

ESTABLISHMENT OF WATER LEVEL  
FOR BEAR POND  
TURNER-HARTFORD, MAINE

FINDING OF FACT AND ORDER

On July 11, 1979, the Soil and water Conservation Commission in answer to a petition signed by at least 10% of the littoral proprietors on Bear Pond in Turner-Hartford, Maine, held a hearing in Turner, Maine, to collect evidence for the establishment of a normal water level for Bear Pond.

FINDING OF FACT

After reviewing the testimony submitted at the July 11, 1979, hearing the Commission finds the following facts:

1. The dam owner has no beneficial use for the dam.
2. Bear Pond has a water quality classification of A.
3. Inland Fisheries and wildlife is managing the pond for a smallmouth bass fishery.
4. There is no algae problem in the pond.
5. Bear Pond has a slight stratification and does turnover in the fall.
6. A quick release of water downstream during the spring freshet and other high water periods periodically adds to the flooding of farmland bordering Martin Stream.
7. Bear and Little Bear Ponds are the largest in the watershed with a total area of 430 acres, a drainage area of 37 sq. miles, and may be considered one of the biggest contributors of water to Martin Stream.
8. Erosion of shoreline and infringement of property rights has occurred during the past several years due to high water for extended periods of time.
9. The water level at the time of the hearing was at the top of the gate with a slight overflow.
10. The gate is approximately 71 wide and 41 in height.

THEREFORE, the Commission finds on the basis of the evidence submitted at a public hearing with respect to which all parties in interest were given ample notice, that there is sufficient justification for the establishment by the Commission, pursuant to the provisions of 12 M.R.S.A. 30 4(4), of normal water levels at Bear Pond located in the towns of Turner and Hartford, Counties of Androscoggin and Oxford, respectively, and the State of Maine, and hereby ORDERS:

1. The owner will maintain a water level on Bear Pond from on or about June 1 through October 1 **not to exceed a maximum height of 2" below the top of the gate and a minimum of 18" below the top of the gate.** Once this level is reached, the owner should not manipulate the dam except to assure that the level does not exceed the maximum or minimum here established.

2. The owner will reasonably act to release water in a manner which minimizes any downstream flooding of agricultural lands.

3. From October 1 through April 15, the owner will reasonably act to draw-down the lake to a level necessary to provide reservoir capacity for fall and spring runoff.

4. After April 15, the owner will regulate in a reasonable manner the flow out of Bear Pond to bring the water level to or below the maximum level set. The level must within the limits set by the Commission for June 1 of each year.

5. During the month of September 1980, the Executive Director of the Commission will make himself available to attend a meeting at Bear Pond scheduled by representatives of the littoral proprietors of Bear Pond and the dam owner or representative. This meeting will be held only at the request of the aforementioned parties to discuss any problems that may have occurred during the 1980 season as a result of the Commission's order. Representatives at that meeting will attempt the resolution of any problems and discuss possible amendment to the Commission Order if the necessity exists.

6. The owner of the dam shall have 60 days from the date of this order to bring the dam and impoundment into full compliance herewith.

DONE AND DATED AT AUGUSTA, MAINE, THIS 3rd DAY OF OCTOBER, 1979.

SOIL AND WATER CONSERVATION COMMISSION

BY: John Fogler, Chairman

12 M.R.S.A., Chapter 6, Subsection 307. Appeal

Any person aggrieved by an order of the Commission may appeal to the Superior Court pursuant to Title 5, Chapter 375, Subchapter VII, within 30 days of notice thereof.

This Finding of Fact and Order will be recorded in the Oxford County and Androscoggin County Registry of Deeds by the Commission.