

Senate Committee on Natural Resources and Energy
October 13, 2015
411 South - State Capitol

Testimony on SB 291 by Senator Cowles

Thank you for the opportunity to testify today on SB 291 relating to approvals for high capacity wells and designation of sensitive resource areas. I also want to thank Representative Krug and his staff for their work on this complex issue. Wisconsin is fortunate to have an abundant amount of water resources and a thriving agricultural industry. Both are steeped in our state's cultural heritage and history and are pillars of the state's economy. Protecting our water resources and our agricultural industry are both very important endeavors and I believe SB 291 accomplishes this task by developing a more certain permitting system, creating a regulatory process for the Department of Natural Resources to follow, and using science to focus review efforts in certain areas of the state that may be experiencing groundwater quantity conflicts.

The DNR will tell you that Wisconsin is water rich and has an abundant source of groundwater in our aquifers, we just seem to be having difficulty recharging certain aquifers in some areas of the state at the rate necessary to safeguard current and future pumping capacity, lake levels and/or stream flows.

We have worked over the past 12 months on a comprehensive piece of legislation which balances certainty in permitting and protection of the state's water resources. When we began our high capacity well work we had the following legislative goals in mind;

1. Develop a specific statutory procedure and science based standards that provide for timely and certain new well permitting – **SB 291 accomplishes this,**
2. Provide protection for code compliant private wells if it is proven that a high capacity well caused damage to the well – **SB 291 accomplishes this as well,**
3. Create a clear, science-based, statutory process to ensure that we uncover any problems caused by high capacity wells, such as any harm to surface waters, and a well-defined framework for the Legislature to take further steps to correct any such problems – **SB 291 outlines a science-based statutory process to protect navigable waters and designate sensitive resource areas,**
4. Clarify the public trust doctrine consistent with the Supreme Court's *Rock-Koshkonong* decision – **SB 291 applies the premise of this decision in relation to high capacity well permitting,**
5. Provide certainty in the repair, replacement, reconstruction, and transfer of existing high cap wells – **SB 291 provides this certainty.**

We have worked in good faith to develop new statutory processes, create certainty, and protect the areas of the state where groundwater quantity is a problem. In 2003, as a result of bipartisan legislative support, Wisconsin passed significant groundwater quantity legislation. Since that time, conflicts surrounding water use and groundwater pumping have elevated - court cases have increased, resources have been negatively impacted – and drought years like 2012 have only increased the tensions.

After working on this new groundwater legislation for nearly a year, I continue to strongly believe in the necessity to balance a more certain permitting process with the protection of the state's water resources. SB 291 will allow a substantial amount of the permits awaiting DNR approval to be decided within 65 days. Without this bill:

- DNR will continue to struggle when deciding on permits due to the lack of direction in how to apply a cumulative impacts analysis,
- Lawsuits will likely continue and
- Tensions between neighbors and communities will continue

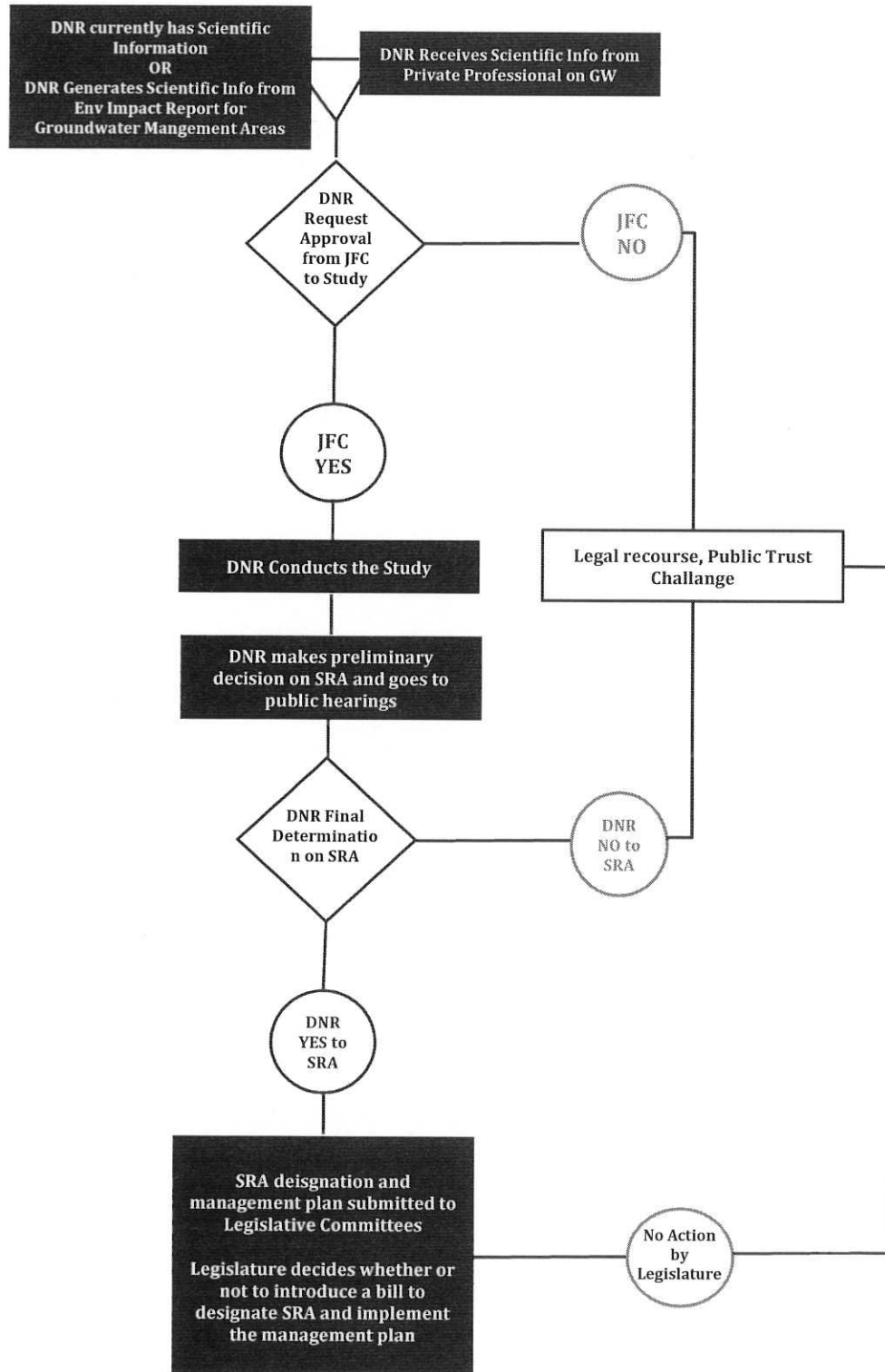
How would this scenario serve our state? Senate bill 291 aims to provide a framework and outline a regulatory process for the DNR to address cumulative impacts to navigable surface waters in the most sensitive areas of the state and also allows DNR to utilize a less comprehensive review process in areas of the state that are not facing groundwater quantity issues. Both DNR review processes would maintain protections for springs and increase the jurisdiction to 1,600 feet from 1,200 feet for trout streams and outstanding or exceptional resource waters.

We believe Senate Bill 291 is a balanced approach to place DNR resources in areas that specifically require increased groundwater protection and management while also reducing the permit review necessary in a majority of state creating certainty around high capacity well permitting.

Thank you for your time and we will try to answer any questions you may have at this time.

Sensitive Resource Area Designation

High Capacity Well Permitting



DATE: October 13, 2015
TO: Senate Committee on Natural Resources and Energy
FROM: Larry Lynch and Eric Ebersberger
Wisconsin Department of Natural Resources
SUBJECT: 2015 Senate Bill 291

SB 291 proposes changes in the department's review and approval process applicable to a high capacity well, which by definition is any well that, together with all other wells on the same property, has a capacity of more than 100,000 gallons per day, or roughly 70 gallons per minute. The bill makes many specific changes to the existing high capacity well statute, but for purposes of this testimony I will focus on what the DNR considers to be the main elements of the proposal. The most significant changes in the bill would:

1. establish specific decision-making criteria for reviewing high capacity well applications;
2. define the scope of appropriate conditions which may be incorporated into approvals;
3. grant rule-making authority to the DNR to establish procedures for reviewing and acting on high capacity well applications—including establishing a method for determining the allowable level of impact to navigable lakes and streams as a result of high capacity well withdrawals; and
4. create a process for evaluating and designating "sensitive resource areas:" areas of the state that have experienced significant cumulative impacts due to groundwater withdrawals such that the water level of a stream or lake is below a minimum level.

Before discussing how the proposed legislation would modify the department's review of high capacity wells, it is useful to briefly describe the department's current review process and the evolution of that process. Prior to 2004, DNR review of high capacity wells focused on: 1) whether the well construction for the proposed well complied with the well construction code; and 2) whether the well would impair the use of a municipal water supply well. There was rarely any other review of proposed high capacity wells.

Since the 2004 adoption of 2003 Wisconsin Act 310, the July 2011 Wisconsin Supreme Court decision in the *Lake Beulah* case, and a September 2014 administrative law decision in the *Richfield Dairy* case, the scope of the department's review of proposed high capacity wells has expanded significantly. When reviewing high capacity well applications, DNR now considers impacts to all waters of the state including streams, lakes, wetlands, municipal wells and private wells, cumulative impacts of the proposed well along with other wells on the same property and water withdrawals on other nearby high capacity well-properties.

Under SB 291, DNR review of high capacity wells would be limited to considering impacts to navigable streams and lakes, and public and private wells, resulting from the proposed well and other wells on the same property. DNR review of proposed high capacity wells would consist of three main elements.

First, DNR would *continue* to review the potential impacts to municipal wells and *continue* conditioning approvals as appropriate to ensure the municipal water supply well is not impaired, but DNR would only consider the impacts caused by the specific high capacity property.

Second, DNR would *continue* to consider the extent of impacts of the high capacity property to nearby private wells, but approvals would *not include conditions* to minimize such impact unless agreed to by the owner. If there are concerns related to private well impacts, a condition *could* be included in the approval indicating that the owner of the high capacity well is responsible for remediating impacts to nearby private wells resulting from operation of the high capacity well.



Lastly, DNR review would focus on the extent to which the well and other wells on the property would adversely affect navigable lakes and streams. A high capacity well approval would not be issued unless DNR can ensure that the high capacity property will not result in significant adverse impacts to navigable streams and lakes. If necessary, conditions as specified in the bill could be included in an approval to ensure that significant impacts are avoided. The bill also authorizes the DNR to impose conditions requiring monitoring if the extent of impacts to navigable lakes or streams are *uncertain*.

As stated above, the bill directs DNR to only consider impacts to navigable lakes and streams caused by the proposed well and other wells on the same property and explicitly prohibits considering impacts from any other wells. The process and criteria for establishing the allowable degree of impact would be established through administrative rule.

The bill creates a process to designate areas experiencing significant cumulative impacts to navigable lakes or streams due to groundwater withdrawals as sensitive resource areas (SRAs) ultimately subject to additional or customized regulation to remedy the significant impacts as approved by the legislature.

Under the bill, if DNR has information from a professional geologist, hydrologist, or hydrogeologist showing that cumulative groundwater withdrawals from high capacity wells are collectively causing or likely to cause streamflows or lake levels below minimum levels, then DNR would request the legislature's Joint Finance Committee (JFC) approval to conduct a study of the area. If JFC approved such a request, DNR would: 1) conduct a study of the area to determine whether the area meets the criteria for minimum streamflow or lake level established by administrative rule; and 2) recommend a supplemental regulatory approach to address the issues pertinent to that specific area.

Following public hearings and applicable appeals processes, DNR would finalize its findings and forward them to the legislature. Formal SRA designation and authorization of specific regulatory actions to be applied in an SRA would be made by the legislature.

The bill directs DNR to conduct a formal study of the area in the vicinity of several lakes in Waushara County to determine whether those areas meet the SRA designation criteria.

The time and resources necessary to conduct the studies required in a SRA designation process, along with the possibility of contested case hearings and judicial review as part of the process will be substantial. It may take multiple years and will require significant staff time resources.

The proposed SRA designation process raises a number of yet to be answered questions for the department. First, it is unclear what actions DNR could take on applications for new high capacity wells in areas that have been approved for study as *potential* SRAs for which legislative action is *pending* or areas for which JFC *denies* the department's request to study that area.

Second, it is unclear whether new high capacity wells could be approved in those areas if DNR finds *existing impacts* would exceed the allowable limits created under administrative rules.

Third, it is also not apparent from the proposed bill if it is intended that DNR would pursue SRA designation on the basis of *individual water bodies* or on larger geographic scale encompassing *multiple water bodies*.

Finally, the bill requires DNR conduct a review under Wisconsin Environmental Policy Act of any proposed well located within a groundwater protection area that is also in an SRA. Since an area has gone through the comprehensive SRA designation process, the department is unsure of the benefits of a WEPA analysis on specific wells within the SRA versus the funding, staff and time resource costs to State citizens.



WISCONSIN LAKES

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TESTIMONY IN OPPOSITION TO 2015 SB 291 TO THE SENATE COMMITTEE ON NATURAL RESOURCES AND ENERGY

October 13, 2015 ~Presented by Michael Engleson, Executive Director

Thank you for the opportunity to testify today on SB291. My name is Michael Engleson, Executive Director of Wisconsin Lakes. Wisconsin Lakes is a non-profit conservation organization of primarily individual waterfront property owners, lake associations, and lake districts representing over 80,000 citizens and property owners. On behalf of our members, I am here today to express Wisconsin Lakes' opposition to this bill.

While we believe that the bill provides a framework from which a solution to the problem of regulating Wisconsin's groundwater may eventually be drawn, the bill's details fail to provide adequate measures to protect the water resources that are in jeopardy right now, such as the lakes and rivers in the Central Sands region, and goes too far to lock in withdrawal rights for current and future well approvals. We believe we need to do more to balance the rights, needs, and investment of *all* users, including the many Wisconsin waterfront property owners and families that have been a part of the economic and cultural heritage of Wisconsin and deserve protection just as much as large farms and corporations.

We are fortunate to live in a relatively water-rich state like Wisconsin. But despite that fact, some areas of the state are in crisis now, and I applaud the work that the committee and the bill's authors have done to start tackling this issue. We recognize that the solution needs to preserve Wisconsin's tradition of balancing fair and reasonable use of our water resources by all – individual families, municipalities, businesses, farmers, while ensuring our groundwater use doesn't negatively impact the connected surface waters. Remember, the waters of Wisconsin belong to all of us. Unfortunately, this bill goes too far in benefitting only high-capacity well users, at the expense of nearly everyone else.

While a system managing groundwater more strictly in specific areas of the state has merit, the system of Sensitive Resource Areas set up in the bill takes too long to implement to prevent harm, and is ultimately left to a political decision for approval. What is more, current users, as well as users approved for a high-capacity well under this bill, are virtually guaranteed a right to continue their withdrawals into perpetuity, but for a loosely defined hearing process that will inevitably drag decisions out through lengthy court proceedings. In fact, much of the "protection" in the bill seems to rely on legal actions from contested case hearings all the way up to constitutional challenges. The state will not be well-served to push off the challenging management decisions that need to be made now to later parties in a manner that virtually guarantees costly future conflicts.

Please understand that even though Wisconsin Lakes is in opposition of this bill today, I urge the committee to continue to work to craft a solution that will protect everyone's rights to our waters. We respectfully suggest that in doing so you continue to consider some of the concepts in this bill, along with those in the Miller-Mason groundwater bill, as well as other ideas, and that you consult with all stakeholders to arrive at a workable, effective solution to our groundwater management issues.

Wisconsin Lakes is a statewide nonprofit organization with nearly 1,000 members and contributors including individuals, businesses, and lake associations or districts representing more than 80,000 citizens. For over 20 years, Wisconsin Lakes has been a powerful bipartisan advocate for the conservation, protection and restoration of Wisconsin's lake resources.

Rhonda Carrell

From: "Rhonda Carrell" <dandrcarrell@solarus.biz>
Date: Monday, October 12, 2015 11:56 PM
To: "Rhonda Carrell" <dandrcarrell@solarus.biz>
Subject: Testimony for SB291

Thank you Mr. Chairman and Committee for taking the time to listen,

My name is Rhonda Carrell. As a home and business owner in the Wood County, Town of Saratoga, ample water is necessary for both our home and business. Without water, I am out of business. Recently, while having our well pump and pressure tank replaced after a lightning strike, the repairman/well driller spoke very frankly saying our lives would change if the Wysocki CAFO/high capacity wells are permitted. He said that he was fearful of going on record, but stated it would not be possible for me to be working in my salon (100' from our home), sprinkling our garden and have EITHER our dishwasher running, a load of laundry washing or someone showering in our home. This is concerning. I ask this legislative body to protect ALL private property owners from over pumping of groundwater. SB291 seems to be designed to accommodate the needs of very few while placing the burden of risk on many.

It also concerns me that a new business wishing to site in our community can demand more water than our creeks and private drinking water wells can afford to lose. The Wysocki CAFO proposal calls for 31 high capacity wells (drawing 1,440,000 gallons per day for the growing season) for crop growth & center pivot manure irrigation. Another 2 high capacity wells are proposed for the cows, for a total of 33 wells drawing a total of 48,000,000 gallons of water per day (nearly 5 times the amount drawn by the entire city of Waukesha in a day). All wells proposed are within 3 miles of our home and business. There are actually 400 residential wells within 1/4 mile and nearly 2000 within 2 miles of the proposed Golden Sands Dairy site. Their planned fields & wells are interspersed throughout our town. Who pays the price other than the 5,200 current residents and businesses relying on private wells for drinking water? I believe the Central Sands should have been designated a Sensitive Resource Area (SRA) as soon as levels in rivers, lakes and streams started to drop from groundwater pumping. DO IT IMMEDIATELY. We don't have 7-10 years to wait for the designation. There are plenty of studies proving the Central Sands sensitivity.

The DNR's ability to consider cumulative impacts is necessary. SB291 inhibits the DNR's ability to do so. Contiguous or non-contiguous, the wells are all drawing from the same aquifer in the proposed Wysocki project. Think about it like this: If one were sitting enjoying a giant margarita (aquifer), knowing it would last them all evening, imagine their surprise when 33 friends stick their straws (high capacity wells) in that margarita... the level of ample liquid (groundwater) diminishes quickly. There is a direct correlation between groundwater and surface water. The aquifer takes from surface water to replenish its loss of volume from over pumping. When this happens, surface water (creeks, rivers, wetlands and lakes) levels drop. Significant loss could seriously affect the 5, 7 and 10 Mile Creeks. It would be foolish to think high capacity wells flanking the creeks would not affect the water levels. Increased temps because of diminished volume/flow could have significant impacts that result in loss of habitat for the trout. SB291 inhibits the DNR's ability to review cumulative impacts. I feel the bill is shortsighted and neglects to look at the long-term impacts on a single aquifer. We must be proactive in

protecting the creeks, as we do not want a repeat of the Little Plover River.

I ask that you carefully consider the ramifications of SB291.

Rhonda Carrell
2320 Evergreen Ave.
Wisconsin Rapids, WI 54494
715-325-2467

Rhonda Carrell

Subject: Wisconsin Rapids
Date: Monday, October 12, 2015, 11:57 AM
To: Rhonda Carrell
From: Wisconsin Rapids

Thank you Mr. Chairman and Committee for taking the time to listen.

My name is Rhonda Carrell. As a home and business owner in Wisconsin Rapids, I am very concerned about the impact of SB291 on our local water resources. I am currently a member of the Wisconsin Rapids Chamber of Commerce and have been involved in various community projects. I am writing to you today to express my concerns and to request your assistance in addressing these issues. I am a resident of Wisconsin Rapids and have been involved in various community projects. I am writing to you today to express my concerns and to request your assistance in addressing these issues.

It also concerns me that a new business, wishing to take in our community can demand more water than our existing infrastructure can handle. I am currently a member of the Wisconsin Rapids Chamber of Commerce and have been involved in various community projects. I am writing to you today to express my concerns and to request your assistance in addressing these issues.

The City of Wisconsin Rapids is currently in the process of reviewing the water supply for the city. I am currently a member of the Wisconsin Rapids Chamber of Commerce and have been involved in various community projects. I am writing to you today to express my concerns and to request your assistance in addressing these issues.

Before the Senate Committee on Natural Resources and Energy

Testimony of Paul G. Kent on behalf of the Town of Saratoga

Senate Bill 291

October 13, 2015

My name is Paul Kent and I am here today on behalf of the Town of Saratoga. Saratoga is a rural community dominated by pine plantations and two trout streams. It is located southeast of Wisconsin Rapids in Wood County and is part of the Central Sands area. The town's 5,000 residents are dependent on an ample supply of clean groundwater for their private wells and their businesses.

One of the reasons we are here today is that in conjunction with its efforts to site the Golden Sands Dairy in the Town, the Wysocki family now has pending before the DNR one of the largest groups of applications for high capacity wells in the state -- 33 wells with the capacity to pump up to 48 million gallons per day. For a little perspective, that's nearly 5 times the amount of water that the entire city of Waukesha needs for its residents.

We have three primary concerns with this bill.

1. The bill does not allow for the consideration of cumulative impacts even where the impacts are from a single applicant.

SB 291 only allows the DNR to consider the impacts from a new high capacity well with wells on the same property or a contiguous property. If someone like Wysocki proposes to place wells on non-contiguous property, the DNR cannot consider the cumulative impacts. If you look at Wysocki's high capacity well application map (attached) you'll see that there are 6 clusters of high capacity wells. Under this bill, the impact of each of these well systems on the Tenmile Creek trout stream would need to be reviewed independently simply because the parcels are not contiguous.

A limitation on review of cumulative impacts might be justified for a single, new high capacity well with limited incremental impacts. But under this bill, a single applicant like Wysocki, or a bottling plant, could propose to install 33 wells (or even 100 wells) and if those wells were on non-contiguous parcels the cumulative impact of those wells could not be considered by DNR even though the same applicant is withdrawing water from the same aquifer and impacting the same streams.

2. The bill does not provide for a workable designation of SRAs.

No area in the state is more worthy of being designated as a sensitive resource area (SRA) than the Central Sands. The groundwater in this area has been extensively studied and is already identified by the U. S. Geological Society as highly susceptible to groundwater contamination. The SRA designation should be made by the legislature proactively, now.

The SRA designation process in SB 291 provides for redundant and unnecessary review that would take 7-10 years to complete. This lengthy review would ensure that anyone proposing to site high-capacity wells in such an area could obtain permits long before the process was complete. And an SRA designation would not affect existing wells unless that specific authority was granted by the legislature.

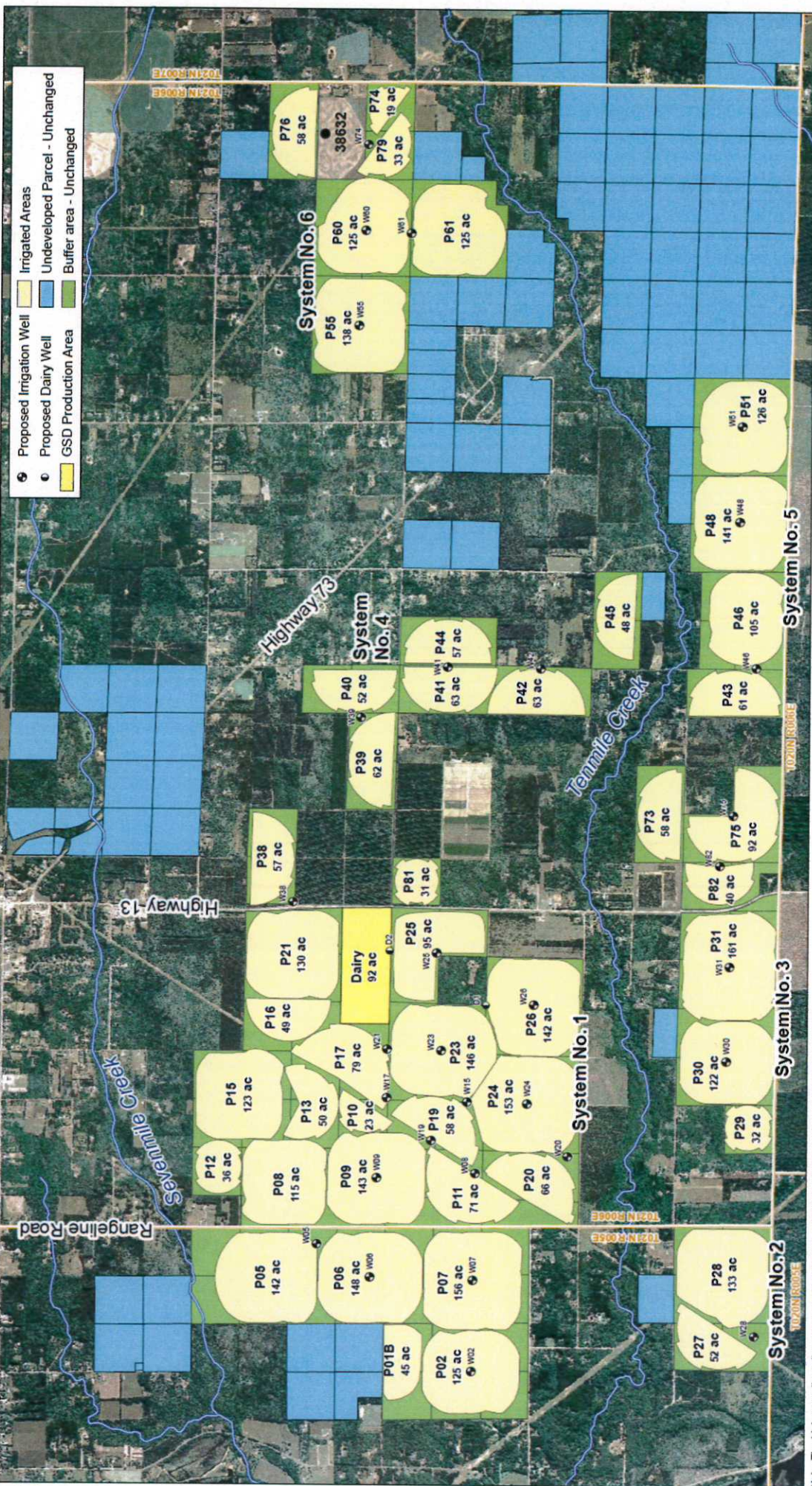
3. The bill does not provide protection for private property owners

More than 800,000 Wisconsin residents are dependent on private wells for their drinking water. Under SB 291, there is no new remedy for residents impacted by high capacity wells and the bill prevents DNR from requiring monitoring where there could be impacts to private wells. The legislature should protect all, not just some private property owners.

Conclusion

Providing additional statutory standards to guide the DNR in its high capacity well decision-making and to streamline the permitting process are laudable goals. But there needs to be a balance. Some areas of the state require more careful scrutiny as do larger projects, be they large agricultural operations or commercial bottling plants. The law should not provide benefits for a few at the expense of the many private property owners and the public as a whole.

For more information contact Paul G. Kent at pkent@staffordlaw.com

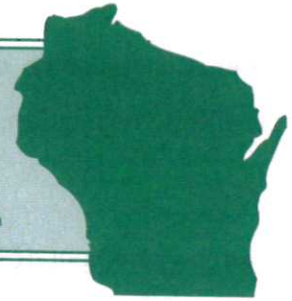


Note: The high capacity wells are grouped into 6 high capacity systems. Each system consists of all of the high capacity wells on an individual high capacity well property. These systems are labeled above.

Wisconsin Potato & Vegetable Growers Association, Inc.

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Testimony of Tamas Houlihan - WPVGA

2015 Senate Bill 291 – October 13, 2015

Chairman Cowles and members of the Committee, thank you for allowing me to testify today. My name is Tamas Houlihan and I am the executive director of the **Wisconsin Potato & Vegetable Growers Association (WPVGA)**.

The WPVGA represents over 300 members. In terms of food production, Wisconsin ranks first in the nation in the production of green beans for processing, beets for canning and cabbage for kraut. We rank second in the production of carrots and peas for processing and third in the production of potatoes, sweet corn and cucumbers for pickles. Specialty crop production and processing accounts for \$6.4 billion in economic activity and nearly 35,000 jobs annually in Wisconsin.

The significant regulatory uncertainty surrounding Wisconsin's high capacity well approval process has crippled economic growth in our farm economy. We are looking to the Legislature to restore certainty to this process this session. The WPVGA is testifying **for information only** on SB 291 today. While we support many of the concepts that are contained in the bill draft, we believe that this legislation needs additional revisions to address our concerns.

Background.

At the root of this economic halt is the lack of a defined high capacity well approval process, which was destroyed by a 2011 decision by the Wisconsin Supreme Court known as the *Lake Beulah* decision. The *Lake Beulah* case essentially granted the DNR unlimited regulatory authority over high capacity wells. As a result, we have no clear framework for the evaluation and subsequent issuance or denial of new high capacity well permits. We are also left, after *Lake Beulah*, with the DNR authorized to conduct a full environmental review of wells *that are already approved* if they need to be repaired, replaced or in order to sell the land that they are on. Prior to *Lake Beulah*, farmers could rely on their well approvals.

