.” “Sluice way Dam in Ditch between Little Round Lake and Squaw Lake – Cross section 11’ wide 1’ water; 11 sq. ft., velocity 16’ in 12 seconds.” (See H 254.)
 - 8/20/42: A letter from the PSCW to Sawyer County states that the Commission understands a “timber box culvert designed with stop log slots [has been installed] in the town road at the outlet of Little Round Lake. In our water power case number 513 dated September 29, 1941 the Order states the plans are to be submitted for the latter 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.” (H00250.)
 - 9/29/42: H254 provides other specifications for the sluice way dam.
 - 9/29/42: Letter from County Highway Commissioner. This letter includes a report on Round Lake and the Squaw Lake diversion project. Sawyer County Highway Commissioner Gobler submits to the Commission his “Report on the Round Lake and Squaw Lake Diversion Projects.” (H00253-254.) This report shows that the stop log plate in the sluice way was set at elevation 77.0. (H00254.) The report provides a nice summary of the existing conditions in 1942 including the following:
 - County Hwy B – 2-36” corrugated sheet metal culverts with elevation 75.38 and 75.17
 - Sluice way dam and ditch between Little Round Lake and Squaw Lake – Cross section 11’ wide, 1’ water, 11 square feet.
 - World’s End Road – Timber bridge, cross section 8.64 square feet.
 - County Hwy E (Timber bridge on Squaw Creek) – Cross section 9 square feet
- (SC2204-2205.) See also 254.
- 6/23/43: “Plans for the canal from Little Round Lake to Squaw Lake were approved by the Commission. However, an inspection of the canal and the culvert in the canal and the town road made during the fall of 1942 indicated that the sill of the culvert by some error was placed higher than called for by the plans and the commission directed Sawyer County to lower the culvert so as to conform with the plans. Whether this has been done we are not yet informed.” (H254.5-255.)

- 1/17/44: On July 29, 1943 “There was an estimated flow of water at the outlet of Little Round Lake of about 15 cubic feet per second. At the end of the dredge canal about 200 feet below the bridge there was a fall of about 0.30 feet.” (H262.)
- 11/46: The Department of Interior inspected the water control facilities in November of 1946 and described the control structure at Carlson Road as follows: “A timber weir is constructed on this ditch from which we obtained the following: length of weir 10.8 feet., Height of water above crest 0.2 feet, at a .6 feet above weir, no velocity of approach.” (H 281-282.)
- 7/16/47: Sill Elevation specified at 76.84 (right) and 76.88 (left). (H294.)
- 12/17/47: “The Timber Dam and Bridge which were formerly here have been removed sometime during the past year, apparently due to road work. The road has been filled in across the canal and one 36 inch culvert installed to replace the dam and bridge.” (H308.)
- 1/28/48: “On September 29, 1942 Sawyer County by report of E. E. Gobbler informed the Commission that the canal from Little Round Lake to Squaw Lake and the control works of said canal were opened on May 29, 1942. The sill of the control is at elevation 77.00 feet. At the survey on June 26, 1947 when referred to the staff gauge at Reasoner’s Resort, the elevation of the sill of the culvert was 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. Between the time of the survey of June 26, 1947 and Mr. Price’s inspection of December 22, 1947, the bridge and overflow section at the outlet 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.” (H264-266 and H314-316.)
- 2/24/48: A PSCW letter to Sawyer County’s District Attorney It reiterates its concern about the present control in the outlet stream of Little Round Lake. “We are of the opinion that the reduction of the flood capacity of the control structure from a 10.8 foot spillway to a 36 inch diameter culvert may cause high water and subsequent damage to property on Round Lake and Little Round Lake. We suggest that you give this your immediate attention. In connection therewith, your attention is called to the Commission’s Findings and Order as quoted in paragraph G of our letter to the County Clerk ... under date of January 28, 1948.” (H326.) (SC1951.)
- 3/2/48: Sawyer County response that “The matter mentioned in paragraph 4 of your letter would have immediate attention as soon as conditions permit.” (H331.)
- 3/5/48: The PSCW response by stating “We suggest that the matter be corrected before spring floods occur.” (H332.)
- 5/6/48: An internal PSCW memorandum expresses disappointment in the County’s inability to comply with the Order. It states that though some of the remedial measures will take time, others would be easy to correct including “the planks across the face of the culvert at the outlet of Little Round Lake could have been pulled permitting some water to go through the diversion canal into Squaw lake thereby lowering the level of Round and Little Round Lakes.

At the very least the crest of these planks should be no higher than the authorized level of Round Lake.” (H338.)

- 5/11/48: PSCW writes to Sawyer County stating, among other things, “You have not as yet informed us of the matter of placing an adequate structure in the outlet canal of Little Round Lake. What are your plans in the matter?” (H336.)
- 5/18/48: Letter from Sawyer County to the PSCW stating “The outlet of Little Round Lake was checked and it was found that someone had placed a plank across the culvert which we removed. There was less than one-half of the culvert filled with water. It appears to us that the culvert is of adequate size for all present needs.” (H343.)
- 5/25/48: A letter from the PSCW to Sawyer County. “It is our suggestion that ... the outlet structure be reconstructed in accordance with the Order of the Public Service Commission in Docket 2-WP-513. Our records indicate that there are two 36 inch culverts at the outlet of Round Lake and only one of the same size at the outlet of Little Round Lake.” (H345.)
- 7/8/48: PSCW memo stating that an interview of the County Board Chair was conducted on June 24, 1948. “At the interview Mr. Anderson stated ... it is the intention of the County ... to place an adequate structure at the outlet of Little Round Lake.” (H348.)
- 11/8/48: PSCW letter to Sawyer County noting 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.” The letter asks whether the work has been completed. (H352.)
- 11/22/48: Letter from the PSCW to Sawyer County noting that the County’s letter of November 17, only discussed their plans for a bridge at County Trunk Highway B, but did “not mention a structure at the outlet of Little Round Lake. As concerns the flood capacity of the two structures, it will do no good to place a culvert or bridge in the County highway if the one at the outlet of Little Round Lake is not also increased.” (H355.)
- 1/12/49: PSC Issues an approval of the bridge at Cty Hwy B with a span of more than 8 feet and a clearance above normal lake level of at least 3 feet. The PSC asks about the progress “that has been made in constructing the canal and control works to Squaw Lake which are also required by the Order in Docket 2-WP-513.” (SC1979 & H358.)
- 1/25/49: Letter from the PSCW to Sawyer County again requesting what “progress that has been made in constructing a canal and control works to Squaw Lake which are required by the Order in our Docket 2-WP-513.” (H361.)
- 1/31/49: Letter from Sawyer County UW-Extension to PSCW stating “I’m sorry that we haven’t answered your request sooner, we still haven’t quite completed the plans. Our present plans are to eliminate the road across the outlet and put in a straight road with stop logs. As soon as the relocation of the new road is completed, and the plans for the new control structure are available, we will send them to you.” (H362.) (SC1982.)

- 12/15/49: Letter from Sawyer County to the PSC. This letter submits “a print showing a twin box reinforced concrete culvert at the outlet of Little Round Lake.” (.)
- 2/15/49: Letter from Sawyer County UW-Extension to PSCW submitting plans for a “twin box reinforced concrete culvert at the outlet of Little Round Lake.” The letter states “After the heavy rains of September, 1941 when the rainfall exceeded 20 inches and the lake raised to 79.2, we dug the channel outlet from Little Round Lake to Squaw Lake and placed a temporary wooden structure in this channel which acted as a bridge for the property owners who had property on the east side of the ditch; and also placed stop logs in this structure to control the water. Our observations over the last six years were that this structure, although temporary, was more than adequate in regards to its opening and capacity which was 9 feet 6 inches wide and the floor at the inlet placed at elevation 77.00. We will make necessary arrangements when this structure is built to install a locking structure for the stop logs so that they can be controlled by the proper authorities. We believe from these observations, our proposed twin box culvert with two 4 feet by 6 feet openings and the inlet set at 75.0 will conform and is adequate capacity for a permanent structure in this outlet channel. Work will be started on this project as soon as approval has been granted. The temporary structure proved to be satisfactory at all seasons during the period it was in operation, with the exception the flow line of the structure was set at too high an elevation for adequately controlling the flow of water.” (H373-374 & SC1991-SC1992.)
- 2/23/49: Letter from the PSCW to Sawyer County responding to the plans submitted for the water control device at Carlson Road. “Our records indicate that a canal is constructed from Little Round Lake to about 200 feet beyond the roadway which is the roadway which is the location of the proposed outlet structure. The profile shows ground surface below the ditch at 77.7 feet sloping to 74.8 feet at Squaw Lake. It appears, therefore, that the outlet structure of a twin box culvert, each 4 by 6 feet and with bottom elevation of 75.0 feet, would be inadequate to comply with the Order requiring a maximum water level of not more than 77.25 feet in the Round Lakes. In 1948 we had complaints from the Indian Agency and from riparians on Lac Court Oreilles concerning high water and pollution, respectively. It may be that the construction of the canal from the end of the present ditch to Squaw Lake, with bottom elevation of not more than 75.25 feet to comply with the Order and to make it possible to pass enough water through the outlet structure to maintain the required maximum water levels of Round Lakes, would be adverse to the interests of the public and riparians below. We will defer approval of the outlet structure until we can make an investigation to determine the best solution for the area. It appears that the existing outlet structure is inadequate to pass flood flows that may occur in the spring break up. Please advise us as to what you can do temporarily to pass flood waters to prevent high water damage on the Round Lakes.” (H379.)
- 4/19/49: Letter from Public Service Commission of Wisconsin to Sawyer County. “We feel that in view of the complaints of riparians below the Round Lakes that the water levels as prescribed by the Order should not be exceeded and that the operation of the dams to maintain these levels should be carefully watched to avoid any further complaint.” (SC919.) In subsequent letters, the County and PSCW discuss seepage waters from Tiger Cat Flowage to Round Lake. (SC918. See also SC2764-66.).

- 5/11/49: Letter from PSC to Sawyer County. The PSC continues to inquire about placing an adequate structure in the outlet canal of Little Round Lake. (SC1957.)
- 5/18/50: Letter from the Bureau of Indian Affairs to the Public Service Commission of Wisconsin. The Bureau notes that the elevation of the Tiger Cat flowage is above the maximum elevation of 90.5 feet. “There is no water flowing through the location of the old weir to the canal from Little Round Lake to Squaw Lake. This having been blocked by an earthen fill. We find a considerable quantity of water flowing through the two 24-inch culvert pipes under World’s End Road in the southeast/southeast of Section 2, Township 40 North, Range 8 west. It is apparent that water is entering Squaw Lake from Little Round Lake by way of a connecting swamp in Section 36, Township 41 North, Range 8 West, north of the reservation line induced by the present high head.” (SC0915.)
- 8/30/57: Internal PSCW memorandum stating that a property owner on the south shore of Little Round Lake called to complain stating that “certain persons are operating the stop logs of the dam to suit themselves. Mrs. Roberts would like to have a benchmark established on the lower lake.” (H498.)
- 7/27/59: Internal PSCW memorandum. This memo describes the results of an investigation made by the PSCW and Sawyer County. On July 16, 1959, lake levels were taken at the Lake Placid Dam and numerous places in the Round Lake chain. This memo also discusses some benchmarks. The memo references a “bridge at outlet of Little Round Lake.” (H502.) It states “The top of center of upstream timber wall or wheel guard of bridge at outlet of Little Round Lake – elevation 84.77 feet.”
- 5/13/60: Memorandum on Round Lake Levels from Gobler. The top of the sill at the outlet dam for Little Round Lake is located at elevation 76.00. “This is base for stop logs.” The “top wheel guard bridge and dam” elevation is 84.63 and “the top of single stop log in place 77.00.” This memo from Edward Gobler states as follows: “It would seem the levels of these lakes which are set at 77.00 to 77.25 too low in some of the residents’ minds and too high in some of them on Big Round Lake. Before the heavy rains on 1941 it would seem the Lake was held at a higher elevation and with the heavy rains of this years a new level was determined as set, and today it may be with the elevation of the lakes lowering somewhat this elevation is too low.” (H504.) (DNR583.)
- 5/31/61: Letter from Attorney Johnson to the PSCW on behalf of 25 owners of Round Lake asking that “something is requested to be done in order to maintain a constant level on said lake. There has been a dam of some sort or other at the low end of said lake but it has not been sufficient to control flood levels and considerable property damage has been done this past year because of flood waters.” (H507.)
- 6/7/61: Letter from PSCW to Attorney Johnson. “The Commission in Docket 2-WP-513, September 1941, determined the normal level in Round and Little Round Lakes at elevation 77.00 feet, Public Service Commission datum, and indicated that it should be controlled to not exceed 77.25 feet. The Order provided that Sawyer County construct an outlet channel from Little Round Lake to Squaw Lake and outlet control locks at Little Round Lake. The control locks have been constructed but the canal was never completed because it was

believed that migration of northern pike from Round Lake to Couderey Lake would be damaging to fishing in Couderey Lake.” (H510.)

- 6/13/61: Memo regarding Little Round Lake Outlet. “The crest of the spillway (all boards removed) equals 74.43 feet.” (SC1775.)
- 7/21/61: Letter from Attorney Davis to the PSCW. A petition from a group of owners on Little Round Lake believe that there is too little water on Little Round. It notes “A dam was constructed at the end of Little Round between Little Round and Squaw Lakes. This is a plank dam.” (H511.)
- 8/2/61: Letter from the Conservation Department to the PSCW. “This letter is written in answer to your request for comments on the matter of authorizing and requiring Sawyer County **to construct and maintain** a channel leading from Little Round Lake into Squaw Lake as required in your permit under Docket 2-WP-513. ... The major reason for delaying construction of the channel, that of discouraging movement of northern pike from Round Lakes to Couderey Lake is no longer reasonable. ... The introduction via downstream of ordinary numbers of near adult northern pike is no longer a material factor in the biology of the Couderey Lakes. If the required structures will aid in stabilizing the levels of these lakes, this office believes they are in the public interest and withdraws any objections to their construction. ... The understanding and consideration you have shown in holding these devices in abeyance, while we attempted to cope with the problems competing interests raised are deeply appreciated by all of us concerned.” (H514.5.)
- 10/6/61: Internal PSCW memo summarizing the results of an investigation conducted on September 20, 1961. “The dam and a bridge crossing of the Little Round Lake outlet controls the lake level. It has 2-5 foot gates with sills at elevation 74.3 feet, Public Service Commission datum. A channel from the bridge where the bridge is located to the cattail marsh ahead of Squaw Lake is more than 10 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.** The dam is operated by Sawyer County and Mr. Kuehn’s records for this year indicates reasonably proper operation. The Commission’s order in 2-WP-513 established the minimum level of the lakes at elevation 77.0 feet and the maximum level at elevation 77.25 feet. **However, the physical circumstances are such that proper operation of the outlet gate cannot affect discharge 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.** ... With these circumstances, the control section in the outlet of Little Round Lake is adequate and the operation is proper. The only improvement would be to operate the control section to hold the established level of Round Lake at elevation 77.0 feet and to have all the gates out of the dam when Round Lake levels exceed elevation 77.25 feet. With this operation, it is expected that the raise in Round Lake levels from heavy precipitation would be a normal variation.” (H519.)
- 10/6/61: Letter from PSCW to Attorney Davis stating “It is expected that Sawyer County will operate the dam to conform, insofar as is possible, with the Order of the Commission establishing levels.” (H522.)

