

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ROSCOMMON

IN RE THE WATER
LEVEL OF HIGGINS LAKE

File No. 09-728211-CE

ROBERT W. BENNETT (P44262)
Assistant Prosecuting Attorney for
Roscommon County
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Attorneys for Petitioner

2009 NOV -2 P 1:38

**ORDER GRANTING PETITION TO
ESTABLISH LAKE LEVEL**

At a session of said Court held in the Village of
Roscommon, County of Roscommon, State of
Michigan, this 2nd day of November, 2009.

PRESENT: HONORABLE MICHAEL J. BAUMGARTNER
Circuit Court Judge

Upon a review of a certain petition filed to establish a winter lake level for Higgins Lake during the winter seasons of 2009/2010 through 2013/2014, and the Court having determined that the Petitioner is entitled to such relief pursuant to MCL 324.30701 et seq., and whereas all interested parties entitled to notice did receive notice, and whereas all interested parties in attendance concurred with the relief requested,

NOW THEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the winter legal lake level for Higgins Lake for the winter seasons only is hereby established at a nine (9) inch deviation lower than the current established summer legal lake level for Higgins Lake. Lowering of the lake level in the fall shall start no earlier than September 15th and no later than November 1st as determined by the lake level at that time.

FILED

It IS FURTHER ORDERED that the instant order shall be reviewed by this court during its November, 2011 term. Further, the Petitioner shall publish notice of taking public comment regarding the lake levels established herein no later than August 1, 2011. The opportunity fo public comment shall remain open through October 1, 2011.

All other orders and procedures in effect to maintain the legal lake level for Higgins Lake shall remain in full force and effect.

IT IS SO ORDERED:

Dated: 11/2/09


P231694
Honorable Michael J. Baumgartner
Circuit Court Judge

Prepared and Approved by:
ROBERT W. BENNETT (P44262)
Assistant Prosecuting Attorney for
Roscommon County
WILLIAM L. CAREY (P31602)
Carey & Jaskowski, P.L.L.C.
Attorneys for Petitioner

COUNTY OF ROSCOMMON

ANN M. BONK

County Clerk and Register of Deeds

500 LAKE STREET

ROSCOMMON, MI 48653

CLERK: 989-275-5923

REGISTER: 989-275-5931

FAX: 989-275-8640

TO WHOM IT MAY CONCERN:

"Moved by Stephan, seconded by Melvin to approve Resolution to petition the court to change the winter lake level of Higgins Lake up to a variance of 3 additional inches (4.62) below the current winter level (4.87) for the winter seasons 2009/2010 through 2013/2014. Also, begin lowering the lake level in the fall to start no sooner than September 15th and no later than November 1st depending on the state of the lake level at that time."

RESOLUTION OF THE ROSCOMMON COUNTY BOARD OF COMMISSIONERS

IN REGARD TO CHANGING THE WINTER LEVEL OF HIGGINS LAKE FOR THE WINTER SEASONS OF 2009/2010 THROUGH 2013/2014

WHEREAS, the Roscommon County Board of Commissioners, pursuant to the Natural Resources and Environmental Protection Act in Part 307 (Inland Lake Levels), MCL 324.30701 et seq. to file a petition which requests that the winter lake level for Higgins Lake be determined and established for the winter seasons of 2009/2010 through 2013/2014; and

WHEREAS, the seasonable variations of inflow and evaporation of other losses, combined with unpredictable weather patterns which influences the ability to control outflow, can cause the water level of Higgins Lake to vary to a degree which could be harmful to some of the property owner's interests; and

NOW, THEREFORE BE IT RESOLVED, that legal counsel on behalf of the County initiate proceedings by petition to the Roscommon County Circuit Court for determination and establishment of a winter lake level(s) of Higgins Lake for the winter seasons of 2009/2010 through 2013/2014; and

BE IT FURTHER RESOLVED, that the Roscommon County Board of Commissioners shall serve as the delegated authority under the provisions of Part 307 of the Natural Resources Environmental Protection Act, and upon the Court Order determining the winter lake level for Higgins Lake for the winter seasons of 2009/2010 through 2013/2014.