Comments on Senate Bill 291.

As I stated earlier, SB 291 contains many **concepts that we support** and that we believe need to be contained in any comprehensive high capacity well permitting legislation. However, **we also have**

several remaining concerns that we believe need to be addressed in any comprehensive well-permitting legislation, some of which I will discuss today.

Express statement of DNR's authority related to high capacity well approvals (Section 4). SB 291 contains an express statement of the DNR's authority with regard to high capacity well permitting. Part of the current uncertainty was the *Lake Beulah* court's finding that DNR's authority to review and permit high capacity wells was NOT expressly defined by statute. We believe that the legislature intended to create a meaningful high capacity well permit approval statute when it wrote s. 281.34. Addressing this issue is critical. While the language that is used in SB 291 could be improved, this is a critical concept to include in any comprehensive well proposal and we support this concept.

CONCERN: Increase GPA triggering distance from 1,200 feet to 1,600 feet (Section 1). We are concerned that SB 291 increases the distance of "GPA wells" from 1,200 to 1,600 feet. We do not believe that there is public policy reason to increase the GPA distance, especially when this legislation creates the SRA concept, which I will address later. Accordingly, we do not believe that there is any scientific evidence that the current GPA provisions need adjustment. We cannot support this provision.

Directive to DNR that they "shall issue" a well permit that complies with this statute (Section 5). SB 291 contains an express statement to DNR that the Department "shall issue" a permit for wells that comply with this permitting statute. This concept is also missing from current law and is a necessary addition. It provides well applicants with certainty that IF they meet the standards, THEN they will be issued a permit. We support this concept.

Requirement that DNR issue a written explanation for any well application that is denied (Section 5). Similarly, SB 291 requires the DNR to provide well applicants who are denied permits the reason for their denial *in writing*. This is essential for our farmer applicants to understand the basis upon which DNR is denying applications and when applications might be determined to be deficient.

Elimination of DNR additional environmental review for repair, replacement, reconstruction and transfer of ownership of existing wells (Section 6). SB 291 provides a significant amount of regulatory certainty for farmers with existing well permits. This legislation generally provides that there does not need to be additional environmental review for previously-approved high capacity wells to be repaired, replaced, reconstructed or transferred along with the land upon which they sit. All the wells that would be affected by this section of the bill are existing wells that have already been DNR-approved. These

are not new wells with new pumping capacities. New DNR approval of these existing and previously approved wells would be redundant. We strongly support this concept.

Limitation on DNR's authority to condition existing wells (Section 14). SB 291 also provides additional certainty to approved well permits for wells that are outside of an SRA, by limiting DNR's authority to impose additional new conditions on these wells *after* they have been permitted. This allows our farmers to be able to plan and rely on their permits.

Protections for private wells (Section 14). Importantly, WPVGA supports providing protection in any comprehensive well approval legislation against detrimental effects of new high capacity wells on existing homeowner wells. Under current law, there is already this protection. SB 291 addresses this issue, as well, and, while we support that concept, we believe that the language in the bill draft could be clarified.

CONCERN: Screening new non-SRA wells, and *all wells on a high capacity property*, for significant adverse environmental impact to a navigable water (Section 14). SB 291 screens all new non-SRA wells – *and all wells on a high capacity property* – for “significant adverse environmental impacts to navigable waters.” However, the SRA process is designed to account for cumulative impacts – whether that be from all wells on a property or all wells in a designated SRA region. Accordingly, we believe that the new, non-SRA well screening should be limited to the new well.

DNR may not rescind an existing well unless the well owner violates the terms of his well permit (Section 15). We support the language in SB 291 that prevents DNR from rescinding a well permit for a non-SRA well as long as the well is in compliance with its permit terms. Again, this kind of provision is essential to restore certainty and to allow farmers to rely on their well permits.

SRA Concept / SRA must be designated by statute (Section 19). Finally, we also support the concept of identifying, *through rigorous scientific evaluation*, any areas in the state that merit additional or different mechanisms to address the effects of groundwater use on surface waters. In SB 291, these areas are called “Sensitive Resource Areas” or SRA's. However, any review by DNR of a particular waterbody must be adequately based on science and must use actual data, not just modeling, to make these determinations.

We strongly support the directive in this legislation that it is the LEGISLATURE who must establish an SRA and must do so by statute. We believe that this will ensure a proper checks and balances in this process.

CONCERN: Directive to DNR to promulgate administrative rules that establish a “method for determining the minimum rate of flow of a stream and the minimum water level of a lake” (Section 18). However, SB 291 also directs DNR to establish a “method for determining the minimum rate of flow of a stream and the minimum water level of a lake” in administrative rules in order to make a recommendation that an area be designated an SRA. The concept of designating these measurements in rules is an acceptable concept. However, we do not believe that the language in the draft provides enough explicit guidance as to *how to establish* these levels or how to define these terms. Further, we believe that DNR should establish the minimum flow level or the minimum water level, whichever is applicable, for EACH stream or lake in an area being studied as an SRA. Each waterbody’s threshold level for impairment will be unique and, therefore, must be considered and established scientifically on a case-by-case basis using *actual* data. This section needs to be refined. This section needs more solid “bookends” on DNR’s rulemaking authority.

Thank You. Request for Continued Work on this Issue.

Thank you for allowing me to testify today. I urge you to continue to work on a comprehensive solution to the high capacity well permitting concerns in Wisconsin. I would be happy to answer any questions.

Contact: Edie Ehlert.
Crawford Stewardship Project
President
edieehlert@centurytel.net, 608-734-3223

Oct. 13. 2015
RE: SB291 Groundwater Bill

Last week I spoke as Crawford Stewardship Project President against SB239. I'm back today to speak against SB291, for some of the same reasons. What we need is a comprehensive groundwater bill, not one that addresses a few issues and holds an advantage for present high capacity well users over future water needs. We already have a good model for a comprehensive and equitable bill authored by Sen. Miller (SB72) and Rep. Mason (AB105). **We also have models in both Michigan and Minnesota as resources on regulating the cumulative impacts without harming industry and agriculture.**

SB291 would provide "forever approvals" for owners of high capacity wells and allows for water pumping rights to be sold with property. Wisconsin water is held in trust for all of us. To pass on high cap wells to landowners now, means an unfair disadvantage for all other farmers, business owners, tourism and citizens for economic ventures now and moving forward. This represents a dangerous precedent, giving certain land owners privatization of water. In effect, water rights will be up for sale. Do we want foreign entities to have control of WI waters just by purchasing land? Do we want water rights belonging to the highest bidder? Transfer of wells with property needs to be seriously and thoroughly researched before just granting to those who have them now. There's no management in this high cap well transfer proposal.

This bill would also create roll backs in protections from pumping for surface waters, which is a step backwards in water management.

While creating the potential for "Sensitive Resource Areas," the process is convoluted and politically based and likely to cause both confusion and complications, and thus not a viable management tool.

I respectfully request that the Senate move forward the Miller/Mason groundwater bill and offer a public hearing on SB72 and vote against SB291.

Thank you

Edie Ehlert
Crawford Stewardship Project President



To: Members, Senate Committee on Natural Resources and Energy
From: Lucas Vebber, Environmental and Energy Policy Director
Wisconsin Manufacturers & Commerce
Date: October 13, 2015
RE: Opposition to SB-291

Chairman Cowles and Committee Members:

My name is Lucas Vebber, I am the Director of Environmental and Energy Policy at Wisconsin Manufacturers & Commerce (WMC). WMC is our state chamber of commerce and manufacturers' association. We are the largest business trade association in the state with nearly 4,000 members of all sizes and across all sectors of our state's economy. One in four private sector employees in the state works for a WMC member company. WMC is dedicated to making Wisconsin the most competitive state in the nation.

Background

I begin today by offering our thanks to you, Chairman Cowles, and your staff for taking on this complex and often times very frustrating issue. Without legislators willing to tackle these types of issues and all the headaches that come with them, our state would be much worse off.

I am here today to testify against SB-291, as it is currently drafted. With that being said, this legislation provides a comprehensive framework within which we can find a solution to this problem. With some modifications to this bill, I believe we can finally solve the issues related to high capacity well permitting that have been plaguing our state for the past several years.

Since the 2011 *Lake Beulah Management District v. Wisconsin Department of Natural Resources* decision from the Wisconsin Supreme Court, the high capacity well permitting process in our state has been in disarray. The court decision left Wisconsin with a process fraught with uncertainty. This has led to significant litigation expenses and a virtual standstill in new investment in industries that require high capacity wells in our state.

The regulators at DNR, existing permit holders, and the industries seeking new permits need more clarity and certainty to move forward. There are currently between 150 and 170 high capacity well permit applications pending at DNR. Without legislative action, the uncertainty and risk of litigation is too great, and the department simply cannot move forward to review these applications. Businesses cannot properly plan for future growth of existing operations or siting of new facilities without knowing there is an objective science-based process in place to review new permit applications.

This issue impacts a wide section of our state's economy. From growers and dairy producers to food processors, mining operations and even municipalities – we need water. Wisconsin is

blessed with an abundant supply of this precious natural resource, giving us a competitive advantage against not only other states but the international community. Unfortunately, the current state of high capacity well permitting has prevented us from utilizing this advantage to grow our economy and create jobs.

That brings us to where we are today. We have said repeatedly since the *Lake Beulah* decision that we need to remove the uncertainty from the high capacity well permitting process. While this bill does provide that certainty in some areas, it contributes to it in others. SB-291 gives the DNR broad new authority in areas where they have never had it and leaves major decisions to be made in the administrative rulemaking process. This bill, as it's currently drafted, simply doesn't provide the certainty that businesses need to make necessary investments to start or expand operations here in Wisconsin. Nor will it give them confidence that investing in Wisconsin won't drag them into a prolonged legal fight.

Perhaps the most expansive authority given to DNR under this bill is the ability to recommend the creation of one or more Sensitive Resource Areas (SRAs). This bill gives DNR the ability to write rules to determine the thresholds for beginning the SRA process, and then gives them complete control over that process. While at the end of the day the Legislature would still need to pass a bill to create an SRA, something we agree with and appreciate, this bill gives way too much subjective authority to the department, which will continue the uncertainty for businesses and result in investment continuing to leave Wisconsin.

Existing statutory legal protections combined with the enhanced protections in other areas of this bill can be used to more than adequately protect those areas contemplated to be part of SRAs. Still, if the legislature is going to move forward with this new expansion of government regulation, it should finish the job. An SRA process should include objective, science-based standards in state law – this should not be pushed off to the administrative rule making process. Relying on administrative rulemaking to set these standards simply leaves too many questions unanswered.

This legislation should simply aim to provide certainty to all parties in the permitting process. It should not be used as a tool to implement a host of new environmental reforms and empower DNR in ways we have never seen, the impacts of which are far reaching and unpredictable.

Specific Comments

Having made those general observations about the legislation, here are the specific areas of the bill that could be improved upon to add more certainty for existing well owners, new applicants and the DNR. The section numbers below refer to the section numbers contained in SB-291, and specific statutory citations are made as they would be created by the bill:

Section 1

Increasing the scope of groundwater protection areas by 33% is unnecessary, especially given the other protections that are proposed in the bill. As mentioned previously, if we are going to create an SRA process to address high risk areas – then we do not need to further limit development with this added restriction.

Section 4

This limit on regulatory authority is important, although it could be more specific. Under current case law, namely the *Rock-Koshkonong* decision, public trust authority delegation to the DNR is specifically limited to the regulation of navigable waters below the ordinary high water mark. Putting this into statute would provide a clear limitation – without changing current law limitations on public trust authority. Part (b) is too broad of an exception. We recommend limiting this exception to just ss. 281.346 and 281.35 (4)(a)4.

Section 6

s. 281.34(2g)(a)(2)b provides that an existing well can be replaced, but if the well is drilled more than 75 feet from an existing well it must be drilled farther from the nearest navigable stream or lake than the existing well, this leaves little flexibility depending on the area around the well. This creates an excessive restriction on existing well owners. This requirement should apply “where possible” to give well owners more flexibility.

Also, the requirement that a replacement well “not be located within 1,000 feet of any other navigable stream or navigable lake” is an unnecessary limit that puts a needless restriction on high capacity well owners’ abilities to establish a replacement well. These are wells that already had been drawing water, there is no additional water being drawn from the replacement well.

Finally the bill requires an existing well owner to make a filing to DNR when they take any action on their existing well. The bill doesn’t allow DNR to charge a fee for any of the actions, but is silent on whether DNR can charge a fee for the actual filing that has to be made. This could lead to a filing fee, which would essentially be nothing more than a new tax on business. The restriction on DNR charging a fee should be expanded to cover this.

Section 9

Timelines are helpful, but without any kind of enforcement mechanism they are largely meaningless. First, there should be a process to ensure a complete application has been submitted to determine when the timeline starts to run. Then, if DNR fails to take action on an application before the end of a timeframe they should be deemed approved. Businesses need to be able to rely on these timelines, and these changes will give them the certainty to do just that.

Section 14

This section limits DNR’s ability to put approval conditions on high capacity well permits. The limits proposed, however, leave DNR with expansive authority.

“Significant Adverse Environmental Impact”

This section would allow DNR to look at the cumulative impacts of all the wells on a property and wells with the same owner on adjacent property to ensure they don’t have a “significant adverse environmental impact” to a navigable water. The term “significant adverse environmental impact” is not defined in statute. There is a definition in the NR code, but it is unclear if the bill intends for that definition to be used, or for DNR to promulgate some new definition – or if that’s just something that will be left up to litigants and the courts to determine. If the bill is going to create this new environmental review standard, then it must define it.

“Unreasonable Harm”

s. 281.34(5)(f)(1)b would allow DNR to “require the owner of the new high capacity well to remedy an unreasonable harm caused by the new high capacity well to another person’s well...” but doesn’t define what “unreasonable harm” is or even what the remedy would be. The bill also does not specify what standards are to be used to determine when a harm reaches the level of “unreasonable.” This raises questions about how this will work in practice: will the DNR add a line to every single permit? And if not, then how will the DNR determine when a future high capacity well may or may not cause an unreasonable harm? Leaving these important decisions to be made through the administrative rulemaking process or the courts leaves far too many questions unanswered and leaves our state with far too much uncertainty to move forward.

“Monitoring Conditions”

s. 281.34(5)(f)(3m) allows “monitoring conditions” in certain permits. There are three requirements that must be in place for the DNR to be able to place monitoring conditions on permits. These three requirements are:

(a) “The department cannot ensure, without requiring monitoring, that the amount or rate of the groundwater withdrawal will not exceed the allowable amount or rate under this section or that the quality of the groundwater will not be impaired.”

Comment: This language could be clearer. There is no definition or standard on which to base an “impairment” determination. As with other parts of the bill, this is something that should be defined in statute. What factors will be looked at to consider the quality of the groundwater and at what point would those factors be considered impaired?

(b) “The monitoring conditions are imposed only for the purpose of assessing the water levels of navigable waters in the area or groundwater quality.”

Comment: This provision is unclear. The bill should make clear how far the “area” extends geographically. Further, in (a), the condition may only be imposed if the DNR cannot ensure the amount/rate of water being withdrawn do not exceed the allowable amount, but under part (b) the monitoring condition can be imposed only for the purpose of assessing water levels of navigable waters in the area. This creates confusion.

(c) “If a monitoring condition requires groundwater testing, the department requires testing of only groundwater withdrawn by the new high capacity well.”

These monitoring conditions are unclear, and use ambiguous language that adds to the uncertainty surrounding the permitting process. Further, monitoring can be incredibly expensive for the permit holders, and these provisions will continue to drive investment out of Wisconsin.

Section 16

This section opens up all high capacity well owners to limitless and expensive legal battles. Specifically, the DNR would be allowed to impose “new or modified conditions” when a hearing examiner determines them necessary “in order to abate an infringement of public rights in navigable waters and issues an order under s. 30.03(4).” The current uncertain legal environment

is a major part of the problem that we are here trying to fix – this provision seems to add to it. This provision opens existing well owners up to legal challenges with decisions made by people who are not hydrogeologists and who lack requisite expertise.

Additionally, s. 281.34(7)(b)(3) would allow DNR to implement any new conditions or modify any existing conditions as long as the owner of the well agrees to the change. This provision opens the door for DNR to force existing well owners to accept new restrictions on their existing permits in exchange for other DNR approvals. Also, it is unclear the manner in which this approval would be made by a high capacity well owner. At the very least the owner's approval should be required in writing.

Sections 17 & 18

As discussed earlier, these sections grant DNR expansive rulemaking authority. There's no reason all of these provisions can't be spelled out in statute, and doing so would take away a significant amount of uncertainty and unanswered questions for the department, permit holders and applicants.

The definitions these sections require the DNR to create ought to be created by elected policy makers, not determined through administrative rulemaking. For example: how do you determine the "minimum rate of flow" for an ephemeral stream? What about for a frozen stream? Leaving these decisions to DNR rulemaking continues to create significant uncertainty in the process. Putting these definitions in statute also provides added certainty to applicants and permit holders as they look to invest millions of dollars into our state's economy.

Section 19

This section creates "Sensitive Resource Areas" which, as discussed earlier, are unnecessary expansions of DNR authority. If the legislation moves forward with SRA provisions, then at the very least they must be more clearly defined than they are in SB-291.

Under SB-291, the DNR is granted broad and expansive regulatory powers to set the standards for determining "minimum rate of flow of a stream" and the "minimum water level of a lake." Relying on the rules/thresholds they set using those broad and expansive new powers, DNR then gets to determine which areas of the state need to be studied and submit their ideas to JFC for passive review. The DNR is also required to begin studying "Specified Waushara County Lakes" – under s. 281.34(7m)(a)(2), four lakes in Waushara county are exempt from the passive review process and must be studied immediately along with "the areas surrounding those lakes." There is no definition of how far this surrounding "area" goes – and again, that needs to be defined.

Once DNR determines an SRA ought to be created, it must submit a report to the legislature containing those findings. As part of that report it must suggest "any proposed measures relating to groundwater withdrawal." SB-291 then lists some possible regulations that could be implemented, although does not provide any limitation on what may be recommended by the department.

Finally this section requires DNR to hold a public hearing on any recommendation to establish a SRA in the state. The statute would allow any person to request this public hearing become instead a contested case hearing. It would be hard to imagine a situation in which someone would be able to convince a hearing examiner to overturn the DNR, setting the stage for a lengthy and expensive legal fight. In the end, this lengthy and expensive process is setup to create a final recommendation that has no force of law.

Section 20

There is no need to specifically exempt the department from the emergency rule process, this provision should be removed.

Conclusion

Thank you again for the opportunity to testify today and for your willingness to take on this difficult issue. We look forward to working with you to develop the necessary changes needed to make this bill a true winner for our state that balances economic development with environmental responsibility.

TO: Members of the Senate Committee on Natural Resources and Energy

FROM: Paul Zimmerman
Executive Director of Governmental Relations

DATE: October 13, 2015

RE: SB 291 – High Capacity Well Legislation

The Wisconsin Farm Bureau Federation (WFBF) respectfully requests your support for comprehensive groundwater legislation due to the 2011 State Supreme Court decision in *Lake Beulah Management District vs. State*.

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) before constructing a high capacity well. A high capacity well is defined as a well and all other wells on the same property that together have the capacity to withdraw more than 100,000 gallons of water per day.

As a result of the *Lake Beulah* decision, DNR now has interpreted its authority to require the environmental review process for all high capacity well permit applications, including those for replacement, reconstruction and transfer of ownership of existing high capacity well permits. Prior to the Court's decision, DNR used the environmental review process for new high capacity well permit applications that met one of the following conditions: 1) may impact the water supply of a public water utility; 2) may impact an outstanding resource water body or an exception resource water body; 3) is to be used to withdraw water for bottling purposes and; 4) may impact larger scale springs.

With the Court's decision farmers that wish to install a new well, need to repair an existing well, or want to purchase land with a high capacity well, or want to sell land with a high capacity well are now seeking a regulatory process that is scientifically based for approving or denying high capacity well permit applications. Senate Bill 291 begins to address these issues. However, WFBF believes some modifications need to be made to SB 291.

WFBF supports the provisions in SB 291 for existing high capacity wells that clarify state law by directing DNR to restore certainty to previously issued high capacity well permits. Specifically, that no additional approval is needed to repair or maintain an existing high capacity well, to construct a new high capacity well to replace an existing high capacity well of substantially the same depth within a 75-foot radius of the existing high capacity well, to reconstruct the existing high capacity well, or to transfer the approval of a high capacity well as part of the sale of land where the well is located.

It should be noted that in these instances no new water withdrawals are being approved; but rather, existing wells are either being repaired for continued use, replaced for continued use or being owned by a different person for the same use. It is important for farmers with existing high capacity wells to have financial and regulatory certainty that they will be able to water their livestock and irrigate their crops as previously approved by the DNR.

WFBF also supports the provisions establishing timelines for DNR approval for high capacity well applications, 65 business days for those which no special environmental review is conducted and within 130 business days for high capacity well for which a special environmental review is conducted. WFBF suggests that additional language be included stating that high capacity well permit applications are approved if DNR fails to act within the designated timelines.

SB 291 creates a process for establishing sensitive resource areas (SRA). WFBF supports the SRA concept and believes it is an important component for comprehensive groundwater legislation. As drafted, SB 291 requires DNR to promulgate rules establishing a method for determining the minimum rate of flow of a stream and the minimum water level of a lake necessary to protect fish and aquatic life, navigation, a riparian owner's reasonable expectation of access and other factors. SB 291 then establishes a procedure in which DNR may determine whether a geographic area of the state should be designated as an SRA. After scientifically evaluating the area and making a SRA determination, the bill requires DNR to hold a public hearing to solicit comments on its decision. WFBF supports this. Further, the bill then states that a person may request the hearing to be treated as a contested case hearing. WFBF opposes this provision and suggests that it be removed. Lastly, DNR then is directed to pursue legislation to establish the SRA. WFBF supports this process.

SB 291 modifies the current definition of a groundwater protection area. Specifically, SB 291 increases the area from 1200 feet to 1600 feet. WFBF opposes this modification and suggests that the current definition remain.

WFBF looks forward to working with you to modify SB 291 in order to pass comprehensive groundwater legislation. Thank you for your time and consideration. If you wish to discuss this issue further, please contact me at 608-828-5708 or pzimmerman@wfbf.com.

**Before the Senate Committee on Natural Resources and Energy Regarding
SB 291**

**Testimony of Bruce E. Dimick
The Town of Saratoga**

October 13, 2015

Mr. Chairman and members of the Committee, thank you for the opportunity to speak here today. My name is Bruce Dimick; I am from the Town of Saratoga Wisconsin, and am a member of the Protect Wood County and Its Neighbors organization. I have read SB 291 and was pleased by some aspects of the bill, but troubled by others.

One of those problem areas is the method used to identify a Sensitive Resource Area. I was a member of Representative Krug's Citizen Advisory Groundwater Group when language similar to what is found in SB 291 was presented by Representative Krug with respect to Sensitive Resource Areas. I forcefully argued against this convoluted approach then, and I do so again today. To my knowledge, no one on the committee endorsed this approach, although many of us were in favor of the concept of Sensitive Resource Areas, or carve-outs.

Approval for a Sensitive Resource Area designation would, according to some estimates, take at least 10 years, during which time any high-capacity wells that are approved for an area would be allowed to operate. By the time the SRA designation could be achieved much of the damage would already be done. Why work reactively when a proactive approach makes so much more sense both environmentally and economically?

In order to really understand the hydrogeology of an area like the Central Sands, you almost have to live there for a number of years, especially if you are from a more typical clay-loam environment. We raised our family north of Appleton in the heart of dairy country during the '70's and 80's. This was typical clay-loam country like the country I grew up on in Northeastern Ohio. When we eventually moved to Saratoga, with its almost total lack of topsoil and all sand it took some getting used to. Without spray irrigation, our area is good for growing pine trees, but not much else.

One way to conceptualize the Central Sands area is think of it as a big tub full of sand filled almost to the top with water. All the water is connected. Streams, lakes and ponds are merely reflecting the local water table. As an example, we have a small dug pond on our property that has no typical inlet or outlet. Yet it is full of clean water and fish year round. The ground water flows through our pond, slowly but continually, on its way to the Wisconsin River via one or more of the trout streams in the area.

- The Central Sands area has been the subject of countless hydro geological studies done by the UWSP as well as the USGS and has already been identified as an environmentally sensitive region. The sensitivity of this aquifer is well

documented, including a 2003 designation by the state legislature when groundwater management areas were identified.

- The SRA designation should be made by the legislature proactively, now, just as it was in 2003 when groundwater management areas were identified.
- If the entirety of the Central Sands area were designated as an SRA up front, then that would be a great improvement to this Bill.

I would ask the committee to go through a likely scenario for the Town of Saratoga if this bill is passed without modification. Saratoga homeowners and small businesses are already being stressed by the threat that the aquifer supplying the residents of the town will be severely damaged. Housing prices have already plummeted, some by as much as 40-50%, and that is if you are lucky enough to sell your home. We are all dependent on private wells. The two wells on my property are 12' sandpoints and our water tests unbelievably clean.

So if SB 291 becomes law without modification, and the Wysocki Family of Companies sinks their proposed 33 high capacity wells and lowers the water table as expected, many residents will have to construct new deeper wells. And by the way, deeper does not always mean better. In areas like ours, the best water is frequently found near the top. Sand is a great filter.

Property values will continue to deteriorate and new houses will not be built in our rural residential community. Anybody that can move out will move out. Perhaps a few hearty souls would prevail and eventually Saratoga and surrounding areas would be designated as an SRA after 7-10 years. The chances at that point of actually shutting down Wysocki's 33 high capacity wells seems remote at best.

The damage will have been done and a rural community and its small businesses will be irreparably harmed.

Please modify your bill.

Thank you.