- 10/10/61: Illegal tampering with the boards. (H523.)
- 10/13/61: Internal PSCW memo. The Round Lake Properties Association is proposing to replace the existing gate outlet with a rolling concrete dam. “The existing outlet section has 2-5 gate section with sills at elevation 74.3 feet, Public Service Commission datum. ... An overflow spillway section with crest elevation at or near the normal pull level of 77.0 feet would be satisfactory for the low flows but whenever high flows occurred the Lake would have to raise substantially to affect discharge. We could only approve an overflow spillway dam if the crest elevation of the permanent structure was well below normal level and flash boards were employed. Of course, the flash boards would be subject to the same criticisms to the existing gates. **The existing gate control section is believed satisfactory and if necessary it could be adequately locked to prevent unauthorized operation.**” (H523.5.)
- 6/6/66: Sawyer County Conservation Committee Meeting Minutes. “Little Round Lake dam check ownership of road in dam.” (SC0801.)
- 8/19/66: Memorandum from Knitter using the benchmark 897-B. The sill at the Little Round Lake dam was 75.97 feet on the right and 75.91 feet on the left. (SC1214.)
- 8/29/66: Letter from the Sawyer County UW Extension Office to the PSCW. Because the water level was too high “all stop logs were removed from the dam between Little Round Lake and Squaw Lake on Thursday morning, August 4, 1966.....and have been out ever since.....the gauge (water level) at the dam on Little Round Lake read 77.75 at 6:30 p.m. on August 31, 1966.” (H531.)
- 6/67: Sawyer County Conservation Committee Minutes. “Round Lake survey – request made to the Public Service Commission of Wisconsin as per Round Lake Property Owners’ request. The administrator is to request the district attorney for regulations regarding vandalism at various county owned and controlled dams. (SC0799.)
- 6/13/67: Letter from the Sawyer County UW Extension to the PSCW. “The high water has been a problem that cannot be controlled with the present system now in operation. For some reason or other, water levels have remained high from late last summer and all this year, even though all planks have been removed as per PSCW orders.” (H536.)
- 6/27/67: Letter from Attorney Black to the PSCW. A summer resident on Big Round Lake visited in June to inspect his property “and noticed that the dam outlet was not open and in fact observed that one of retaining planks was in place despite the fact that the water level was far in excess of the prescribed 77.25 feet.” (H537.)
- 7/10/67: Letter from the Wisconsin Department of Resource Development to Attorney Black noting that as of July 1, 1967 “The water regulatory functions of the PSCW were transferred to the Water Resources Division of this department.” (H538.)
- 9/5/67: Handwritten notes say “sill of dam 75.97.” (H544.)

- 9/22/67: Letter from the WDNR to the Round Lake Properties Association. In response to the Round Lake Properties Association request to draw down the level of Big and Little Round lakes to 76.75 feet during the off season. The WDNR responded as follows: “It is our opinion that the lake should be drawn down only to the point where it will go by removal of all of the stop logs in the dam.....Would you please advise us of your proposed method to lower the lake to 76.75 feet before we can schedule the matter for public hearing.” (H545.) In response to this letter the Round Lake Properties Owner’s Association stated that if the silt is removed from in front of the dam they will see if the lake will come back to its normal height. If not, they will then ask for a public hearing. (H547.)
- 12/6/67: Sawyer County Conservation Committee Minutes. Bob Kinney reported on water levels on lakes controlled by Sawyer County, and a letter was read from the Round Lake Property Owners Association requesting the removal of silt built up in front of the dam. Mr. Kinney is to watch and report on the levels.” (SC0798.)
- 12/15/67: Letter from the WDNR to Attorney Black. The WDNR concludes “In reviewing the above elevations, it is evident that the high level of Round Lake is due to a small slope of approximately .9 of a foot between Little Round Lake and Squaw Lake, and the culverts at the outlet of Squaw Lake holding approximately 2.5 feet head. This condition at Little Round Lake was when all the logs were removed from the dam. The only way that Little Round Lake and Round Lake can be lowered is to lower the level of Squaw Lake to create a better flow condition at the outlet by increasing the slope. It is our opinion that the county has operated the dam satisfactorily and that they have kept the gates removed to allow for the maximum runoff and also to keep the outlet channel free of weeds and debris.” (H550.)
- 5/16/68: Letter from Sawyer County Extension to the DNR. This letter provides the results of an inspection of the dam at Little Round, the northern ditch, the Squaw Creek and the culverts at NN. It also attaches the field notes as well as a map with the pertinent areas drawn out. (SC1904-SC1906.)
- 4/3/69: Letter from Robert Kinney to the Sawyer County Conservation Committee. Someone suggested that the County formulate a policy regarding dams in the County. (SC0789.)
- 9/6/72: Minutes of the Sawyer County Conservation Committee. “The administrator reported that rains have caused high water in all lakes. He also reported that the channel between Little Round Lake to Squaw Lake to NN road was cleared of debris and he raised a question about access to the dam on a “private road.” (SC0788.)
- 4/16/74: Handwritten Notes on the Little Round Lake Dam. States the owner is Sawyer County. The staff gauge was installed on 9-17-69. “Sawyer County inventory indicates two outlets for Little Round Lake. The other or second outlet is located northeast of the dam and runs through a marsh to Squaw Lake.” (SC1245.)
- 4/6/76: Sawyer County Conservation Committee Minutes. “A discussion was held on the operation of Round Lake dam. 1. It was decided to install a one-inch plank and a twelve-inch plank in both gates so the water level would be at 1.1 on the gauge. 2. It was also

decided to do some work on the channel between Big and Little Round Lakes. The Executive Secretary and Highway Commissioner are to complete and file an application for a dredging permit. The Round Lake Properties Association and Round Lake's Resort Association have budgeted \$600.00 for the project." (SC0781.)

- 5/20/76: Letter and Permit from the DNR. This provides the DNR decision issuing a permit to "remove materials from the bed of Round Lake outlet channel, at County Trunk Highway B. ... The applicant proposes to remove approximately 10 cubic yards of material from under and near the County Trunk Highway B bridge and the outlet channel of Round Lake for the purpose of maintaining and improving navigation between Round Lake and Little Round Lake." (SC1175-SC1178.)
- 7/6/81: Sawyer County Conservation Committee Minutes. Robert Kinney gave a report on the Round Lake dam "traverse the channel from the dam on Little Round Lake to Highway NN and said that beaver are blocking the flow of water. The beaver dam is on tribal lands, and Robert Kinney requested Melvin White L.C.O. Warden to remove same." (SC0778.)
- 5/16/84: Letter from the PSC to Ken Carlson of the Round Lake Properties Association. Mr. Carlson had sent a letter to the PSC outlining the 5 issues that are still of concern today in 2004. In response, the Public Service Commission stated that laws passed in 1965 resulted in the transfer of the jurisdiction over surface water regulations from the PSC to the DNR. (SC1830.)
- 7/6/84: Minutes of the Sawyer County Conservation Committee. "Roger Jazinski from the DNR reported that high water levels on Sawyer County lakes controlled by dams and wildlife (beaver) problems on outlets from lakes...The Sawyer County Conservation Committee orders all gates to be opened on July 6, 1984 and to remain open until the water level reaches the authorized minimum level." (SC0756)
- 7/13/84: Memo from Mike Cain to the Round Lake file. "On 7/13/84, I talked to Roger Jasinski regarding the outlet structure on Little Round Lake (which also controls water levels on Round Lake). I advised him that: (1) We could not enforce the 1941 PSC Order requiring construction of an outlet ditch. The Order was not issued by this agency, the statutory criterion have changed, and the facts have undoubtedly changed. (2) We cannot do anything to enforce the existing levels order [sic.] since the dam structure has been wide open for two years and the lake is still above the maximum. The County is doing everything they can. (3) The PSC actions in 1949 and 1953 (as described by Roger) probably constitute an approval. (4) If property owners want a new level, they will have to submit a petition and develop an engineering proposal." (H584.)
- 7/31/84: Letter from the Round Lake Property Owners Association to the either the DNR or the Sawyer County Forestry Department. This letter essentially asks the exact same questions we are asking in 2004 about the 1941 order, the capacity of the current dam, the elevation of the sill, the northern drainage ditch, and the culverts at County Highway NN. It states that "periodic high water cannot be regulated in a reasonable period of time so that the water levels prescribed in the PSC Order are maintained. Past history indicates this to have

been a problem in the years of 1948, 1960-61, 1966-69, 1975, and 1983 to the present.” (SC0754.)

- 8/27/84: Letter from WDNR to Ken Carlson. This letter responds to Mr. Carlson’s letter of July 31, 1984. This letter was faxed from Dan Cartell to 715-354-9797 on September 19, 2003. This letter notes that the current dam is unable to pass 150 CFS unless it exceeds the authorized maximum water level by 3.40 feet. Specifies that the sill of the dam is at 75.883 feet even though the high point should not exceed 75.25 feet and it appears that the outlet canal from Round Lake to Squaw Lake was never finished to the specified width of 10 feet. Plans specified for the outlet structure were initially denied approval pending further investigation. Subsequent investigation report was made. Although plan approval was not specifically addressed, the report seems to give tacit approval of the structure as built. (SC0831.) In response to the question “Who is required to provide maintenance of the drainage system, and does DNR have enforcement authority?,” Mr. Jasinski of the WDNR states: “The PSC Order 2-WP-513 does not require continued maintenance of the drainage system and there are no statutory requirements for such maintenance except for maintenance of the dam itself. Since maintenance is not required, there is no enforcement authority.” He also states that the DNR could not enforce the PSC order because “the statutory criterion have changed and the facts have undoubtedly changed.” “The County is doing all they can under the present circumstances to comply with the order.” “The PSC action 1949 probably constitutes plan approval.” In response to the question about whether the secondary ditch from Round Lake to Squaw Lake could be re-created, “this ditch did exist at one time and was later filled in as being unauthorized.” The DNR stated, “Our Department has concluded that a ditch to the west of the dam may be a more cost effective and less environmentally disruptive alternative. In order to pursue this alternative, there will need to be coordination of the effort with all of those affected, including the Lac Courte Oreilles Chippewa Indians. (SC1154-SC1157.)
- 9/28/84: Memorandum from the Sawyer County Extension Agent to the Sawyer County Conservation Committee. Robert Kinney recommends that “local people in these areas can be empowered to operate dams to control water levels within the prescribed benchmarks...” He recommends these citizens “keep detailed water level reports on the enclosed water level report form prepared by the DNR.” (No form attached.) That each of the dams would be locked with two locks so “at least 2 of the 3 or 5 appointees would have to be present to open or close the gates or planks. (SC0751.)
- 2/7/85: Letter from the Attorney General to the Executive Director (“ED”) of the Tavern Hosts of Wisconsin. Apparently, the ED wrote a letter concerning the water problems on Big and Little Round Lakes and asked the WDNR to take some action to maintain the water level in the lakes and “stop the costly shoreline erosion on the Round Lakes.” The ED asked two questions (1) whether the WDNR has the authority to enforce the 1941 PSCW Order against Sawyer County; and (2) whether WDNR has the authority to require Sawyer County to maintain on a permanent basis the channel between Round Lakes and Squaw Lake. The Attorney General answers no to both questions. “As the successor agency to the PSC, the DNR clearly has the authority to enforce the orders of the PSC. However, such authority is necessarily discretionary as the enforcement of any order must be consistent with intervening changes in the statutory or regulatory bases for such orders and changes in the environmental

circumstances. In the present case, several regulatory and statutory changes have occurred, since the PSC issued its Order in 1941. Additionally, the WDNR has indicated a concern over possible environmental impacts from enforcing the 1941 Order and has informally expressed doubts as to whether enforcing the 1941 Order would achieve the result you desire. ... Although not explicitly stated by the PSC, the effect of its approval of the structure as built [by the PSC in 1949] would appear to have been to amend the material elements of the 1941 PSC Order to conform to the specifications of the dam and channel as built and the water level attained thereby.” (H592-593.)

- 3/31/92: Letter from WDNR to Sawyer County noting “The water level on Round Lake is over a half foot above the authorized maximum. ... The levels on this lake are controlled by the Little Round Lake dam which is owned by you. Please have someone check the dam and adjust the stop logs so that the lake level is brought into the authorized range.” (H594.)
- 4/27/92: Letter from DNR to Sawyer County. In this letter the DNR acknowledges that the County has asked for assistance in developing flood elevations on a number of lakes in Sawyer County. The DNR states that it generally provides such an assistance in response to land use permit applications. The DNR then describes how one calculates the regional flood elevation. Among other things it states “the engineering analysis should be based on gates closed conditions, unless the dam owner can demonstrate that the gates can be effectively operated and an operation and maintenance plan has been approved by the Department.” (DNR1680-1681.)
- 9/7/93: Memo from Joe Skidmore to Frank Dallam regarding Round Lake information. In preparation for Frank’s trip to Sawyer County with regards to the flood elevations, Joe compiled numerous information. It states in relation to the Round Lake Dam “Water level data shows the structure to have little, if any, head when all stop logs are removed. Stop logs are placed and removed by a person for the Round Lake Properties Association. ... The levels between these two lakes [Round and Little Round] are essentially the same. ... Lake Placid Dam, (also called the diversion dam) ... it was apparently built to control the amount of water flowing into Round Lake from the Tiger Cat Flowage chain of lakes. It appears that when the Tiger Cat Dam was built, the level of Placid Lake was raised enough to start sending water into Round Lake. This dam was built to stop or at least regulate the ‘escaping’ water. No operation plan is listed.” (DNR1658.)
- 9/27/93: Letter from the DNR (Dallam) to Sawyer County regarding informational request for Big Round Lake. This letter discussed developing the regional flood elevation. It specifically mentions the “complicated drainage area of Little Round Lake. It asks for a variety of information from areas including Little Round Lake and the Lake Placid diversion structure. “The most important factor in regards to establishing the RFE [Regional Flood Elevation] is the level of the stop logs at the outlet of Little Round Lake. It was apparent from the site visit the level can be easily adjusted. The discussion with the Forest Service personnel indicated there isn’t an operational procedure for operating the stop logs during the 100 year flood flow. This being the case the base (starting) elevation for the RFE would be at the top of the channel iron. This would have the effect of raising the RFE approximately four feet. As we discussed, the practical solution to this would be to cut the channel iron off at a reasonable elevation. Any beaver dams or obstructions in the downstream channel

should be cleared out while observing any DNR regulations that apply. These RFE determinations don't account for temporary obstructions, even if they are a major influence." "The [Lake Placid] diversion structure (dam) that connects Lake Placid to Big Round Lake was originally intended to be used only as a means to maintain a minimum elevation in Big Round Lake. The site visit indicated two to four inches of water flowing over the stop logs. Again there is not an operational procedure for adjusting the stop logs. Consideration should be given to limiting the range of adjustment of the structure. This would include limiting the number of stop logs that can be removed and cutting off unnecessary channel iron. For the RFE of Big and Little Round Lake, the diversion structure will be considered with all stop logs removed. When the RFE at Tiger Cat is determined, the top of the channel iron will be used." (DNR1639-1641.)

