

Dam Transfer Agreement

Ownership Transfer of the Indianford Dam (Docket IP-SC-2004-54-3058LR
on the Rock River in Rock County from Rock (Dam Ownership Transfer
County to the Rock Koshkonong Lake District (

FINDING OF FACT

1. The Indianford Dam is located on the Rock River in the NW¼ of the NW ¼ of Section 21, T4N, R12E, (Town of Fulton) in Rock County. The Rock River is a navigable river.
2. Lake Koshkonong is a natural widening of the Rock River located about 6 miles upstream of the dam, which has been raised by the Indianford Dam.
3. The Indianford Dam consists of a slide gate section consisting of six slide gates on the east bank, a 227-foot long concrete, fixed-crest spillway with an average crest elevation of 775.2 msl and a powerhouse on the west bank containing two wicket gates.
4. Rock County currently owns the Indianford Dam and proposes to transfer ownership to the Rock Koshkonong Lake District (the 'District').
5. Rock County made extensive repairs to the Indianford Dam pursuant to the department's 1997 inspection and reports. Repairs included making the wicket gates operable, installing an aeration system to keep the slide gates ice-free, an operator's safety system and reconstruction of the fixed-crest spillway right abutment. The repairs were completed to the satisfaction of the department in 2004. The department waives any penalty, fine, forfeiture or enforcement resulting from the management, operation, maintenance or repair of the dam during the period of its ownership by Rock County.
6. The District is a quasi-municipal corporation with taxing powers that was established in 1999 pursuant to s. 33.24, Wis. Stats. The Department of Revenue has certified that the taxable value of property within the District for 2004 is \$417,379,280.
7. RKLD is not an individual, trust or foreign corporation.

CONCLUSION OF LAW

1. The department has authority under Section 31.185 (1), Wis. Stats. to grant a permit to transfer ownership of a dam.
2. The department has authority under Sections 31.14, Wis. Stats. to determine if a potential dam owner has the financial ability to operate and maintain a dam.
3. The department has authority under Section 31.02, Wis. Stats. to set flows and levels at a dam.

APPROVAL WITH CONDITIONS

The department approves the transfer of the Indianford Dam from Rock County to the Rock Koshkonong Lake District (RKLD) with the following conditions:

1. The District will provide the department with the names, addresses, telephone, fax and (if available) cell phone numbers of the dam operator and back-up operator, within 5-days following the transfer of the dam from Rock County to the District.
2. The District will provide the department with a copy of the recorded deed transferring the dam site from Rock County to the District within 10-days of receiving it from the County.
3. The District will provide the department with a letter within 30-days of date of transfer verifying and specifically acknowledging that:
 - a. accordance with the operating orders (3-SD-82-809 Amended, dated December 6, 2004).
 - b. The District is obligated to maintain a log noting:
 1. Date
 2. Time
 3. Rock River flow at the US Geological gage in Fort Atkinson
 4. Lake Koshkonong level at the US Geological gage at the lake
 5. Flow and stage at the US Geological gage located at the dam
 6. Gate setting information sufficient to determine flow through and over the dam
 7. Tailwater elevation from a newly installed staff gage
 8. Any other pertinent information.
 - c. The District is obligated to communicate to the department, US Geological Survey, North American Hydro, City of Janesville, Rock and Jefferson County that it has accepted ownership and responsibility for the Indianford Dam and that the Lake and Rock River gage data is available on the Internet at <http://wi.waterdata.usgs.gov/nwis/current?type=flow> . Additionally, the District will provide the dam gate setting information on the District's website within four hours of gate changes or offer to provide communications of dam gate setting changes within four hours to the listed entities if requested to email addresses or facsimile numbers provided to the District.
 - d. The District is obligated to monitor and operate the dam 7-days a week when flow conditions warrant or as necessary to comply with the order.
 - e. The District is obligated to submit an Inspection, Operation and Maintenance Plan and an Emergency Action Plan for the dam within 60-days of this permit for the department review and approval.
4. The District will maintain a log of daily information at the dam. The log will be available upon the department's request. The log will include:
 - a. Date;
 - b. Time;
 - c. Rock River flow at the US Geological gage in Fort Atkinson;
 - d. Lake Koshkonong level at the US Geological gage at the lake;

- e. Flow and stage at the US Geological gage located at the dam;
- f. Gate setting information sufficient to determine flow through and over the dam.
- g. Tailwater elevation from a newly installed staff gage; and
- h. Any other pertinent information.

5. The District will promptly communicate to the department, US Geological Survey, North American Hydro, City of Janesville, Rock and Jefferson County that it has accepted ownership and responsibility for the Indianford Dam and that the Lake and Rock River flow and stage data is available on the Internet at <http://wi.waterdata.usgs.gov/nwis/current?type=flow>. Additionally, the District will provide the dam gate setting information on the District's website within four hours of gate changes or offer to provide communication of dam gate setting changes to the listed entities within four hours, if requested to email addresses or facsimile numbers are provided to the District.

6. The District will monitor and operate the Indianford Dam 7-days a week when flow conditions warrant or as necessary to comply with the water level order 3-SD-82-809 Amended dated December __, 2004.

7. Within 60-days of dam ownership transfer, the District will submit an Inspection, Operation and Maintenance Plan and an Emergency Action Plan to the department for review and approval.

8. Within 60-days of dam ownership transfer, the District will install a staff gage downstream of the dam to read the dam's tailwater elevation. The gage shall be surveyed into the same mean sea level datum as the US Geological Survey gage #5427570 located immediately upstream of the dam.

9. The District must obtain and hold recorded rights of access to both ends of the dam for inspection, operation, maintenance and repair on the date of transfer.

10. The District will operate the dam in compliance with amended department water order 3-SD-82-809 Amended dated December 6, 2004.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By _____

Date: December 6, 2004

Susan G. Josheff, PE, PH

Rock River Basin Engineer

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