WISCONSIN WILDLIFE FEDERATION

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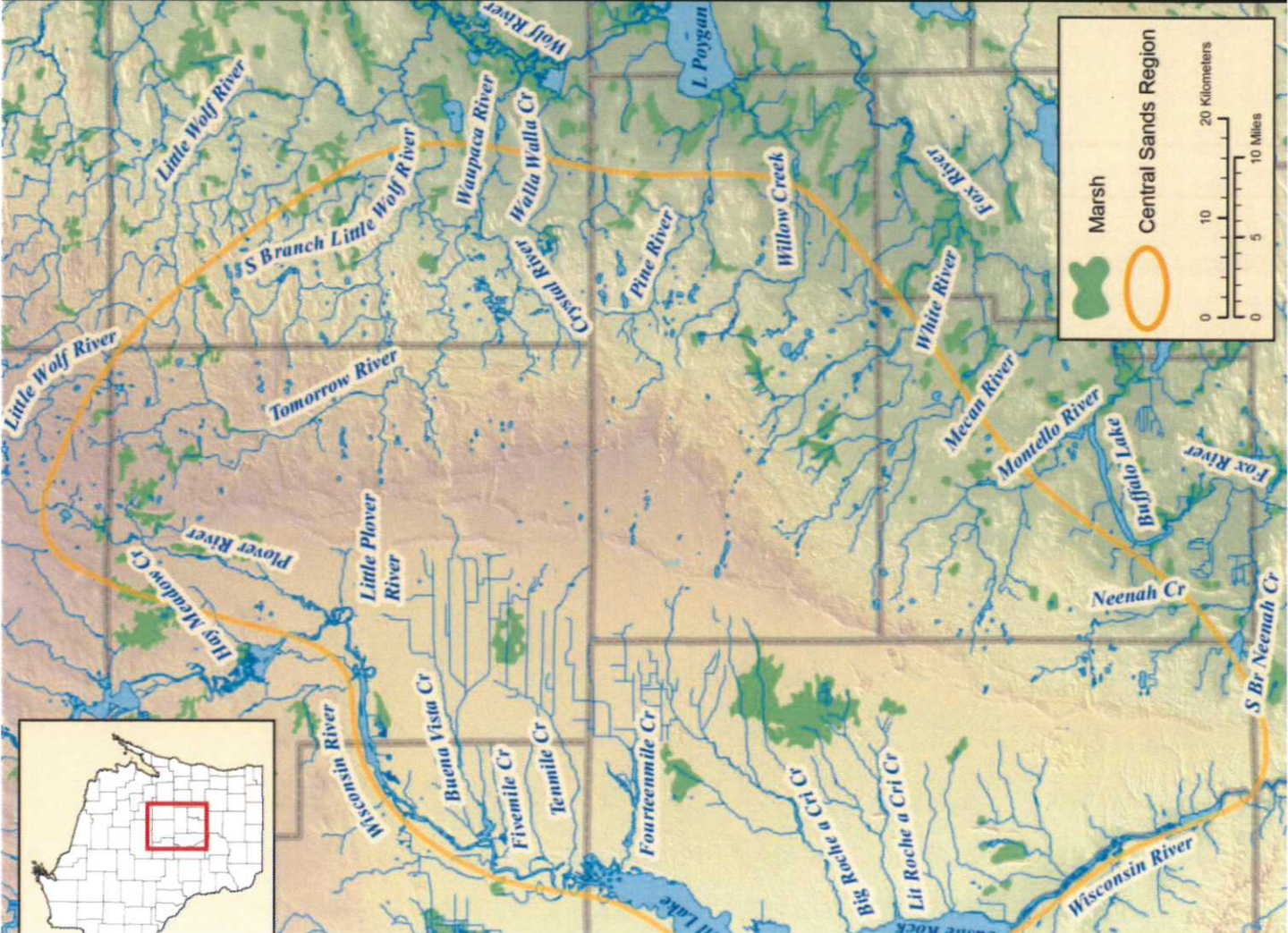
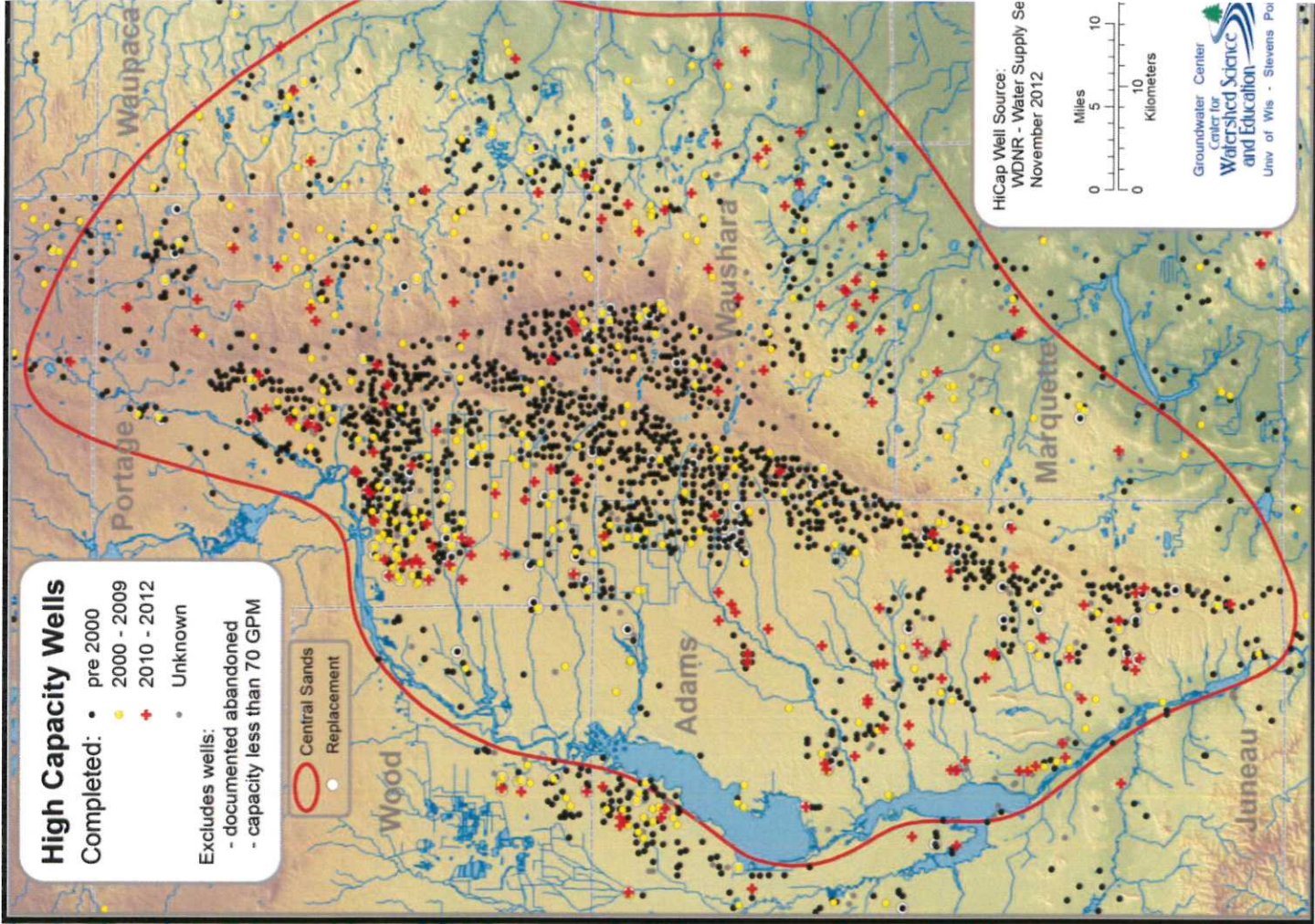
October 13, 2015

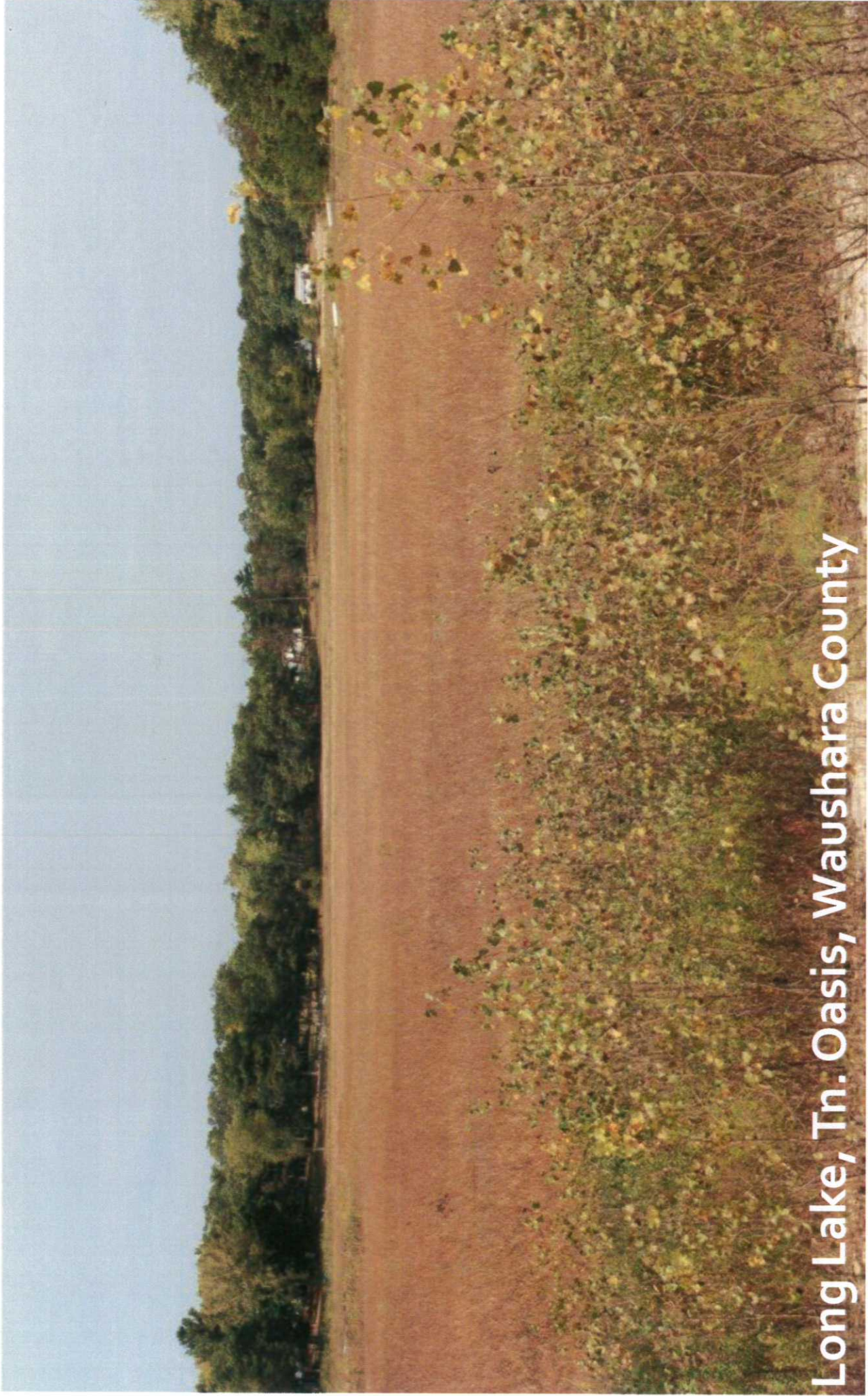
Wisconsin Wildlife Federation Testimony on SB291----High Capacity Wells

- 1. Representing 195 hunting, fishing and trapping groups**
- 2. Please support Private Property Rights, Protection of Wisconsin's Lakes and Streams and Hunting, Fishing and Trapping Rights as you make revisions to SB 291**
- 3. SB 291 should be applauded because for the first time, the Legislature is recognizing the serious depletion of some of the lakes and streams in the Central Sands of Wisconsin**
- 4. SB 291 needs to be improved by**
 - a. Including the full Central Sands area with seriously depleted lakes and streams as a Sensitive Resource Area**
 - b. Procedural and political barriers for the approval of remediation plans for the restoration of the Central Sands depleted lakes and streams should be substantially streamlined or removed**
 - c. Strengthened provisions and increased staffing for DNR to review new high capacity wells and the reconstruction of existing wells should be added to the bill to avoid further damage to the lakes and streams in the Central Sands area.**
- 5. The attached pictures describe the problem better than any words can.**

Submitted by George Meyer, Executive Director, Wisconsin Wildlife Federation

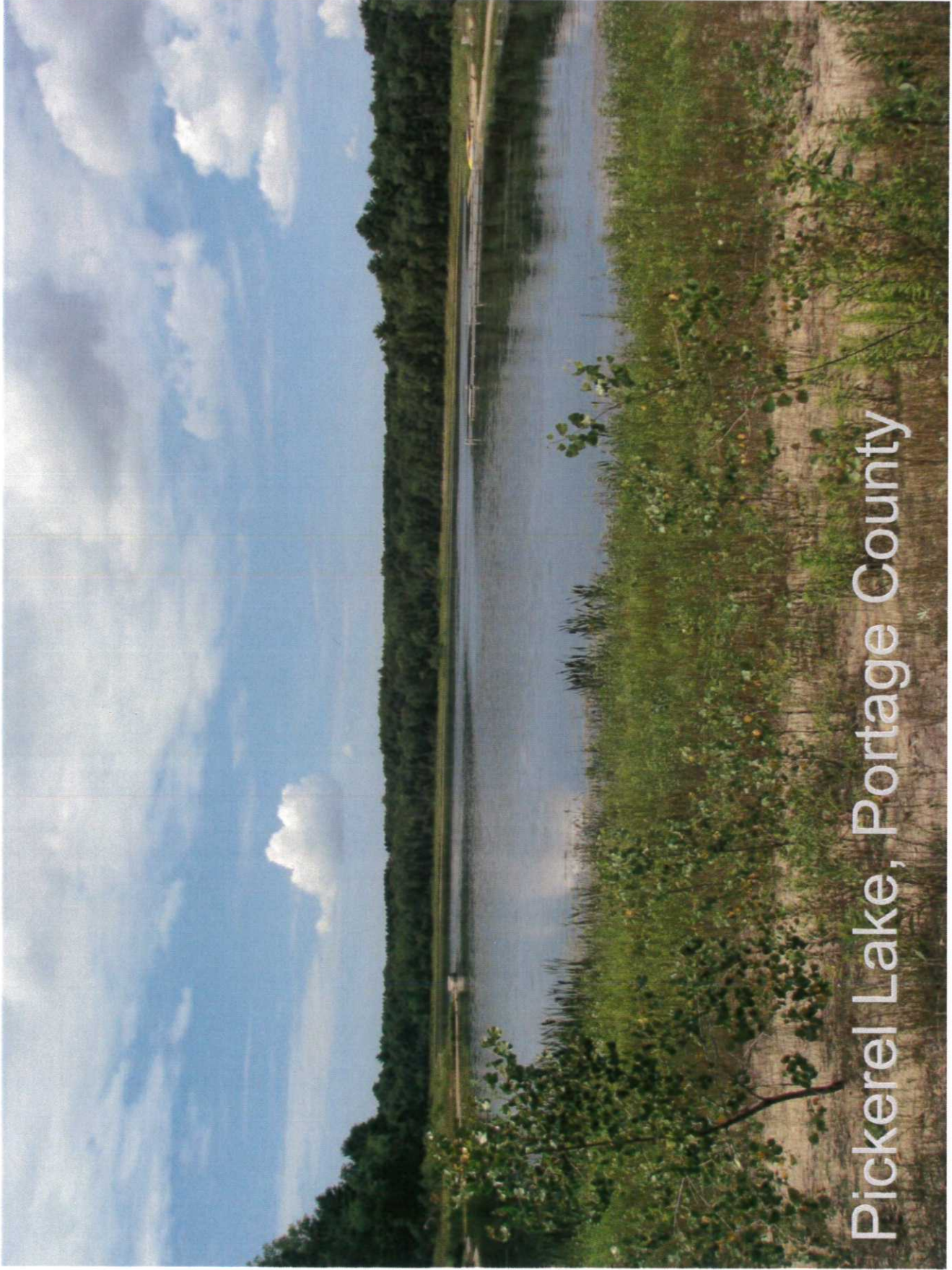
**Central Sands lakes and rivers affected by
excessive groundwater pumping**





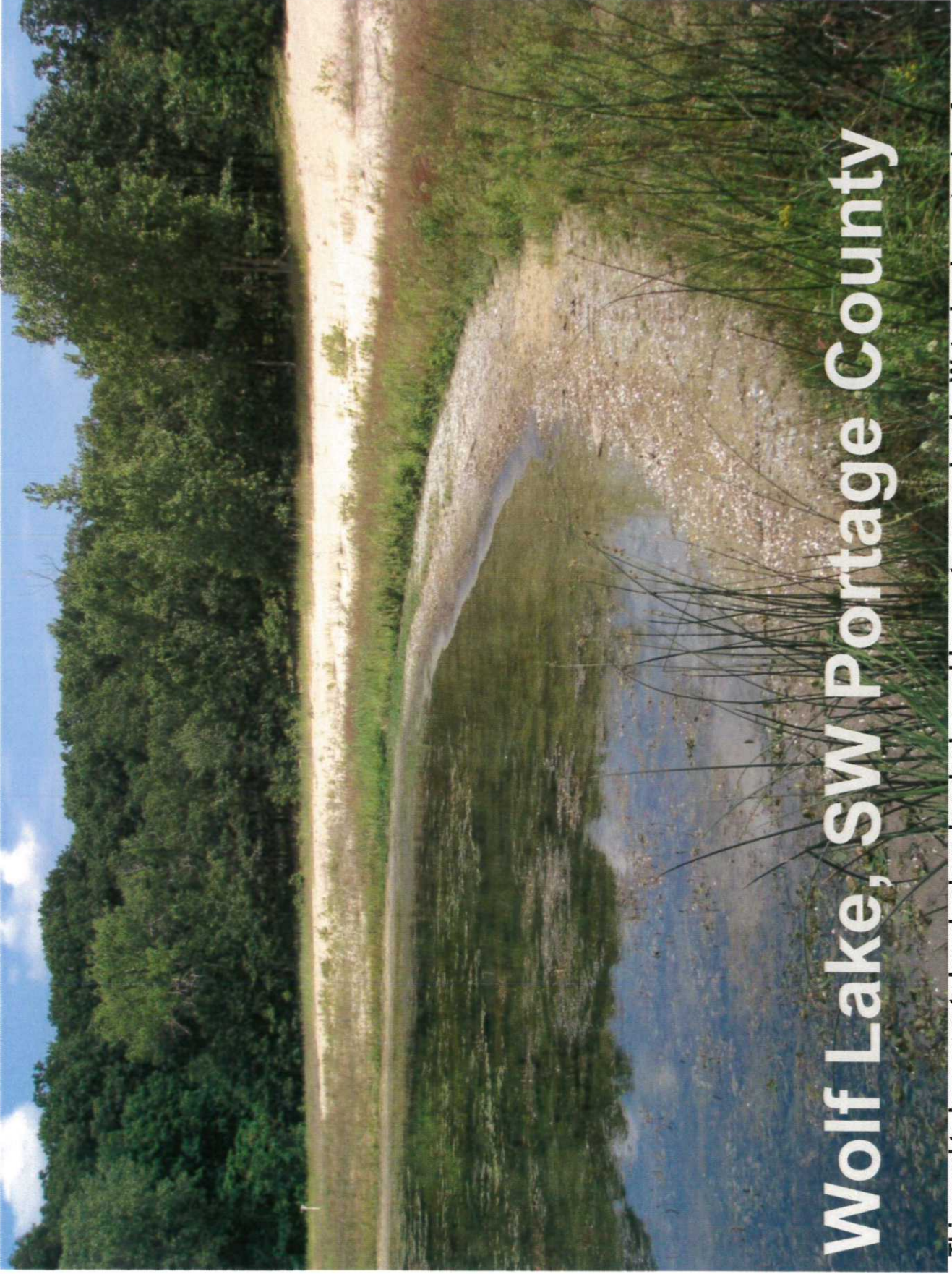
Long Lake, Tn. Oasis, Waushara County

This former trophy bass lake never dried in anyone's memory. It used to be up to 14 feet deep. It now has about 3 feet of water, in it at the deep spot, not enough to support waterskiing and fish.



Pickerel Lake, Portage County

This is the view from the boat landing , now 100 feet from water. The lake now winterkills regularly, and the camp for indigent children (at left) is losing its water front.



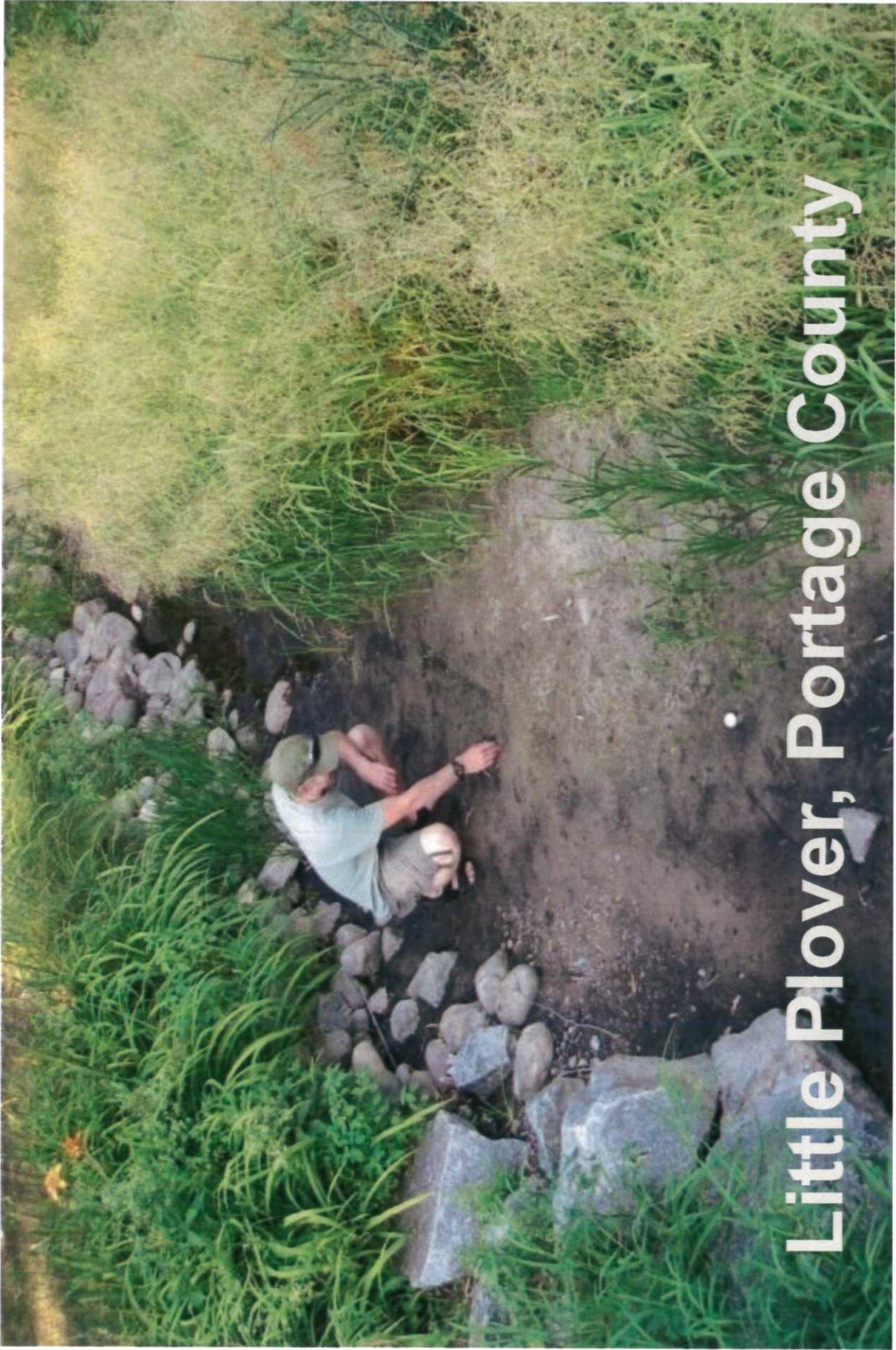
Wolf Lake, SW Portage County

This used to be a county beach where hundreds would recreate on weekends. Water levels are too low for swimming and the county has lost use of its park since 2003.

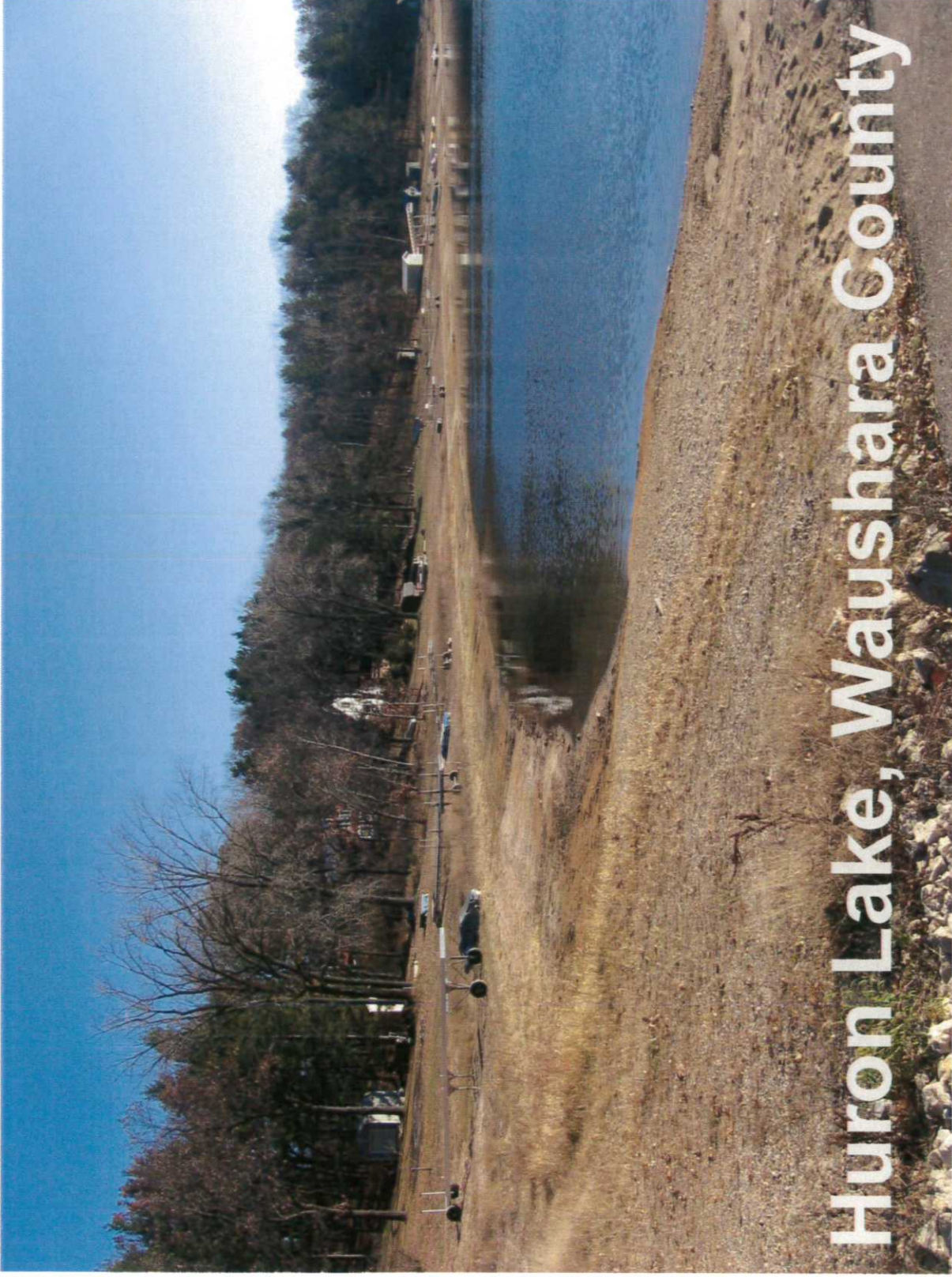


Stoltenberg Cr., Portage Co

This trout stream west of Nelsonville gets shorter and shorter every year as more irrigation wells go in. And it dries in whole reaches as well.



The Little Plover River, a class I trout stream. It dried in sections every year from 2005-2009 due to pumping. It flowed below "healthy levels" (public rights flow) 80% of the time in 2012 and 2013.



Huron Lake near Plainfield. Note where the trees and docks are showing where water levels used to be. This lake supports the cottages of visitors from out of the area who support the tourist economy and tax base. The cottages around this lake supply the same amount of property tax as 40,000 acres of ag land.



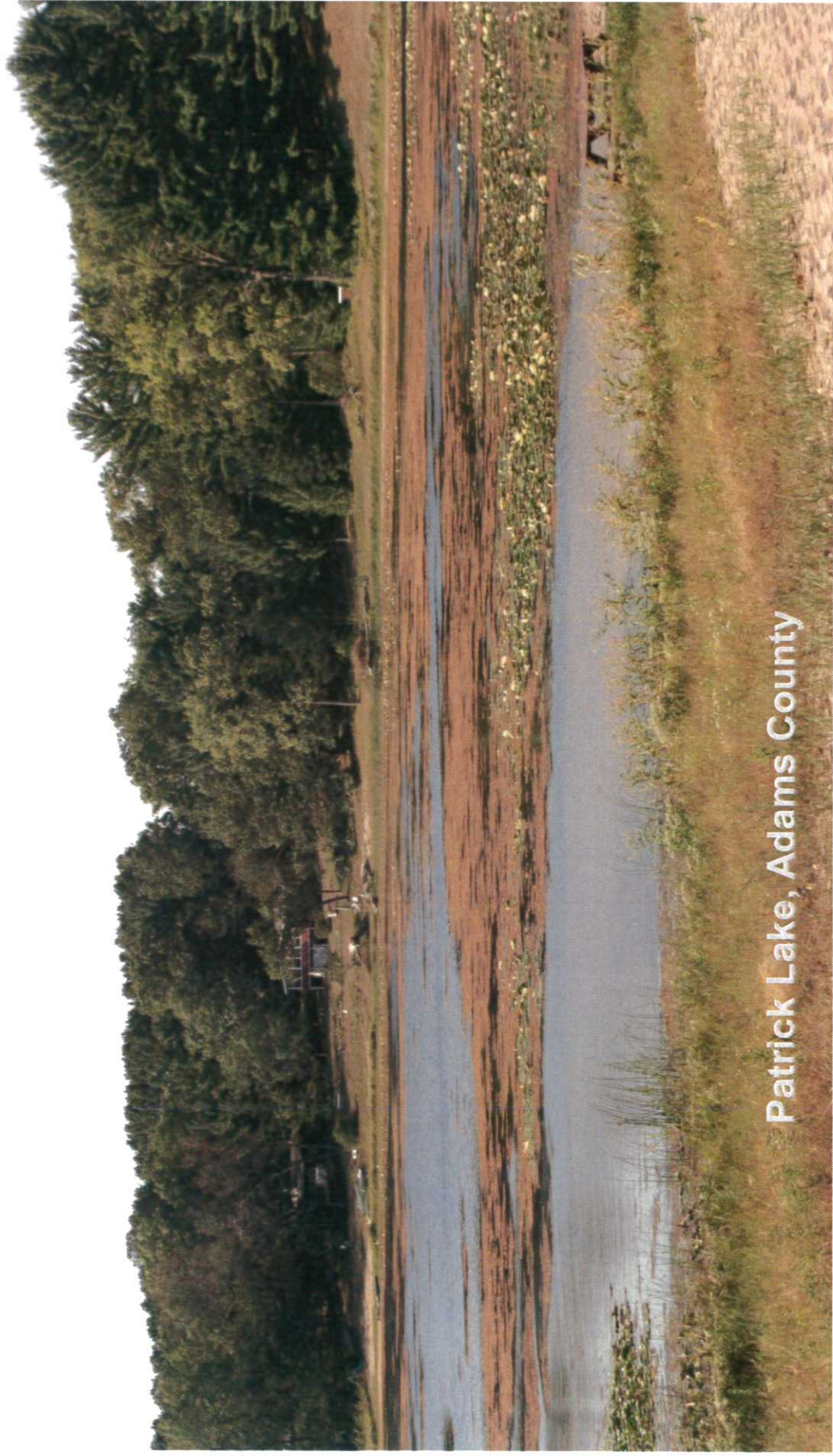
Trib of Tenmile Creek, Adams County

Formerly robust stream stretches of trout waters are now regularly going dry during irrigation season. 2013 photo.