- 9/7/93: Memo from Joe Skidmore to Frank Dallam regarding Round Lake information. In preparation for Frank's trip to Sawyer County with regards to the flood elevations, Joe compiled numerous information. It states in relation to the Round Lake Dam "Water level data shows the structure to have little, if any, head when all stop logs are removed. Stop logs are placed and removed by a person for the Round Lake Properties Association. ... The levels between these two lakes [Round and Little Round] are essentially the same. ... Lake Placid Dam, (also called the diversion dam) ... it was apparently built to control the amount of water flowing into Round Lake from the Tiger Cat Flowage chain of lakes. It appears that when the Tiger Cat Dam was built, the level of Placid Lake was raised enough to start sending water into Round Lake. This dam was built to stop or at least regulate the 'escaping' water. No operation plan is listed." (DNR1658.)
- 7/31/95: Memo from Todd Nass of the DNR to John Hirschfield. Todd provides Mr. Hirschfield with the sample gauge that is located on the Little Round Lake dam. On the sample gauge he specifies where the authorized maximum is and the authorized normal elevation. (SC1218-SC1219.)
- 8/8/95: Letter from WDNR to Sawyer County. "Most of the complainants voice concern over the rapid loss of shoreline at their properties, which is a legitimate concern if the levels are being maintained higher than the maximum authorized level of 1345.50 feet, mean sea level, which would read 5.50 on the County Trunk Highway B bridge. On several occasions when I was in the area, I stopped to look at the water levels for various locations, including the Highway B bridge, Little Round Lake dam, Tiger Cat diversion canal dam, and the Tiger Cat dam. On each occasion, Round Lake was higher than the authorized maximum level. ... On one occasion one stop log was in place in the Little Round Dam and only a trickle of water was flowing through. Also, roughly 8 inches of water was flowing over the Tiger Cat diversion canal dam into Round Lake and only 3 inches over the Tiger Cat Dam. It was obvious why levels on Round Lake were high. Unnecessary water was being diverted from Tiger Cat flowage to Round Lake. I suspect someone removed a board or two from the diversion dam as the locking device was not secured over the boards. As you know when Round Lake is at its normal operating level, the diversion dam should be 'shut off' so that no flow is going through. Excess water in the Tiger Cat flowage should be diverted over the Tiger Cat dam. I am sure your department is very busy and monitors these dams as time allows, however, closer monitoring may need to be employed, especially if you are experiencing tampering. ... 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 poor 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." (H595.)

- 9/5/95: Letter from WDNR to Shirley Suhsen, Chair of Sawyer County Land and Conservation Committee. Todd Nass reports that he conducted an inspection of Little Round Lake Dam, County Trunk Highway B Bridge, Lake Placid Diversion Dam, a large wetland runoff into Round Lake and the Tiger Cat Dam. With a few minor exceptions, all of the dams were being operated properly at the time. However, Mr. Nass reports that past operations of the dams have not been good, which led him to "conclude that some changes need to be made in the day-to-day operations of these dams." "Water levels must be maintained within the authorized range required by the water level orders issued for both water bodies. I have attached a list of the authorized levels for the Tiger Cat flowage and Round and Little Round Lake. Exceeding these levels can cause damage to private property and degradation of the Lakes' water quality."

The letter then discusses water flowing through a wetland which circumvents the Lake Placid Dam and enters the Tiger Cat flowage. "It is excess ground water being discharged through a 117 acre wetland just north of the diversion canal. This flow is documented by the Public Service Commission staff as early as 1947. We believe that this raise of the ground water table occurred when the Tiger Cat flowage was first flowed. Observations by 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 wetland adjacent to the diversion canal. In fact, the flow that drains the wetland 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."

"The County should not wait until complaints are received to adjust the flowage levels. Routine adjustments must be made to maintain consistent levels.

"The water levels on Round Lake have been maintained consistently higher than the authorized maximum level. There is considerable evidence to support this. Presently, the water level is slightly above the authorized maximum, yet this is well-below the ordinary high water mark of the lake. The OHWM is the erosion mark established on the lakebed by consistent high water. Also water stains on the staff gauge at Hwy B Bridge clearly show that water has been held 0.59 feet above the authorized maximum level. I can also state the water has been high each time I have looked at the gauge.

"Mike Krueger told us that he receives 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 of the Tiger Cat Flowage, they will question why the water is low during periods when the level is actually in its authorized range. Mike has explained that when the water level drops before 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 water above the authorized maximum level is a taking of property.

“No water should be released from the diversion canal dam unless the level of Round Lake falls below the authorized normal level. This is only likely during a drought period. ...

“The need to monitor Round Lake’s water level on a more regular basis is essential. ... The number of complaints received this year indicates that the County should prioritize monitoring of its dams. Though complaints will likely be received no matter how the dams are operated, the County, as owner of the dams, is required to operate the dams to comply with the authorized water levels.

“In summary, I believe the complaints we received this summer are legitimate. ... The level of Round Lake has exceeded its maximum authorized level through most of the summer. The Department recommends that the County prioritize this monitoring of the water levels, and works with the local residents and/or lake associations to establish a monitoring program which will insure day-to-day consistency and dam operation.” (SC947-951.) The authorized water levels specified by Mr. Nasss indicate that for Round and Little Round Lakes, the maximum authorized level is 77.25 feet, which is 1345.50 feet at mean sea level and 5.50 feet on the gauge.

- 4/99: Conservationist Work Report. “Water level concerns – Lac Courte Oreilles and Big Round Lake”... “monitoring dams.” (SC809.)
- 5/26/99: Memo from Dale Olson to the Round Lake Association. Dale reports that he had received several requests for info regarding the “normal water levels and specific information for the Little Round Lake dam. These requests have been prompted by the floodplain zoning issue. We recently supplied the following information to ... an engineering firm representing FEMA: maximum level 77.25; normal elevation 77.0 ...” (SC1215.)
- 6/99: Sawyer County Conservation Work Report. “Monitor dams.” (SC811.) There are similar notations concerning the conservationist monitoring dams at SC812, 814, 815, 816, 817, 820, 821. Also SC813 states “operate dams.”
- 7/1/02: Newspaper article. Regarding solutions for high water on Round Lake are explored by County and citizens. This states that Round Lake Properties Association board member Bill Whitlock said “The Board feels the water is way too high.” Frank Dallam is quoted as saying “A repeated history of beaver dams between the outlet of Little Round and Highway NN. I’m not doubting your (Hausman’s) word that there may be people who want higher lake levels (and place rocks or stop logs illegally in the channel).” Dale Olson stated that a pair of canoeists between Little Round and Osprey Lakes recently found no beaver dams. [Jim Hausman said this was the Nielsons.] Dallam stated “Right now it does not appear that the dam controls the lake level; rather, recent high rains and high ground water are controlling it possibly along with adjacent swamps and wetlands and downstream obstructions.” Dale Olson said he “would like to see the water go down; there has been damage out there” on Round Lake. “We are trying everything we can do to get the water out, including hand-cleaning of the area around Highway NN culverts and Little Round Lake outlet.” Al Reinemann stated that shore owners have created a number of lagoons around the lake and if the water were dropped, this could make it tough for them to get their boats in and out. (DNR721-726.)

- 10/19/02: Water Flow Calculations. Apparently Dan Carthel was calculating the CFS through the Carlson Road Dam. (CAR297.) He also calculated the CFS for the culverts at NN. (CAR298.)
- 4/7/03: E-mail from Dave Kaffura to Frank Dallam. Regarding the Land and Water Committee meeting on April 3, 2003: The Committee members stated that the National Guard “possibly” replaced the bridge/dam at a point in the past. [Discussing the Carlson Road Dam.] (DNR1196.)
- 4/9/03: E-mail from Frank Dallam to DNR staff. "Am betting the County's engineer (Carthel LLC) wrote the summary ... We should not be representing the County on their possible legal issues, but staying within our confines of water reg. and dams. As far as the dam goes, this office considers the County to be in compliance with the original orders. Have seen no evidence or proof the bridge/dam at the outlet of Little Round Lake was replaced between 1961-64. Although the bridge between Large and Little Round Lake was replaced." (DNR00032.)
- RESPONSE TO REQUEST NO. 8: E-mail from Jim Hausman to Dale Olson forwarding the Barr Engineering June 29, 2003 letter describing the blockage of the Little Round Lake dam. (SC 0258-260.) Photos of this obstruction are provided at SC 0261-264.
- 9/4/03: E-mail from Frank Dallam to Jan Eck and Dave Kafura. This originated with an e-mail from Dave Kafura to Frank Dallam stating that Hausman "says the water level of the dam is 76.75 feet and someone has placed boards in the Little Round Lake dam." Frank responds by stating "if boards are being used to maintain the lake level at higher than the authorization specifies, they must be removed immediately. The dam owner should be monitoring the situation and correcting the situation. If the practice continues, there should be an investigation. Am believing this would fall under local jurisdiction/and/or the local warden." (DNR00023.)
- 9/11/03: Newspaper article. Regarding the Sawyer County Land and Water Conservation Committee wherein they voted to “do nothing” to further control the water level on Round Lake. In this article it says Dallam “told the County Committee last year that the PSC originally set a water level for Round Lake that has never been maintained. Dallam suggested that the County abandon the control structure at Carlson Road, or initiate the process to revise the Lake’s lawful level.” (DNR529-534.)

Dallam’s WDNR File No. 57.34 2001- which relates to the Little Round Lake outlet.

- Order/DNR Dam Inventory Statistics for the Little Round Lake Outlet (SC2855-SC2878).
- Correspondence for the Little Round Outlet (SC2879-SC2888).
- Maintenance Reports for the Little Round Lake Outlet (SC2889-SC2898).
- Little Round Lake Dam Water Levels (SC2899-SC2900).

Dallam's WDNR File No. 57.34. 1976-2000.

- Order/DNR Dam Inventory Statistics – this is a duplicate from what was in the 2001 file.
- Correspondence for the Little Round Outlet (SC2925-SC2993). This correspondence subfile has many of the most important documents relating to problems between the years 1976 and 2000. Including extensive documentation concerning damage caused by high water in 1984.
- Maintenance Reports for Little Round Lake Outlet 1976-2000 (SC2978-SC2980). This subfile only includes aerial photos of beaver dams between Osprey Lake and Lac Courte Oreilles taken on April 11, 1987.
- Little Round Lake Dam water levels from 1976-2000 (SC2981-SC2993).

Dallam's WDNR File No. 57.34 which is the Little Round Lake Outlet dated 1940-1975.

- Order/DNR Dam Inventory Statistics for the Little Round Lake Outlet 1940-1975. This includes the orders from 1937 and 1941 (SC2994-SC3116).
- Correspondence for the Little Round Lake Dam 1940-1975.
- Maintenance Report for Little Round Lake Outlet 1940-1975.
- Little Round Lake Dam water levels from 1940-1975 (SC3208-SC3252).

HISTORY OF THE CTY HWY NN CONTROL STRUCTURES

- 9/29/42: Letter from County Highway Commissioner. “June 11th commenced replacing culverts under World’s End Road on Squaw Lake with timber bridge. This road at this time was backing up water in Squaw Lake and retarding drainage of the entire diversion.” This letter includes a report on Round Lake and the Squaw Lake diversion project. It provides a nice summary of the existing conditions in 1942 including the following:
 - World’s End Road – Timber bridge, cross section 8.64 square feet.
 - County Hwy E (Timber bridge on Squaw Creek) – Cross section 9 square feet

(SC2205 & H254.)

- 11/21/46: Look at last paragraph of H 281, which may pertain to Cty Hwy NN. (I couldn’t make it out). See H287 that implies this paragraph relates to Cty Hwy E, not NN. H289 clarifies what H 281 is discussing – see if it is NN. See also, H308.
- 12/17/47: Memo from the PSC. Regarding field inspections and water damage complaint. This memorandum which can be found at SC2151-2153 provides the narrative for the maps at SC1961 and SC1962. Specifically, the map that notes that “after the diversion ditch was put in at (G) it was necessary to put in culverts in here under that road [at NN]”. This memo describes the swampy area around the Tiger Cat diversion ditch indicating where overflow is circumventing the control structure. This memo is a nice description of the conditions existing in 1947. He concludes by stating “behind this extra foot of head at Tiger Cat there may be the fine hand of some of the resort area developers from around Hayward vicinity, this flowage created quite a little lakeshore property ... there are several unquestionable violations of Commission orders involved and they may be largely responsible for the damage.” (SC151-153.) See also H341.
- 5/18/50: Letter from the Bureau of Indian Affairs to the Public Service Commission of Wisconsin. The Bureau notes that the elevation of the Tiger Cat flowage is above the maximum elevation of 90.5 feet. “There is no water flowing through the location of the old weir to the canal from Little Round Lake to Squaw Lake. This having been blocked by an earthen fill. We find a considerable quantity of water flowing through the two 24-inch culvert pipes under World’s End Road in the southeast/southeast of Section 2, Township 40 North, Range 8 West [which are the culverts at NN]. It is apparent that water is entering Squaw Lake from Little Round Lake by way of a connecting swamp in Section 36, Township 41 North, Range 8 West, north of the reservation line induced by the present high head.” (SC0915) [Presumably this is the Anderson Channel.]
- 7/15/67: Memo. This memorandum provides the elevations for the two culverts located at Cty Hwy NN. (SC2435.)
- 7/31/67: “The culverts at the outlet of Squaw Lake hold a level of 2.41 feet.” (H539.)

