

State of Vermont
Water Resources Board
Montpelier
05602

RULES DETERMINING MEAN WATER LEVELS

“Mean water level” for purposes of section 401 of Chapter 11 of Title 29, Vermont Statutes Annotated, and “normal mean water mark” for purposes of section 1101 (6) of Chapter 34 of Title 10, Vermont Statutes Annotated, shall be determined according to the following rules:

Rule 1. For Lake Champlain, 95.5 feet above mean sea level;

Rule 2. For those lakes and ponds that have an artificial structure which controls the flow of water at the outlet, the elevation of the spillway plus the mean depth of flowage over the spillway as measured during the period June 1 to September 15 or that level which has been customarily maintained during the said period if such level is other than the spillway elevation plus the aforesaid flowage;

Rule 3. For those lakes and ponds that have natural outlets, exclusive of Lake Champlain, the elevation of the natural control section plus the mean depth of flowage over it as measured during the period June 1 to September 15;

Rule 4. Rules 2 and 3 above do not apply to lakes and ponds for which the Board has promulgated rules or may in the future promulgate rules pursuant to 10 V.S.A. 575 (a)(11). For such lakes and ponds the level shall be the highest of any such levels established by the Board to be maintained during the period June 1 to September 15;

Rule 5. The Department of Water Resources shall determine from appropriate data the specific elevations of the water levels established in Rules 2 and 3 for all such affected waters of the State. An interested person may petition the Board in accordance with 3 V.S.A. 806 to adopt rules determining water levels different from those established in Rules 2 and 3 for a particular lake or pond or may appeal the Department’s determination of the elevation of said water levels to the Board. Such petitions must fully advise the Board what rules or determinations are sought and the reasons for them.

Adopted November 14, 1972 by the
VERMONT WATER RESOURCES BOARD
Filed November 15, 1972
/s/

William A. Irwin, Executive Secretary