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June 18, 2020

Via U.S. Mail and Electronic Mail to preston.cole@wisconsin.gov

Secretary Preston D. Cole
Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53711-5387

RE: Buffalo Lake Protection and Rehabilitation District
Petition for Amendment to Water Level Order 3-WR-182

Dear Secretary Cole:

The Buffalo Lake Protection and Rehabilitation District (the "District"), by its undersigned attorneys, hereby petitions the Wisconsin Department of Natural Resources pursuant to Wis. Stat. § 31.02(1) for a modification to Buffalo Lake Water Level Order 3-WR-1823 dated November 17, 1976, as amended by the Amended Findings of Fact dated March 25, 1977 (collectively, the "Water Level Order"), in the interest of public rights in navigable waters and to protect property values and economic values.

The Water Level Order established the following:

May 20-October 1	Maximum 4.8 local datum (gauge on north abutment wall) Minimum 4.3 local datum
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October 1-May 20	Maximum 4.3 local datum
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The current Water Level Order was adopted prior to the recent amendment to sec. 31.02(1) of the Statutes, which requires consideration of property values and economic values in establishing maximum and minimum water levels. The District has received numerous concerns regarding low lake levels, in particular questioning the lake level following the dam reconstruction project begun in 2012. These concerns escalated as seasonal residents started arriving on the lake. Water levels created by the operation of the dam under the current Order impair navigation and commercial activity and threaten property values on the Lake.

In light of the concerns of its constituents and the change in law as well as physical changes to the dam, the District believes an amendment to the Water Level Order is necessary. We do not believe modifications to the Order to address low water conditions will have a material impact on public trust interests.

We request a meeting between District representatives, local water management specialist Jeff Schure and other DNR officials, as appropriate, for a preliminary discussion of this Petition and next steps. Our contact information is provided below.

Thank you for your consideration.

Very truly yours,

WHEELER, VAN SICKLE & ANDERSON, S.C.



William P. O'Connor

Mary Beth Peranteau

cc: Jeff Schure, Water Management Specialist (via electronic mail to jeff.schure@wisconsin.gov)
Buffalo Lake Protection and Rehabilitation District