- 12/15/67: The WDNR concludes the culverts at the outlet of Squaw Lake are one of the reasons the specified lake level can't be achieved. (H550.)
- 5/16/68: Letter from Sawyer County Extension to the DNR. This letter provides the results of an inspection of the culverts at NN. It also attaches the field notes as well as a map with the pertinent areas drawn out. (SC1904-SC1906.)
- 10/19/68: Letter from a Riparian on Squaw Lake to Mr. Kinney. This letter describes high water problems at Squaw Lake and also describes current conditions of the pertinent water control structures. At NN, he describes two 3-foot and one 2-foot culverts which are "about 10% of the flow through County Trunk B." The culverts at NN are partially blocked by sediment. (SC1169-SC1171. See also SC3132-SC3134.)
- 10/28/68: Memo. Sometime between July 13, 1967 and June 18, 1968, an additional culvert was placed under County Trunk Highway NN. This memorandum gives a summary of elevation surveys of the culverts, benchmarks and water levels on Little Round and Squaw Lake. (SC1783-SC1784.)
- 4/30/74: Memo. This memorandum provides the elevations for the three culverts under Cty Trk Hwy NN. (SC2431.)
- 11/6/74: In response to this riparian's complaint about the water levels on Squaw Lake, the WDNR responded "Mr. Kinney will monitor the water level at the culverts under Highway NN. Steel plates will be used in the culverts to raise the water." (H567.)
- 5/30/75: Letter from Sawyer County to the WDNR indicating that Sawyer County does not have authorization from the WDNR to install retaining plates at the culverts at NN. (H568.) In response, the WDNR sends a letter dated June 11, 1975 stating "Please be informed that Sawyer County has authorization to maintain the level of Squaw Lake as stipulated in Condition 12 of Permit 3-WR-442.7 issued March 21, 1959." (H569.)
- 6/24/75: Minutes of the Sawyer County Conservation Committee Tour. As to the outlet of Squaw Lake on Highway NN, Mr. Kinney stated that WDNR has ordered the County to "do such necessary work as directed by the department" when the level of Squaw Lake drops below 76.52. Therefore, until the department notifies Sawyer County of the work to be done, only temporary measures can be taken at this time." (SC0785.)
- 12/7/76: Letter from Water Regulation to a Landowner regarding Squaw Lake levels. This letter gives a nice summary of the culverts at NN and Squaw Creek. It states "During the period mid-1967 through mid-1969, high level problems existed on Squaw Lake. In response to that problem, Sawyer County undertook corrective action. In 1968, Sawyer County installed a 24 inch culvert under County Trunk Highway NN. ... In summary, culverts as they now exist under County Trunk Highway NN have been in place since 1968. In April 1969 Sawyer County dredged a portion of the Squaw Lake outlet from County Trunk Highway NN upstream for a distance of approximately 450 feet. That dredging action included removal of a beaver dam which existed 450 feet upstream from County Trunk Highway NN. As a part of that removal action, [the WDNR] ... expressed the opinion that

the level of Squaw Lake should not be allowed to fall below elevation 76.52 DNR datum. The dredging contract that was issued to Sawyer County included a condition which required remedial action by Sawyer County if the elevation of Squaw Lake were to fall below 76.52. It was that authority that we relied on in our initial letter to you on November 6, 1974, in which we suggested that action should be taken to alleviate the problem. ... County Trunk Highway NN and most of the lands upstream from County Trunk Highway NN which were dredged, are a part of the Lac Courte Oreilles Indian reservation. Therefore, authority is required from the Bureau of Indian Affairs of the Lac Courte Oreilles Band, before any modification of the culverts or any water control structures installed to regulate the levels of Squaw Lake. ..." (CAR157-158.)

- 4/15/77: Memo. This memo provides the culvert elevations at NN. (SC2428.) At the time there were three culverts.
- 5/16/84: Letter from the PSC to Ken Carlson of the Round Lake Properties Association. Mr. Carlson had sent a letter to the PSC outlining the 5 issues that are still of concern today in 2004. In response, the Public Service Commission stated that laws passed in 1965 resulted in the transfer of the jurisdiction over surface water regulations from the PSC to the DNR. (SC1830.)
- 7/31/84: Letter from the Round Lake Property Owners Association to the either the DNR or the Sawyer County Forestry Department. This letter essentially asks the exact same questions we are asking in 2004 about the 1941 order, the capacity of the current dam, the elevation of the sill, the northern drainage ditch, and the culverts at County Highway NN. It states that "periodic high water cannot be regulated in a reasonable period of time so that the water levels prescribed in the PSC Order are maintained. Past history indicates this to have been a problem in the years of 1948, 1960-61, 1966-69, 1975, and 1983 to the present." (SC0754.)
- In approximately 1999, Sawyer County replaced the culverts at NN.
- 6/11/02: E-mail from Frank Dallam to Eleanor Lawry. Frank asks Eleanor if she has access to "the old water reg files in engineering that they were based on? The eternal, recurring Round Lake/Little Round Lake/Squaw Lake controversy is being resurrected. Am particularly interested in any original permits or plans to do with pre-WR-442.7 (culverts at outlet of Squaw Lake T40N-R7, 8W-7 Section 1, 6). Would also be specifically interested in any approved (or unapproved) plans showing the proposed dredging elevations between Round Lake and Squaw Lake." (DNR1167.)
- 10/19/02: Water Flow Calculations. Apparently Dan Carthel was calculating the CFS through the Carlson Road Dam. (CAR297.) He also calculated the CFS for the culverts at NN. (CAR298.)
- Among other things, Mr. Gedart provided minutes from the June 2 and June 11, 2003 meetings of the Highway Committee. At the June 5 meeting "Mr. Hausman and Mr. Hirschfeld explained that the County is going to be cited" for the culverts on County Hwy NN. Someone explained that Mr. Pete Dieckman, Randy Dennis and Scott Vaverka installed

the culverts." (SC0353.) At the June 11 meeting, the minutes state as follows: "In regards to the culverts on County Hwy NN the Committee feels until there is a citation issued or correspondence is received by the Highway Department there should be no action taken." (SC0355.)

HISTORY OF THE NORTH DRAINAGE CHANNEL

- In 1914/1915, water would run from Little Round into Squaw lake through a “big swamp that connects the two lakes and the water would run through that swamp in high water.” (H 0051.) There was also a ditch between Little Round and Squaw “that would run pretty near east and there was water in that because I had to wade through water to get across there.” (H 0053.) It sounds like this was a ditch among the wetlands, possibly the Anderson Channel.
- 2/4/41 Hearing: There currently is not an outlet from Little Round to Squaw Lake but there “used to be.” At one time they used to run canoes from Little Round to Squaw. (H 0041.)
- 2/4/41 Hearing: There currently is not a boat channel between Little Round and Squaw. The swamp that adjoins Little Round is an “open swamp.” (H 0067-68. See also H 0092.)
- 4/4/41 Hearing: Ownership of the land between Little Round and Squaw is discussed on H 00068.
- 6/10/41: Area map on CD. It is a map of Round Lake, Little Round Lake and Squaw Lake along with the drainage between them. It also notes the swamp land located next to Squaw Lake and Little Round Lake. This map includes a profile of the proposed drain from Little Round to Squaw Lake. The affected landowners are also identified. LLA: See if this is the same map described at 1/10/49 DNR559.
- 1941 Order: The PSCW ordered 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. ... That plans 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. ... The outlet canal, and the control works therein be constructed and ready for operation by July 1, 1942.” (H 121.)
- 2/18/42: The County did not submit plans for the channel in accordance with the deadline set by the Order. (H 208.)
- 2/24/42: Banister Engineering submits to PSCW “three blueprints of plans of proposed canal between Little Round Lake and Squaw Lake.” (H 210.)
- 4/4/42: PSCW approves the plans for the canal. (H 217; See also H211, H 222.)
- 5/23/42: Dug ditch with 12” bottom between Little Round and Squaw Lakes. (H 254.)
- 9/29/42: Letter from County Highway Commissioner. This letter includes a report on Round Lake and the Squaw Lake diversion project. It provides a nice summary of the existing conditions in 1942 including the following:
 - County Hwy B – 2-36” corrugated sheet metal culverts.

- 2-36” culverts under Cty Hwy B with elevation 75.38 and 75.17.
- Sluice way dam and ditch between Little Round Lake and Squaw Lake – Cross section 11’ wide, 1’ water, 11 square feet.
- World’s End Road – Timber bridge, cross section 8.64 square feet.
- County Hwy E (Timber bridge on Squaw Creek) – Cross section 9 square feet.

(SC2205.)

- 7/7/43: PSCW staff investigated the high water level of Round and Little Round Lakes. Sawyer County informed the PSCW staff that “the control of the lakes was apparently the natural condition of the channel below Little Round Lake. He stated there was only a slight fall in the water between Round and Little Round Lakes and at the out fall of Little Round Lake and the stream below. Elevations were taken of the difference between water levels of Round Lake and Little Round Lake and found to be 0.14 feet or slightly less than 2 inches.” (H00257.)
- 11/21/46: Letter from the Great Lakes Indian Agency to PSC. The Indian Agency had requested information on both the Tiger Cat and Round Lake diversion dams. After receipt of the information they stated “This office is mainly concerned over diversion ditch constructed between Little Round Lake and Squaw Lake in Section 36, Town 41 North, Range 8 West. This ditch is about 6 feet deep and does not follow any previous channel. A timber weir is constructed on this ditch from which we obtained the following: length of weir 10.8 feet, height of water above crest 0.2 feet, at a .6 feet above weir... This stream has caused a considerable flowage in the formerly low but dry area and much timber damage has been done and more developing as a result of the constant high water. We would appreciate knowing whether this diversion ditch as constructed was approved by your office as this agency had no knowledge of this Squaw Lake diversion prior to the flooding in this area in 1942 as a result of this ditch.” (SC2125-2126.) See also H281-282.
- 12/17/47: Memo from the PSC. Regarding field inspections and water damage complaint. This memorandum which can be found at SC2151-2153 provides the narrative for the maps at SC1961 and SC1962. Specifically, the map that notes that “after the diversion ditch was put in at (G) it was necessary to put in culverts in here under that road [at NN]”. (SC151-153.)
- 1/10/49: Oversized map showing the proposed northern drainage ditch. It also gives the profile of the northern drainage ditch. This is the best copy of this map that I have seen so far. (DNR559.)
- 1/12/49: The PSC asks about the progress “that has been made in constructing the canal and control works to Squaw Lake which are also required by the Order in Docket 2-WP-513.” (SC1979.)

- 2/23/49: Letter from the PSCW to Sawyer County responding to the plans submitted for the water control device at Carlson Road. “Our records indicate that a canal is constructed from Little Round Lake to about 200 feet beyond the roadway which is the roadway which is the location of the proposed outlet structure. The profile shows ground surface below the ditch at 77.7 feet sloping to 74.8 feet at Squaw Lake. It appears, therefore, that the outlet structure of a twin box culvert, each 4 by 6 feet and with bottom elevation of 75.0 feet, would be inadequate to comply with the Order requiring a maximum water level of not more than 77.25 feet in the Round Lakes. In 1948 we had complaints from the Indian Agency and from riparians on Lac Courte Oreilles concerning high water and pollution, respectively. It may be that the construction of the canal from the end of the present ditch to Squaw Lake, with bottom elevation of not more than 75.25 feet to comply with the Order and to make it possible to pass enough water through the outlet structure to maintain the required maximum water levels of Round Lakes, would be adverse to the interests of the public and riparians below. We will defer approval of the outlet structure until we can make an investigation to determine the best solution for the area. It appears that the existing outlet structure is inadequate to pass flood flows that may occur in the spring break up. Please advise us as to what you can do temporarily to pass flood waters to prevent high water damage on the Round Lakes.” (H379.)
- 6/3/49: The hearing for a new docket (No. 2-WP-766) is held which addresses the County’s request that the water level for the Tiger Cat Flowage be raised from 90.0 feet to 90.5 feet. One of the witnesses asked that the canal between Little Round and Squaw Lake be closed and returned to “its natural position.” (H472.) In the end, the hearing examiner agreed to keep the matter open until after a study had been completed. The study was intended to determine the relationship between the lake level in the Tiger Cat Flowage and the Round Lake Chain. (H473.)
- 6/3/49: Illegal tampering with the flowage discussed. (H456-458.)
- 6/3/49: During the hearing for this docket, Examiner Cartwright explained as follows: “Tiger Cat Flowage is a separate distinct application, distinct from Round Lake, there is a diversion canal from Round Lake, or rather from Tiger Cat to Round Lake and water only can be diverted from Tiger Cat to Round Lake by Public Service Commission permission, there is a control structure which has stop logs higher than the Tiger Cat Flowage and those logs are locked in and Sawyer County would be in violation of the Commission if they diverted water without authority from the Public Service Commission.” (H443.)
- 6/10/49: Oversized map showing the proposed northern drainage ditch. It also gives the profile of the northern drainage ditch. This is the best copy of this map that I have seen so far. (DNR559.)
- 2/8/50: Letter from the State of Wisconsin Conservation Department to the PSCW. In relation to Docket 2-WP-766 “After examining the observations (as furnished me) of the diversion ditch/creek weir, it is apparent that the authorized operation of the Tiger Cat Dam can be fixed at 90.5 feet without adversely affecting the levels of Round Lake if adequately locked stop logs are placed in the Lake Placid diversion gate and the project operated within strict limits of the Public Service Commission Order. I continue to recommend that the

artificial structures on potential or seasonal outlets to the Round Lakes be returned to as nearly natural conditions as can be reasonably ascertained. This should minimize the dangers of the Round Lakes contributing an exotic species to the Lac Courte Oreilles lakes.” (H 479. See also SC1918.)

- 2/8/50: Letter from the State of Wisconsin Conservation Department to the PSCW. “Since the weir study covers the fall season only, I feel it is not complete enough to answer all the problems involved. However, it does seem to indicate the Tiger Cat does not contribute to any great amount of subsurface water to the Round Lakes, which should be reason enough to prepare an Order on Tiger Cat.” The letter then goes on to discuss ways in which to eliminate the downstream migration of northern pike from Squaw Lake into the Lac Courte Oreilles lakes. (H 480.)
- 3/29/50: Letter from PSC to Great Lakes Indian Agency, which includes a report from the Conservation Department. In relation to Docket 2-WP-766. In the letter it notes that the Lac Courte Oreilles opposed the application to raise the Tiger Cat Flowage to 90.5 because they were concerned of foreign fish and silt migrating down into Couderay Lake. The letter notes “Mr. Omernick who represented the Lac Courte Oreilles people indicated that the opposition of the application would be withdrawn if proper safeguards are made to protect Couderay chain of lakes against the migration of foreign fish and also the carrying of silt. The channel between Little Round Lake and Squaw Lake was only partially constructed, and it is not expected that it will be completed. It will probably be plugged up to the natural groundwater in the vicinity. Because of the circumstances that now exist we ask if you have any objection to a permit being issued to Sawyer County to raise and enlarge Tiger Cat Flowage as requested.” The report from the Conservation Department on the notes as follows: “We have observed the conditions at these flowages throughout 1949, and it is of the opinion of our staff that raising Tiger Cat Flowage .5 foot, or to an elevation of 90.5 feet, as requested, will not adversely affect Squaw Lake on Lac Courte Oreilles chain of lakes...The channel between Little Round Lake and Squaw Lake was only partially constructed, and it is not expected that it will be completed. It probably will be plugged up to the natural contour of the groundwater in the vicinity.” (SC1919-1920 & H484-485.)
- 5/18/50: Letter from the Bureau of Indian Affairs to the Public Service Commission of Wisconsin. The Bureau notes that the elevation of the Tiger Cat flowage is above the maximum elevation of 90.5 feet. “There is no water flowing through the location of the old weir to the canal from Little Round Lake to Squaw Lake. This having been blocked by an earthen fill. We find a considerable quantity of water flowing through the two 24-inch culvert pipes under World’s End Road in the southeast/southeast of Section 2, Township 40 North, Range 8 West. It is apparent that water is entering Squaw Lake from Little Round Lake by way of a connecting swamp in Section 36, Township 41 North, Range 8 West, north of the reservation line induced by the present high head.” (SC0915.)
- 6/2/50: Order in Docket No. 2-WP-766 is issued. In the opinion portion of the Order, the PSCW stated “The Conservation Department has made a report of its investigation and is of the opinion that the Tiger Cat Flowage can be raised to 0.5 foot without causing any substantial excess waters to flow toward Squaw Lake. However, its opinion is conditioned on the requirement that diversion from 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... In view of the report made by the Conservation Department and knowledge of the Order of the Commission requiring specific authorization for each diversion to Round Lake, the objection of the residents in the Lac Courte Oreilles area has been withdrawn.” (H477 and H489.) Neither the factual findings or the permit specifically incorporate these two conditions into the conditions of the permit. However, the permit language is as follows: “And hereby there does issue and is granted to the Applicant, Sawyer County, the permit ---- as herein described.” (H490.) The County will likely argue that “as herein described” incorporated the language in the opinion section that conditioned the permit in filling in the northern drainage ditch and not allowing any diversions from the Tiger Cat Flowage into the Round Lake chain without explicit authorization from the Commission.

