



**JANIS A. BOBRIN**

WATER RESOURCES COMMISSIONER

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DENNIS M. WOJCIK, P.E.  
Chief Deputy Water Resources  
Commissioner

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Director of Public Works

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December 14, 2011

Dear Portage Baseline Lake Landowner/s:

On the reverse side of this letter is a Notice of Hearing that the Washtenaw County Water Resources Commissioner's Office has asked to be distributed to all landowners in the special assessment district for the "Portage Baseline Lake Level". This Notice is being prompted as a result of court proceedings in Washtenaw Circuit Court.

Historically, the Washtenaw County Water Resources Commissioner's Office has directed their dam operator to lower the lake level approximately 15 inches in the winter months. The purpose of this lowering is to reduce the extent of damage caused by ice to the shoreline in the winter months. Although this practice dates back to the 1960's, the Michigan Department of Environmental Quality (MDEQ), for a number of reasons, has indicated that they are not in favor of an annual drawdown. However, due to the precedent of the historical drawdown, the MDEQ has indicated they would not object if the Court order was modified. Therefore, the Washtenaw Water Resources Commissioner's Office is petitioning the courts to establish this historical action as a normal lake level action. For all intents and purposes this hearing is simply a part of the process to officially establish the drawdown process that has occurred every year on Portage and Baseline Lakes.

The court hearing will be held on Friday, January 13, 2012 at 1:30 p.m. at the Washtenaw County Courthouse located at 101 East Huron Street, Ann Arbor, Michigan.

Please note if you intend on appearing or to give testimony the Court must be provided with written notice addressed to the Hon. Melinda Morris at the Courthouse and to R. Craig Hupp (BODMAN PLC, 6th Floor at Ford Field, 1901 St. Antoine Street, Detroit, Michigan 48226), 14 days before the hearing.

Sincerely,

A handwritten signature in cursive script that reads "Janis Bobrin".

Janis Bobrin  
Water Resources Commissioner

(OVER)

## NOTICE OF HEARING

### **In re Petition to Establish a Winter Normal Lake Level for Portage and Base Lakes, Washtenaw and Livingston Counties, Michigan**

Washtenaw County Water Resources Commissioner Janis Bobrin as “Delegated Authority” under the Inland Lake Level Act, MCL 324.30701 et seq., for Washtenaw and Livingston Counties for matters related to controlling lake levels on Base Lake (aka Base Line Lake) and Portage Lake, gives notice that she has filed an action in Washtenaw Circuit Court, *In re Petition to Establish a Winter Normal Lake Level for Portage and Base Lakes, Washtenaw and Livingston Counties, Michigan*, Washtenaw Circuit Court Case No.11-1075-CE, Hon. Melinda Morris, to establish the normal level of those lakes during the winter months.

COPIES OF THE PETITION MAY BE OBTAINED BY contacting counsel for Commissioner Bobrin care of the following:

R. Craig Hupp, Esq.  
Bodman PLC  
6<sup>th</sup> Floor at Ford Field  
1901 St. Antoine Street  
Detroit, Michigan 48226  
313-259-7777  
chupp@bodmanlaw.com

In considering whether to establish a winter lake level, the court must consider all of the following: past lake level records, including the ordinary high-water mark and seasonal fluctuations; the location of septic tanks, drain fields, sea walls, docks, and other pertinent physical features; government surveys and reports; the hydrology of the watershed; downstream flow requirements and impacts on downstream riparians; fisheries and wildlife habitat protection and enhancement; upstream drainage; rights of riparians; testimony and evidence offered by all interested persons; and other pertinent facts and circumstances.

As part of the proceedings, the court shall determine boundaries of a special assessment district. Commissioner Bobrin is requesting that the Court establish the existing assessment district, the Portage and Baseline Lake Level Special Assessment District, as the special assessment district for the maintenance of the normal winter lake level.

The Inland Lake Level Act provides that the court shall hold a hearing to obtain information relevant to establishing a winter lake level. All parties affected by such an order may appear and be heard at that hearing.

The Court has set the hearing for January 13, 2012 at 1:30 p.m. at the Washtenaw County Courthouse, 101 East Huron Street, Ann Arbor, MI.

Any persons intending to appear and give testimony are requested by the Court provide written notice addressed to Hon. Melinda Morris at the Courthouse and to R. Craig Hupp, 14 days before the hearing.