



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew Frank, Secretary
Lloyd L. Eagan, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY 608-275-3231

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Tuesday, June 17, 2008

Ms. Kay Mackesey, Village Clerk
Village of Lake Delton
P. O. Box 87
Lake Delton, WI 53940

Subject: In the matter of the 06/09/2008 disaster event that resulted in a land breach and drained the impoundment of the Dell Creek Dam (Lake Delton). Field File # 56.20, Dell Creek, Village of Lake Delton, Sauk County.

Dear Ms. Mackesey:

Attached please find the Department of Natural Resources Order prescribing necessary actions in order to restore the Dell Creek Dam impoundment (Lake Delton). This Order confirms the verbal Order issued on site on June 9, 2008.

Though it appears that the dam currently meets state standards for flood flow capacity; given the specific nature of the recent failure, you may wish to consider increasing the dam's flood flow capacity.

If you have any questions or are unsure how to proceed please do not hesitate to call Konny Margovsky of my staff at 608 935-1915 or via e-mail at: margok@dnr.state.wi.us

Sincerely,

Andy Morton
Lower Wisconsin Basin Supervisor
South Central Region, Dodgeville

Cc. John Langhans, P.E. – MSA Professional Services, via email (to be further distributed)
Konny Margovsky – SCR, Dodgeville, via email
Jeff Schure – SCR Fitchburg, via email
Meg Galloway - WT/2, via email
Bill Sturtevant - WT/2, via e-mail

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES**

IN THE MATTER of 06/09/2008 disaster event that resulted in land breach and drained the impoundment of the Dell Creek Dam (Lake Delton). Field File # 56.20, Dell Creek, Village of Lake Delton, Sauk County.

IP-SC-2008-57-68342

ORDER FOR DAM

REPAIRS

FINDINGS OF FACT

The Department finds that:

1. The Dell Creek Dam (at Lake Delton) is located in the NE 1/4 of the SW 1/4, Section 15, T13N, R6E, Sauk County. The dam was originally constructed in 1927 across Dell Creek, which flows easterly through Sauk County to its confluence with the Wisconsin River. The structure is currently owned, operated and maintained by the Village of Lake Delton.
2. The dam forms an impoundment, Lake Delton, has a structural height of 30 feet and can store a maximum of 2500 acre-feet of water. The dam is classified as a "Large Dam" and is required to meet the standards of Wisconsin Administrative Code NR 333.
3. The Dell Creek Dam is currently considered a High Hazard structure due solely to the lack of required floodplain zoning downstream of the dam.
4. The Dell Creek Dam was last inspected on August 21, 2007. Dam Safety Inspection Report outlined deficiencies found at the structure and provided the time schedule for completing the work.
5. The Operation, Inspection and Maintenance Plan for the Dell Creek Dam has been previously approved and is on file with the Department.
6. On June 8, 2008, heavy rains in the watershed caused extreme flows and increased water elevation of the Delton Lake. Lake level continued to rise through the night and on June 9, 2008 at approximately 6:00 AM with the available three gates fully opened and the emergency spillway flowing full, crested at 2 inches below the top of the dam embankment.
7. At some time during the night of June 9, 2008 floodwaters from the impoundment overtopped the CTH A at the low spot located approximately 1850 feet northwest from the bridge over the Dell Creek below the dam. By 7:00 AM continuous flow of floodwaters started causing severe erosion that was quickly progressing from the shoreline of Wisconsin River toward the CTH A forming a deep gorge.
8. By approximately 12:00 PM the entire land mass of alluvial sand deposits separating Lake Delton from the Wisconsin River was washed out and the formed gorge of 850 ft long, 375 feet wide and 25-30 feet deep drained the impoundment into the Wisconsin River. Five houses along with electrical, water and sewer lines were destroyed.

CONCLUSIONS OF LAW

The Department concludes that:

1. The Department of Natural Resources has authority pursuant to Ss. 31.02 and 31.19, Wisconsin Statutes to inspect or cause an inspection to be made of any dam or reservoir.
2. The Department of Natural Resources has authority pursuant to Ss. 31.02 and 31.19, Wisconsin Statutes to order alterations and repairs to any dam that is not sufficiently strong or is unsafe, and that is dangerous to life, health and property.
3. The Department of Natural Resources has authority pursuant to Ss. 31.02 and 31.19, Wisconsin Statutes to order the draw down of the impoundment above a dam that is not sufficiently strong or is unsafe, and that is dangerous to life, health, and property.
4. The primary purpose of any structure that will have to be erected to replace the eroded area will be to hold and maintain the impoundment of the Dell Creek Dam also known as Lake Delton. Such an artificial barrier constitutes a "Dam" and must be designed and constructed in compliance with the standards of Chapter NR 333 Wisconsin Administrative Code.

ORDER

It is therefore ordered that:

Under the circumstances the Village of Lake Delton must undertake the following actions:

1. The Village of Village of Lake Delton must hold the Dell Creek Dam impoundment drained down by keeping all three gates fully opened.
2. The Village of Lake Delton must retain the services of an engineering consultant registered in the state of Wisconsin to develop design plans and specifications for an earthen embankment structure to be erected to hold the waters of Lake Delton.
3. Design plans and specifications must be submitted to this Department for review and approval prior to any work performed on the dam.
4. The Village of Lake Delton must retain a contractor experienced in the field of dam construction to carry out the construction and repair works as per the plans and specifications approved by this Department.
5. The Dell Creek Dam impoundment must be kept completely drained down as requested in par. 1 above until the required repairs of the structure and construction of the new portion of dam embankment are complete and have been certified complete by your consultant and the Department of Natural Resources.
6. Please note that this order does not release you from the responsibility of carrying out directives prescribed by the Dam Safety Inspection Report dated January 02, 2008. Time schedule of said report may be adjusted as necessary to account for the provisions of this order.

NOTICE OF APPEAL RIGHTS

If you believe that you have the right to challenge this decision, you should know that Wisconsin Statutes and Administrative Rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to s.227.42, Wisconsin Statutes, you have 30 days after the decision is mailed or otherwise served by the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This decision was mailed on _____.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By _____

Andy Morton
Lower Wisconsin Basin Supervisor
South Central Region
Wisconsin Department of Natural Resources

Date