

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Scott Walker, Governor
Daniel L. Meyer, Secretary
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June 29, 2019

Friendship Lake District
c/o Bob Berry, Chairman
404 Hillwood Lane
Friendship, WI 53934

Subject: Transfer to the Permit for the Friendship Dam to the Friendship Lake District,
WP-IP-WC-2018-1-02067

Dear Mr. Berry:

I have reviewed your organization's request to transfer the permit for the Friendship Dam, an existing dam located on Little Roche Cri, a navigable watercourse, in Adams County. The dam is hereby transferred from to the Friendship Lake District with a few conditions, which are listed in the Order section of the permit.

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

If you have any questions about your permit, please call me at (608) 266-7014. For future questions concerning the regulation of the dam contact Joe Behlen at (715) 421-9940.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meg Galloway'. The signature is written in a cursive, flowing style.

Meg Galloway, P.E.
Chief of the Dam and Floodplain Section
Bureau of Watershed Management

cc: Paul Kent & Vanessa Wishart – (via email)
Robert D. Reid – (via email)
Buck Sweeny – (via email)
Mark Herman – (via email)
Deb Dix – Wisconsin Rapids (via email)
Dan Baumann – Eau Claire (via email)
Joe Behlen– DNR Wisconsin Rapids (via email)

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES**

Request for a permit to Transfer the ownership of the Friendship Dam on Little Roche Cri, Village of Friendship, Adams County, WP-IP-WC-2018-1-02067.

FINDINGS OF FACT, PERMIT AND ORDER

The Friendship Dam is located in the southwest quarter of the northwest quarter of Section 5, Township 17 North, Range 6 East, in the Village of Friendship, Adams County. The Friendship Lake district has acquired the fee title ownership of the dam, the land on which the dam sits that the flowage rights for the impoundment created by the dam from Charles Pheiffer and has requested that the permit for the dam be transferred to the to them in accordance with Section 31.33, Wisconsin Statutes. Permit granted and order issued.

FINDINGS OF FACT

1. Friendship Lake District has requested to have the permit for the Friendship Dam transferred to their statutory lake district pursuant to Section 31.33, Wisconsin Statutes.
2. Section 31.14, Wisconsin Statutes, requires the new owner to furnish to the Department proof of financial capability to operate and maintain the dam in good condition for a reasonable period of time not less than 10 years. The Friendship Lake District has taxing authority sufficient to prove financial responsibility.
3. An order written by the Wisconsin Public Service Commission in 1949 concerning water levels documented the following;
 - The earliest record of a dam at the site occurs in a deed from John West to Luther Stowel. The original dam was constructed under the Milldam Acts.
 - Friendship Electric Light and Power sold the dam to Wisconsin Power and Light on March 26, 1926.
 - The dam failed and was rebuilt in 1928. The plans for the new dam had been approved by Public Service Commission on September 28, 1928.
4. On October 23, 1964 the Friendship Dam was transfer from the Wisconsin Power and Light to the Village of Friendship under section 31.185 Statutes, permit number 2-WP-1980.
5. Charles Pheiffer bought the 1964 the dam, the property on which sits and the flowage rights for the impoundment from the Village of Friendship in 1984 for \$1,000. No permit for the transfer to the dam from the Village to Mr. Pheiffer was issued related to this property transaction. However, in 2018 the Village resolved to transfer its ownership interest in the dam to the Friendship Lake District.
6. The dam has a structural height of approximately 22 feet, a hydraulic height of 19 feet, and impounds approximately 1,000 acre-feet at maximum storage.
7. Friendship Dam has an estimated hazard rating of Significant Hazard based on existing land use downstream. It will be considered High Hazard until zoning is adopted to prevent development in the hydraulic shadow of the dam.

8. An investigation was made of the dam by staff of the Department that meets the standards of Section 31.185, Wisconsin Statutes.
9. Little Roche Cri is a navigable watercourse.
10. The proposed transfer of ownership will not adversely affect water quality nor will it increase water pollution in Little Roche Cri nor will it cause environmental pollution as defined in Subsection 144.01(3), Wisconsin Statutes, if the conditions of the order are complied with.
11. The proposed transfer will not adversely affect public rights in navigable waters and will not endanger life, health and property upon compliance with the conditions in the order.
12. The Department has evaluated the project in light of the Wisconsin Environmental Policy Act (Section 1.11, Statutes) and has concluded that the grant or denial of the permit requested would not constitute a major state action significantly affecting the quality of the human environment.
13. The proposed transfer will not adversely impact wetlands as defined in Section NR 103, Wisconsin Administrative Code.

CONCLUSIONS OF LAW

1. The Department has the authority under Sections 31.14(2) and (4), and 31.33, Wisconsin Statutes, with the foregoing Findings of Fact, to issue a permit transferring ownership of Friendship Dam to the Friendship Lake District subject to the conditions contained in the order herein.
2. The Department has complied with the requirements of Section 1.11, Wisconsin Statutes.

PERMIT

AND THEREFORE HEREBY THERE DOES ISSUE AND IS GRANTED to Friendship Lake District, a permit under Section 31.14(2) and (4), and 31.33, Wisconsin Statutes, authorizing the transfer of Friendship Dam, located in the in the southwest quarter of the northwest quarter of Section 5, Township 17 North, Range 6 East, in the Village of Friendship, Adams County to the Friendship Lake District subject to the conditions in the order.

ORDER

IT IS THEREFORE ORDERED:

1. Not later than 45 days from the date hereof, Friendship Lake District or their agent shall advise the Department in writing of acceptance of the permit and the conditions specified herein.
2. No transfer of ownership of the dam from the Friendship Lake District shall take place without proper authority under Chapter 31 Wisconsin Statutes.

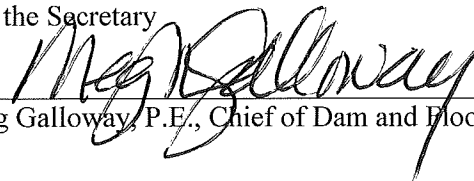
3. The Findings of Fact, Permit and Order herein shall be recorded with the Register of Deeds, Adams County, in connection with the land described herein, within 30 days after the date of this order and this Department shall be notified of the registered document number within 15 days after completion.
4. In accordance with Section 31.34, Wisconsin Statutes, the dam must pass at least 25% of the natural low flow of water at all times including during refilling of the impoundment.

Dated at DNR Central Office, Wisconsin on June 29, 2018.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By


Meg Galloway, P.E., Chief of Dam and Floodplain Section

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

