

ORDER ESTABLISHING NORMAL WATER LEVEL OF LAKE ISABELLA AND
AUTHORIZING WINTER DRAW-DOWN

At a session of said Court, held at the Courthouse in the City of Mt. Pleasant, Isabella County, Michigan, on the 25th day of October, 1982.

PRESENT: Honorable Paul F. O'Connell, Circuit Judge.

The Isabella County Board of Commissioners, by and through Joseph T. Barberi, Prosecuting Attorney for the County of Isabella, having filed its Petition with this Court, pursuant to Act 146 of the Public Acts of 1961, as amended, and praying for this Court to amend its Order of March 12, 1970, establishing the normal water level of Lake Isabella at 895 feet above mean sea level, to allow a drawing down of said lake level during the Winter months, and it appearing to this Court that due notice as required by said Act has been given, and that said Act has been otherwise fully complied with, and this Court having heard testimony in open Court relative to the normal water level of Lake Isabella and a Winter draw-down of same, and otherwise being fully advised in the premises;

IT IS HEREBY ORDERED that the water level of Lake Isabella may be drawn down annually from its normal level of 895 feet above mean sea level, to a level not lower than 885 feet above mean sea level.

IT IS FURTHER ORDERED that such annual draw-down shall commence on or about October 15th, except for 1982, in which case draw-down shall commence forthwith. The draw-down shall occur under the supervision of the Isabella County Drain Commissioner, and be conducted in a controlled manner over a period of time so as to allow monitoring of the flow of water to aid in avoiding the development of adverse conditions downstream. Except for 1982, draw-down of Lake Isabella to not less than 885 feet above mean sea level shall be completed by November 1st annually, unless the Isabella County Drain Commissioner determines that extraordinary conditions exist which warrant extending the draw-down period beyond November 1st, in which case draw-down shall be completed as soon as possible. For 1982, draw-down shall be completed as soon as possible, in the manner set forth above.

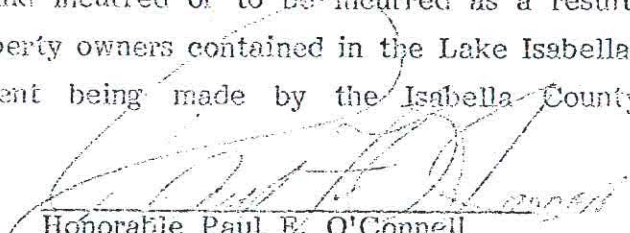
IT IS FURTHER ORDERED that the Isabella County Drain Commissioner shall take appropriate action to return the water level of Lake Isabella to its normal level of 895 feet above mean sea level, such action to commence annually on or about March 15th, or at such time as the Spring thaw occurs. Restoration should be conducted on a controlled basis, so as to insure during restoration, a water flow into the Chippewa River of not less than ninety-four (94 cu. ft.) cubic feet per second in March, one hundred nineteen (119 cu. ft.) cubic feet per second in April, and eighty-four (84 cu. ft.) cubic feet per second in May. Restoration of Lake Isabella to its normal water level of 895 feet above mean sea level should be completed no later than 2 weeks

COPY

After commencement of same, unless the Isabella County Drain Commissioner determines that extraordinary conditions exist which warrant extending the restoration period beyond 2 weeks, in which case restoration shall be completed as soon as possible.

IT IS FURTHER ORDERED that during such time as Lake Isabella is drawn down, the Isabella County Drain Commissioner shall monitor on a weekly basis, dissolved oxygen in the lake, sampling water at depths of 5, 10, and 15 feet respectively, and near the bottom of the lake. Data obtained from this sampling shall be submitted to the Michigan Department of Natural Resources. If, the Michigan Department of Natural Resources should determine that further samples are unnecessary, notice of same to the Isabella County Drain Commissioner shall relieve him of further monitoring during that particular Winter. If the Michigan Department of Natural Resources should determine pursuant to such monitoring that the oxygen levels contained in the lake are inadequate, it shall notify the Isabella County Drain Commissioner, who shall immediately increase the water level to provide more volume in said lake.

IT IS FURTHER ORDERED that all appropriate costs arising from the Petition and Court hearing in this matter, and incurred or to be incurred as a result of this Order, shall be spread among all property owners contained in the Lake Isabella Special Assessment District, such assessment being made by the Isabella County Drain Commissioner.


Honorable Paul E. O'Connell
Circuit Judge