Pine Lake, Waushara County

Near Hancock. Note that the dock is high and dry. The weather has gotten wetter, pumping is the only cause..



Patrick Lake, Adams County

Note tree line where water levels were historically.

1996



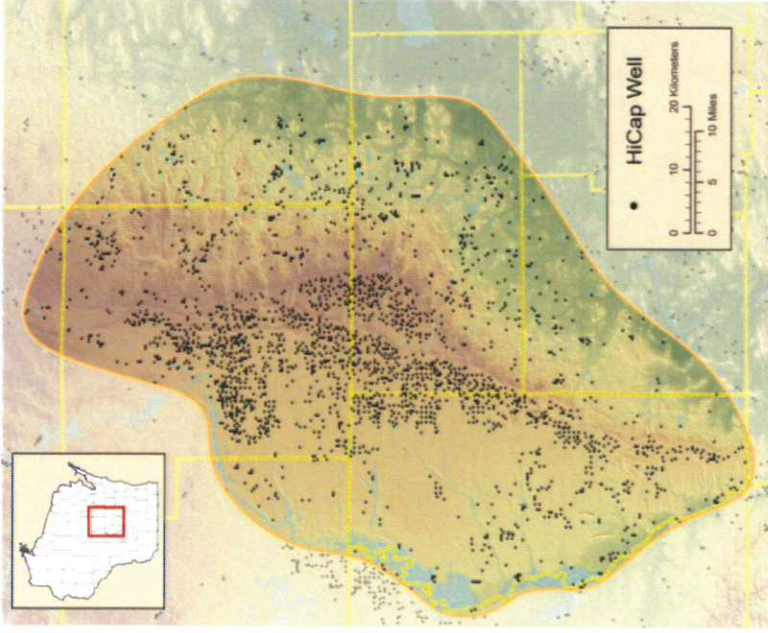
The American flag on sand point in 1996 and 2013.

The Flag didn't move, the water went down.

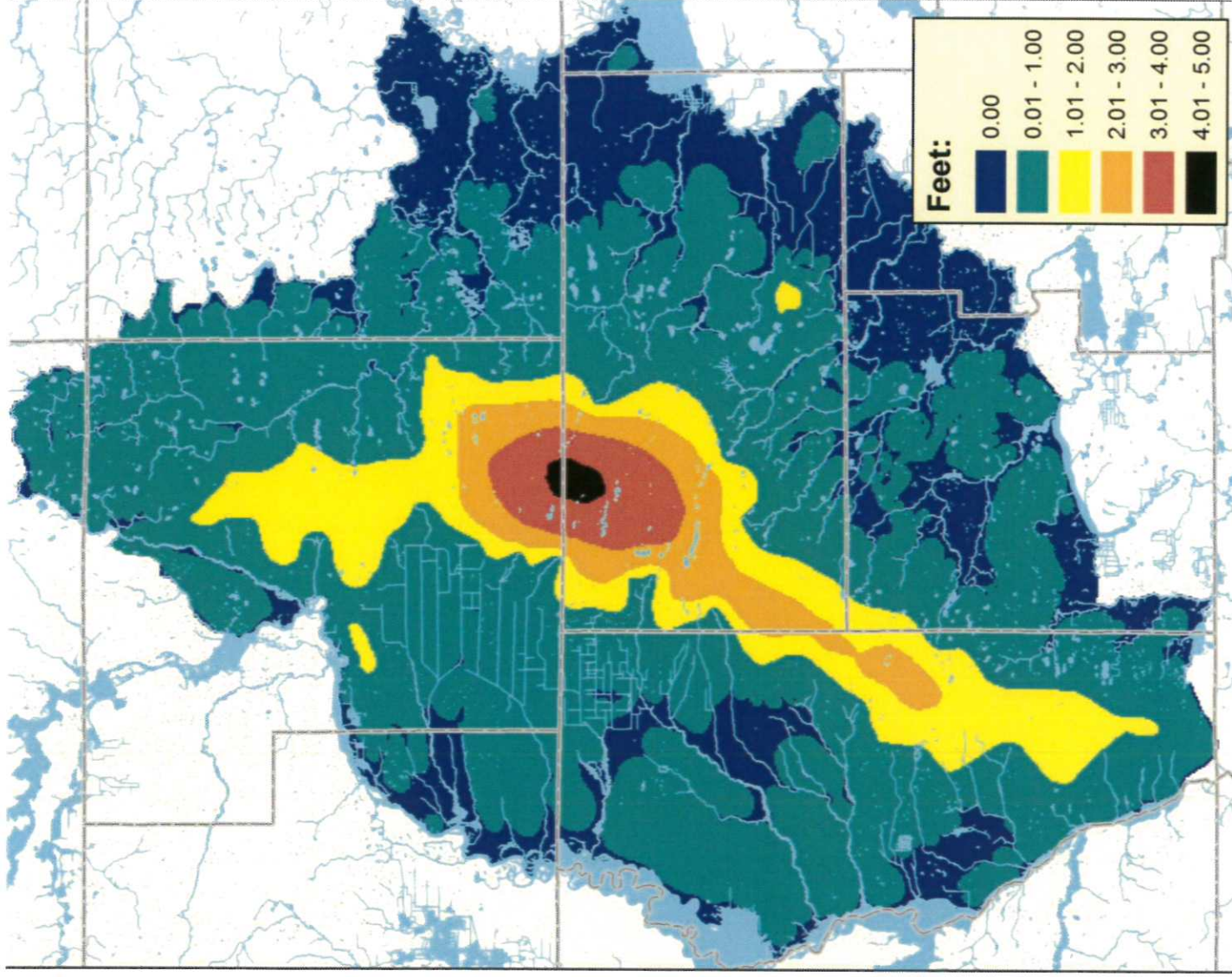


**Pleasant Lake,
Waushara
County**

Average Water Level Declines from Pumping in the central sands



LW
Extension
University of Wisconsin-Extension



Main Site showing groundwater levels





Wisconsin Senate Public Hearing
Committee on Natural Resources and Energy
Senate Bill 291

October 13, 2015

My name is Glen Schwalbach. I reside at 1090 Moonriver Dr., De Pere, WI 54115. I am a former town supervisor and, currently, on the Planning Commission for the Town of Rockland in Brown County. I'm also a Professional Engineer licensed in the State of Wisconsin. I am testifying to provide information and to oppose certain provisions.

One overall issue with the bill is the lack of effective consideration for the impact upon existing private wells. In fact, previous legislation in 2013 made it illegal for any person to challenge an application or an approval of a high capacity well based on the lack of consideration of the cumulative environmental impacts of the high capacity well together with existing wells. This not only is bad engineering practice; it means those local government, academia or professional consulting experts on local geology and groundwater conditions cannot speak out on this concern. How stifling of free speech is that? In all due respect, it continues to disgust local governments and citizens how many state legislators and our governor, who complain, rightly so, about the intrusion of the federal government upon the states, seem to relish upon intruding and muting local government. Another example is the siting of wireless communications towers. It is strongly recommended that this bill recognize that better protection of the environment and existing private investments will result if local input is allowed.

Second, the bill allows for "...information or data from a professional geologist, professional hydrologist, or professional hydrogeologist...". The bill should include "professional engineer" as well. Professional engineers who have expertise in geology or hydrology should not be prevented to do this work. This inclusion would be consistent with a previous agreement with state legislators many decades ago when the Wisconsin Society of Professional Engineers agreed to support the state licensing of hydrologists as long as it was recognized that this would not preclude professional engineers with this expertise from doing this work. The DNR recognizes these overlapping roles.

The third issue, I believe, is a technical error in the language of the bill. As mentioned, the bill refers to "professional hydrogeologist". This is not a licensed or registered discipline recognized in the statutes or by DSPS. The term "hydrogeologist" appears to be a definition created by the DNR in their Personnel Qualifications rules. According to the DNR, a hydrogeologist in their staff is a licensed hydrologist or a registered geologist. The DNR does not refer to a professional hydrogeologist. The deletion of "hydrogeologists" in the bill would not change any intent.

Thank you.

Good Morning and thank you for the opportunity to speak on groundwater and its impact on our lake and community.

My name is Dan Trudell. I am the Secretary /Treasurer of Huron Lake Association, Vice President of Waushara County Watershed Lakes Council and a member of Central Sands Water Action Coalition. My wife and I also own 2 businesses, a business consulting firm and a tourism related business, that being a vacation rental property next door to our home on Huron Lake. I am a lifelong WI. resident, born in Appleton and spent 39 years residing in the Madison area. We purchased our property on Huron Lake in 1988. At that time, it was a 3 season cottage. 2 years ago, with our kids grown and on their own, we decided to build a home and make Huron Lake our permanent residence.

My comments today represent my own position as well as, I believe, the position of our Lake Association members and CSWAC. To be clear, I am not representing any formal position of WCWLC.

I applaud Senator Cowles for the courage to tackle this thorny issue. While there are areas that appear positive, this legislation as it stands will NOT solve the problem of water loss in Huron Lake. I believe with citizen input from riparian owners, we can improve the legislation. With the limited time I have today, I am not able to address all the concerns we have with certain aspects of this proposed legislation. Instead, I want to invite the Committee to explore the future unintended consequences of any legislation that allows for unlimited pumping of groundwater from an economic standpoint.

The agriculture community repeatedly states the need for all the wells they want without any oversight forever! They want certainty that if they ask for another well, it will be granted almost immediately without analysis of this new well's additional cumulative impact on lakes, streams and wetlands. Further, connecting wells to the land as a "property right" to pass along to buyers "enhances the value" of their property.

These desires are not without unintended consequences. What has happened to Huron Lake, Long Lake and others you have heard about has happened under existing statutes with existing wells. Let's explore what the landscape might look like in 25 or 30 years under this legislation. Certainly, a dramatic increase in cropland accompanied by a dramatic increase in Hi-Cap wells. The science is clear, with continued groundwater removal in excess of recharge, the underlying aquifer will be depleted. The economic impact of that is reduced property values for riparian owners; significant decrease as when the water is gone, the land is worth no more than a lot in a field. In Waushara County, riparian properties represent 3% of the area, yet pay 30% of the property taxes. The average tax value for a lake property is \$3262.00. Property adjacent to a lake property has an average tax value of \$1052.00

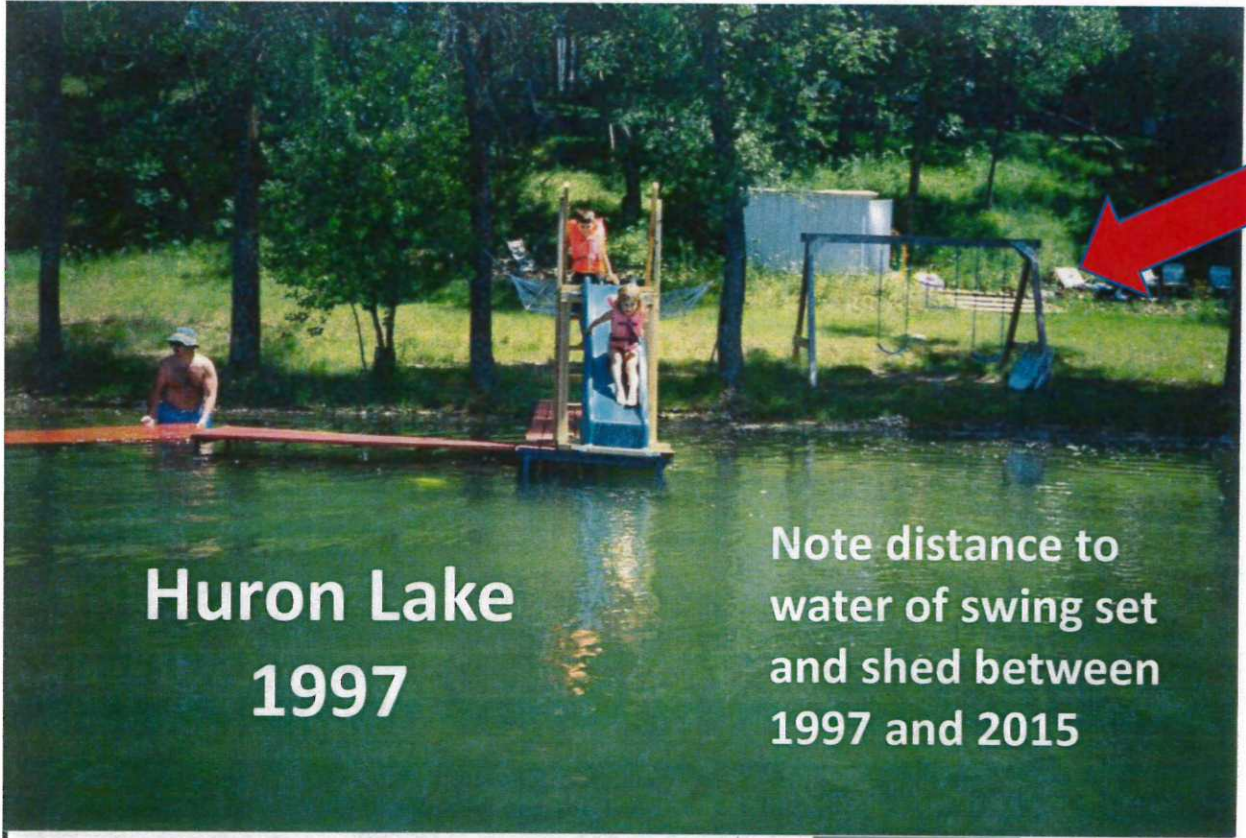
So, in 25 to 30 years, (or sooner), as lakes are depleted and property values decline, how will the towns and counties make up for the shortfall in revenue? How will schools, already strapped for funds, be impacted? Further, many of the residents on lakes are seniors, and a large share of their net worth may be tied to the property they own and are counting on either passing it on to their kids or using it to fund their later years. So, while agriculture may gain, it is not without costs. I would encourage the committee to analyze these consequences before irreparable harm occurs.

I would also like to extend an invitation to the committee to visit Huron Lake and see firsthand what is happening. I have enclosed some pictures from Oct. 12, to show the decline in water THIS YEAR...actually since the end of June. This decline is what we have experienced each year since

approximately 2000 which is why I am here today. We need certainty that we will have water in our lake for years to come. We would like to see levels return to what they were in the past. Any legislation must, at a minimum, prevent further deterioration.

I as well as Huron Lake Association would welcome to the opportunity to work with the Senator/s to improve the legislation so that in fact it will solve the problem and lead to a fair, balanced resolution so that both Agriculture and our waters can remain healthy.

Thank You!





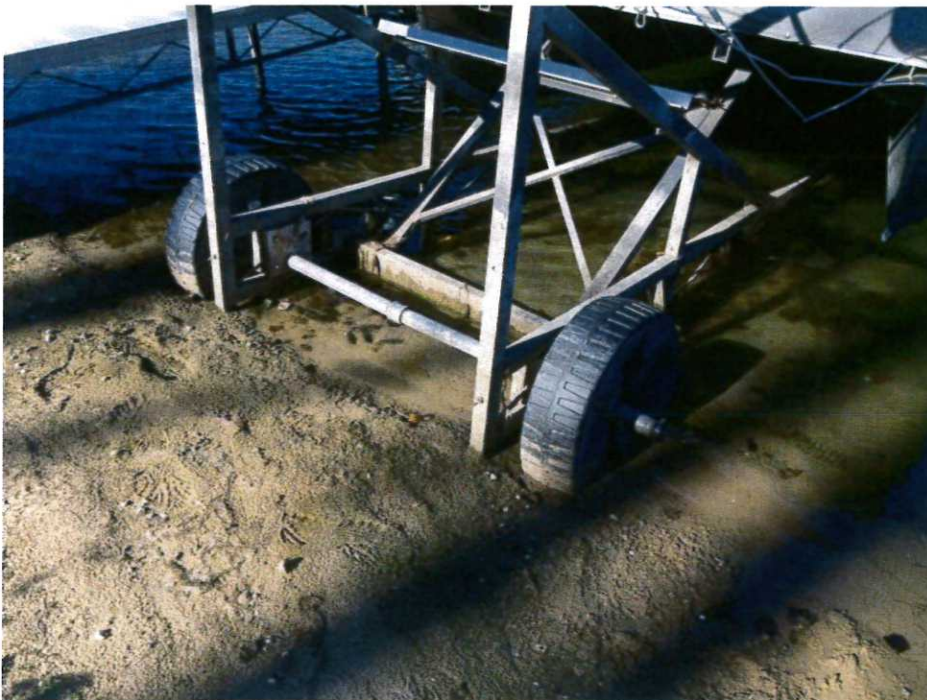
**Huron Lake
1997**

Huron Lake, April, 2015 - The water level was at the lower rim of the dock. Oct. 12, 2015, the lake is down 16".



Huron Lake – Oct. 12, 2015 –
Standing where the water was in
April, 2015.





Huron Lake,
10/12/2015 – The
wheels were
completely
submerged 3-4”
below the water
line in April, 2015.

This picture is taken standing where the water was in 1997 on Huron Lake, Oct. 12, 2015.



Huron Lake, Oct. 12, 2105. All of that beach was under water in 1997.



Thank you for the opportunity to share my thoughts regarding this legislation today. Senator Cowles and committee members, it is my profound hope that together, both citizens and our State Legislature will work to preserve and protect our ground water for all Wisconsin residents to use and enjoy. I don't believe this bill completely serves that purpose.

I speak to you, today, not only as a lake property owner and lifelong resident of Wisconsin, but as an owner of two Wisconsin small businesses. My husband and I own a business consulting firm. The success of our second business is directly impacted by our lake. Last year, we bought the home next door to our house and have opened a vacation rental business. Our guests come because of our lake! Our business provides tax revenue to the state of Wisconsin and Waushara County.

You have or will hear plenty of testimony about the impact of the lakes economically, scientifically, etc. I would like to share the personal impact of our water decline. Let me share our story. In 1988, my husband and I found a beautiful small lake in Central Wisconsin called Huron Lake. Our son was 6 months old at the time...our daughter would be born 2 years later. Both of our kids have grown up on the lake, enjoying swimming, fishing and boating. Both of our children have grown to appreciate the outdoors, nature and wildlife as a result of their formative experience on the lake. In fact, in 2013 when we sold our home down in Oregon and permanently relocated to Huron Lake, both of our children told us they didn't care about leaving Oregon, but we better not sell the lake property! While neither of them have children of their own yet, they both say they look forward to the day when they can teach their kids how to swim at Huron Lake.

Our best family memories were formed at Huron Lake.....campfires down by the beach telling ghost stories about "the man with the golden arm," seeing the Northern Lights, swimming across the lake on the 4th of July. Our daughter's 3rd grade wedding plan was for her dad to boat her across the lake in the row boat. Her groom (at that point undecided) would wait for her on the swim raft along with her uncle who would officiate. Her dress was a rubber wedding dress so that when they said "I Do" rather than kiss, they would jump into the lake hand in hand and swim to shore. While I imagine her wedding details may change, she recently sent me text messages that her favorite place on earth is Huron Lake. I pray that her future husband and children will always have the opportunity to experience our lake.

Our son, now 27, has had the opportunity to live and work in a variety of areas in the state of Wisconsin. While he now resides in LaCrosse, he has openly posted on Facebook, that his favorite place in Wisconsin is Waushara County...because of the beautiful lakes and he tries to get home on many weekends to spend on the lake.

In 1998 Huron Lake was approximately 50 acres and 50 feet deep. Today, in 2015, our lake is less than 40 acres and 37 feet deep. Our lake level has decreased 13 vertical feet. Each year our beach gets bigger and our lake gets smaller. Not only does science tell us the cause, I can see it each summer when

heavy irrigation starts. Each day, you can see the lake goes down more and more. We have shared pictures of this year's impact with you. Surrounding Huron Lake is all irrigated farmland.

Unfortunately, Huron Lake is not unique....other lakes, streams and rivers are experiencing the same issues. Long Lake, just a mile from us, has just about gone dry and is barely a wetland. Unfortunately, that lake was originally only 12 feet deep.

I mentioned last year we bought the home next door to start a vacation rental business. This is our long term "retirement plan." Our goal is to share the love we have for our lake with other families. Huron Lake is an integral part of the success of this business. I share with you a sampling of the comments from our guests written in our guest book who have enjoyed fishing, swimming and boating on Huron Lake. All of these guests are Wisconsin residents! They come to make their own family memories through their vacations enjoying Wisconsin's beautiful lakes and natural resources.

Long term, if Huron Lake ceases to exist or be simply a shadow of what it used to be, our guests no longer will come.....our business fails. And this could mean significant financial hardship for my husband and me in our retirement. And I might add, less tax revenue for our state and county.

The Central Sands area is like the canary in the mine shaft. It is an early warning of what will happen in other areas unless measures are taken to balance the water needs of all interested parties. Through collaboration of agricultural interests along with riparian owners, I believe we can craft a solution that will meet the needs of both agriculture, lake owners, and all Wisconsin residents to preserve what is left of our lake as well as other lakes, streams, rivers and wetlands. Unfortunately, I don't believe this bill accomplishes that. We don't have long!

If you would like to see firsthand the real impact uncontrolled pumping has on area lakes, rivers and streams, I invite you our home on Huron Lake in Waushara County. Our door is always open. Thank you.

Monica Le Grand Trudell
Vice President - Peak Performance Associates, Inc.
Managing Partner – Huron Enterprises LLC
Lake Property Owner

W10708 S. Huron Road
Plainfield, WI 54966
715-335-6076

Huron Lodge (on Huron Lake) guest comments

7/24 - 7/31/2015

We had a wonderful week with family! Our grandson (4) was a fish in the water, and our granddaughter (12) loved paddling around and going out to the raft!

We had a blast with the kayaks and all of us loved the paddle board. Thanks for providing all the fun water toys. The weather was perfect all week and "floating" was the perfect hot weather activity.

Huron Lodge was perfect: clean & spacious! Thanks for an amazing week.

The Shea Family

Photo Reference page: _____

Sincerely,
"Sister's Trek 2015" The Berens Birds

7/3/2015

We enjoyed our stay at Hudson Lodge very much. It contained the spaciousness and amenities we look for in a lake home. While the weather wasn't as warm as we hoped for the week, we still had some nice canoe & paddle boat rides on the lake. We liked the quiet, peacefulness of the lake as well. It was a wonderful place to make memories with family.
The Tollega ☺

Photo Reference name: _____

8/6/15

We thank you for the wonderful week we spent at Larson Lodge.

Our family, children, spouses and grandchildren had a great time. The weather was perfect.

The kids really had fun swimming and using all the "water toys" you provided.

We enjoyed our campfires every night.

Hope we can return again for our vacation.

Dan & Monica - you are the best hosts!

The Metzger Family

8-14-15

Huron Lodge was a great 'base of operations' - as well as a fun spot in it's own right - for fun times, all week, myself, wife Kathy, our 3 daughter, their husbands, our 5 grandkids - had a fantastic time here = paddleboard races, catching 'fishies' and 'froggies' and many other activities were had by all. Thanks Dan & Monica for the great vacation!



WISCONSIN
INDEPENDENT
BUSINESSSES, INC.

WIB AGRI-BUSINESS COALITION

P.O. Box 2135

Madison, WI 53701 • (608) 255-0373

October 13, 2015

TO: Members
Senate Committee on Natural Resources and Energy

FR: Brian Dake
Legislative Director
WIB Agri-Business Coalition

RE: 2015 Senate Bill (SB) 291 relating to approvals for high capacity wells, designation of sensitive resource areas, providing exemptions from emergency rule procedures, and granting rule-making authority

Chairman Cowles and committee members my name is Brian Dake, Legislative Director for the WIB Agri-Business Coalition. We represent approximately 4,000 farmers across the State of Wisconsin – a mixture of crop, dairy and livestock farmers of varying sizes from the small family farm to the larger producers.

On behalf of our members, we believe changes in law are necessary to provide clarity and certainty to the process by which the Wisconsin Department of Natural Resources (DNR) regulates high capacity wells. The reason why was made abundantly clear at last week's public hearing on 2015 Senate Bill (SB) 239 before the Senate Agriculture, Small Business and Tourism Committee.

Larry Lynch from the DNR Bureau of Drinking and Groundwater testified for information only on that bill. During questioning from Committee members, he was asked by Senator Taylor to describe the process by which the Department reviews High Capacity Well applications. After describing the review process, he said: "if you are going to ask me where that process is written down in code or in statute it is not. We are working off the Lake Beulah decision... we are working off an Administrative Law Judge decision in the Richfield Dairy case."

There is very little certainty to this ad hoc process. High capacity well applicants and high capacity well owners have no guidelines to follow other than to send in their application and await a decision. That's an unworkable process for farmers who need access to or currently rely on large volumes of water to irrigate their crops or provide water to their livestock.

We commend Chairman Cowles for coming forward with this legislation. SB 291 is a step in the right direction. It replaces the current ad hoc process used by the DNR to regulate high capacity wells with a more defined process.

This is a complex issue and we believe it is the role of the State Legislature to set forth and guide the process by which the DNR regulates high capacity wells. We look forward to working with Senator Cowles and committee members to provide the necessary certainty and clarity to the process by which the DNR regulates high capacity wells.

Testimony Regarding SB 291 – October 13, 2015

My name is John Holevoet, and I am the Government Affairs Director for the Dairy Business Association. I would like to thank Chairman Cowles and the rest of the committee for the opportunity to testify today regarding SB 291. I would also like to thank Chairman Cowles and his staff for all of their work in trying to address the many difficulties associated with high capacity well approvals. The Dairy Business Association has registered against the bill in its current form, but we recognize it has several positive aspects and with some modifications could provide a reasonable path forward.

Protecting existing investments on dairy farms and other high capacity well locations is a key component of any bill that deals with this issue. This bill very thoughtfully addresses this concern. It allows for the repair of existing wells without an unnecessary Department of Natural Resources (DNR) review. It also makes it easier for a well to be replaced provided the well owner meets basic standards put in place to prevent unintended impacts to surface or groundwater resources. The transfer of previously approved high capacity wells would also be possible without the delay or uncertainty of a second DNR review. This reassures lenders and farmers concerned about the value of their land and investments. It also allows farmers to transfer their land to the next generation or other farmers to keep productive land in agriculture.

Wisconsin has rich water resources. We are not just a national leader in this regard, but a global one. Very little of the state would ever face any challenges based upon the likely level of pumping from high capacity wells. Yet, the permitting process for the entire state is broken. This has led to a backlog of applications at the DNR as the agency struggles to manage the process without clear legislative direction. Our access to water is a competitive advantage for Wisconsin, but it would be far too easy for overbroad regulations to squander that. Instead, this bill attempts to target regulation through the creation of sensitive resource areas or SRAs. While there may be disagreements over how an area can qualify as an SRA, the idea of a targeted approach for the limited issues caused by high capacity wells is a good idea with long-term viability.

Dairy farmers looking to grow in this state are not expecting to be able to site a new high capacity well anywhere. Instead, farmers are merely seeking a reasonable level of predictability. A farmer should be able to hire a hydrologist to evaluate a potential site for a nominal fee and have a good idea whether or not that site would have difficulty in gaining approval for the necessary well. This is far preferable to the current status quo, which is a farmer can select a site and then face hundreds of thousands or even millions of dollars in expert and legal fees because of unclear standards and the lack of an comprehensible framework. Our suggestions for improvements to this bill have clarity, transparency, and predictability in mind:

- Under section 14 of this bill, the DNR would be charged with evaluating new wells based on whether they cause “significant adverse environmental impacts” to a navigable surface water. Yet, this critically important term is not defined in statute. Previous attempts by the DNR to define the term in administrative rule have failed to provide much clarity. If this standard is to remain in the bill, it should be made explicitly clear.
- Section 9 would establish much needed statutory deadlines for the review of high capacity well applications. The current deadline in administrative rule has routinely been disregarded since the Wisconsin Supreme Court issued its *Lake Beulah* decision in 2011. The new statutory deadlines do not apply to all wells and have no provisions to ensure that they would be followed any more than the administrative rule.

