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COUNTY CLERK
ISABELLA COUNTY
MT. PLEASANT, MICH.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ISABELLA

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IN RE THE MATTER OF:)
ESTABLISHING THE NORMAL)
LEVEL OF LAKE ISABELLA)

Case #3-285

OPINION

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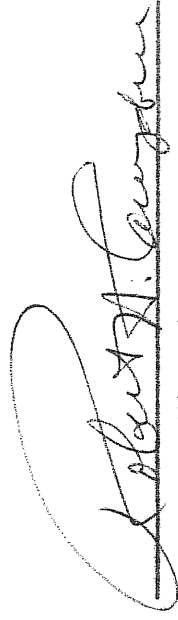
In this matter Lake Isabella Corporation has filed a complaint in Circuit Court requesting the Court to establish and determine the normal level of Lake Isabella. Testimony shows that a dam has been constructed across the Chippewa River and that Lake Isabella is now in existence. Testimony further shows that the dam has constructed in it an opening that allows a certain amount of water to escape from Lake Isabella at all times. Proofs indicate that if the Court should establish the normal level to be one or two feet less than the level requested in said complaint or if the Court were to establish the level to be one or two feet higher than the level requested in said complaint, that said finding by the Court would have no effect upon the amount of water flowing from Lake Isabella once said level was established.

It appears to the Court that the concern of those persons who testified in opposition to the level requested in the complaint were doing so primarily because they were dissatisfied or dubious that the continuous opening at the bottom of the dam was large enough. The Court is of the opinion that the amount of water coming through the opening in the bottom of the dam would insure a little more water than the bare minimum of water that previously came down the Chippewa River during the extreme dry period of the year according to the proofs presented. This Court is of the opinion

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that the opening in the bottom of the dam is not for this Court to interfere with where the proofs indicate that the opening is such that more than the bar minimum would come through said opening. Taking all things into consideration, it is the Court's opinion that the normal level of Lake Isabella should be established at 895.00 feet above mean sea level and the Court further finds that the Drain Commissioner of Isabella County should establish a special assessment district as provided by statute and as set forth in said complaint.

Dated: May 14, 1970


Circuit Judge

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ISABELLA

IN RE THE MATTER OF:

ESTABLISHING THE NORMAL
LEVEL OF LAKE ISABELLA

CIVIL ACTION #3-285

JUDGEMENT ESTABLISHING NORMAL LEVEL OF LAKE ISABELLA
AND

APPROVING SPECIAL ASSESSMENT DISTRICT

FILED

MAY 22 1970

COUNTY CLERK
ISABELLA COUNTY
MT. PLEASANT, MICH.

The Honorable Robert H. Campbell,
Circuit Judge

Lake Isabella Corporation, a Michigan Corporation, having filed its Complaint in this Court praying that the normal level of Lake Isabella, Townships of Sherman and Broomfield, Isabella County, Michigan be determined, and that a Special Assessment District be formed, all in accordance with Section 25a, Act 146 of the Public Acts of 1961, as amended, (MSA 11.300(25.1)) and it appearing to the Court that due notice as required by said Act has been given both by certified mail and by publication, and that all other acts required by said Public Act have been fully complied with, and the Court having heard testimony in open court relative to said normal level of Lake Isabella and said Special Assessment District, and being fully advised in the premises,

IT IS ORDERED AND ADJUDGED and this Court, by virtue of the authority vested in it by said Act and of the Public Acts of 1961 as amended, does hereby determine that the normal level of Lake Isabella, Townships of Sherman and Broomfield, Isabella County, Michigan, shall be 895.00 feet above mean sea level.

IT IS FURTHER ORDERED AND ADJUDGED that the Special Assessment District required by said Act be made up only of the property now owned by Lake Isabella Corporation; property that has been subdivided by Lake Isabella Corporation and sold to individual lot owners; and property that in the future will be subdivided and sold by Lake Isabella Corporation to individual lot owners, all such lands located in the Townships of Sherman and Broomfield, Isabella County, Michigan. The Court is aware that there are other lands that will benefit from the establishment of the normal level of Lake Isabella, however, it is determined that this is generally a private development, and those who will benefit most directly should bear the burden of any Special Assessment District.



Circuit Judge 5-22-70