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LEGISLATIVE REFERENCE BUREAU
STATE DOCUMENTS

EXECUTIVE ORDER NO. 344

Relating to a Proclamation of a State of Emergency

WHEREAS, Portage, Marathon, Waushara and Waupaca Counties in the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during the spring and summer of 1998; and

WHEREAS, the drought condition has caused extreme damage to agricultural crops in these counties; and

WHEREAS, continued lack of water for the crops will result in still greater damage to the crops; and

WHEREAS, continued and projected crop damage will result in severe economic losses to the agricultural industry in Portage, Marathon, Waushara and Waupaca Counties; and

WHEREAS, water can be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

WHEREAS, § 30.18 Wis. Stats., presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to a permit issued by the Department of Natural Resources; and

WHEREAS, § 30.18, Wis. Stats., requires a diversion permit process that is too lengthy to be responsive to the existing drought conditions; and

WHEREAS, the waiver of the notice and hearing provisions of § 30.18, Wis. Stats., in the manner set forth in this Executive Order, will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of the State.

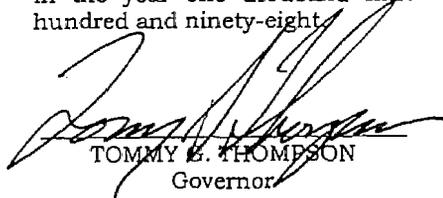
NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by § 166.03(1)(b)1, Wis. Stats., do hereby:

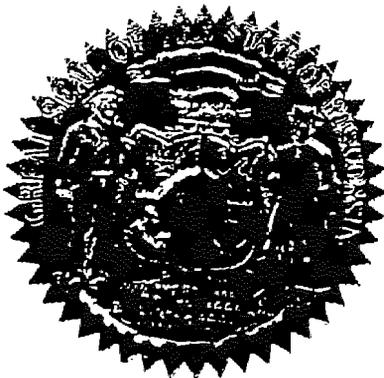
1. Declare the present drought condition to be a natural disaster and proclaim the counties of Portage, Marathon, Waushara and Waupaca to be in a state of emergency.
2. Provide that the statutory notice and hearing provisions of § 30.18, Wis. Stats., relating to the diversion of water from certain lakes and streams for purposes of crop irrigation, are suspended during this state of emergency for diversions in Portage, Marathon, Waushara and Waupaca Counties.
3. Provide that water may be diverted from certain lakes and streams for purposes of crop irrigation, on a case-by-case basis, only where the procedures set forth below have been followed:
 - a. The proposed divertor has requested permission from the Department of Natural Resources Wautoma or Wisconsin Rapids offices.

- b. The proposed site of diversion has been field inspected by Department of Natural Resources personnel. The Department is directed to conduct these field inspections within 72 hours of the request for permission to divert.
 - c. The on-site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to insure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include, but are not limited to, the exact location of the diversion, the rate of diversion, the hours of diversion and the frequency of diversion within the specified time period.
4. Require the Department of Natural Resources to maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Executive Order to insure that only duly authorized stream or lake diversions occur.
 5. Provide that the emergency authority granted herein shall be applicable only to agricultural irrigation in need of emergency assistance.
 6. Provide that any permits authorized pursuant to this Executive Order shall not be valid for longer than 30 days after the date of this Executive Order, unless the state of emergency is extended by joint resolution of the Legislature.
 7. Provide that this Executive Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing § 30.18, Wis. Stats, permits, any permits issued pursuant to this Executive Order, any conditions of any such permits, or any diversions which occur without any authorization pursuant to § 30.18, Wis. Stats., or this Executive Order.
 8. Provide that the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits. Any permit rescission shall be in writing to the permittee.

IN TESTIMONY WHEREOF, I have

hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirtieth day of July in the year one thousand nine hundred and ninety-eight.


TOMMY E. THOMPSON
Governor



By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State