- The bill calls for the creation of sensitive resource areas to be based on a number of subjective factors outlined in section 18. The process for utilizing these factors is unclear and left primarily to future administrative rulemaking. Our preference would be for an objective numeric standard, which would reduce the ambiguity surrounding any potential SRA process.
- In section 1, there is a 25 percent increase in the qualifying distance for groundwater protection areas. It is unclear what the scientific basis is for this change or even if there is one. It is also unclear what the practical effect of this change would be or how much of an area would be impacted by the change. Without an understanding of the reason for this change and its full impact, it would not be prudent to alter existing law.

This short list of concerns with SB 291 is not comprehensive, but it does represent our primary concerns with the legislation currently. Even with these simple to address issues, this bill has the potential to make a marked improvement in the way high capacity wells are regulated in our state. Again, Chairman Cowles deserves our gratitude for taking on such a complicated, but important, issue. We sincerely hope that he remains open to further refining the bill and that this committee can serve as the forum for making necessary improvements. Thank you for your time and consideration of this issue.

Comments on SB 291 re High Capacity Wells

13 October 2015

Arlene Kanno akanno@uchicago.edu 608-253-7266
Wisconsin Dells WI 53965
Member, Friends of the Central Sands
Sierra Club
Retired Biology Teacher and Science Staff Developer

I must state, emphatically, that all the waters of the state are connected.

There are very well-funded "voices" that stress that business interests will be harmed or handicapped if permitting processes are too lengthy and "cumbersome".

The problem is that the other side of the issue, nature, is not as well funded. Indeed, only the human members of nature are able to speak or raise money or drive to the State Capitol to testify. Salamanders, fish, snakes, spiders, water birds, and countless insects and microorganisms are essential parts of the ecosystem. Many persons who haven't studied biology very much are obviously unaware of our complex natural world.

There are more demands every day on our natural water resources, and much more technology to "harness" our water supplies. This is the wrong focus — and it's dangerous to our state's economy.

We must MANAGE our water resources. And we must manage them based on SCIENTIFIC DATA. I am aghast that the DNR was directed to cut the funding for science staff, especially at a time like this. Fortunately, a very large amount of data has been collected in the past several years. This data led to the establishment of a few Management Areas about a decade ago. But new threats to several areas are cropping up; high cap wells are proliferating especially in the Central Sands and in northwest Wisconsin. We need more management areas.

Others have testified that the Public Trust Doctrine is protecting nature. This is very misleading. We must have Statutes that interpret and specify the Public Trust Doctrine which is a general principle, not statute.

SB 291 is attempting to bridge this gap, but it does not address the problems of water for nature.

The lack of time provided to study this bill and draft a comment does not permit me to address the vital importance of water for human use. I support protection of water for rural private wells and sufficient water for our beautiful lakes and streams which support a huge amount of tourism.

Thank you.



John Muir Chapter

Sierra Club - John Muir Chapter
754 Williamson St., Madison, Wisconsin 53703-3546
Telephone: (608) 256-0565
E-mail: john.muir.chapter@sierraclub.org Website: sierraclub.org/Wisconsin

Statement of the Sierra Club's John Muir Chapter in Opposition to SB 291 before the Committee on Natural Resources and Energy October 13, 2015

Senator Cowles and members of the committee, my name is Bill Davis. I would like to thank you for the opportunity to provide comments on Senate Bill 291 on behalf of the John Muir Chapter of the Sierra Club. The John Muir Chapter represents over 14,000 members living throughout the state. We work to provide opportunities for Wisconsinites to enjoy nature and advocate for the fair and rational management of our common resources so that all Wisconsin residents have access to the clean air, water, land, flora and fauna they need for their health, safety and well-being as well as to move our economy forward.

Assuring access to sufficient quantities of clean water is necessary for Wisconsinites to live and raise their children without fear, and creates the bedrock of our economy. Therefore, the John Muir Chapter advocates for a fair and rational system of managing our water resources that ensures both access to those who need it and that does not allow one land owner's actions to harm his neighbors. Unfortunately as drafted, SB 291 does not meet this test.

We applaud Senator's Cowles effort to put forth a comprehensive bill to address the issues relating to high capacity wells. However, we believe this bill, as written, falls short in many regards as specified below. We urge Sen. Cowles and the committee to continue to work on this bill to address these problems.

Process

A bill of this importance deserves and requires full input from all interested parties. Given that this bill was not introduced until last Thursday more time should be provided for all potentially affected by the bill to read and digest the impact of its provisions. We encourage the Committee to engage all interested voices in further refining this bill and to hold another hearing so that more people may express their opinions on this important issue.

Cumulative impact (sections 4, 6, and 14)

All waters in Wisconsin - lakes, streams, and aquifers - are connected. We must manage this resource with this fundamental fact in mind. Sections 4, 6, and 14 would make it extremely difficult for Wisconsin to protect water users because it eliminates the consideration of the Public Trust Doctrine, allowing significant actions to existing wells to occur (see below) without DNR approval and by disallowing the DNR to consider other wells in the area of a proposed well except those on the same property and adjacent property owned by the person proposing the well.

Remember to Support the Sierra Club through your workplace giving campaign!
The John Muir Chapter is proud to be a member of



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Public Water Supplies (sections 10 and 14)

We applaud the fact that Section 10 of the bill seems to protect public water supplies. It would be egregious indeed to adversely affect the rights of those provided with water by a public water supply. However, the bill is confusing in this regard in section 14. We believe the proposed chap.

281.34(5)(f)(2)(b) in section 14 of the bill is meant to allow the DNR to allow a well that is for a public water supply even if there is damage to a navigable water, however, the way it is phrased is confusing and could be construed to mean a private well applicant could be approved even if it adversely affects a public water supply and navigable water if the DNR determines "the environmental impact of the well is balanced by the public benefit of the well related to public health and safety." To avoid confusion we recommend that this section either be reworded to clarify that it only applies to wells for public water supplies or be removed.

Protection of stream flows and lake levels (section 18)

We approve the fact that the bill seeks to protect minimum flows in streams and rivers, and minimum levels of lakes. However, to be effective in doing so the bill should make clear in section 18 that the minimum flows and levels should be based on expected variability. For example, the expected low flows and levels that occur for seven days every ten years. This kind of clarification will better ensure that Wisconsinites will be able to enjoy their rights to our navigable waters.

Protection of neighbor's rights (section 14)

The concept that a person may not use their land in a way that harms his neighbors dates back to the 1700's. We believe this concept should be preserved. The bill as drafted does not do this in two regards. First, it allows a *new user* to impose not only harm -**but unreasonable harm**- to a neighbor if they provide some remedy. The bill would, in essence, give a new user superior rights over an existing user which is not fair; given that we are talking about access to water, what remedy would be acceptable to address an unreasonable harm? Providing bottled water in perpetuity? This would not make the *existing user* whole. If we are going to allow a person to impose an unreasonable harm to a neighbor our system is horribly broken. Second, this section puts the rights of a new user over the rights of an existing high capacity well which is also not fair.

A better approach would be to give the DNR the authority to limit or reject a proposed new well if it by itself or together with other existing wells damages the ability of a neighbor to reasonably use and enjoy their property.

Sensitive Resource Areas (section 19)

The main mechanism in the bill to protect vulnerable areas of the state is by having them designated as Sensitive Resource Areas. However, this process is cumbersome and does not necessarily lead to any action. If there is a problem that is being caused by the ineffective management of our common water resource then the people of Wisconsin deserve and expect that there be a mechanism to address the problem in a timely fashion.

A better approach would be to give the DNR rulemaking authority to designate Sensitive Resource areas and management plans to address the issues in those areas and rely on the legislature's existing authority to review administrative rules under Wis. Stats. 227.26.

Existing Wells (section 6)

What is happening with our water must be monitored and reviewed periodically to incorporate any changes in circumstances like changes in rainfall patterns, ground water recharge or water use patterns

in the area near the well. This will ensure that no one person's use of water is unfairly damaging the rights of others.

Section 6 of the bill violates this precept by removing several points where the Department of Natural Resources (DNR) could review water use in a particular area and make adjustments if necessary. The replacement, reconstruction or transfer of a well are all logical points at which the current water use patterns in an area can and should be reviewed. This would ensure that the proposed changes to a well will not result in harm to others, yet the bill as drafted strips the ability of the DNR to afford this protection to others by not requiring any sort of approval for these actions.

Removing the ability of the DNR to review and adjust as necessary is unfair to neighbors in two regards. First it can lead to direct harm. This has been clearly and indisputably demonstrated time and again by instances like the Little Plover River running dry in Portage County or in Monroe County the Jorgenson dairy's well running dry - both due to ground water withdrawals on adjacent property. Second, it means that the burden of challenging the actions of a well owner fall on those who are harmed instead of those who control and benefit from the altered well. This will have to be done through lengthy and expensive litigation during which neighbors will have to suffer from the damage done by the well-owners actions.

For these reasons, we ask that the Committee to amend SB291 to ensure we have a water management system that provides all Wisconsinites access to the water they need for their families and their economic activity.

Thank you again for the opportunity to speak on this issue.



214 N. Hamilton St., #201

Madison, WI 53703

Phone: 608.250.9971

For more information contact:
Tracy Hames, Executive Director
Erin O'Brien, Policy Director

Wisconsin Wetlands Association Testimony on SB 291
October 13, 2015

Wisconsin Wetlands Association (WWA) is a science based, non-partisan organization dedicated to the protection, restoration and enjoyment of Wisconsin's wetlands.

We strongly agree that Wisconsin needs a clear and science-based framework to ensure the wise and sustainable use of our groundwater resources. It is essential to the health of our lands and waters, including wetlands. We also appreciate the significant effort that Senator Cowles and his co-sponsors have made to craft legislation that aims to provide such a framework.

Unfortunately, for the reasons stated below, we appear today opposed to SB 291.

1. The bill's limited focus on navigable waters undermines the long-standing protections afforded to waters of the state.

Wisconsin statute defines waters of the state to include all surface and groundwater, public *and* private (Ch. 291.01(18)). The health of Wisconsin's lands, waters, and industries relies on the effective protection and management of *all* of the waters of the state, including wetlands. This duty is clear under both the Public Trust Doctrine, and general police powers, which require the state to protect public health, safety, and welfare.

2. The bill does not adequately acknowledge or address the need to find ways to keep more of our waters on the land for ecological and groundwater recharge purposes.

Wetlands inhabit the transitional areas between uplands and open waters. Much of the original extent of our wetlands have been lost to agricultural drainage. By flushing snowmelt and spring precipitation previously captured by these wetlands directly off our lands, we are putting tremendous pressure on downstream waters and communities. This leads to flooding in the spring and water scarcity in the summer months, and has created a feedback loop where we now need to pump more water from our aquifers to wet our fields and quench our thirst. Given more time, I would be happy to explain the public, private, and ecological consequences of this engineering.

3. The bill limits WDNR's ability to prevent harm to wetlands.

In areas that have not already been drained or developed, the seasonal exchange of surface and groundwater is an integral part of the ecology of most wetlands, with many wetlands forming where groundwater discharges to the surface. Unrestricted groundwater pumping can draw down or even dry out these wetlands. These impacts can be widespread, can cause significant ecological and economic harm (described below), and can affect public health, safety and

welfare. In many cases, they will also occur long before decreases in river flow or lake levels become apparent.

Tracking and responding to wetland drawdown from groundwater pumping is needed to prevent impacts to navigable waters from developing. But the bill prohibits WDNR from preventing these wetland impacts unless their loss will directly impact a navigable water. It is unclear how extensive the impacts to navigable wetlands - those directly adjacent to lakes, rivers, and streams - must be in order to trigger the statute's protections. This is a major problem.

4. The bill leaves a large amount and many types of Wisconsin's wetlands vulnerable to impacts from groundwater removal.

"Non-navigable" wetlands generally include meadows, most swamps, fens, many bogs, and ephemeral and seasonal wetlands. Loss of these wetlands affect the way water moves through our landscapes and watersheds, often resulting in flashy, sediment-laden flood and storm waters entering our navigable waters.

5. The bill leaves many high quality wetlands and other sensitive resources vulnerable to impacts from groundwater removal.

Examples of high quality, non-navigable wetlands made vulnerable under this bill include the coastal wetlands of the Door County Peninsula and Chiwaukee Prairie, both of which were recently designated through international treaties as *Wetlands of International Importance*. These designations have been embraced by communities and businesses as vitally important to the local tourism economy. Protections for groundwater and wetland-dependent trout streams and springs are also weakened.

Limiting WDNR's ability to only allow prevention of harm to navigable waters also prohibits WDNR from addressing impacts to forests, prairies, endangered resources, and even the availability of water for other farms. This will have profound implications for our lands, waters, wildlife, and industries. Many of our State Natural Areas, Wildlife Management Areas, and Natural Heritage Inventory sites could also be impacted.

6. The hunting public and many private landowners will be adversely affected by this bill.

Most of Wisconsin's duck production occurs in non-navigable wetlands. Because over 60% of our duck harvest consists of locally-produced birds, loss or impairment to these wetlands will reduce the quality of waterfowl hunting in this state. Many deer stands are constructed along non-navigable wetlands. The loss of these wetlands will affect local deer movement in the fall and the quality of the deer harvest.

As 75% of Wisconsin's wetlands occur on privately owned property, the burden of their loss and impairment will be disproportionately carried by private landowners. In fact, it's already happening. Individuals and industries managing their properties for timber, endangered resources, and wildlife may also experience both personal and financial losses. We encourage all legislators to consider how this bill will impact their constituents.

7. The framework for establishing Sensitive Resource Areas will inhibit the pursuit and application of good science and will interfere with WDNR's ability to respond to existing and emerging groundwater management problems.

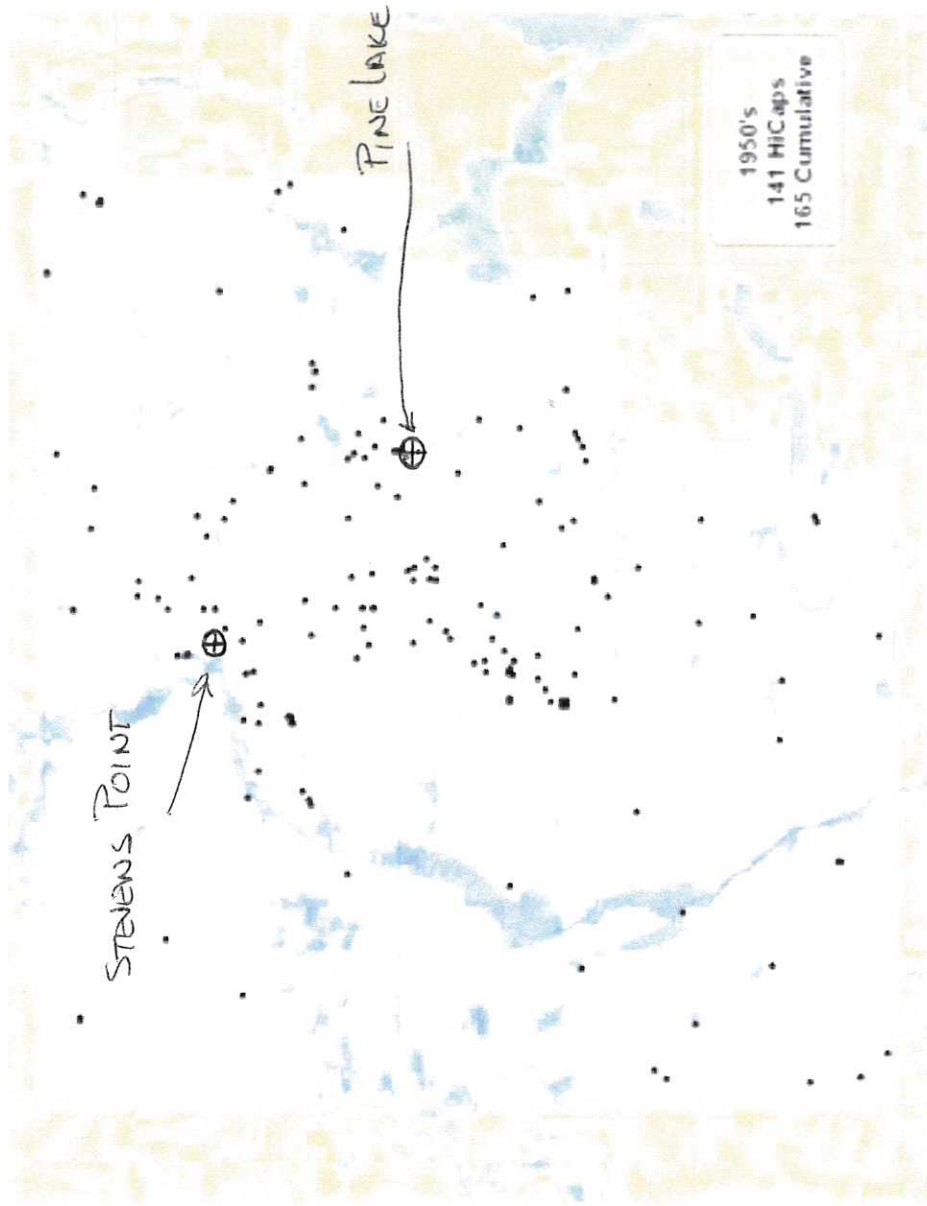
The proposed review and approval framework will be lengthy, expensive, and controversial to implement and includes far too much legislative involvement. We need a framework that allows the science to drive the process without obstruction. The proposals to establish minimum flows for rivers and minimum water levels for lakes is an admirable concept and worthy of discussion. But it's going to take an army of hydrologists and attorneys to get it right and one need look no further than the legal morass of western water law to see the consequences of getting it wrong.

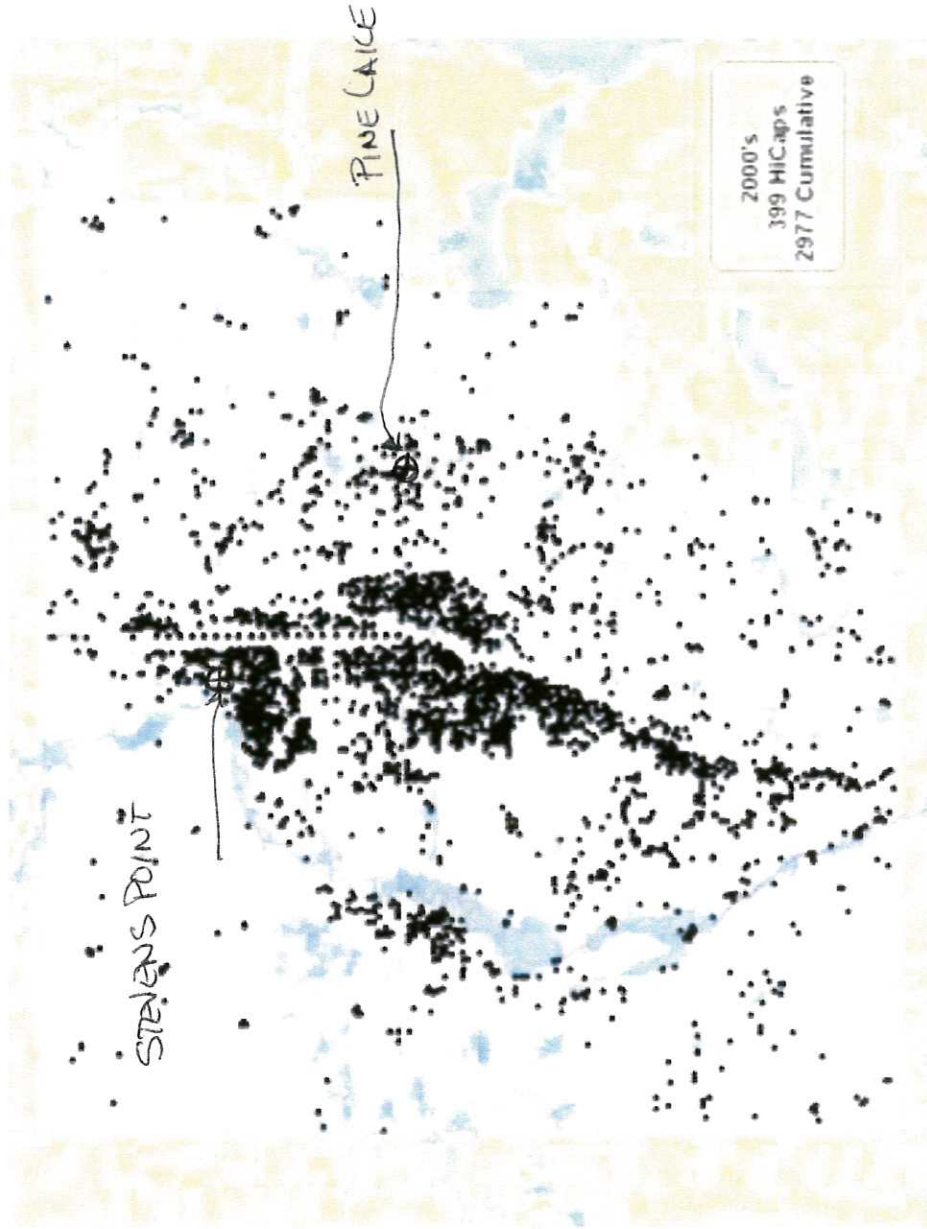
8. Greater consideration is needed of the consequences of protecting navigable waters over waters of the state.

Wisconsin Wetlands Association has both the interest and expertise to help this legislature craft a non-partisan, scientifically defensible groundwater protection policy that adequately protects Wisconsin's waters. We respectfully request that the sponsor of this bill and members of this committee meet with us to discuss and identify options to preserve WDNR's authority to review and prevent impacts to wetlands and other water-dependent resources.

PICTURE TAKEN ON 10-12-15
PINE LAKE SHORELINE, WAUSHARA CO. WI.







*Frances Rowe
Wi3475 Czech Lane
Coloma, Wisconsin 54930*

**SB 291 Public Hearing Testimony
October 13, 2015**

Good morning

Thank you for assembling SB 291. Water is our most precious resources. Wisconsin badly needs a solution to its groundwater challenges and problems. I live on Pleasant Lake in Waushara County. My remarks today represent my own point of view as well as the Pleasant Lake Management District Board of which I am a member. I also sit on the Waushara County Watershed Lakes Council and the Central Sands Water Action Collation, comprised of 18 different groups focused on finding a solution for the Central Sands water problems.

Again, thank you for drafting the groundwater bill under review today as it addresses many of the groundwater issues we face in Wisconsin and the Central Sands in particular. Of the many elements this piece of legislation address, I have chosen to speak to three this morning:

1. The issue of water certainty
2. Existing high capacity wells and cumulative impacts
2. Sensitive Resource Areas as described in Section 19

Water Certainty

The Dairy Business Association (DBA) and Wisconsin Manufacturing & Commerce (WMC) have asked publically for groundwater legislation that will include certainty for their members in the granting of high capacity well permits. What they want is that every high capacity well permit requested be **exempt from environmental review and most certainly exempt from a cumulative impact analysis**. Certainty in this case can be described as: **I ask for it, I get it**. To ensure the certainty they want, they seek to turn back the clock back to pre- 2011 high capacity well review policies.

This approach provides not only DBA and WMC members with certainty; it also provides homeowners and small family farmers with certainty as well. But certainty of a different kind, certainty that lakes will dry up, certainty that trout streams will disappear, and certainty that drinking water wells will go dry.

Currently there are over 14,000 high capacity wells in Wisconsin, we cannot afford to return to pre-2011 standard for high capacity well review. We need new tools for new times. A high capacity well approval process that offers **certainty of approval** is not a review process. The DNR as gatekeeper and watchdog over our waters, needs to have the tools, the person power, and the authority to evaluate and condition new high capacity well requests. Certainty of approval should not be part of the process.

Please do not take away DNR's ability to conduct environmental review of high capacity well applications or impose conditions that will protect Wisconsin's waters.

Existing wells and Cumulative Impact Analysis

The first picture in your packet is me standing next to my pier in October 2012. I am 5'2". I use to be able to dive off of that pier. When the picture was taken the water was 6 inches deep. Pleasant lake has a water loss problem.

In 1950 Wisconsin's central sand plain was home to 165 high capacity wells; in 1970, the number climbed to 1,470; in 2000, to 2,977; today there are over 3,000 (see high capacity well "dot" maps), and additional requests for new high capacity wells continue to be made. In Wisconsin over 14,000 high capacity wells currently pump groundwater from our aquifers. We need to protect our groundwater, lakes, streams, wetlands, agriculture, and drinking water.

Senator Cowles I am grateful that you have recognized the challenge before us and stepped in to help. We need a groundwater management system now that was not necessary in 1990 or before to manage our groundwater and the water needs of the people of Wisconsin. This bill gives us a chance at doing so – thank you.

My concern lies in the fact that SB 291 rolls back the groundwater protection progress that has been awarded by the courts in three instances: the July 2011 *Lake Beulah* Supreme Court case, the September, 2014 *Pleasant Lake v. DNR* court case, and a December, 2013, Wisconsin's Court of Appeals ruling that DNR failed to consider the cumulative impacts of pumping on the environment. Pleasant Lake Management District challenged the high capacity well permit granted to Richfield Dairy and established cumulative impact analysis of high cap wells as part of Wisconsin's high capacity well review process. Our goal was to protect Pleasant Lake and neighboring trout streams from excess groundwater pumping.

It was a David and Goliath fight – 214 property owners living on one small Wisconsin Lake pooled their courage and resources to challenge the DNR and Milk Source, LLC. Wisconsin's largest Confined Animal Feeding Operation (CAFO) corporation. According to the Richfield Dairy Environmental Assessment (2014) Milk Source, LLC operates four Wisconsin CAFO facilities with a total of 43,056 animal units. That is a lot of cows.

- Tidy View Dairy (Outagamie County) 7180 dairy and 700 beef cattle (10,634 animal units, or AU2,)
- Omro Dairy (Winnebago County) with 2597 dairy cattle (3590 AU),
- New Chester Dairy (Adams County) with 9250 dairy and 235 beef cattle (13,080 AU) and
- Rosendale Dairy (Fond du Lac County) with 9150 dairy and 450 beef cattle (13,155 AU).

It is important to note that there are Wisconsin family farms and families that own industrial farms – they are not the same. We need groundwater protection to protect family farms and homeowners, not industrial operations.

The Pleasant Lake – Richfield Dairy battle raged for 4 years, as 214 hard working families tried to protect their property values, their water and their way of life.

Pleasant Lake and all Wisconsin waters of won, since Sept. 3, 2014 the DNR has been including cumulative impact of water withdrawals when evaluating new high cap well applications.

SB 291 rolls back our work in two ways. First, it prevents the DNR from engaging in environmental review, including cumulative impacts analysis, for high capacity wells unless the well is located in a groundwater protection area or a sensitive resource area (a new entity created by SB 291, which will be my third point of discussion). Second, it allows permits that were issued between July 6, 2011, the date of the *Lake Beulah* Supreme Court decision, and the enactment of this bill to be reviewed upon request. Richfield Dairy holds is one of those permits. What they were not able to accomplish in the court room, may be possible if SB 291 becomes law.

Section 20 (2) of SB 291 gives Milk Source, LLC & others with conditioned high capacity well permits an opportunity to have those conditions removed. Conditions that were set by the DNR, in our case by an administrative law judge, to protect the waters of Wisconsin; conditions that represent decisions made through scientific research and thoughtful deliberation; conditions designed to keep water in lakes, trout streams, wetlands, and homeowners wells. Conditions designed to protect the waters of Wisconsin for all Wisconsinites, not just a few businessmen.

Wisconsin statues already provide high capacity well applicants the opportunity to challenge a DNR decision on a high capacity well permit, if a permittee is unhappy with a DNR decision there is a path available to them. In the case of the Richfield Dairy, Richfield Dairy passed up the opportunity to appeal Judge Boldt's decision at the time, why should they be able to do so a year or more later?

If SB 291, as currently written, becomes law it will be the second time the legislature has passed a law designed to limit a property owner's ability to protect their property. The first was Motion #375 attached to the Budget Bill in 2013 by Rep. Dan LaMahieu. Now Wis. Statute 281.34 CONSIDERATION OF CUMULATIVE IMPACTS, it states,

No person may challenge an approval, or an application for approval, of a high capacity well based on the lack of consideration of the cumulative environmental impacts of that high capacity well together with existing wells.

SB 291 bars the DNR from considering cumulative impacts; motion 375 bars a citizen from asking. I find it puzzling that under Wisconsin law I can protect my home from someone stealing my TV or an apple pie from my kitchen counter, but not from taking the water I and my family drink.

An additional concern we have is with the treatment of existing high capacity wells. SB 291 includes the same language found in SB 239, Senator Gudex's bill designed to prevent review of existing high capacity wells, tie them to properties, and permit them in perpetuity. This will not help groundwater management in Wisconsin.

The water problems we currently have are the result of existing wells – not those yet to be permitted. The pictures in your packet and the graph on page 2 illustrate the current crisis we are living with at Pleasant Lake. The consequence of the existing high capacity wells. We recognize the need to fix a broken well when necessary, particularly given the fact that some of the irrigation wells have been in the ground for 50 years. We are asking that in addition current well be reviewed on a regular basis, 5 years, 10 years, even 15 years. We also ask that wells not be tied to property, we do not want western water law is Wisconsin, where first come is also first served.

