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OPINIONS AND DECISIONS  
OF THE  
RAILROAD COMMISSION  
OF WISCONSIN

VOLUME XXXI  
(January 1, 1927, to December 31, 1927)

Compiled by  
WILLIAM M. DINGLE  
Printer

MADE IN WISCONSIN  
1927

# Opinions and Decisions of the Railroad Commission of the State of Wisconsin: Volume 31

[Railroad Commission of Wisconsin](#) January 1, 1927  
Wisconsin Railroad Commission.

IN RE APPLICATION OF E. J. PFLUGER TO OBSTRUCT THE  
OUTLET OF LARIGAN LAKE, POLK COUNTY, TO HOLD  
SUFFICIENT HEAD OF WATER TO PROVIDE AN OVER-  
FLOW THROUGH THE NATURAL OUTLET DURING THE  
SUMMER MONTHS

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*Submitted May 15, 1928. Decided July 3, 1928*

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APPLICATION by E. J. Pfluger for authority to obstruct the outlet of Larigan lake, Polk county, for the purpose of holding a sufficient head of water to provide an overflow through the natural outlet during the summer months, *granted*, the Commission finding that such lake level will best be maintained by the construction of a dam as described.

On April 6, 1928, E. J. Pfluger filed with this Commission an application for authority to obstruct the outlet of Larigan lake located in sections 10, 11, 14, and 15, township 36 north, range 15 west, Polk county, for the purpose of holding a sufficient head of water to provide an overflow through the natural outlet during the summer months to supply water for pasture lands traversed by the outlet stream.

After due and sufficient notice a hearing was held on the above-entitled matter on May 15, 1928, in the city hall at Frederic, Wisconsin. The appearances were as follows: *E. J. Pfluger*, appearing for the petitioner; *W. N. Fuller*, attorney, appearing for the town of McKinley, Polk county, Wisconsin.

From the testimony introduced at the above hearing, it appears that the level of the lake has been fluctuated during the past by changing the outlet control by means of stones which were placed

across the outlet stream a short distance above the highway bridge or culvert. As a result of this obstruction to the flow of the stream, the level of the lake during the spring of 1928 became so high as to cause water to flow around the dam and bridge, and damage the town road. The high water also damaged riparian lands, owned by various persons, surrounding the lake. At the time of the hearing, it was generally agreed that the level of the water at that time was satisfactory to all concerned and it was generally agreed that the level of the lake might be lowered at least six inches in order to provide a sufficient flow through the outlet stream for the purpose of watering stock. It appears, however, that during certain dry periods the level of the lake has fallen as much as eighteen inches or two feet and that for this reason a fluctuation of the level of six inches would not always provide continuous flow through the outlet stream during the summer months. Bench marks were set and levels taken following the above hearing, at which time the elevation of the lake was found to be 97.88 feet when referred to datum of bench mark 655B described as follows:

Bench Mark 655B is a square notch cut in the top of a two-foot diameter boulder located two feet south of the southeast corner of the highway culvert over the outlet stream. Elevation 98.18 feet.

It is believed that the elevation of the lake will be best maintained by the construction of a permanent dam, either of concrete or timber, with a spillway at least fifteen feet in length located not less than six feet upstream from the upstream end of the highway culvert and with the elevation of the crest of 97.70 feet when referred to the datum of bench mark 655B. In order to provide a continuous flow in the outlet stream below the dam, this crest should have a deep section or notch in the top of the dam, said notch to be four inches in width and six inches deep. In order to provide a continuous flow, in case the level of the lake falls below the bottom of the above notch, a four-inch pipe should be placed in the dam with the center

of the pipe eighteen inches below the permanent crest, or at elevation 96.20 feet when referred to datum of bench mark 655B. The above pipe should be kept closed until the level of the lake falls below elevation 97.30 feet.

From the testimony, evidence and other information in the Commission files, it appears and the Commission therefore finds that the level of Larigan lake will be best maintained by the construction and maintenance of the dam described above.

Permission is therefore granted to the applicant, provided he obtains consent of the owner of the land upon whose property the dam is located, to construct and operate a dam in accordance with the above findings.