

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GRATIOT

TRUE COPY

OCT 13 1987

Deputy Clerk, Gratiot Co. Clerk

IN RE: Rainbow Lake,

Petitioner.

No. 87-9605-PZ

HON. RANDY L. TAHVONEN

ORDER ESTABLISHING LAKE LEVEL

At a session of said Court held in the  
City of Ithaca, County of Gratiot, on  
the 6th day of July, 1987.

PRESENT: HONORABLE RANDY L. TAHVONEN  
Circuit Judge

A Petition having been filed pursuant to Act 146 of the  
Public Acts of 1961, being MCL 281.61 et seq; MSA 11.300(1) et  
seq, requesting that this Court enter an Order determining the  
normal water level of an artificial lake, commonly known as  
Rainbow Lake, located in Fulton Township, Gratiot County,  
Michigan, testimony having been given, oral arguments having been  
heard, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the artificial lake commonly  
known as Rainbow Lake, located in Fulton Township, Gratiot  
County, Michigan, shall have a normal summer water level of 681.8  
feet above sea level to be established and maintained no earlier  
than April 15th of each year, and a normal winter level of 678.5  
feet above sea level to be established and maintained no earlier  
than November 1st of each year.

IT IS FURTHER ORDERED that the Gratiot County Board of Commissioners shall proceed forthwith with the necessary steps to construct and maintain sufficient dams to keep and maintain the water in the lake at the aforementioned levels.

IT IS FURTHER ORDERED that during construction, refilling the lake and when restoring the summer normal level that certain minimum daily average stream design flows be maintained. If the incoming stream flow is less than the specified amount then the incoming stream flow must be released. The specified flows are set forth in the attached Department of Natural Resources Position Statement, more specifically:

Monthly Flows  
in Cubic Feet Per Second

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
5	5	15	28	12	6	3	2	2	2.5	4.5	5

IT IS FURTHER ORDERED that this Court shall have continuing jurisdiction over this matter.

Dated: Oct. 8th, 1987

Randy L. Tahvonen  
Randy L. Tahvonen, Circuit Judge

Approved as to form:

Terry L. Norton  
Terry L. Norton (P27790)  
Assistant Attorney General  
Attorney for Department of Natural Resources

Paul A. Maples  
Paul A. Maples (P17063)  
Attorney for Rainbow Lake Maintenance Corporation.

Michigan Department of Natural Resources  
Position Statement for Rainbow Lake

July 1, 1987

Circuit Court Hearing for the Establishment of a Lake Level  
Pursuant to Act 146, Public Acts of 1961, as Amended

This position statement is prepared following a review of the Department's files and is based on comments received from fisheries, wildlife, water quality, and recreation interests of this agency. A lake level study is generally necessary to determine the best level, or levels, to be maintained for the protection of the interest of riparians and the lake environment. Considerations for choosing a recommended normal level, or levels, should include fisheries and wildlife habitat, septic tank system elevations, dock elevations, beach profiles, and a survey of the riparian owner's desires.

A lake level study has not been undertaken, however, the Rainbow Lake's Maintenance Corporation Board has provided to our office their request for certain levels. These levels, we understand, have been maintained in the past and are based on the design of the existing spillway structure. The Department of Natural Resources does not object to the proposed summer level of 681.8, or the winter level of 678.5. These levels will vary somewhat with inflow to the impoundment. The summer normal level is to be maintained from April 1 to November 1 of each year. The winter level is to be maintained during the balance of the period. During refilling of the lake from its winter to its summer level, the Department requires minimum flows be maintained downstream of the dam in order to protect natural resources, riparian rights and the public trust.

In addition, Michigan's Water Quality Standards, Part IV, Administrative Rules of the Water Resources Commission (Act 245, P.A. 1929, as amended), specifies daily average stream design flows. These design flows are low streamflows expected to be equalled or exceeded 95% of the time in the month they are specified. The daily average stream design flows to be maintained as a minimum flow downstream of Rainbow Lake for each month of the year are as follows.

Monthly Flows in  
Cubic Feet Per Second

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
5	5	15	28	12	6	3	2	2	2.5	4.5	5

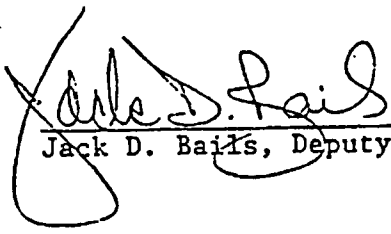
Any construction involving the rebuilding of the Rainbow Lake level control structure will require approval of this Department pursuant to Section 16a of the above listed Act and a permit is necessary for the work below the ordinary high water mark of a lake or stream pursuant to the provisions of the Inland Lakes and Streams Act, P.A. 1972, as amended. No permit applications have been received for the proposed reconstruction of the Rainbow Lake level control structure. However, the Department has determined that certain features may be required as a part of the issuance of necessary permits from this agency. These include a cool water release and portage path around or over the earthen embankment.

Michigan Department of Natural Resources  
Position Statement for Rainbow Lake  
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If you should have any questions regarding this position statement, please contact John Dexter of the Land and Water Management Division of the Michigan Department of Natural Resources, telephone number 517-335-3171.

Gordon E. Guyer, Director  
Michigan Department of Natural Resources

7-1-87  
Date

By:   
Jack D. Bails, Deputy Director



Stewart D. McDonald  
Gary W. Haffey

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February 9, 1999

DETAILED  
FEB 12 1999

Helen J. Laurenz  
Drain Commissioner  
214 E. Center St.  
Ithaca, MI 48847

Re: Proposed maintenance agreement for Rainbow Lake-Dam No. 700

Dear Ms. Laurenz:

Please be advised that our office has been retained to represent the Rainbow Lake Maintenance Corporation.

I'm in receipt of your correspondence and proposed agreement dated November 17, 1997.

My client is willing to take responsibility for the maintenance of the Dam and wells. The Drain Commissioner's Office is responsible for any inspection and repairs to the Dam. Consequently, I have amended your proposed agreement to be as follows;

AGREEMENT BETWEEN RAINBOW LAKE MAINTENANCE CORPORATION AND THE  
GRATIOT COUNTY DRAIN OFFICE FOR THE INSPECTION, REPAIR AND  
MAINTENANCE OF RAINBOW LAKE

1. The Rainbow Lake Maintenance Corporation shall be responsible for the installation and removal of stop logs at the Dam to maintain the winter water level at 678.5 feet above sea level no earlier than November 1<sup>st</sup> of each year and the summer water level of 681.8 feet above sea level no earlier than April 15<sup>th</sup> of each year, per the Gratiot County Circuit Court Order entered on October 13, 1987.
2. The Rainbow Lake Maintenance Corporation shall be responsible for maintaining the grass and brush in the area adjacent to the Dam and Spillway. The Rainbow Lake Maintenance Corporation shall monitor ground water levels monthly and record results.
3. The Drain Commissioner's Office shall be responsible for all inspections. As repairs become necessary, the Drain Commissioner's Office shall be responsible for obtaining bids and contracts for the requisite repairs.

4. The invoice for any obligations performed by Rainbow Lake Maintenance Corporation described above shall be submitted to the Drain Commissioner's Officer for reimbursement.

Please feel free to contact me if you have any questions and/or comments. I appreciate your cooperation in this matter.

Sincerely,

McDONALD AND HAFHEY



Gary W. Haffey  
Attorney at Law

GWH/tmg

cc: Russ Lapham