Sensitive Resource Areas

SB 291 names Pleasant Lake in Section 19 as a candidate for designation as a **Sensitive Resource Areas (SRA)**. We very much appreciate your doing so. Thank you! Pleasant Lake is certainly in need of and worthy of a SRA designation.

What concerns me is the length of time the process will take, why an SRA designation requires determination by statute, and how many high capacity well permits will be issued around Pleasant Lake during the time we are going through the process. There are at this moment two new high capacity well applications waiting for determination that will have a devastating impact on the lake, one that has the capacity to pump the lake down over 4 feet all by its self (packet page 11).

Pleasant Lake's hydrology has already been studied and modeled by three different hydrologist, its fishery assessed, its plant community and water chemistry evaluated – I could go on for a lengthy piece with regard to the amount of data collection and analysis that has been completed over the last four years, yet moving forward to SRA status appears to be difficult. The “minimum lake level” will have to be established, the geographical boundaries determined, multiple hearings, and finally the construction of a bill authorizing a Pleasant Lake SRA and moving that bill through the legislative process. This could take years and years.

What happens to Pleasant Lake and the surrounding area while this work is in progress? DNR could be ordered to stop permitting high capacity wells in the area when an SRA designation is under review. That action would be a step in the right direction to prevent further damage – to keep Pleasant Lake from looking as Long Lake currently does. We ask you to add the appropriate language to SB 291 to make that possible.

Summary

Senator Cowles thank you for your work on Wisconsin's ground water challenges and issues. This morning I am asking you modify SB 291 in four ways:

1. Please do not take away the DNR's ability to conduct environmental review of high capacity well applications or to impose appropriate conditions that will protect Wisconsin's waters when issuing high capacity well permits. If we have certainty, let it be certainty to preserves Wisconsin waters and protect property values for all, not a select few.
2. Please do not kill cumulative impact analysis, it is a valuable a tool to protect our state's waters.
3. Please do not give us western water law by tying high capacity well permits to properties, preventing review of existing high capacity wells, and permitting them in perpetuity.

To do so will take water away from the majority and give it to a few. The few who already have high capacity wells benefit; thousands of property owners lose. Wisconsin's waters belong to us all, let's not create a process where water is taken away from the many and given to a few.

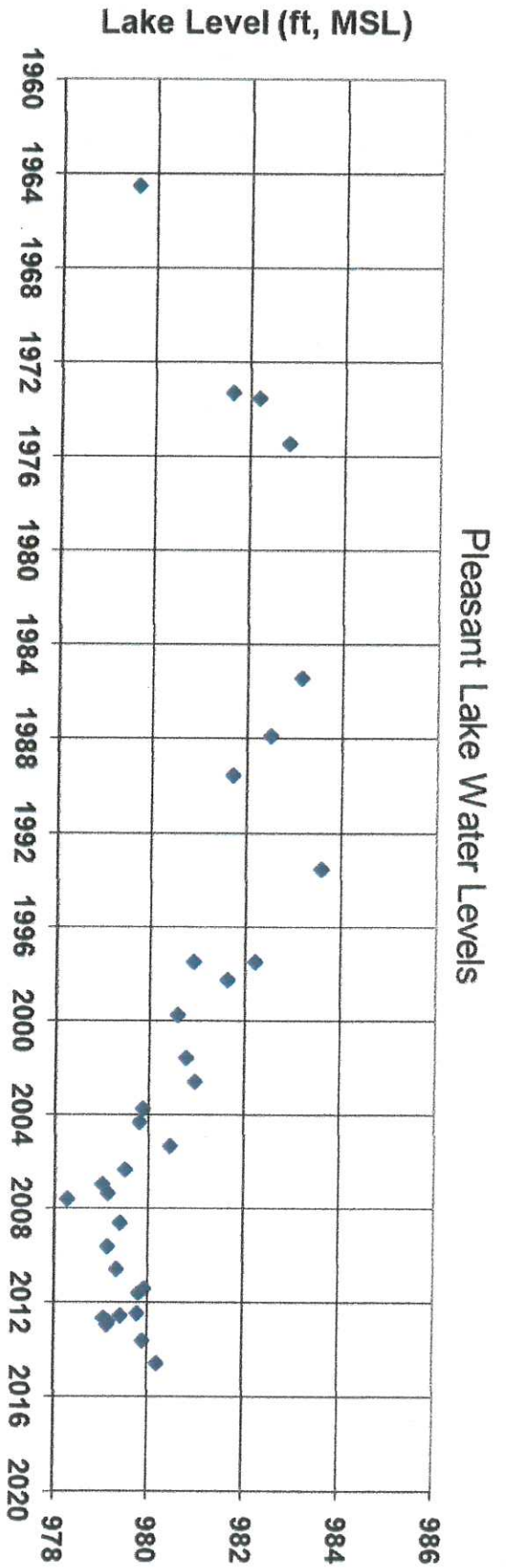
4. Please do establish Sensitive Resource Areas. We would like to work with you to develop a process that will enable an SRA designation within a realistic time frame. I ask that SB 291 be amended to include a section prohibiting the DNR to issue any new high capacity well permits in an area approved to seek SRA status. The Pleasant Lake Management District Board would like to work with you to explore and discuss the SRA designation process.

Thank you for listening and your consideration of the points I have made this morning.

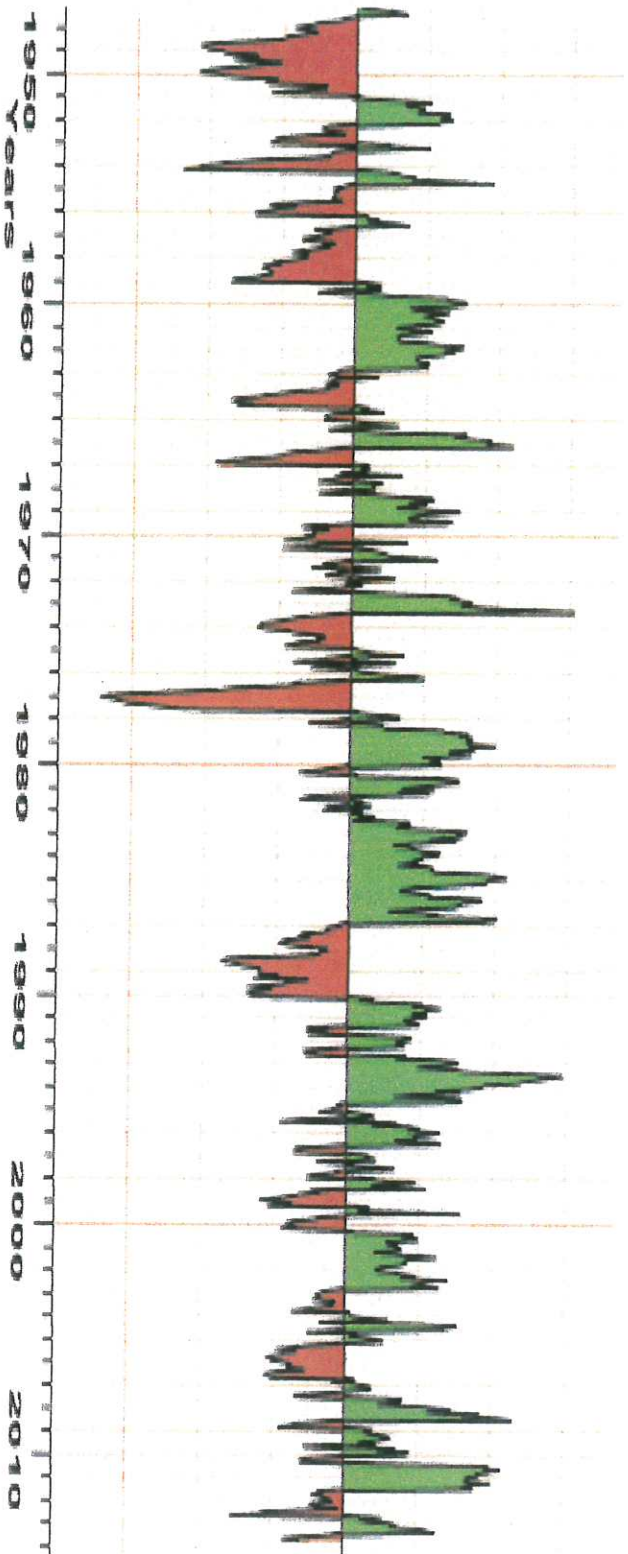
Pleasant Lake Shoreline 2012



Frances Rowe Testimony - Oct. 13, 2015



Palmer Drought Severity Index for Central Wisconsin



Pleasant Lake

Water Levels 1984-2011



Water Line 1985



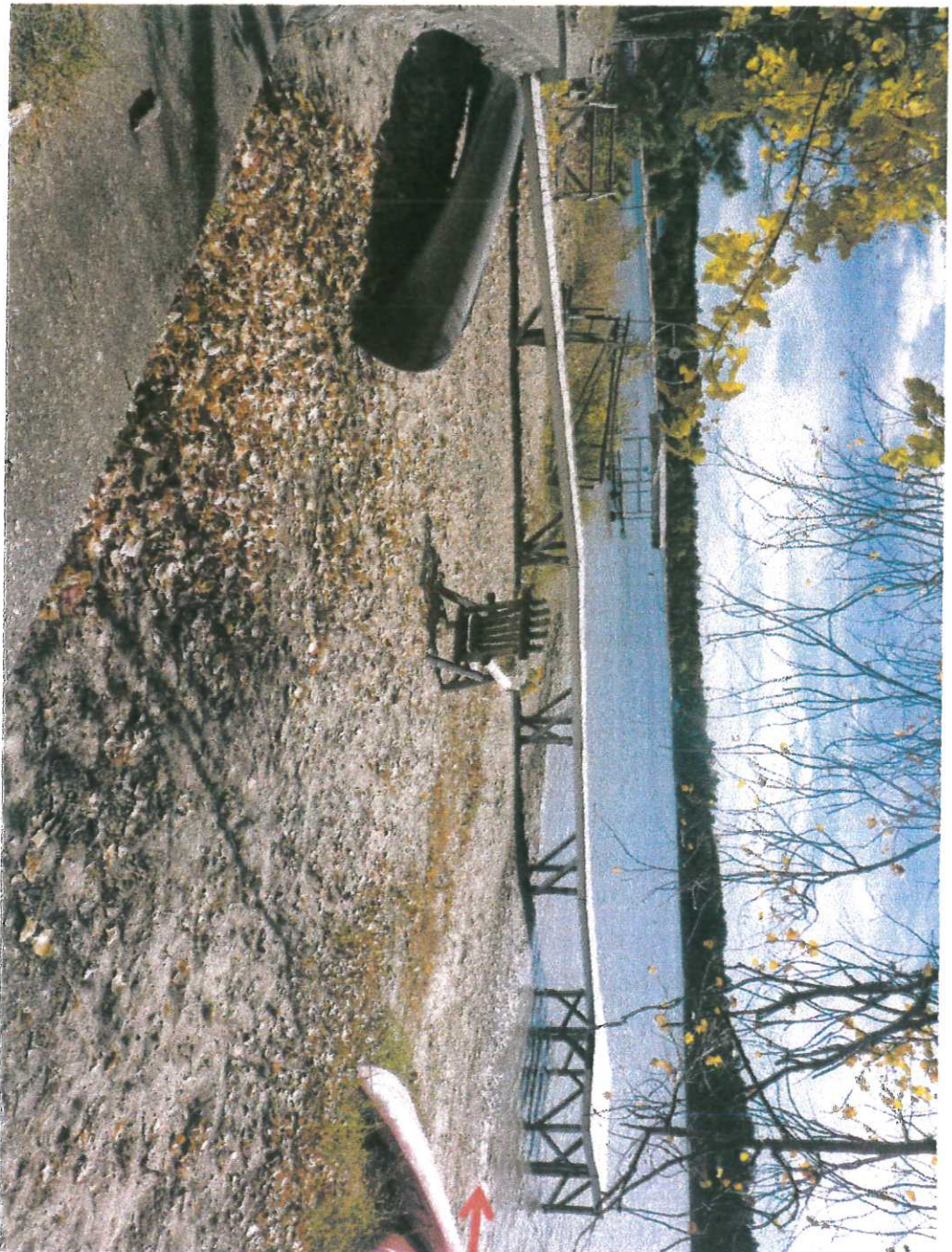
Water Line 1993

28 feet south of wall



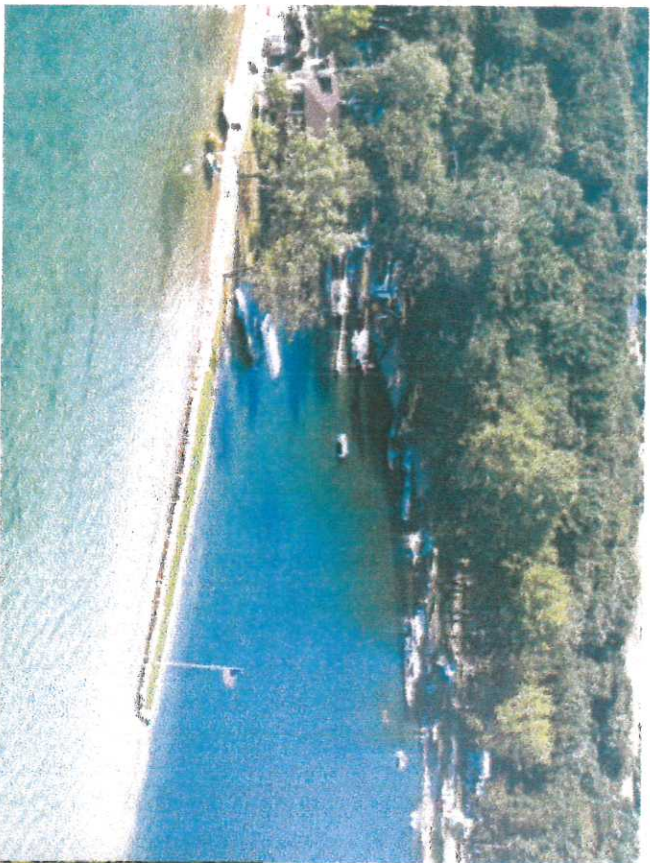
Water Line 2011

Pleasant Lake Shoreline 2012



Water line
44 feet
from wall

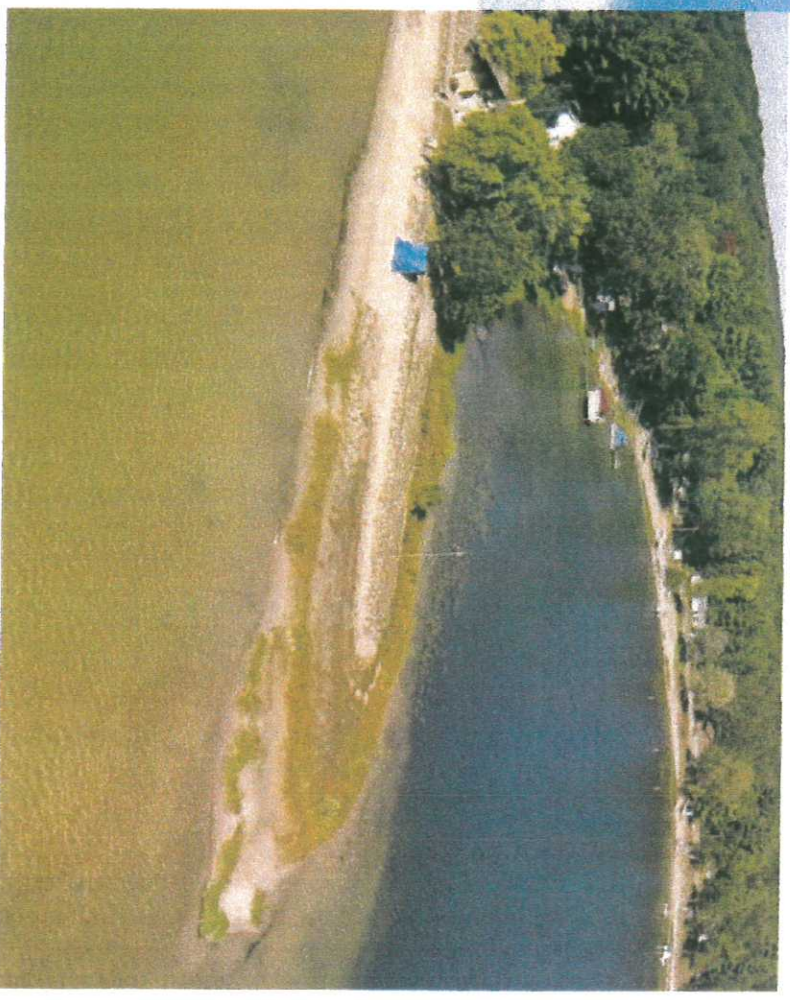
Pleasant Lake, Waushara County



1996

Pleasant Lake North Shore Point

2013



Pleasant Lake Water “Water moving” Away from Shoreline Habitat



timony - Oct. 13, 2015

Pleasant Lake, Waushara County

Turtle Bay Channel – Once Navigable



Central Sands “missing water”



Long Lake



Fish Lake



Little Plover River



Patrick Lake



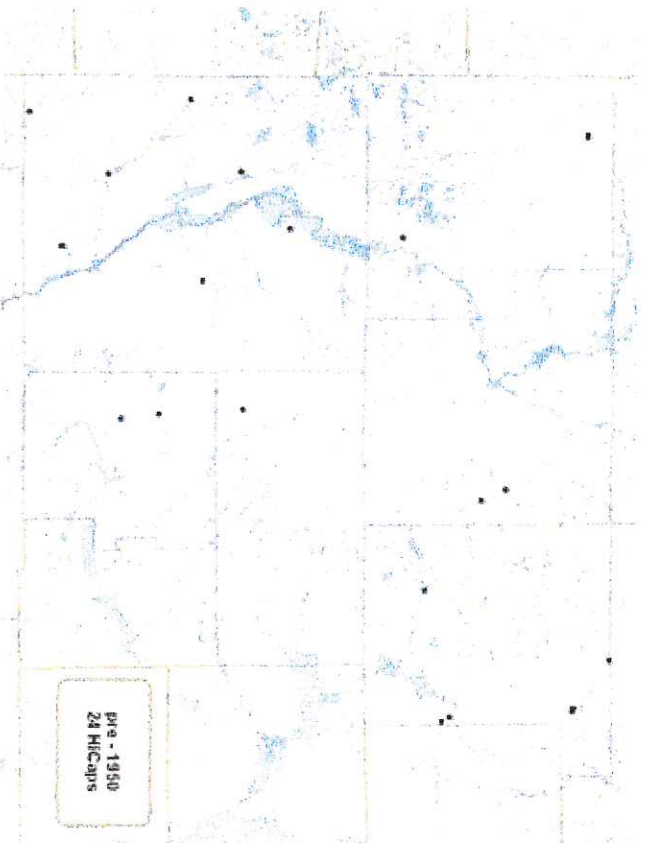
Pine-Hancock Lake



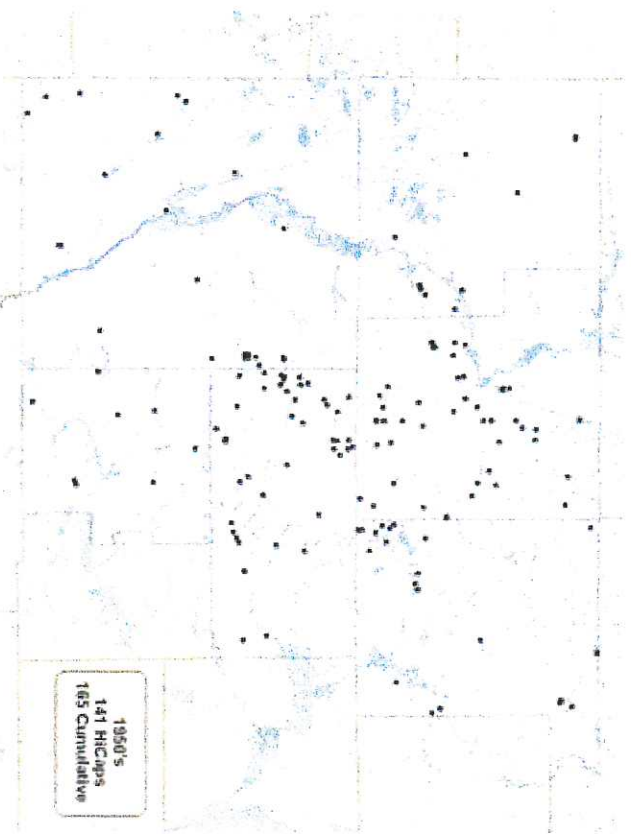
Huron Lake

Frances Rowe Testimony - Oct. 13, 2015

Central Sands High Capacity Well Explosion

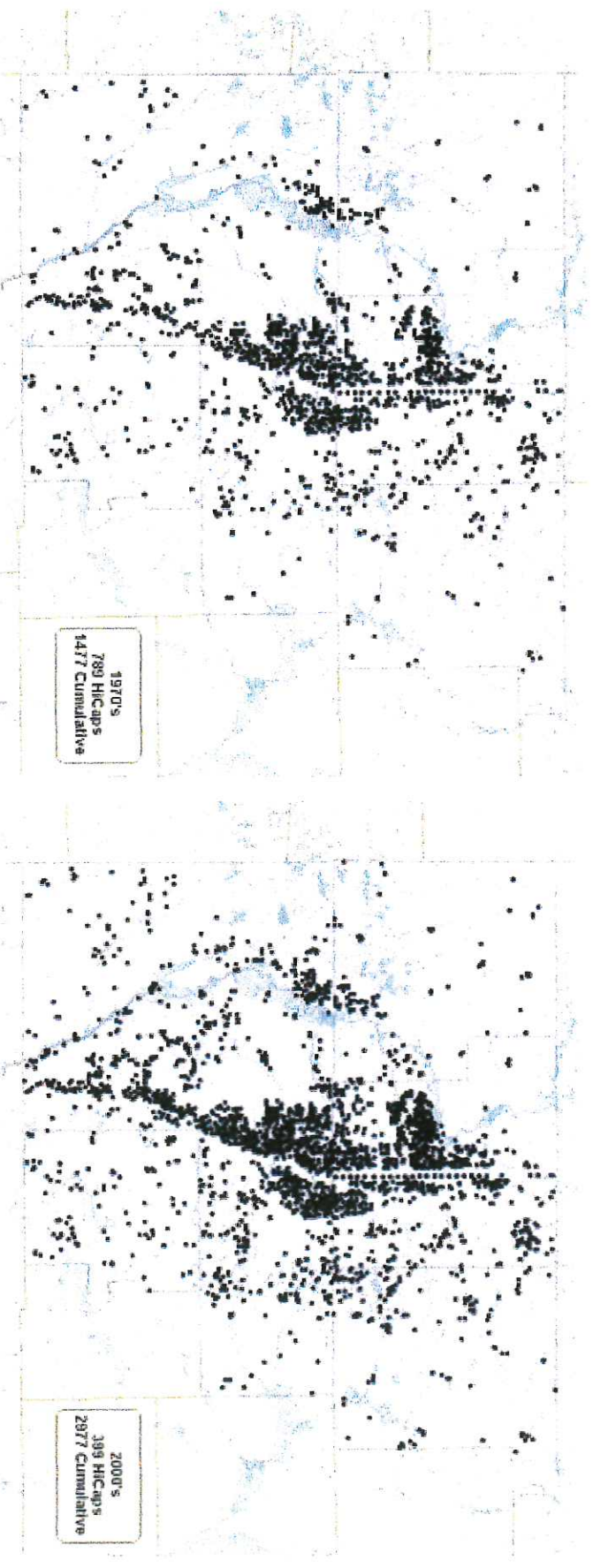


**pre-1950 High Capacity Well Locations--24
High Capacity wells**



**High Capacity Well Locations in the
1950's--141 added, 165
cumulative**

Central Sands High Capacity Well Explosion



High Capacity Well Locations in the 1970's

High Capacity Well Locations in the 2000's

Bula High Capacity Well Impact

to be located at SW NW Section 33 T18N R8E, Town of Coloma

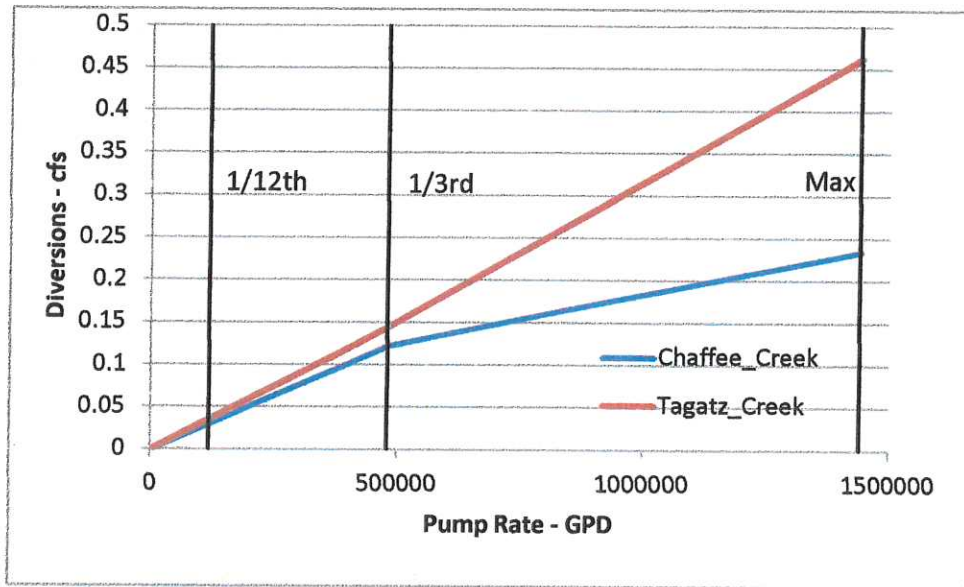


Figure 3. Steady-state pumping diversions from Chaffee Creek and Tagatz Creek as a function of assumed pump rate. Diversions are shown for 1/12, 1/3, and maximum pump rate. DNR presently uses 1/12 of capacity (1.44 million gallons per day) for their evaluations of surface water impacts.

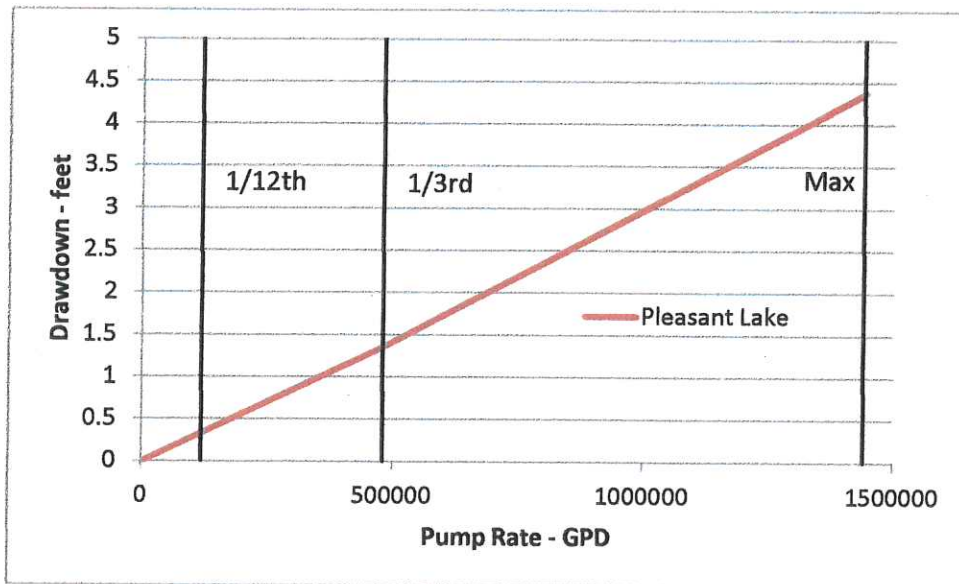


Figure 4. Steady-state drawdown at Pleasant Lake as a function of assumed pump rate. Diversions are shown at 1/12, 1/3, and maximum pump rate.

Friends of the Tomorrow-Waupaca River
P.O. Box 31
Amherst WI 54406

October 13 2015

Senate Committee on Natural Resources and Energy
P.O. Box 7882
Madison, WI 53707-78820

Dear Committee Members:

Subject: SB291

I am the secretary of the Friends of the Tomorrow-Waupaca River, a 60 member strong organization dedicated to the stewardship and enjoyment of the streams and lakes and wetlands in the Tomorrow-Waupaca watershed. We advocate for the health of our water bodies, engage the public in local water issues, annually clean trash and debris from the river, and maintain canoe and kayak passage.