- 6/7/50: Map of Round Lake Area. This is a beautiful map of the Round Lake area and surrounding lakes. It has hand-written notations for the Northern Drainage Ditch stating “Canal now closed off” and for the Anderson Canal -- which is the diversion ditch from the eastern part of Little Round Lake to Squaw Lake --it says “Canal opened June 7, 1950.” (DNR334.)
- 8/2/61: Letter from the Conservation Department to the PSCW. “This letter is written in answer to your request for comments on the matter of authorizing and requiring Sawyer County to construct and maintain a channel leading from Little Round Lake into Squaw Lake as required in your permit under Docket 2-WP-513. ... The major reason for delaying construction of the channel, that of discouraging movement of northern pike from Round Lakes to Couderey Lake is no longer reasonable. ... The introduction via downstream of ordinary numbers of near adult northern is no longer a material factor in the biology of the Couderey Lakes. If the required structures will aid in stabilizing the levels of these lakes, this office believes they are in the public interest and withdraws any objections to their construction. ... The understanding and consideration you have shown in holding these devices in abeyance, while we attempted to cope with the problems competing interests raised are deeply appreciated by all of us concerned.” (H514.5.)
- 10/6/61: Internal PSCW memo summarizing the results of an investigation conducted on September 20, 1961... However, the physical circumstances are such that proper operation of the outlet gate cannot affect discharge 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. (H519.)
- 12/21/61: Letter from Sawyer County’s UW Extension to the PSCW. This letter notes that “There are two outlets out of Little Round-the above [which is the channel on the east end of Little Round that leads to Squaw Lake] and the one at the dam.” (H525.) See also SC1873 and SC3156.

- 1/9/62: Memo from W.H. Cartwright. “Before the Chief River Dam was constructed, Big and Little Round Lakes were not connected. It appears that at times of excessive runoff, Big Round Lake overflowed to Little Round Lake and, in turn, overflowed to Squaw Lake. Since the Chief River Dam has been in place with the raised flowage, apparently there has been sufficient underground diversion to Big Round and Little Round to raise their levels and at times cause overflow to Squaw. In Docket 2-WP-513 in 1941, it is indicated that the west outlet was considered to be the natural overflow stream. However, the Couderay quadrangle from aerial survey apparently sometime before 1944 and with a field examination in 1944, shows two outlets from Little Round Lake, one to the west on the present outlet dam as located and one lying east through the Anderson property. We do not know that the channel at the Anderson property was created by channel excavation. If the Anderson channel does, in fact, divert water from Little Round Lake to cause levels in the lake below the established norm, it will be necessary to require obstruction in the channel to stop the diversion of water when Little Round is at low levels.” (SC1874.)
- 7/31/67: Letter from the Wisconsin Department of Resource Development to someone in Hayward. “The drop in elevation between Little Round and Squaw Lakes is 0.86 foot.” (H539.)
- 12/15/67: WDNR concludes: The small slope of the approximately .90 feet between Little Round Lake and Squaw Lake is one of the reasons the lake level cannot be achieved. (H550.)
- 4/23/68: Attached to the County’s Application to the DNR for dredging the northern ditch and Squaw Creek. This is an easement which can be found at SC1198-SC1199 and a copy of a government survey showing that the United States of America owned the land coming out of Squaw Lake. (SC1200.) The application states that the persons who own property on each side of the applicant’s property is Claude Carlson and the USA. (SC1196.) This is the same easement that Dave Rieder found. (See also SC2858-SC2860.)
- 4/30/68: Letter from the WDNR to the Sawyer County’s UW Extension regarding the dredging project. Apparently, WDNR met with the representatives of the Round Lake Properties Association which requested an application for a dredging permit for the northern ditch. The WDNR notes: “Our levels survey of last summer indicated a water level difference between Little Round and Round Lake of 0.8 feet. The present level of Round Lake is 0.66 feet above the maximum level authorized. It is my opinion that the only way to obtain a solution to the problem of high water is to create a better flow condition in the outlet stream which will require the complete clean out of the stream. It is clearly evident from the erosion that is taking place in the shoreline that the water level must be maintained within legal limits to protect the property owners on the shoreline. You stated in our recent telephone conversation that you would take soundings in the bay upstream from the dam and also in the channel downstream to determine the amount of silt and also the water depths in the area.” (H553, SC1205.)
- 5/16/68: Letter from Sawyer County Extension to the DNR. This letter provides the results of an inspection of the northern. It also attaches the field notes as well as a map with the pertinent areas drawn out. (SC1904-SC1906.)

- 7/30/68: Letter from Sawyer County to the Round Lake Properties Association. Letter discusses proposal to dredge the northern ditch as well as Squaw Creek. It discusses the “blasting” of Squaw Creek and notes an application is being prepared and “the permission will be coming shortly.” It notes that “permission was granted a resident on your lake in 1967 to remove any obstructions in the channel.” It appears they may have been talking about Squaw Creek. It also discusses a “man made dam” in Squaw Creek as well as good sized rocks in the culverts at NN. (SC1172.)
- 9/9/68: Docket 3-WR-139.55. A permit is issued to Sawyer County. “To remove material from the bed of the outlet of Little Round Lake for a distance of 90 feet above the dam with a channel with width of 20 feet and a depth which shall be equal to the elevation of the gate sill of the dam. In the outlet of Squaw Lake, only the two non-active beaver dams located in areas five and six as shown in the attached map may be removed. Areas where dredging is authorized by this permit are shown on the map which is attached to the application. ...” (SC3196-SC3198 & SC1193-SC1194.) This permit does not appear to relate to the Northern Drainage Channel.
- 10/28/68: Memo. Sometime between July 13, 1967 and June 18, 1968, an additional culvert was placed under County Trunk Highway NN. This memorandum gives a summary of elevation surveys of the culverts, benchmarks and water levels on Little Round and Squaw Lake. It implies that the northern drainage ditch extended 300 feet downstream from the dam where it specifies the marsh begins. (SC1783-SC1784.)
- 1968-1969: Docket No. 3-WR-139.55. County’s Dredging Application. The County’s application to dredge the channel between Little Round and Squaw Lake can be found at DNR734-754.
- 9/6/72: Minutes of the Sawyer County Conservation Committee. “The administrator reported that rains have caused high water in all lakes. He also reported that the channel between Little Round Lake to Squaw Lake to NN road was cleared of debris and he raised a question about access to the dam on a “private road.” (SC0788.)
- 7/31/84: Letter from the Round Lake Property Owners Association to the either the DNR or the Sawyer County Forestry Department. This letter essentially asks the exact same questions we are asking in 2004 about the 1941 Order, the capacity of the current dam, the elevation of the sill, the northern drainage ditch, and the culverts at County Highway NN. It states that “periodic high water cannot be regulated in a reasonable period of time so that the water levels prescribed in the PSC Order are maintained. Past history indicates this to have been a problem in the years of 1948, 1960-61, 1966-69, 1975, and 1983 to the present.” (SC0754.)
- 8/27/84: Letter from WDNR to Ken Carlson. This letter responds to Mr. Carlson’s letter of July 31, 1984. This letter was faxed from Dan Cartell to 715-354-9797 on September 19, 2003. It appears that the outlet canal from Round Lake to Squaw Lake was never finished to the specified width of 10 feet. Plans specified for the outlet structure were initially denied approval pending further investigation. Subsequent investigation report was made. Although plan approval was not specifically addressed, the report seems to give tacit

approval of the structure as built. (SC0831.) In response to the question “Who is required to provide maintenance of the drainage system, and does DNR have enforcement authority?,” Mr. Jasinski of the WDNR states: “The PSC Order 2-WP-513 does not require continued maintenance of the drainage system and there are no statutory requirements for such maintenance except for maintenance of the dam itself. Since maintenance is not required, there is no enforcement authority.” He also states that the DNR could not enforce the PSC Order because “the statutory criterion have changed and the facts have undoubtedly changed.” “The County is doing all they can under the present circumstances to comply with the order.” “The PSC action 1949 probably constitutes plan approval.” In response to the question about whether the secondary ditch from Round Lake to Squaw Lake could be re-created, “this ditch did exist at one time and was later filled in as being unauthorized.” The DNR stated, “Our Department has concluded that a ditch to the west of the dam may be a more cost effective and less environmentally disruptive alternative. In order to pursue this alternative, there will need to be coordination of the effort with all of those affected, including the Lac Courte Oreilles Chippewa Indians. (SC1154-SC1157.)

- 2/7/87: Letter from the Attorney General to the ED of Tavern Hosts of Wisconsin. The Attorney General concludes that WDNR does not have the authority to require Sawyer County to maintain on a permanent basis the channel between Round Lakes and Squaw Lake. Specifically, the Attorney General states as follows: “Concerning the maintenance of the outlet channel, the 1941 PSC Order did not require Sawyer County to maintain the outlet channel from the Round Lakes. Since no statutory duty to maintain such a channel exists, it is my view DNR would be without the authority to impose a duty to maintain the channel at this time.” (H592-593.)
- 9/27/93: Letter from the DNR (Dallam) to Sawyer County regarding informational request for Big Round Lake. This letter discussed developing the regional flood elevation. It specifically mentions the “complicated drainage area of Little Round Lake. It asks for a variety of information from areas including Little Round Lake and the Lake Placid diversion structure. “Any beaver dams or obstructions in the downstream channel should be cleared out while observing any DNR regulations that apply. These RFE determinations don’t account for temporary obstructions, even if they are a major influence.” (DNR1639-1641.)
- 8/28/02: E-mail from Frank Dallam to Jan Eck regarding September 5 meeting. “The County will apparently be presented with Heather’s survey results, which indicate an approximate 1 foot (if memory serves) drop between Little Round Lake and Squaw Lake. Based on this information, the possibility exists to affect the Little Round Lake’s levels by dredging downstream of the dam to the backwater of Squaw Lake. The County may wish to carefully consider the expense of further engineering or survey, until it is determined whether the landowners who own the land next to any proposed dredging, are willing to apply for a dredging permit.” (DNR00034 & DNR1198.)

[I spoke to Dallam for the first time on 3/___/03.]

- 3/18/03: E-mail from Frank Dallam to Dave Kafura and Tom Aartila. Frank is describing his interpretation of "what is in Order 513." "The original statements made by this office pertain to the findings indicating the downstream channel elevations need to [sic.] maintained

at a certain level, and the actual order does not order the County to maintain those downstream channel elevations. The County was ordered to construct the downstream channel, which they did. This office stands by those statements. In addition, this office interprets the order does not contain ordered 'max' levels, but an ordered 'normal' level range. Mr. Hausman's lawyer was advised to contact Mike Cain for clarification between 'normal' and 'max'." (DNR00034.)

HISTORY OF THE SQUAW CREEK FROM SQUAW LAKE TO COUNTY HWY NN

- 4/4/41 Hearing: “The only Indians claim there was one [an outlet] from Squaw Lake to Couderay.” (H 0092.)
- PSCW Order: Squaw Lake “has an outlet which flows into the Courte Oreilles Lake, a tributary of the Chippewa River.” (H116.)
- 5/2/67: Letter from Round Lake Properties Association to the Sawyer County Conservation Committee. The Association requested “to have a survey made from the dam through Squaw Lake down to World’s End Road to have the weeds cleared so that the water flows through freely, which may help lower the level to the normal height.” (SC861.)
- 4/23/68: Attached to the County’s Application to the DNR for dredging the northern ditch and Squaw Creek. A government survey showing that the United States of America owned the land coming out of Squaw Lake. (SC1200.) The application states that the persons who own property on each side of the applicant’s property is Claude Carlson and the USA. (SC1196.)
- 5/10/68: Conditions of Squaw Creek are described with beaver dams and old man-made structures. (H556.5)
- 5/16/68: Letter from Sawyer County Extension to the DNR. This letter provides the results of an inspection of the Squaw Creek. It also attaches the field notes as well as a map with the pertinent areas drawn out. (SC1904-SC1906.)
- 7/30/68: Letter from Sawyer County to the Round Lake Properties Association. Letter discusses proposal to dredge the northern ditch as well as Squaw Creek. It discusses the “blasting” of Squaw Creek and notes an application is being prepared and “the permission will be coming shortly.” It notes that “permission was granted a resident on your lake in 1967 to remove any obstructions in the channel.” It appears they may have been talking about Squaw Creek. It also discusses a “man made dam” in Squaw Creek as well as good sized rocks in the culverts at NN. (SC1172.)
- 9/9/68: A permit is issued to Sawyer County. “In the outlet of Squaw Lake, only the two non-active beaver dams located in areas five and six as shown in the attached map may be removed. Areas where dredging is authorized by this permit are shown on the map which is attached to the application. ...” (SC3196-SC3198 & SC1193-94.)
- 2/23/69: Map. For proposed dredging of Squaw Creek from the Little Round Lake Dam to an active beaver dam. This provides a cross section of the area to be dredged along with the elevations of the area below the beaver dam. (SC3186.)
- 2/26/69: Application from Sawyer County to the WDNR requesting authorization to dredge the Squaw Creek outlet. (H559.) Sawyer County states that it has “permission from tribal council to put spoil on lands.” (H559.)

