

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN
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IN THE MATTER OF THE APPLICATION OF
MILWAUKEE COUNTY TO CONSTRUCT, OPER-
ATE AND MAINTAIN A DAM IN THE MILWAU-
KEE RIVER NEAR THE CITY OF MILWAUKEE,
WISCONSIN, TO BE KNOWN AS ESTABROOK
PARK DAM, FOR THE PURPOSE OF FLOOD CON-
TROL, MAINTAINING NORMAL WATER LEVEL
UNDER NORMAL CONDITIONS, AND TO PROVIDE
RECREATIONAL FACILITIES AND TO REMOVE
ROCK LEDGE IN RIVER BED ABOVE DAM IN
AID OF FLOOD CONTROL AND NAVIGATION

2-WP-142

BY THE COMMISSION:

The applicant herein, the County of Milwaukee, requests a permit to construct, operate and maintain a dam in and across the Milwaukee River in that part of the Northwest Quarter of the Northeast quarter of Section 5, Township 7 North of Range 22 East in Milwaukee County, described as follows: approximately 800 feet south of the north line and 800 feet east of the west quarter line of the Northwest Quarter of the Northeast Quarter of said Section 5.

The application was filed on the 10th day of March, 1934. The purpose of the proposed dam is flood control, maintaining normal water level under normal conditions and to provide recreational facilities.

A public hearing on said application was set for and held at the City of Madison on the 16th day of April, 1934. Notice of said hearing, together with direction to the applicant to cause the same to be published pursuant to Section 31.06, Statutes, in the Milwaukee Journal, a daily newspaper published in the City of Milwaukee, Wisconsin, and to serve notice by registered mail as provided by said section on the persons described therein was issued and served on the applicant on the 14th day of March, 1934. At the hearing held, the following appearances were entered:

County of Milwaukee, by
Stanley Perry, Assistant Corporation Counsel

Town of Milwaukee Civic Alliance, by
Harry E. Thur

Eline's Incorporated, by
Edward F. Byron
2756 North Downer Ave.,
Milwaukee

Walter Petzold appeared on his own behalf and on behalf of
Mrs. Augusta Meiser

F. W. Ullius, Engineer, Milwaukee,
appearing on his own behalf.

There were no other appearances.

The applicant filed proof of publication of the notice in the Milwaukee Journal once each week for three successive weeks the first publication being on the 19th day of March, 1934. The applicant further submitted proof of the service of said notice as required by the Commission upon all persons whose lands will be affected by the construction and operation of the proposed dam not less than twenty days prior to the hearing.

It is proposed to construct the dam on rock foundation in two sections separated by a small island. The crest or overflow section is to be built in the form of a curved spillway 562 feet long, located on the main channel of the river and will consist of concrete with a stone facing. Five hundred thirteen (513) lineal feet of the spillway will have a crest elevation of 36.00 feet and 22 lineal feet of the dam will be at elevation 35.80 feet the remaining length to consist of concrete and stone faced abutments rising to elevation 40.00 feet. It is proposed to maintain a normal water level at approximately elevation 36.00 feet applicants datum.

The gate section of the dam on the opposite side of the island is located in a channel 155 feet wide with 3-1 slopes on each side. This section of the dam will be of reinforced concrete with 10 vertical sliding steel gates each 11.5 feet wide. At each end of the gate section is a 10'4" spillway with a crest elevation of 35.90 feet and an abutment containing a stairway leading to the operating bridge extending across the dam. In a lowered position the

gates form an additional spillway with the top at elevation 36.30 feet. Each gate has a separate operating mechanism and is provided with heating elements to prevent freezing. The entrance to the 155' channel is protected with a number of Tripod type reinforced ice guards set 11.5 feet on centers to divert ice flows over the main spillway.

The dam backs water up for approximately $2\frac{1}{2}$ miles and creates a lake of 103 acres. The dam is designed to pass 14,700 c.f.s. with a flood crest measured in the vicinity of the dam not exceeding elevation 38.00 feet.

Applicant's bench mark is described as the top of fence post on west bank of the river near the dam site, elevation 36.0 feet.

The nearest city or village to the proposed dam is the City of Milwaukee, the boundaries of which are in the center of the Milwaukee River at the site of the dam. The nearest existing dam above said dam site is the Kletzsch Park Dam known also as the Bender dam and is $3\frac{1}{2}$ miles distant therefrom. The nearest dam below the dam site is the dam in the City of Milwaukee known as the North Avenue dam and is $2\frac{1}{2}$ miles distant therefrom.

The dam site is owned by the applicant, the County of Milwaukee and Eline's, Incorporated, a corporation, the applicant being the owner of the east bank of the stream and Eline's, Inc., being the owner of the west bank of the stream. Eline's, Inc. has given its consent to the erection and operation of said dam on said site by the applicant, the County of Milwaukee.

The Commission finds that the application complies with all of the requirements of Chapter 31 of the statutes; that the proceedings had thereon also comply with all of the requirements of said chapter; that the applicant has filed with the Commission a map on the scale of not less than four inches to the mile showing the land that may be affected by the construction, operation

and maintenance of the proposed dam or by any flowage that may be caused thereby and approximately the outline of such flowage, which map indicates the ownership of each tract of land within the flowage.

The applicant also proposed in connection with the construction of the proposed dam to excavate the bed of the river for a distance of some 3,000 feet for the purpose of improving flood control and in aid of navigation.

The Commission finds that the proposed dam is not to be built to develop power; that the power which might be developed by the proposed dam will be more than 50 theoretical horse power for 50% of the time, but that the applicant being a municipal corporation is not required to file the proposal under Section 31.09 Statutes.

NOW THEREFORE, THERE DOES HEREBY ISSUE AND IS GRANTED TO THE applicant, the County of Milwaukee, the permit provided for by subsection (3) of section 31.06, Statutes, to construct, operate and maintain said dam as proposed and as hereinbefore described, pursuant to plans submitted to and approved by the Commission.

Dated at Madison, Wisconsin, this 26th day of May, 1937.

PUBLIC SERVICE COMMISSION OF WISCONSIN

Chairman

Fred S. Hunt

Commissioner

Robert A. Higgins

Commissioner

Attest:

[Signature]
Secretary