Lakes and streams in our watershed have been impacted by the hundreds of high capacity wells installed in the area. Stoltenberg Creek flows at a fraction of what it used to, and most of the time is a half-mile shorter than it used to be - during high pumping years it dries another half mile. The county beach at Wolf Lake, where scores of families used to recreate on hot summer weekends (I used to take my daughter there when she was a baby), is now closed because of low water levels. The boat landing on Pickerel Lake is now 60 feet from the water. I could go on.

Scientific studies performed over the last 50 years have either predicted or demonstrated that too much groundwater pumping is the cause. A recent UW-Madison reviewed concluded that numerous studies show pumping is responsible for low water levels, and no studies have shown another cause.

More high capacity wells are going in every year. We want to be clear that we are not against groundwater pumping in reasonable amounts, but pumping has to be consistent with healthy lakes and streams, and the public enjoyment, public and private property rights, tourism, and tax base that come with them.

We have several issues with SB291, as it will allow additional water bodies to become pumping impacted and realistically will not result in measures to repair those that are already impacted. We have some suggestions that we hope would improve the bill.

1. Cumulative impacts of pumping. This bill rolls back important protections from the cumulative impact of pumping from multiple wells and multiple well owners. The law currently requires DNR to determine the cumulative impacts of all high capacity wells belonging to all well owners before a new approval is issued. Because the bill undoes this provision, any water body in the state could in concept

be dried by the effects of multiple wells. The bill would even require DNR to continue approving high capacity wells after a lake or stream or wetland is totally dried. This problem in the bill could easily be rectified by directing DNR to consider cumulative impacts of all wells, or by deleting the paragraph in section 4 that specifically limits DNR reviews.

2. "Forever approvals." The provision that no new approvals are required for replacement wells takes away a tool that could restore pumping-impacted lakes and streams. Right now, the only time an approval for an existing well is revisited is when replacement is needed. Taking this tool away takes away any ability to restore pumping impacted lakes and streams and the property rights of owners on these water bodies. A case in point is Stoltenberg Creek, the impacted water body I previously mentioned. A well requiring replacement there is being reviewed by DNR to see if its pumping amount should be scaled back to restore some water to the Creek. This proposed change in statute would keep the creek from being restored.

The provision that high capacity well approvals can automatically be transferred in a property transaction gives the appearance that waters belonging to the people of Wisconsin can be bought and sold. This takes Wisconsin closer to western water law, which is not serving the states of the west very well at the present time.

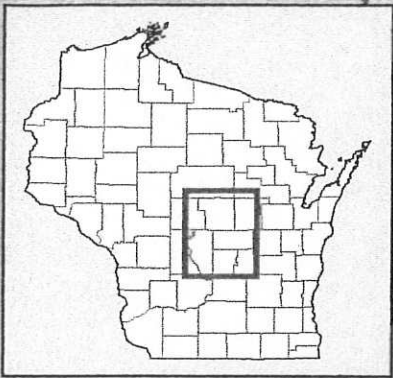
3. SRAs. The process for establishing an SRA seems unduly complicated. What are the chances of one ever being established when it takes two rounds of legislative action? A streamlined process is needed that provides some certainty that if lake and stream and wetland advocates show a water body is unduly pumping-impacted, an SRA will be established and pumping will be ratcheted back.

Finally, I would hope that the members of this committee who are making a decision in this bill about the future of our home would come and have a visit to look at the impacted lakes and streams and wetlands in our watershed and all the new high capacity wells that are going in. We would be happy to arrange a pleasant day for you.

Thank you,

Susan M. Wurzer
Secretary

Central Sands Region of Wisconsin



Portage County

Stevens Point

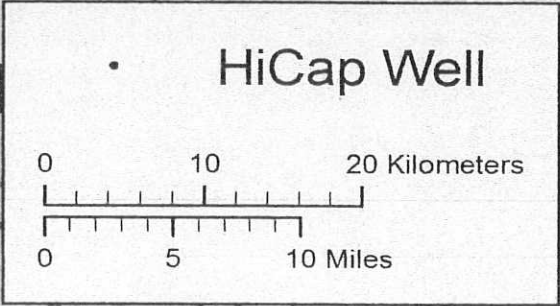
Waupaca County

Wood County

Adams County

Waushara County

Marquette County



2015 Senate Bill 291 Comments

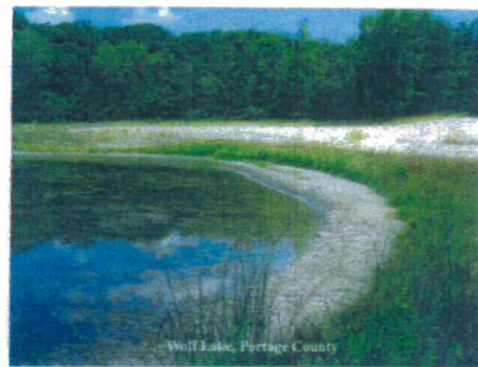
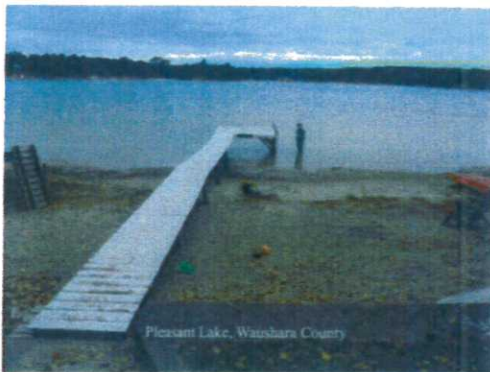
- My name is Patrick Rindfleisch (14 Canvasback Cir, Madison WI 53717), I live in Madison and my family owns a cottage on Witter Lake in Waushara County
- While I appreciate your efforts to address the issue of high capacity wells, I am opposed to SB291 because it does not do enough to protect the surface waters of our state, specifically those in the Central Sands Area
- I purchased our cottage in 2006, although it has been in our family since my grandfather built it in 1968. I note that when he built the cottage there were a couple hundred hi-cap wells in the Central Sands and there are now over 3,000
- Witter Lake is a groundwater or seepage lake, meaning that there are no springs or streams feeding the lake...100% of the water comes from groundwater and precipitation
- Over the past several years we have seen large areas of forested land near our lake clear cut and turned into farmland with numerous high capacity irrigation wells.
- During this same period of time we have seen the water levels in our lake drop 2 ½ to 3 feet...precipitation levels from rain and snow have been average during this time which leads me to believe that the new high cap wells are having an impact on the lake levels. Interestingly there is a monitoring well in Hancock with continuous data going back to the 1950's that shows a steady decline in water levels as the number of wells increased
- Like many lakes in the Central Sands area, the average depth is 5-7 feet so when the water table is drawn down during the summer months by high cap wells for irrigation, it has a direct and noticeable impact on the ability to use the lake as well as the quality of water. When we put our boat in this spring it was sitting in 2-3 feet of water and when we took it out in late August the front half of the boat was resting on the lake bed
- I recognize that irrigation is critical for the yields from the farm fields but my hope would be that as a state we would strike a balance between irrigating crops and protecting the surface waters that are so valuable to the sportsmen, tourists and families that enjoy them
- I often hear the argument that farmers need certainty as it relates to their wells. I would ask, what about the certainty for waterfront property owners? Farmers made investments but so did I. Since purchasing our cottage in 2006, we have made over \$100k of improvements using local contractors and suppliers, directly benefiting the local economy. If lake levels continue to drop, how much future investment will there be in ours and other lake properties?
- There are risks in all industries and farming should be no different, if a farmer wants to buy land near a lake, clear cut the trees and install a high cap well then they should do so knowing that if the water levels in the lake decline below a certain level they may have to dial back their pumping.
- I often look around our lake on summer weekends and see the 50 or 60 cottages full of families and kids enjoying the water and think about the fact that the same scene is being played out on hundreds of other lakes in the area...it would be a tragic mistake not to protect these waters for future generations and I ask you to consider the rights of all citizens as it relates to ground and surface waters in our state and instead of supporting SB291, please work on a bill that would balance the need for irrigation along with protecting the at-risk waters of the Central Sands area



It's Not Just the
Little Plover River
**These are the Faces of
Lakes in Peril**

VIEW: Other troubled Lakes and Rivers

<http://www.friendsofthelittleploverriver.org/about-the-river/photos/lakes-in-peril-in-the-central-sands-region/?stage=Live>



Are these the Faces of Lost Property Values?
Are these the Faces of Lost Wildlife Habitat?
Are these the Faces of Devastated Ecosystems?
Are these the Faces of Cumulative HCW Pumping?

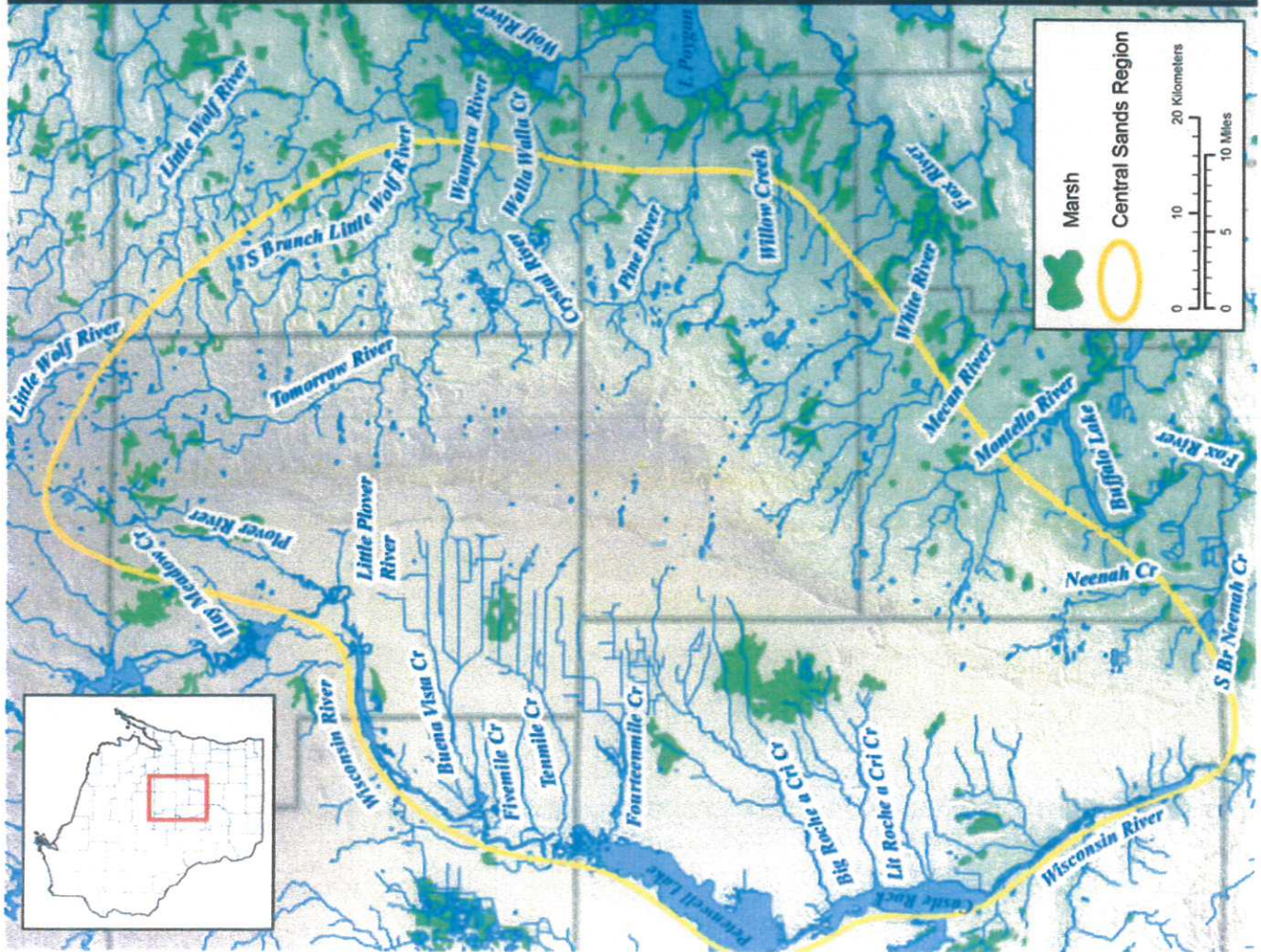
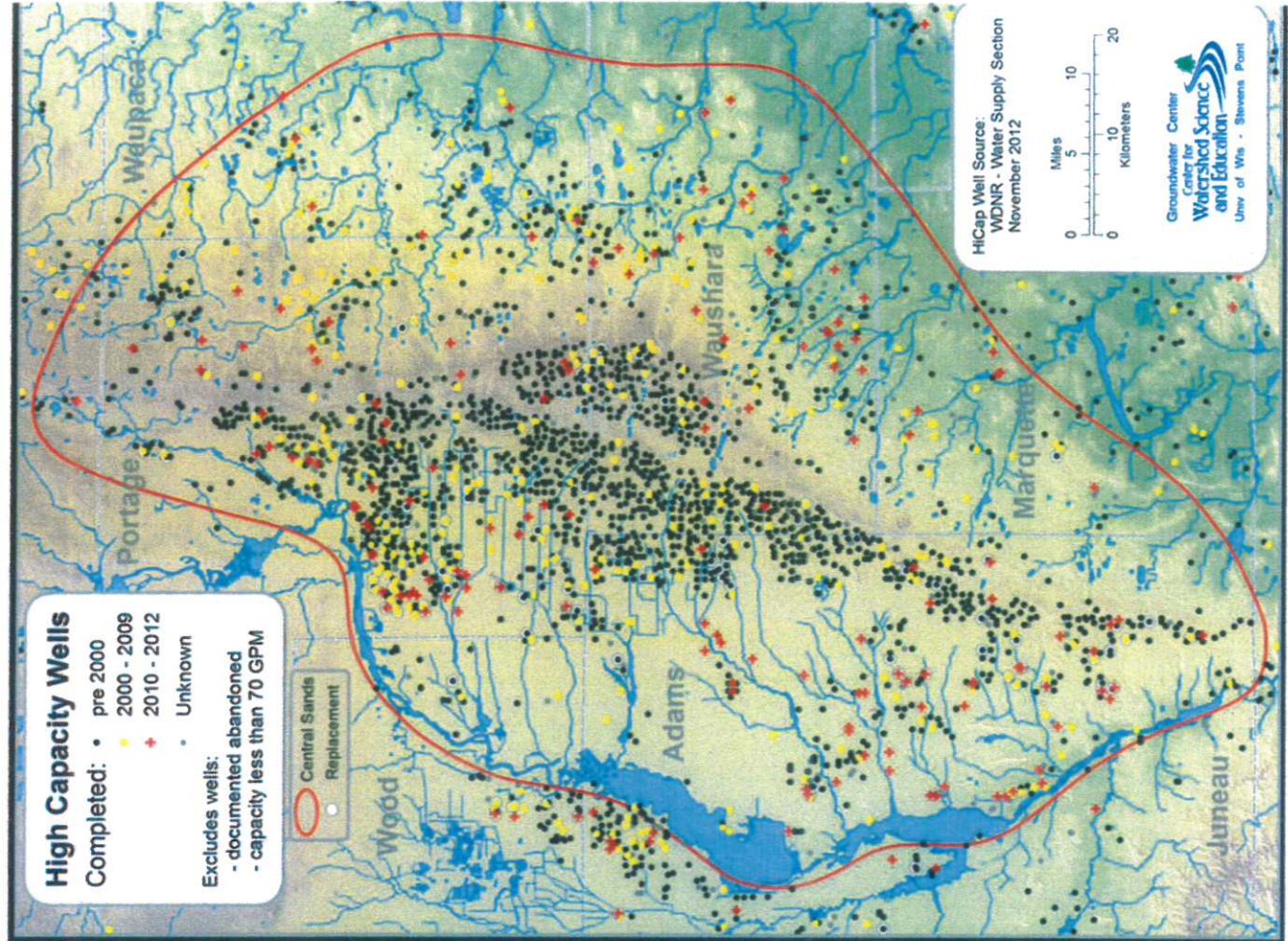
**A Few of the Troubled Lakes and Streams
in Central Wisconsin**

- Adams Lake
- Bass Lake
- Bear Lake
- Boetter Lake
- Crooked Lake
- Deer Lake
- Fenner Lake
- Fiddle Lake
- Fish Lake
- Hancock Lake
- Huron Lake
- Long Lake
- Patrick Lake
- Peters Lake
- Pickerel Lake
- Pine Lake
- Plainfield Lake
- Pleasant Lake
- Pumpkinseed Lake
- Riley Lake
- Second Lake
- Washburn Lake
- Weymouth Lake
- Wolf Lake
- Little Plover River
- Stoltenberg Creek

What Lake or River Will Be Next?

Visit our website: <http://www.friendsofthelittleploverriver.org>

**Central Sands lakes and rivers affected by
excessive groundwater pumping**





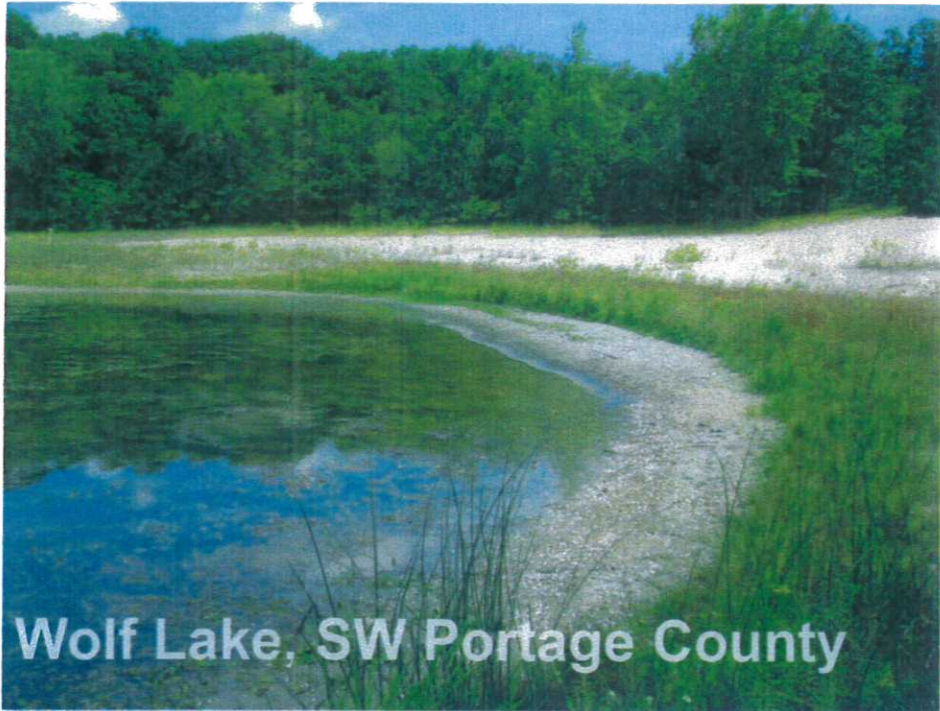
Long Lake, Tn. Oasis, Waushara County

This former trophy bass lake never dried in anyone's memory. It used to be up to 14 feet deep. It now has about 3 feet of water, in it at the deep spot, not enough to support waterskiing and fish.



Pickerel Lake, Portage County

This is the view from the boat landing, now 100 feet from water. The lake now winterkills regularly, and the camp for indigent children (at left) is losing its water front.



Wolf Lake, SW Portage County

This used to be a county beach where hundreds would recreate on weekends. Water levels are too low for swimming and the county has lost use of its park since 2003.



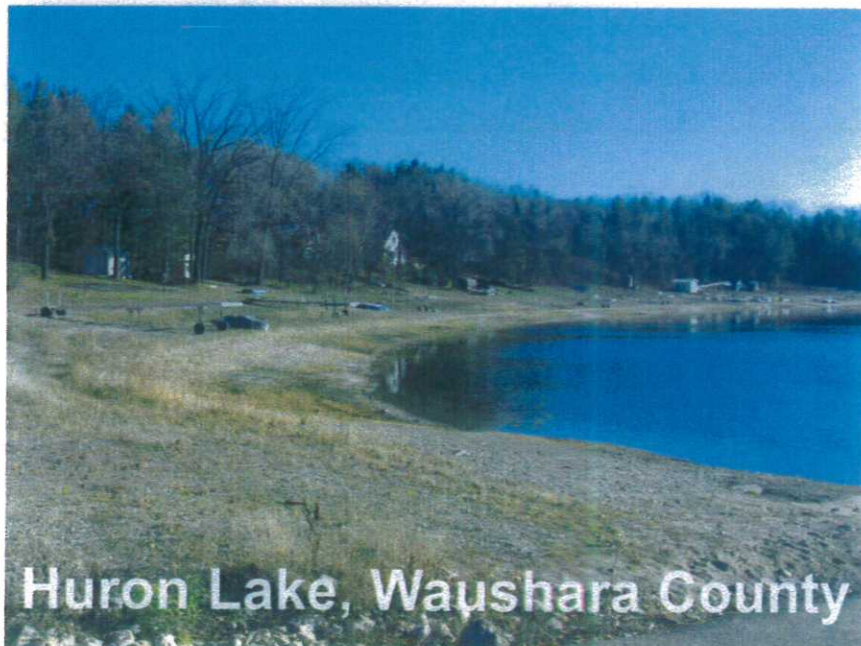
Stoltenberg Cr., Portage Co

This trout stream west of Nelsonville gets shorter and shorter every year as more irrigation wells go in. And it dries in whole reaches as well.



Little Plover, Portage County

The Little Plover River, a class I trout stream. It dried in sections every year from 2005-2009 due to pumping. It flowed below "healthy levels" (public rights flow) 80% of the time in 2012 and 2013.



Huron Lake, Waushara County

Huron Lake near Plainfield. Note where the trees and docks are showing where water levels used to be. This lake supports the cottages of visitors from out of the area who support the tourist economy and tax base. The cottages around this lake supply the same amount of property tax as 40,000 acres of ag land.



Formerly robust stream stretches of trout waters are now regularly going dry during irrigation season. 2013 photo.



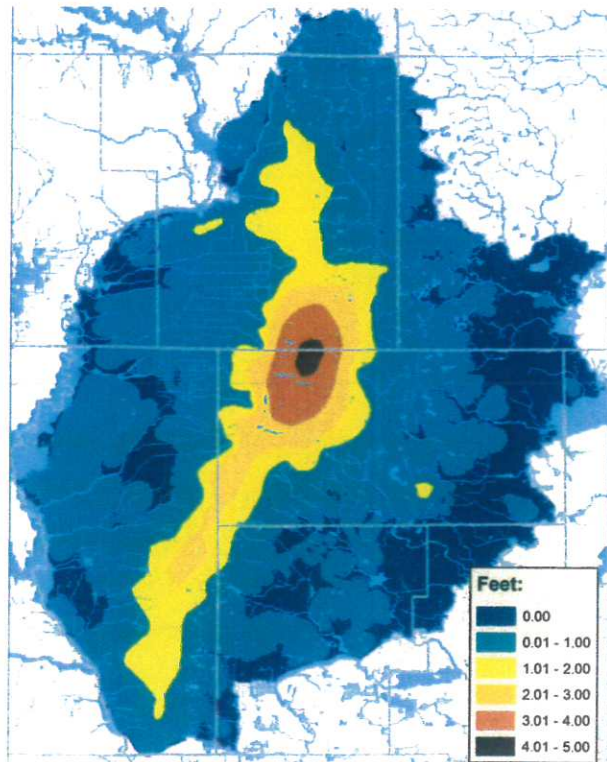
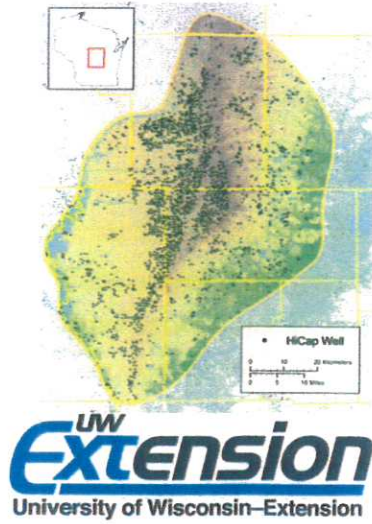
Near Hancock. Note that the dock is high and dry. The weather has gotten wetter, pumping is the only cause..

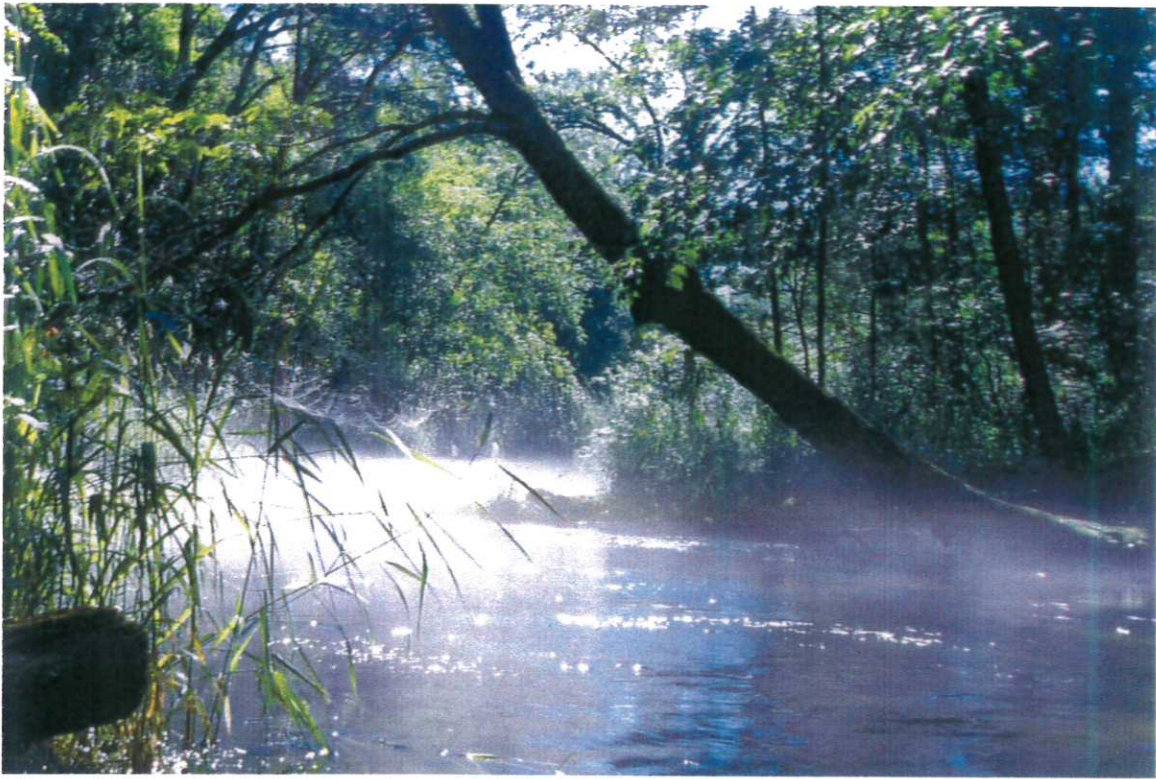


Patrick Lake, Adams County

Note tree line where water levels were historically.