- 3/21/69: The WDNR issued a permit allowing the dredging of Squaw Creek. The specifications for the channel are specified in the permit. The Findings of Fact and permit can be found at H561 to H563.
- 4/10/69: Memo from Sawyer County regarding the dredging of Squaw Creek. The dredging work was being completed by the Highway Department “and they had progressed from a point approximately 450 feet upstream down to within 100 feet of the bridge at the time of the inspection. The work was causing some siltation and some debris floating to a point downstream from County Trunk Highway NN.” (SC1913.)
- 7/6/70: Letter from the WDNR to Sawyer County stating that the dredging of Squaw Creek has been satisfactorily completed and the WDNR was closing its files. (H565.)
- 9/6/72: Minutes of the Sawyer County Conservation Committee. “The administrator reported that rains have caused high water in all lakes. He also reported that the channel between Little Round Lake to Squaw Lake to NN road was cleared of debris and he raised a question about access to the dam on a “private road.” (SC0788.)
- 12/7/76: Letter from Water Regulation to a Landowner regarding Squaw Lake levels. This letter gives a nice summary of the culverts at NN and Squaw Creek. It states “During the period mid-1967 through mid-1969, high level problems existed on Squaw Lake. In response to that problem, Sawyer County undertook corrective action. In 1968, Sawyer County installed a 24 inch culvert under County Trunk Highway NN. ... In summary, culverts as they now exist under County Trunk Highway NN have been in place since 1968. In April 1969 Sawyer County dredged a portion of the Squaw Lake outlet from County Trunk Highway NN upstream for a distance of approximately 450 feet. That dredging action included removal of a beaver dam which existed 450 feet upstream from County Trunk Highway NN. As a part of that removal action, [the WDNR] ... expressed the opinion that the level of Squaw Lake should not be allowed to fall below elevation 76.52 DNR datum. The dredging contract that was issued to Sawyer County included a condition which required remedial action by Sawyer County if the elevation of Squaw Lake were to fall below 76.52. It was that authority that we relied on in our initial letter to you on November 6, 1974, in which we suggested that action should be taken to alleviate the problem. ... County Trunk Highway NN and most of the lands upstream from County Trunk Highway NN which were dredged, are a part of the Lac Courte Oreilles Indian reservation. Therefore, authority is required from the Bureau of Indian Affairs of the Lac Courte Oreilles Band, before any modification of the culverts or any water control structures installed to regulate the levels of Squaw Lake. ...” (CAR157-158.)
- 7/6/81: Sawyer County Conservation Committee Minutes. Robert Kinney gave a report on the Round Lake Dam “traverse the channel from the dam on Little Round Lake to Highway NN and said that beaver are blocking the flow of water. The beaver dam is on tribal lands, and Robert Kinney requested Melvin White L.C.O. Warden to remove same.” (SC0778.)
- 2/10/82: Letter from Sawyer County Forestry Department to the DNR. This letter mentions “We did have problems with beaver on the creek between Squaw Lake and NN which was

referred to the LCO Enforcement Agency and the beaver were taken out later in the fall.” (SC1159.)

- 9/27/93: Letter from the DNR to Sawyer County regarding informational request for Big Round Lake. This letter discussed developing the regional flood elevation. “Any beaver dams or obstructions in the downstream channel should be cleared out while observing any DNR regulations that apply. These RFE determinations don’t account for temporary obstructions, even if they are a major influence.” (DNR1639-1641.)
- 7/1/02: Newspaper article. Regarding solutions for high water on Round Lake are explored by County and citizens. This states that Round Lake Properties Association board member Bill Whitlock said “The Board feels the water is way too high.” Frank Dallam is quoted as saying “A repeated history of beaver dams between the outlet of Little Round and Highway NN. I’m not doubting your (Hausman’s) word that there may be people who want higher lake levels (and place rocks or stop logs illegally in the channel).” Dale Olson stated that a pair of canoeists between Little Round and Osprey Lakes recently found no beaver dams. [Jim Hausman said this was the Nielsons.] Dallam stated “Right now it does not appear that the dam controls the lake level; rather, recent high rains and high ground water are controlling it possibly along with adjacent swamps and wetlands and downstream obstructions.” Dale Olson said he “would like to see the water go down; there has been damage out there” on Round Lake. (DNR721-726.)
- 10/15/02: Phone Log. Regarding call to Dale Lang at the DNR. Carthel explained “situation on Round Lake. Would like to speak with him regarding jurisdiction of waters on Squaw Creek within tribal lands.” Dale Lang from the DNR returned his call. “Apparently no easy answer. Tribes have gained more rights in recent years. Further research required. Suggests public informational meeting.” (CAR78.)
- 6/24/03: Memo from Dan Tyrolt to the LCO Governing Board. Dan provided some background information for the tribal governing board’s deliberations over the Round Lake water levels. These materials included an agenda from the June 28, public informational meeting; my September 20, 2002 notice of injury to the County Clerk; Carthel’s December 4, 2002 report; an LOC resolution from October 8, 2002 wherein the LCO Tribal Council “strongly opposes any dredging or other disturbance of Osprey Creek.” Dan Carthel’s map and photo. (DT11-22.)
- **LCO Tribal Council passes resolution strongly opposing “any dredging or disturbance of Osprey Creek.”**

LAKE LEVEL OF ROUND LAKE – HISTORY OF IT

- PSCW summarizes the elevations of Round Lake from 1896-1935. (H133.)
- 6/21/37: normal elevation is “at approximately 83 feet. In recent years the water level dropped to approximately 73 feet, or about 10 feet below normal elevation” (H 00001, page 255.)
- “The diversion canal [Tiger Cat Flowage] was constructed and water has been diverted into said lakes since October 1930 resulting in a substantial rise of the water surface of said lakes.” (H 00013.)
- From the 2/4/41 hearing “VOICE: I would like to ask one question: anybody that has studied the water levels in this section knows that it runs in cycles and if we happen to get a cycle where the water would rise above the recommended level recommended by the Conservation Committee of the County, what would the Commission do? It so happens if you have a pail of water and fill it up it will run over the lowest side. If the water cycle should come back on Round Lake and come up to where it runs into Squaw Lake and the Commission has a lower level set then what happens? MR. MACLEISH: Commission is giving due consideration to the outlet channel. I think any recommendation made to the Commission would include the possibility of an outlet channel.” (H 00108.)
- Docket No. 2-WP-513, hand written notes may be calculating what the “normal elevation” is in preparation for the order. (H 206.)
- 1941 Order: The PSCW ordered 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. These elevations are referred to the staff gauge at Kayer’s Resort.” (H 121.)
- Undated. Handwritten note. From 1941 survey before the dam was installed Round Lake equaled 75.6; Little Round Lake equaled 75.05; squaw Lake equaled 74.8. (DNR1161.)
- 6/27/42: PSCW letter states “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.” (H00247.)
- 12/6/46: In his resignation as Dam Keeper for Sawyer County dams, Clarence Johnson inserts a hand written note that says “I will recommend that the docket for Round Lake be changed to increase the 76.0 to 77.0 even 77.5. This appears to be a fair height for this lake.” (H286.) (NOTE: The 76.0 was not the normal or maximum lake level for Round Lake, but

instead was the benchmark by which the Tiger Cat Flowage could be opened. See for instance, H285.)

- 12/6/46: Sawyer County Conservation Committee Minutes. “A discussion was held on the water levels of Squaw Lake. After considerable discussion...Mr. Johnson recommended that the elevation affecting the Round Lake chain of lakes be raised to 77.5...That steps be taken to raise the elevation from 76 to 77.5 thereabouts or not to exceed 77.5 for the chain of lakes – Round Lake, Little Round Lake, Squaw Lake through a public hearing to be held at some future date.” (SC807.)
- 1/28/48: Letter from the PSCW to Sawyer County Clerk stating “Our Order specifies a normal of 77.0 feet and a maximum of 77.25 feet.” (H264.)
- 5/11/48: PSCW letter to Sawyer County states “The Agency further reports the level of Round Lake was found to be 77.8 feet or 0.55 foot above the maximum established by Order in docket 2-WP-513.” (H336.)
- 5/25/48: Letter from the PSCW to Sawyer County stating “It is our suggestion that the levels of Round Lake and Little Round Lakes be lowered ...” (H345.)
- 5/8/67: Sawyer County Conservation Committee Minutes. “Round Lake property owner’s letter...Motion made that the administrator contact the Public Service Commission of Wisconsin requesting the water level [sic].” (SC0800)
- 9/22/67: Letter from WDNR to Round Lake Properties Association. This letter responds to the association’s request that the lakes be drawn down to 76.75 during the off season. “It is our opinion that the lakes should be drawn down only to the point where it would go by removal of all of the stop blocks of the dam. You inquire as to removal of silt in front of the dam. This can be removed without authority as it is considered to be normal maintenance of the dam structure.” (SC847)
- 3/3/76: Minutes from Meeting of Round Lake Property Owners Association and Round Lakes Resort Association. “The following is the status as of March 23, 1976...the lake level will be maintained according to the Department of Natural Resources order and as the property owners on the lake desire.” The members also discussed the dredging procedure under the bridge on Highway B and the adjacent area between Big and Little Round Lakes. “The Executive Secretary of the Sawyer County Conservation Committee, Robert Kinney, read a letter regarding water levels on Squaw Lake and the County’s responsibility on maintaining levels on this lake.” (SC0783.)
- 5/84: Numerous letters. Regarding the high water on Round Lake describing severe erosion, loss of beaches, problems with piers, problems with septic tanks, flooding of basements. (SC00759-SC0770.)
- 5/16/84: Letter from the PSC to Ken Carlson of the Round Lake Properties Association. Mr. Carlson had sent a letter to the PSC outlining the 5 issues that are still of concern today in 2004. In response, the Public Service Commission stated that laws passed in 1965 resulted in

the transfer of the jurisdiction over surface water regulations from the PSC to the DNR. (SC1830.)

- 6/4/84: Letter from Burt Swanson to Mr. Carlson. Mr. Swanson described the damage that his property is incurring on Round Lake – including washed up shoreline and problems with the septic tank – he asks what is going to be done. [Jim Hausman reports he bought the A-Frame from Burt Swanson.] (SC0758.)
- 6/6/84: Minutes from the Sawyer County Conservation Committee. Ken Carlson from the Round Lake Properties Association appeared and stated “that they would like to work with the County on water problems, lowering water levels.” This was referred to at the next meeting. (SC0757.)
- 7/31/84: Letter from the Round Lake Property Owners Association to either the DNR or the Sawyer County Forestry Department. This letter essentially asks the exact same questions we are asking in 2004 about the 1941 order, the capacity of the current dam, the elevation of the sill, the northern drainage ditch, and the culverts at County Highway NN. It states that “periodic high water cannot be regulated in a reasonable period of time so that the water levels prescribed in the PSC Order are maintained. Past history indicates this to have been a problem in the years of 1948, 1960-61, 1966-69, 1975, and 1983 to the present.” (SC0754.)
- 8/8/84: Letter from the Sawyer County Forestry Department to the Round Lake Properties Association. The County tells the Association that they must “complete a study of the overall problem in all of the lakes” before responding to their letter. (SC0753.)
- 8/22/84: Letter from DNR to Ken Carlson. Responding to Mr. Carlson’s request for a public hearing on water level problems on Big and Little Round Lakes. The DNR recommends a public informational meeting. (SC830.)
- 8/27/84: Letter from WDNR to Ken Carlson. This letter responds to Mr. Carlson’s letter of July 31, 1984. This letter was faxed from Dan Cartell to 715-354-9797 on September 19, 2003. This letter notes that the current dam is unable to pass 150 c.f.s. unless it exceeds the authorized maximum water level by 3.40 feet. Specifies that the sill of the dam is at 75.883 feet even though the high point should not exceed 75.25 feet and it appears that the outlet canal from Round Lake to Squaw Lake was never finished to the specified width of 10 feet. Plans specified for the outlet structure were initially denied approval pending further investigation. Subsequent investigation report was made. Although plan approval was not specifically addressed, the report seems to give tacit approval of the structure as built. (SC0831.) In response to the question “Who is required to provide maintenance of the drainage system, and does DNR have enforcement authority?,” Mr. Jasinski of the WDNR states: “The PSC Order 2-WP-513 does not require continued maintenance of the drainage system and there are no statutory requirements for such maintenance except for maintenance of the dam itself. Since maintenance is not required, there is no enforcement authority.” He also states that the DNR could not enforce the PSC Order because “the statutory criterion have changed and the facts have undoubtedly changed.” “The County is doing all they can under the present circumstances to comply with the order.” “The PSC action 1949 probably constitutes plan approval.” In response to the question about whether the secondary ditch

from Round Lake to Squaw Lake could be re-created, “this ditch did exist at one time and was later filled in as being unauthorized.” The DNR stated, “Our Department has concluded that a ditch to the west of the dam may be a more cost effective and less environmentally disruptive alternative. In order to pursue this alternative, there will need to be coordination of the effort with all of those affected, including the Lac Courte Oreilles Chippewa Indians.” (SC1154-SC1157.)

- 7/6/90: Minutes of Sawyer County Conservation Committee. It is noteworthy that in the July 6, 1990 minutes of the Sawyer County Conservation Committee, it states that a letter from Ken Carlson concerning the lake levels on Round Lake was read by Howard and is on file...this will be referred to legal counsel for an opinion.” The County does not have the letter. (SC0741.)
- 9/5/95: Letter from WDNR to Shirley Suhsen, Chair of Sawyer County Land and Conservation Committee. Todd Nass reports that he conducted an inspection of Little Round Lake Dam, County Trunk Highway B Bridge, Lake Placid Diversion Dam, a large wetland runoff into Round Lake and the Tiger Cat Dam. With a few minor exceptions, all of the dams were being operated properly at the time. However, Mr. Nass reports that past operations of the dams have not been good, which led him to “conclude that some changes need to be made in the day-to-day operations of these dams.” “Water levels must be maintained within the authorized range required by the water level orders issued for both water bodies. I have attached a list of the authorized levels for the Tiger Cat flowage and Round and Little Round Lake. Exceeding these levels can cause damage to private property and degradation of the Lakes’ water quality.”

The letter then discusses water flowing through a wetland which circumvents the Lake Placid Dam and enters the Tiger Cat flowage. “It is excess ground water being discharged through a 117 acre wetland just north of the diversion canal. This flow is documented by the Public Service Commission staff as early as 1947. We believe that this raise of the ground water table occurred when the Tiger Cat flowage was first flowed. Observations by 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 wetland adjacent to the diversion canal. In fact, the flow that drains the wetland 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.”

“The County should not wait until complaints are received to adjust the flowage levels. Routine adjustments must be made to maintain consistent levels.

“The water levels on Round Lake have been maintained consistently higher than the authorized maximum level. There is considerable evidence to support this. Presently, the water level is slightly above the authorized maximum, yet this is well-below the ordinary high water mark of the lake. The OHWM is the erosion mark established on the lakebed by consistent high water. Also water stains in the staff gauge at Hwy B Bridge clearly show that water has been held 0.59 feet above the authorized maximum level. I can also state the water has been high each time I have looked at the gauge.

“Mike Krueger told us that he receives 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 of the Tiger Cat Flowage, they will question why the water is low during periods when the level is actually in its authorized range. Mike has explained that when the water level drops before 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 water above the authorized maximum level is a taking of property.

“No water should be released from the diversion canal dam unless the level of Round Lake falls below the authorized normal level. This is only likely during a drought period. ...

“The need to monitor Round Lake’s water level on a more regular basis is essential. ... The number of complaints received this year indicates that the County should prioritize monitoring of its dams. Though complaints will likely be received no matter how the dams are operated, the County, as owner of the dams, is required to operate the dams to comply with the authorized water levels.

“In summary, I believe the complaints we received this summer are legitimate. ... The level of Round Lake has exceeded its maximum authorized level through most of the summer. The Department recommends that the County prioritize this monitoring of the water levels, and work with the local residents and/or lake associations to establish a monitoring program which will insure day-to-day consistency and dam operation.” (SC947-951.) The authorized water levels specified by Mr. Nass indicate that for Round and Little Round Lakes, the maximum authorized level is 77.25 feet, which is 1345.50 feet at mean sea level and 5.50 feet on the gauge.

- 6/98: Conservationist Work Report. “Dale met with Al Reineman, Round Lake water level.” (SC816.)
- 798: Conservationist Work Report. “Met with following Al Reineman, Round Lake water level.” (SC817.)
- 5/26/99: Memo from Dale Olson to the Round Lake Association. Dale reports that he had received several requests for info regarding the “normal water levels and specific information for the Little Round Lake dam. These requests have been prompted by the floodplain zoning issue. We recently supplied the following information to ... an engineering firm representing FEMA: maximum level 77.25; normal elevation 77.0 ...” (SC1215.)
- 5/29/99: Letter from Dale Olson to Dew Berry and Davis. Providing specifications on the Little Round Lake Dam. This letter specifies that the “maximum level is 77.25.” Apparently Dew Berry and Davis is an engineering firm representing FEMA. Dale Olson in a memo to the Round Lake Association specified that he had received several requests for information regarding the normal water levels which had been prompted by the floodplain zoning issue. (SC2926.)
- 8/10/01: Round Lake Property Owner’s Association Director’s Meeting. “The water level is dropping but it is still 5.65 which is over the 5.50 high level.” (AR42-AR44.)

- 8/25/01: General Membership Meeting Minutes. “The water level was reported by Marty Kyro. The lake is to be maintained between 5.25 and 5.50 according to Wisconsin Statute. Presently, the water level is at 5.4. Marty will contact Dale Olson of the Sawyer County Conservation Department to install a board in the dam before it goes below the 5.25.” (AR45-AR47.)
- 6/1/02: Minutes of the General Membership Meeting of the Round Lake Property Association. Frank Pratt from the DNR gave a presentation on the fish population. He stated “High water levels on a lake cause high silt build up which is not good for the plant life.” “The 2001 initiatives, actions and responsibilities” include... “water level.” “The water level is to be maintained between 5.25 and 5.50 according to the Wisconsin Statutes per John Spangberg of DNR and Spooner (Jim Hausman stated the high water level should be under 5.0 based on resolutions from the state in the early 40’s which were recently surveyed). Presently the water level is at 5.85 and silt has filled the inlet and outlet stream. There appears to be more water running into Round Lake than out of Round Lake. Several County Board meetings are planned to resolve the high water issue. (AR39-AR41.)
- 7/1/02: Newspaper article. Regarding solutions for high water on Round Lake are explored by County and citizens. This states that Round Lake Properties Association board member Bill Whitlock said “The Board feels the water is way too high.” Frank Dallam is quoted as saying “A repeated history of beaver dams between the outlet of Little Round and Highway NN. I’m not doubting your (Hausman’s) word that there may be people who want higher lake levels (and place rocks or stop logs illegally in the channel).” Dale Olson stated that a pair of canoeists between Little Round and Osprey Lakes recently found no beaver dams. Dallam stated “Right now it does not appear that the dam controls the lake level; rather, recent high rains and high ground water are controlling it possibly along with adjacent swamps and wetlands and downstream obstructions.” Dale Olson said he “would like to see the water go down; there has been damage out there” on Round Lake. “We are trying everything we can do to get the water out, including hand-cleaning of the area around Highway NN culverts and Little Round Lake outlet.” Al Reinemann stated that shore owners have created a number of lagoons around the lake and if the water were dropped, this could make it tough for them to get their boats in and out. (DNR721-726.)
- 8/24/02: Minutes of the Round Lake Property Owner’s Association Membership Meeting. It was reported that the water level was at 5.6, which is 10 inches too high. “The position of the Round Lake Property Owner’s Association was stated to be that there was a valid Order in effect requiring Sawyer County to maintain the level of Round Lake at not greater than a specified level and the County should do whatever it physically and legally could do to comply with such Order.” (AR22-AR25.)
- 3/18/03: E-mail from Frank Dallam to Dave Kafura and Tom Aartila. Frank is describing his interpretation of "what is in Order 513." "The original statements made by this office pertain to the findings indicating the downstream channel elevations need to [sic.] maintained at a certain level, and the actual order does not order the County to maintain those downstream channel elevations. The County was ordered to construct the downstream channel, which they did. This office stands by those statements. In addition, this office interprets the order does not contain ordered 'max' levels, but an ordered 'normal' level range.

Mr. Hausman's lawyer was advised to contact Mike Cain for clarification between 'normal' and 'max'." (DNR00034.)

- 5/17/03: Minutes from the Round Lakes Property Owner's Association Director's Meeting. "The sedimentation's study we are partially funding will be completed and a report available through Dan Tyrolt by the end of the summer. The LCO Tribal Governing board is upset about the water level debate and attendant publicity according to Mick Isham." It noted that Jim Hausman had filed a notice of claim with the County with his intent to sue. "The position of the Round Lake Property Owner's Association on water level has been to support County government's actions." It was agreed that the Carthel Engineering report but not Al Reinemann's Fish Committee report would be included in the Association's newsletter. "Mr. Reinemann did not agree to include any other report under the heading of 'Fish Committee Report' in the newsletter so none will be included." (AR28-AR31.)
- 6/7/03: Minutes of the General Membership Meeting. "President Strachota explained to the Membership that the mailing they received from Mr. Reinemann was not endorsed by the Board and was done at Mr. Reinemann's personal expense. It was not endorsed by the Board because the subject was covered in the Governmental Awareness Committee Report [Newsletter] while Mr. Reinemann's responsibility was to report on fishery activities." These minutes summarized Dan Carthel's presentation to the Association and Nancy Dent's presentation. It also summarizes Jim Hausman's 5 minutes in which among other things Jim stated that "The public has the right to remove the debris from the channel between Osprey Lake and County Highway NN." Jim also suggested that lake levels should be recorded at least weekly and President Strachota responded that the records are being kept. The minutes also summarized the input received from the Association members including votes on whether the water level is too high or whether the water level needs to be controlled. 14 of 54 thought the water level is too high and 20 of 54 felt the water level needed to be controlled. 17 of 62 reported they experienced damage from high water. (AR56-AR59.)
- /9/03: E -mail from Jan Eck to Frank Dallam attaching the July 3, 2003 minutes from the Land and Water Conservation Committee. The minutes included a letter from Dale Olson to Frank Dallam dated July 9, 2003. This letter states "The Committee has requested the DNR provide information on the process for revising authorized water levels. I am also contacting Dave Kafura for his input on the topic ... Please provide a written response to the request prior to the [August 5] meeting. Your presence at the meeting to answer any questions they may have would also be greatly appreciated." (DNR00028.)
- 7/18/03: Minutes from Round Lake Property Owner's Association Director's Meeting. The Board met to take a position on the water of Round Lake. They decided "the water level of the lake should be managed to avoid extreme low or high water and that our Association wishes to be involved with the County in establishing a plan for managing the Lake." (AR17.)
- 8/4/03: LCO Tribal Governing Board passes resolution "in favor of establishing a new revised lawful water level on Round Lake to prevent any lowering of the lake and to reflect the current normal variations."

- 8/22/03: Phone message from Al Reinemann. “76.9 response to low water. Will you be putting in board? Wants a call today for meeting tomorrow.” (SC335.)
- 9/3/03: Summary of the responses to the County's questionnaire on Round Lake water levels. (SC0026.)
- 9/3/03: Letter from the Round Lake Property Owner’s Association to the Sawyer County Board of Supervisors and the WDNR. This letter sets forth “the majority position of the Association” in relation to the water level dispute. They state that the water level “should be left alone to the normal forces of nature. We believe that the natural course of nature will balance the water level over time with an acceptable tolerances that the lake has experienced over the past 25 years. In other words, sometimes the lake will slightly high and sometimes it will slightly low but always targeting the existing authorized lake level. We expect that Sawyer County and the DNR will maintain and manage the waterway systems in and out of the lake in a responsible manner so as to be able quickly control the extreme circumstances of high or low water. Whatever actions are needed by Sawyer County or the DNR to be in a state of readiness should be attended to so that responsive action can be taken immediately for extreme circumstances. There has been discussion by the County and the DNR about reevaluating Round Lake’s historic water levels. The Round Lake Property Association wants to be intimately involved with any and all new proposals for managing the lake. At this time the Association does not support a change in the historic lake levels and does not believe that the matter needs to be reevaluated.” (AR61.)
- 9/11/03: Newspaper article. Regarding the Sawyer County Land and Water Conservation Committee wherein they voted to “do nothing” to further control the water level on Round Lake. In this article it says Dallam “told the County Committee last year that the PSC originally set a water level for Round Lake that has never been maintained. Dallam suggested that the County abandon the control structure at Carlson Road, or initiate the process to revise the Lake’s lawful level.” (DNR529-534.)
- 12/4/03: Minutes of the Closed Session of Land & Water Conservation Committee. The Committee held a conference call with Attorney Dregne who presented his understanding of the facts and his recommendations for action by Sawyer County. In response, there was a motion by DeLong and a second by Romnes to recommend the following to the County Board:
 - “1. The County should initiate a process leading to the filing of a petition with the Wisconsin Department of Natural Resources to establish normal maximum and minimum levels for Round Lake, and potentially Little Round Lake, and Osprey Lake, pursuant to section 31.02 of the Wisconsin Statutes.
 2. The County’s Staff, engineering and legal consultants should be directed to advise the Land and Water Conservation Committee and the County Board regarding the issues that may be addressed in the proceedings before the Department of Natural Resources, and the policy decisions that may need to be made by the County in connection with petitioning the Department of Natural Resources.

3. The Land and Water Conservation Committee should be directed to prepare a petition to the Department of Natural Resources, and recommendations regarding relevant decisions, for review by the County Board.” (SC13-14.)
- Undated: Decision Tree with regard to Round Lake water levels. This shows that Dan Carthel did not specify all of the options in his final report of December 4, 2002. (CAR89.)

LAKE LEVEL OF LITTLE ROUND LAKE

- In Docket 2-WP-513, Sawyer County says “The normal level of Little Round Lake should be fixed at the same elevation as that of Round Lake.” (H 00008.)
- 2/4/41 Hearing: “Little Round was 16 inches lower than Big Round on the south side of the road.” (H 00066.)
- Undated. Handwritten note. From 1941 survey before the dam was installed Round Lake equaled 75.6; Little Round Lake equaled 75.05; Squaw Lake equaled 74.8. (DNR1161.)

LAKE LEVEL OF SQUAW LAKE – IS IT ESTABLISHED

- Undated. Handwritten note. From 1941 survey before the dam was installed Round Lake equaled 75.6; Little Round Lake equaled 75.05; Squaw Lake equaled 74.8. (DNR1161.)
- 11/21/46: Letter from the Great Lakes Indian Agency to PSC. The Indian Agency had requested information on both the Tiger Cat and Round Lake diversion dams. After receipt of the information they stated “This office is mainly concerned over diversion ditch constructed between Little Round Lake and Squaw Lake in Section 36, Town 41 North, Range 8 West. This ditch is about 6 feet deep and does not follow any previous channel. A timber weir is constructed on this ditch from which we obtained the following: length of weir 10.8 feet, height of water above crest 0.2 feet, at a .6 feet above weir... The water from this ditch has raised the level of Squaw Lake and a permanent stream flows southwesterly into Big Couderay Lake through a channel which was formerly dry excepting the south two miles. The water from this portion was formerly carried under County Trunk E by 16 inch culvert pipe. The water normally being about 6 inches deep in the pipe. Since the water was diverted in 1942, the County has constructed a 16 foot bridge at this point. The average water area is now approximately 32 square feet. This stream has caused a considerable flowage in the formerly low but dry area and much timber damage has been done and more developing as a result of the constant high water. We would appreciate knowing whether this diversion ditch as constructed was approved by your office as this agency had no knowledge of this Squaw Lake diversion prior to the flooding in this area in 1942 as a result of this ditch.” (SC2125-2126.)
- 12/4/46: Letter from the Great Lakes Indian Agency to the PSC. “In answer to your inquiry regarding the location of the bridge on County Trunk Highway E, you are informed this is located in Government Lot 5, Section 28, Town 40 North, Range 8 West and about 1,100 feet from Big Couderay Lake into which lake this stream discharges. This bridge is in a swamp and as its level is slightly above the level of the lake, the velocity of the water is slow, hence this accounts for the large area of waterway. At the time this bridge was constructed in 1942, the depth of the water was much greater, however, the present depth seems to be the minimum with increases occurring during the spring breakup and after heavy rains.” The Indian Agency notes that since a large portion of Squaw Lake lies within the Lac Courte Oreilles Indian Reservation and the overflow water resulting from the increase in elevation flows through this reservation “we cannot understand how this change of lake level could have been known without first notifying this agency as Indian lands and timber have been affected by this construction.” Dept of Interior says the lake level cannot exceed 75.25. (SC2133 & H289.)
- 10/19/68: Letter from a Riparian on Squaw Lake to Mr. Kinney. This letter describes high water problems at Squaw Lake and also describes current conditions of the pertinent water control structures. At County Trunk B, he describes a very large culvert. At NN, he describes two 3-foot and one 2-foot culverts which are “about 10% of the flow through County Trunk B.” The culverts at NN are partially blocked by sediment. (SC1169-SC1171. See also SC3132-SC3134.)

- 3/17/69: Memo from the WDNR stating that “It is opinion of this office that such harm will occur when the level of Squaw Lake is less than 76.5, Division of Environmental Protection datum.” This memo is in response to the Sawyer County’s Request to dredge Squaw Creek. (H560 & SC 1912.)
- 3/21/69: In the permit allowing Sawyer County to dredge Squaw Creek, the WDNR states that “The applicant shall take all necessary action to prevent the level of Squaw Lake from dropping below elevation 76.52 feet, Department of Natural Resources datum. If the level of Squaw Lake does drop below 76.52 feet, the applicant shall do such necessary work as directed by the department.” (H563.) This is the Findings of Fact section of the permit. The permit states that it is issued “subject to the conditions as stated in the Findings of Fact.” (H563.)
- 10/17/74: Squaw Lake levels too low according to one riparian. (H566.) In response to this riparian’s complaint about the water levels on Squaw Lake, the WDNR responded “Mr. Kinney will monitor the water level at the culverts under Highway NN. Steel plates will be used in the culverts to raise the water.” (H567.)
- 11/6/74: Letter from the DNR to Mr. Thomas, a resident of Squaw Lake. In response to Mr. Thomas’ request that the lake level on Squaw Lake be raised, the DNR advised him that the County would be installing steel plates to raise the water. There is a handwritten note on this document stating “No action as yet. Wrote again 9/4/75.” (DNR184.)
- 5/30/75: Letter from Sawyer County to the WDNR indicating that Sawyer County does not have authorization from the WDNR to install retaining plates at the culverts at NN. H568. In response, the WDNR sends a letter dated June 11, 1975 stating “Please be informed that Sawyer County has authorization to maintain the level of Squaw Lake as stipulated in Condition 12 of Permit 3-WR-442.7 issued March 21, 1969.” (H569.)
- 6/24/75: Minutes of the Sawyer County Conservation Committee Tour. As to the outlet of Squaw Lake on Highway NN, Mr. Kinney stated that WDNR has ordered the County to “do such necessary work as directed by the department” when the level of Squaw Lake drops below 76.52. Therefore, until the department notifies Sawyer County of the work to be done, only temporary measures can be taken at this time.” (SC0785.)
- 8/19/75: Letter from Mr. Kinney to WDNR. Mr. Kinney asks whether WDNR would prescribe solution as “per orders” for the Squaw Lake outlet on NN. (SC0784.)
- 3/3/76: Minutes from Meeting of Round Lake Property Owners Association and Round Lakes Resort Association. “The following is the status as of March 23, 1976...the lake level will be maintained according to the Department of Natural Resources order and as the property owners on the lake desire.” The members also discussed the dredging procedure under the bridge on Highway B and the adjacent area between Big and Little Round Lakes. “The Executive Secretary of the Sawyer County Conservation Committee, Robert Kinney, read a letter regarding water levels on Squaw Lake and the County’s responsibility on maintaining levels on this lake.” (SC0783.)

- 12/7/76: Letter from Water Regulation to a Landowner regarding Squaw Lake levels. This letter gives a nice summary of the culverts at NN and Squaw Creek. It states “During the period mid-1967 through mid-1969, high level problems existed on Squaw Lake. In response to that problem, Sawyer County undertook corrective action. In 1968, Sawyer County installed a 24 inch culvert under County Trunk Highway NN. ... In summary, culverts as they now exist under County Trunk Highway NN have been in place since 1968. In April 1969 Sawyer County dredged a portion of the Squaw Lake outlet from County Trunk Highway NN upstream for a distance of approximately 450 feet. That dredging action included removal of a beaver dam which existed 450 feet upstream from County Trunk Highway NN. As a part of that removal action, [the WDNR] ... expressed the opinion that the level of Squaw Lake should not be allowed to fall below elevation 76.52 DNR datum. The dredging contract that was issued to Sawyer County included a condition which required remedial action by Sawyer County if the elevation of Squaw Lake were to fall below 76.52. It was that authority that we relied on in our initial letter to you on November 6, 1974, in which we suggested that action should be taken to alleviate the problem. ... County Trunk Highway NN and most of the lands upstream from County Trunk Highway NN which were dredged, are a part of the Lac Courte Oreilles Indian reservation. Therefore, authority is required from the Bureau of Indian Affairs of the Lac Courte Oreilles Band, before any modification of the culverts or any water control structures installed to regulate the levels of Squaw Lake. ...” (CAR157-158.)
- 12/11/03: E-mail from Frank Dallam to Dave Kafura. Frank had been going through the Squaw Lake file and in a letter dated June 11, 1975 WDNR stated "please be informed that Sawyer County has authorization to maintain the level of Squaw as stipulated on condition no. 12 of Permit 3-WR-442.7 issued March 21, 1969." "Is this letter in your field file? This office does not have a copy of that permit. Please indicate a time of your convenience to discuss the talking points." (DNR00020.)

BENCHMARKS

- H 294 - Kaiser's Resort is now called Reasoner's Wildwood Lodge.
- According to some of LLA's hand written notes, 77.0' at Kaisers = 76.75 at the Carlson Road dam.
- 7/27/59: Memo. There are numerous water level readings and benchmark readings in these documents. I did not dictate those documents up. This memo specifies some benchmarks. (SC884.)
- 6/21/65: Memo regarding the Little Round Lake Dam. Using benchmark 1127C, the top of the right sill was 76.14 and the top of the left sill was 76.08 feet. (SC1814.)
- 10/3/67: Letter from the Land & Water Use Section. This specifies that the gauge at Kayser's Resort has "been found to read 0.37 feet high. Therefore, elevation 77.00 in the orders would be 77.38 on the gauge. The maximum elevation of 77.25 feet would be 77.62 on the gauge." (SC1810.)
- 8/26/69: "Round Lake gauge reads .08 reads low. So add .08 to reading." (SC0844.)
- 12/13/76: Memo. Describes an error in the benchmarks between .3 and .4 feet. "Between the benchmarks at the Tiger Cat Dam and the Lake Placid (Round Lake Diversion) Dam." (SC1328.)
- 11/8/82: Sawyer County Conservation Minutes. Robert Kinney reported on the Tiger Cat flowage meeting and stated that "Roger Jazinski relocated the benchmarks and determined that the level is 9 inches higher than hearing data." (SC0772.)
- 5/2/03: E-mail from Heather Harrington to Dale Olson. Regarding benchmark at County Highway B. (SC2879.)

ANDERSON CHANNEL

- In 1914/1915, water would run from Little Round into Squaw Lake through a “big swamp that connects the two lakes and the water would run through that swamp in high water.” (H 0051.) There was also a ditch between Little Round and Squaw “that would run pretty near east and there was water in that because I had to wade through water to get across there.” (H 0053.) It sounds like this was a ditch among the wetlands, possibly the Anderson Channel.
- 2/7/41: Series of sketches that were apparently submitted in the lake level docket. Showing the existing and prior conditions of the lakes. One shows a discharge out of Little Round Lake to the east. It says that it’s now a “hay meadow” but contends “formerly lake.” (SC2370.) These maps can be found at SC2370-2373.
- 8/10/48: Letter from Sawyer County to the PSC. Sawyer County reported that Mr. Anderson had dug a channel between Little Round Lake and Squaw Lake. (SC1972.)
- 4/20/49: Letter from PSC to Sawyer County. This letter references a diversion canal between Little Round and Squaw Lake that was supposedly constructed by Mr. Anderson. (SC1225.)
- 4/20/49: Letter from PSCW to Mr. Anderson regarding the alleged ditch he dug between Little Round and Squaw Lakes. The Commission inquires about the canal that Mr. Anderson supposedly dug between Little Round and Squaw Lakes. H408. (See Item H412.)
- 5/4/49: Letter from Giles Anderson to the PSC. States that “The natural drainage from Little Round to Squaw Lake is through my property. The only time the water hasn’t flowed through it is in dry weather. It flowed continually from the time we had a flood in 1941 until the middle of July 1948, when all of the lakes went down from the drought. There has not been any water flowing into Squaw Lake from Little Round since.” (SC2032 & H413.)
- 5/15/50: Letter from the Bureau of Indian Affairs to the Public Service Commission of Wisconsin. The Bureau notes that the elevation of the Tiger Cat flowage is above the maximum elevation of 90.5 feet. “There is no water flowing through the location of the old weir to the canal from Little Round Lake to Squaw Lake. This having been blocked by an earthen fill. We find a considerable quantity of water flowing through the two 24-inch culvert pipes under World’s End Road in the southeast/southeast of Section 2, Township 40 North, Range 8 West. It is apparent that water is entering Squaw Lake from Little Round Lake by way of a connecting swamp in Section 36, Township 41 North, Range 8 West, north of the reservation line induced by the present high head.” (SC0915.) [Presumably this is the Anderson Channel.]
- 2/13/61: Memo by Cartwright responding to the Round Lake Properties Association Letter. “The Association inquires about blocking an overflow channel through the Oscar Anderson property running from Little Round Lake towards Squaw Lake. We know about this channel. At the times we have inspected, it was adequately blocked to prevent discharge flow from the lake. This can be clearly determined by a line of levels which will be run as soon as we have an engineer in the vicinity.” (SC1871.)

- 12/21/61: Letter from Sawyer County Extension to PSC. This letter discusses the Anderson ditch extending from Little Round Lake to Squaw Lake. It is hardly legible. It discusses the two outlets from Little Round Lake and the Round Lake Resort Association's desire that the east channel (a/k/a Anderson Channel) be "filled" or restored to the natural grade before the digging was done "some years ago." (SC1873 and SC3156.)
- 1/9/62: Memo from W.H. Cartwright. "Before the Chief River Dam was constructed, Big and Little Round Lakes were not connected. It appears that at times of excessive runoff, Big Round Lake overflowed to Little Round Lake and, in turn, overflowed to Squaw Lake. Since the Chief River Dam has been in place with the raised flowage, apparently there has been sufficient underground diversion to Big Round and Little Round to raise their levels and at times cause overflow to Squaw. In Docket 2-WP-513 in 1941, it is indicated that the west outlet was considered to be the natural overflow stream. However, the Couderay quadrangle from aerial survey apparently sometime before 1944 and with a field examination in 1944, shows two outlets from Little Round Lake, one to the west on the present outlet dam as located and one lying east through the Anderson property. We do not know that the channel at the Anderson property was created by channel excavation. If the Anderson channel does, in fact, divert water from Little Round Lake to cause levels in the lake below the established norm, it will be necessary to require obstruction in the channel to stop the diversion of water when Little Round is at low levels." (SC1874.)
- 1969: DNR report of Surface Water Resources of Sawyer County. This report describes Little Round Lake as a "land locked seepage lake." (DNR996.) Round Lake is described as "a seepage lake with an outlet channel to Little Round Lake, and an intermittent inlet from Placid Lake. The lake level is regulated by the water control structure on Little Round Lake." (DNR1012.) Squaw Lake is described as "a seepage lake with an outlet flowing to the headwaters of Squaw Lake Creek and then into Lac Courte Oreilles. There are also two inlet streams flowing from Little Round Lake into Squaw Lake causing some fluctuations in the lake level." (DNR1017.) In discussing "surface water problems" it states "the natural state of the lakes was that they were young geologically, had uneroded shorelines, stable levels and were infertile in productivity." (DNR1126.)
- 4/16/74: Handwritten Notes on the Little Round Lake Dam. States the owner is Sawyer County. The staff gauge was installed on 9-17-69. "Sawyer County inventory indicates two outlets for Little Round Lake. The other or second outlet is located northeast of the dam and runs through a marsh to Squaw Lake." (SC1245.)
- 8/27/84: Letter from WDNR to Ken Carlson. This letter responds to Mr. Carlson's letter of July 31, 1984. This letter was faxed from Dan Carthell to 715-354-9797 on September 19, 2003. It appears that the outlet canal from Round Lake to Squaw Lake was never finished to the specified width of 10 feet. Plans specified for the outlet structure were initially denied approval pending further investigation. Subsequent investigation report was made. Although plan approval was not specifically addressed, the report seems to give tacit approval of the structure as built. (SC0831.) In response to the question "Who is required to provide maintenance of the drainage system, and does DNR have enforcement authority?," Mr. Jasinski of the WDNR states: "The PSC Order 2-WP-513 does not require continued maintenance of the drainage system and there are no statutory requirements for such

maintenance except for maintenance of the dam itself. Since maintenance is not required, there is no enforcement authority.” He also states that the DNR could not enforce the PSC Order because “the statutory criterion have changed and the facts have undoubtedly changed.” “The County is doing all they can under the present circumstances to comply with the order.” “The PSC action 1949 probably constitutes plan approval.” In response to the question about whether the secondary ditch from Round Lake to Squaw Lake could be re-created, “this ditch did exist at one time and was later filled in as being unauthorized.” The DNR stated, “Our Department has concluded that a ditch to the west of the dam may be a more cost effective and less environmentally disruptive alternative. In order to pursue this alternative, there will need to be coordination of the effort with all of those affected, including the Lac Courte Oreilles Chippewa Indians. (SC1154-SC1157.)

- 2000: Round Lake Water Quality Study Prepared by Dan Tyrolt, LCO Environmental Engineer. (SC0973-SC1067.) This study was initiated by the LCO and Round Lake Property Owners Association “to assess the existing water quality of Round Lake and provide information for the development of a lake management plan. The study involved collection of data from Round Lake, including Little Round Lake, and its watershed during 1999.” (SC0976.) “The development of a comprehensive lake management plan for Round Lake is recommended in order to prevent further degradation of the water quality.” (SC0978.) “Over the past few years, complaints and concerns that the water quality of the lake may be degrading have become increasingly more numerous. Most notable are concerns due to the increase of green slime on the rocks and boatlifts around the shore and the decrease in water clarity of some of the bays. Claims of decreased water quality are also common for individuals who have been diving in the lake for many years.” (SC0984.) The report explains eutrophication. “Nutrient and sediment inputs from agriculture, new construction, houses, septic tanks, lawn fertilizers, and storm water runoff can far exceed the natural inputs to the lake. The accelerated rate of water quality degradation caused by these pollutants results in unpleasant consequences such as profuse and unsightly growths of algae (algae blooms), decreased water clarity and/or the proliferation of rooted aquatic weeds.” (SC0987.) “The riparian zone is important for the following reasons: . . . stabilizes the bank with an extensive root system, helps control or filter erosion.” (SC0991-992.) (SC1000.) Indicates there are only two inlet locations for surface water, namely the wetland inlet and the Placid Lake inlet. (SC1001.) Specifies the one outlet location for Little Round Lake. It also hints at the wetland to the northeast of Little Round. In studying the phosphorous loading into Round Lake, this study conducted a septic system survey of Round Lake and calculated the number of failing septic systems around the lake. (SC1006.) The report provides the inflow staff gauge data for the Placid Lake inlet and the wetland inlet. It also encloses an outflow staff gauge data. It does not appear this report tried to quantify the effects of severe bank erosion caused by high water levels on the eutrophication of the lake. call Dan Tyrolt to compliment him on this report and discuss the erosion factor. The report implies that Dan’s quantitative study could not explain why there were complaints of reductions in water clarity in the lake. Therefore suggest to Dan that he didn’t study one of the most major loading factors for nutrients, which is the severe bank erosion caused by the high water levels. The phosphorous loading from the two inlets acknowledged by Dan are discussed in Section 4.4. The overall citations for this document are SC0973-SC1153.