Average Water Level Declines from Pumping in the central sands





Morning Mist on Little Plover River
DNR Fishery Area--1997



First Historic Dry Up of the Little Plover River
2005



Little Plover River
Below Public Rights Flow



Anne Wants to Know "Where is the Water?"
2005

First Fish Kill—Brook Trout Endemic to Little Plover River
2005



First Fish Kill—Brook Trout Endemic to Little Plover River
2005





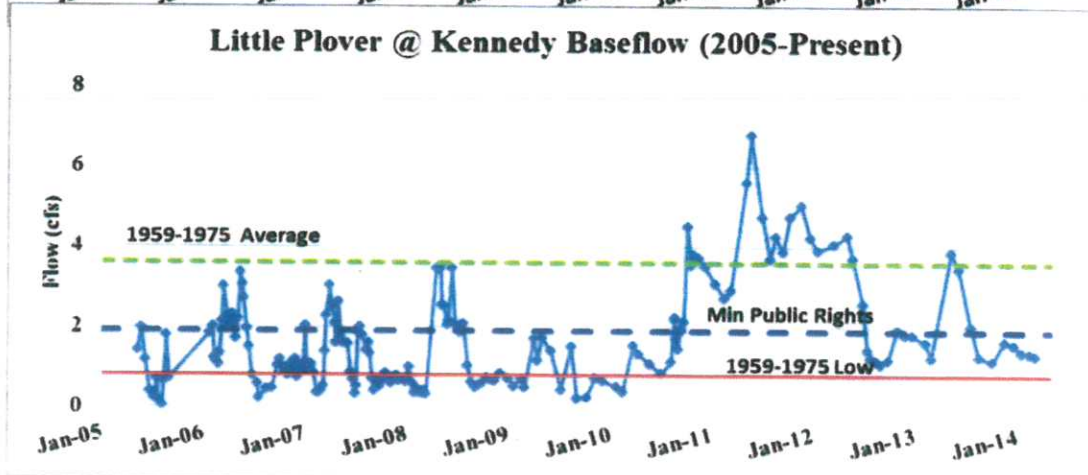
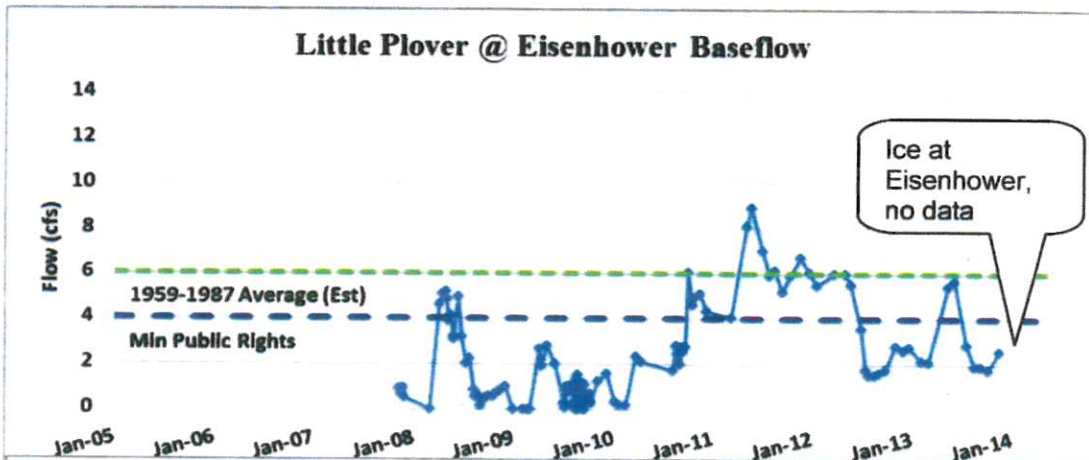
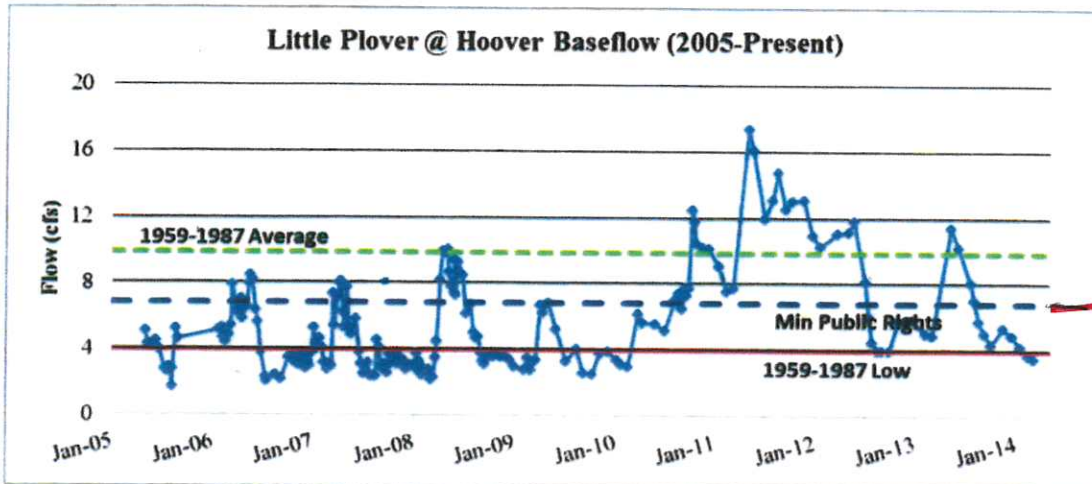
Again Below Public Rights Flow
2009



Can't Believe This Is Still Happening
2012



LITTLE PLOVER FLOW REPORT – MARCH 2014; SINCE 2005



**Photos 1, 2, 3, 4
2015**

Little Plover River has a impoundment more than 100 years old

- Water recreation and fishing have been and are severely impacted . . . not only for riparian property owners but for the general public.
- Little Plover River low flows, rising water temperatures and upstream nutrient loading all fuel massive, unhealthy algae blooms and impassible weed growth



Photo 1—Algae Bloom



Photo 2—Algae Bloom

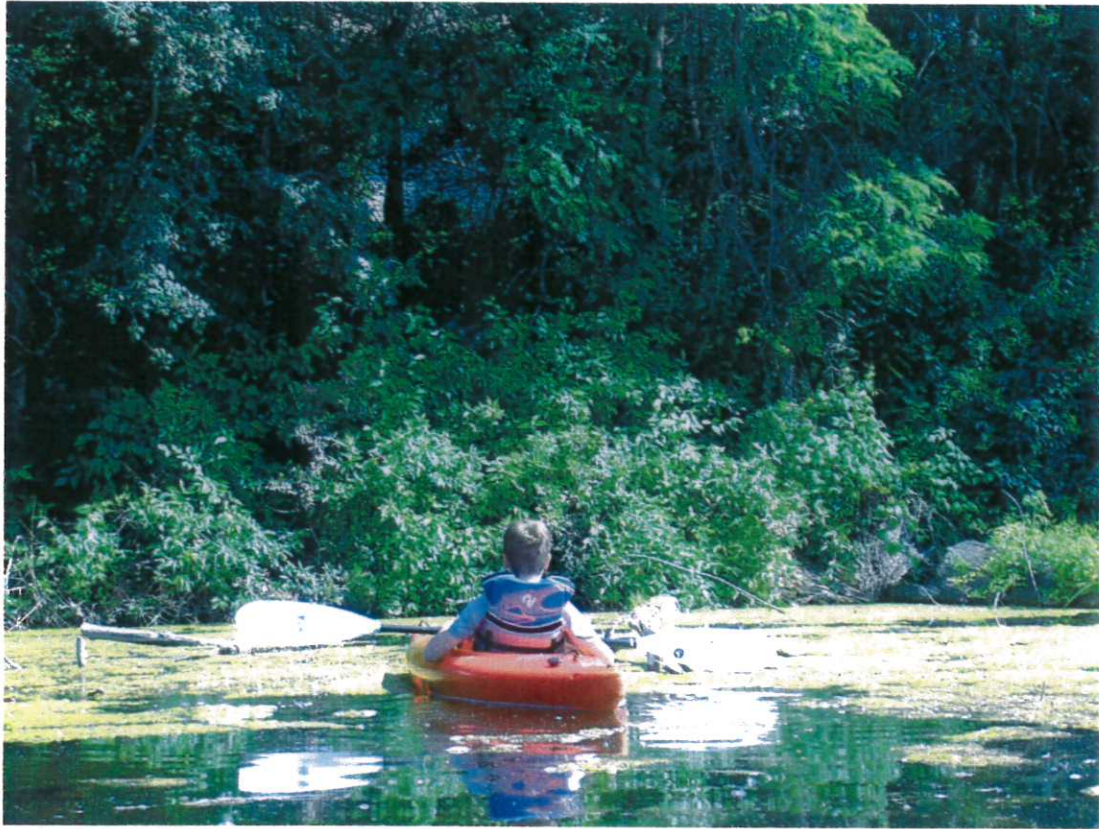


Photo 3—Grandchild Stuck in Mess



Photo 4—Even Adult Kayaking Is Nearly Impossible

Little Plover River Weed Warrior



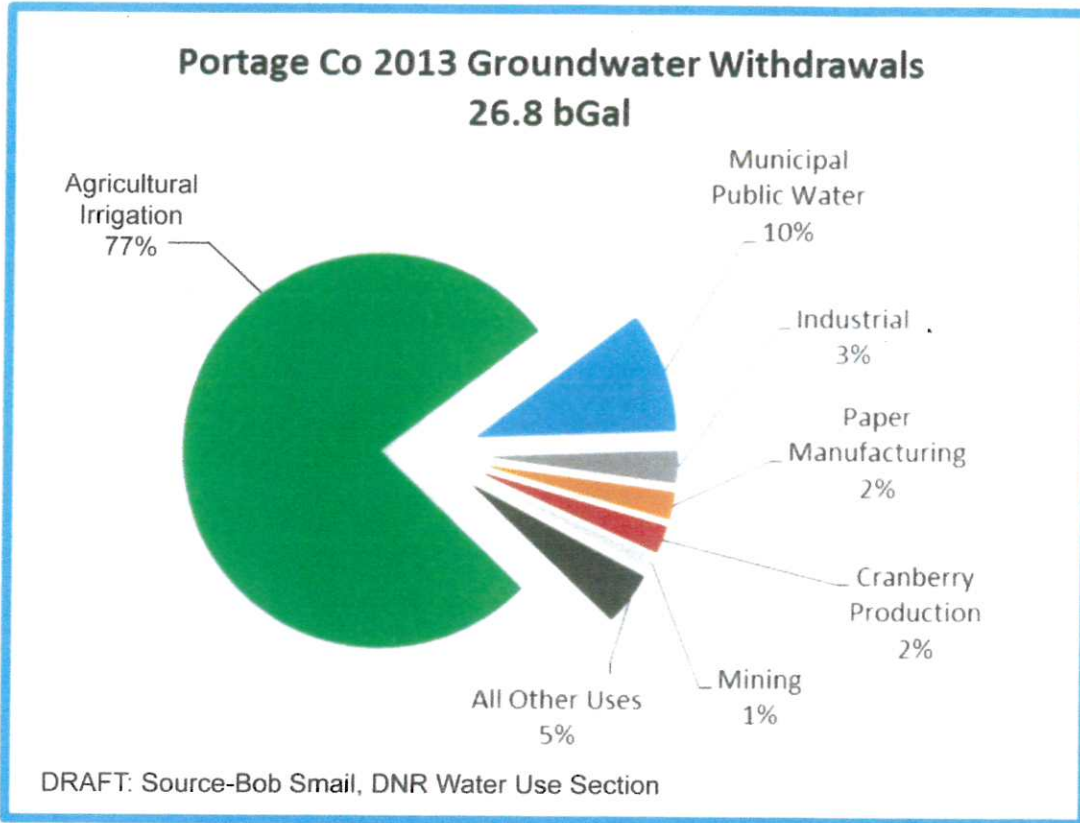
Little Plover River—Impassable Weed Mats



Little Plover River “Weed Warrior” Property Owner Attempting to Clear Path by Removing Weeds at the Roots



How We Use Groundwater in Portage County



AGRICULTURAL IRRIGATION AGAIN TOPS LIST

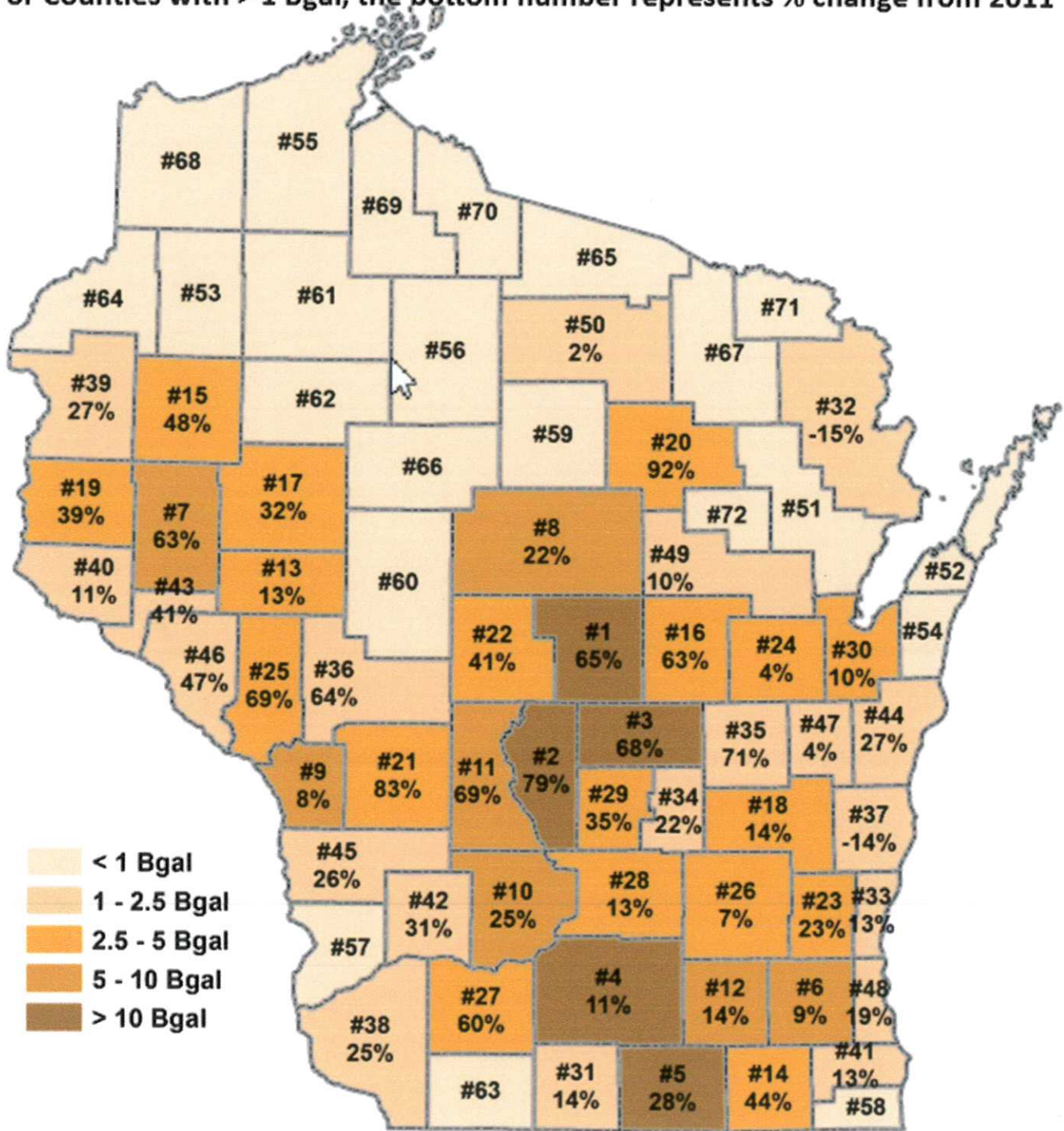
- 20.7 BILLION GALLONS pumped 2013 . . . over 3/4 of groundwater used in Portage County
- Municipalities used (in comparison) 2.6.Billion gallons

All Source Water Use	Total 2011 Withdrawals	Total 2012 Withdrawals	Total 2012 Sources	Total 2013 Withdrawals	Total 2013 Sources	% of 2013 Wdrl Total
Agricultural Irrigation	15,625,404,718	29,038,997,224	812	20,734,182,923	721	77.3%
Municipal Public Water	2,738,954,686	2,850,091,428	21	2,648,339,390	18	9.9%
Industrial	1,061,380,133	1,265,366,219	30	749,172,331	20	2.8%
Paper Manufacturing	641,488,355	646,615,008	7	615,058,920	2	2.3%
Cranberry Production	511,583,700	408,610,634	10	613,335,498	10	2.3%
Mining	384,977,305	263,111,800	11	277,543,665	6	1.0%
All Other Uses	340,083,086	429,928,439	220	1,187,299,887	338	4.4%
Totals	21,309,871,983	34,902,720,662	1,111	26,824,932,614	1,115	

Visit our website: <http://www.friendsofthelittleploverriver.org>

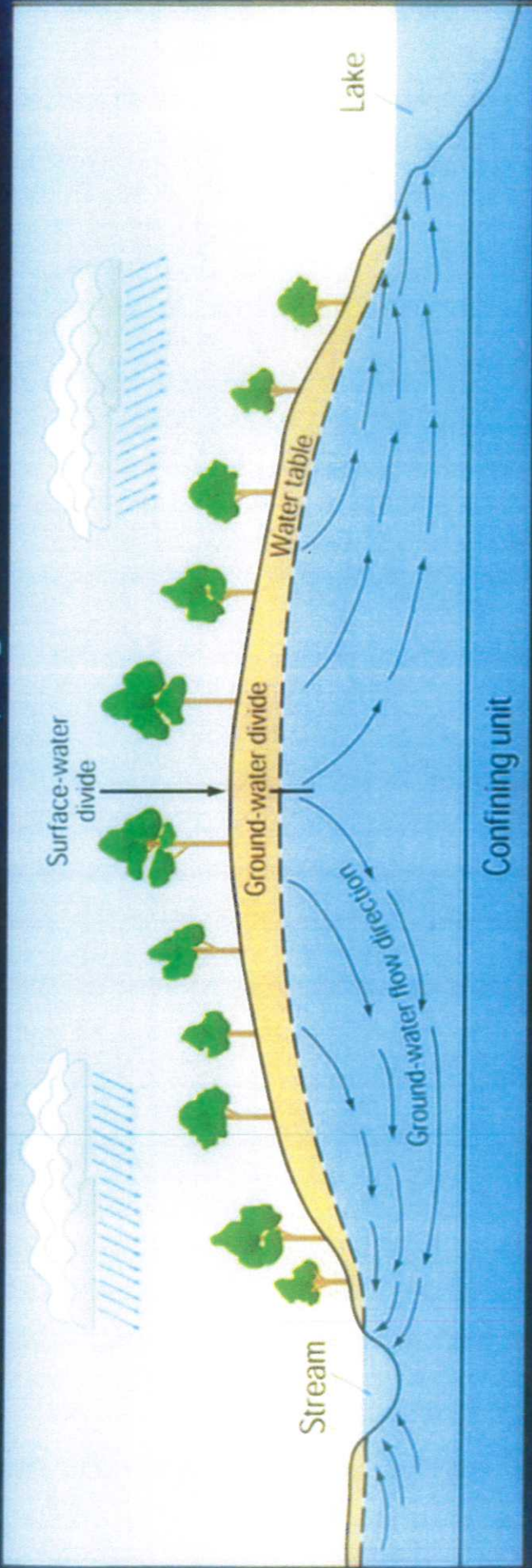
2012 Groundwater Total Withdrawals by County

Top number indicates ranking of total withdrawal (#1 = highest, #72 = lowest)
 For Counties with > 1 Bgal, the bottom number represents % change from 2011

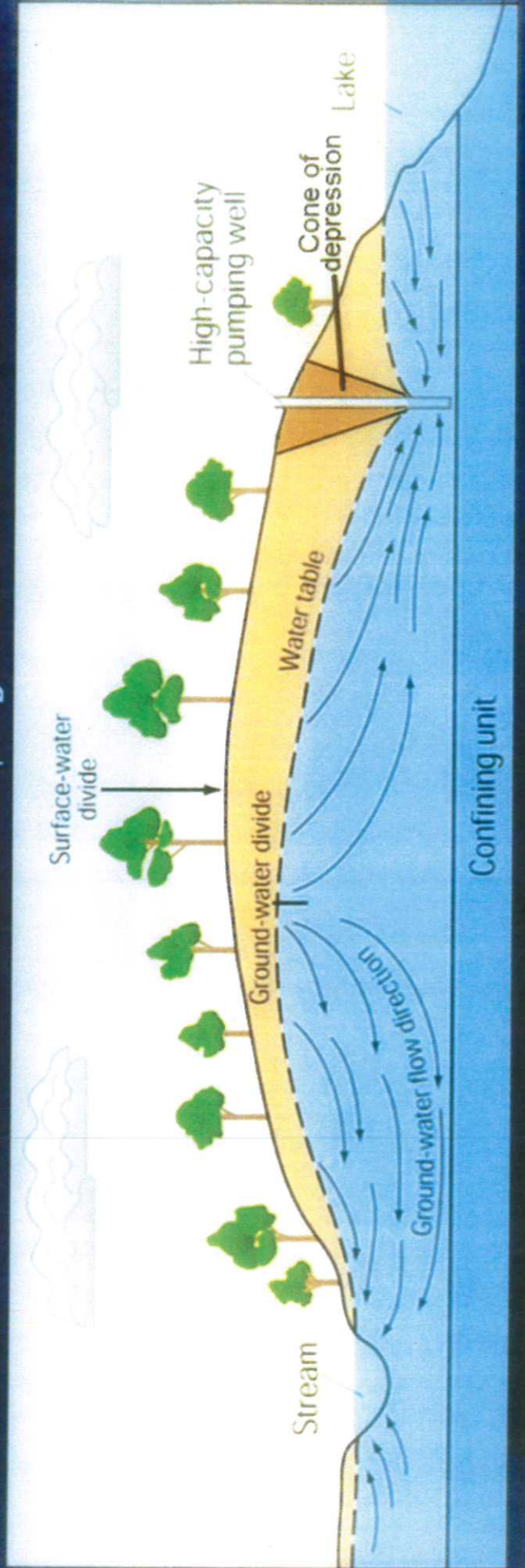


Source: Wisconsin DNR Water Use Program

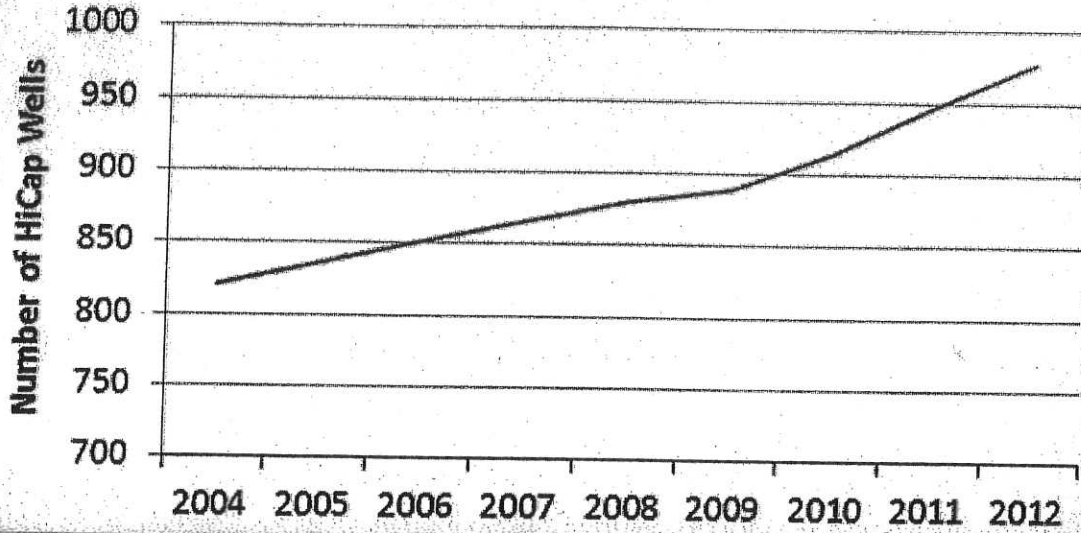
No Pumping



Pumping

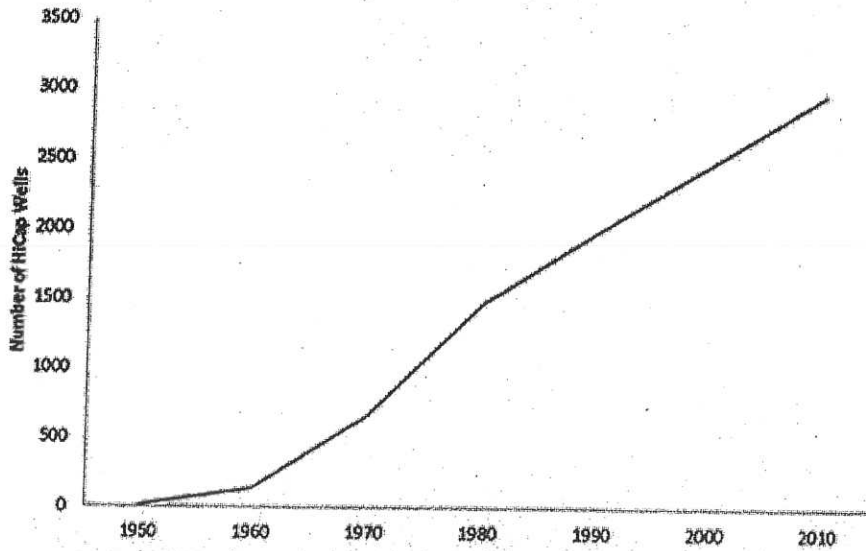


HiCap Wells in Portage County



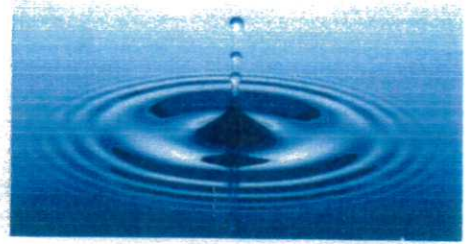
Data Supplied by Portage County and Wisconsin DNR

Growth of HiCap Wells in the Central Sands



Data Supplied by Center for Land Use Education and Wisconsin DNR

High capacity well pumping in Wisconsin

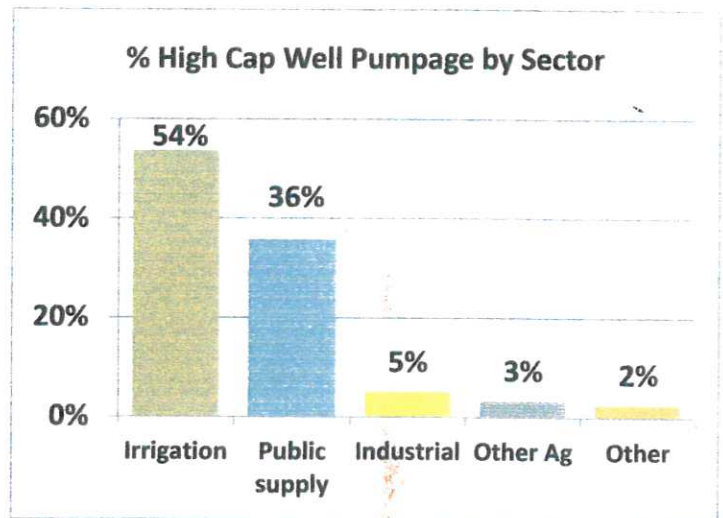
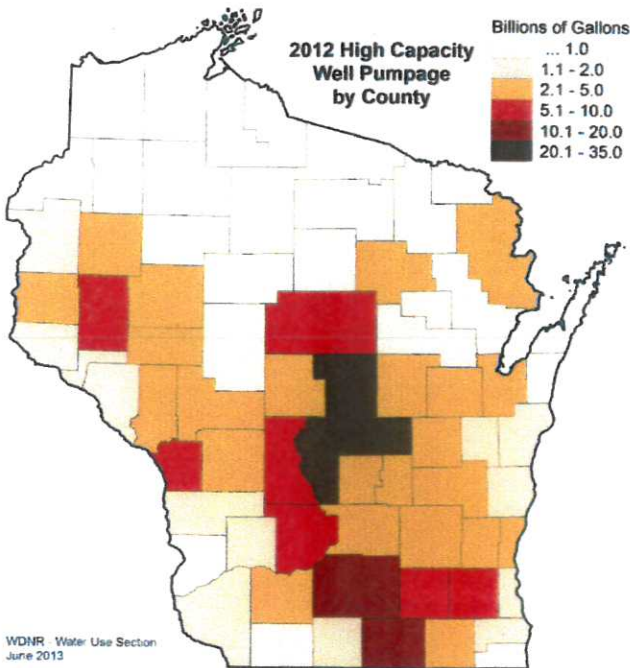
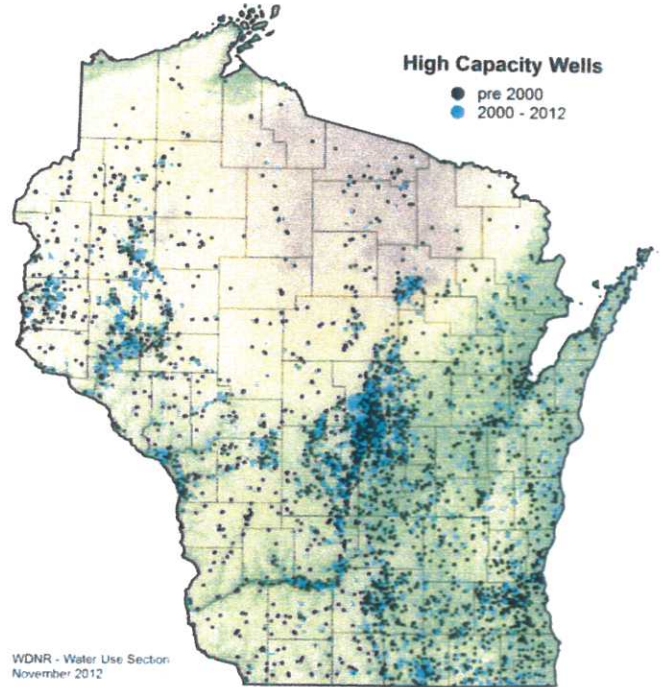


2012

Some 278 billion gallons of water were reportedly pumped from Wisconsin's 7500 high capacity wells in 2012.¹ Pumpage from other wells (mainly residential) was an added 32 billion gallons.² Irrigation was the dominant high capacity well use (54% of total, including 2.4% from golf courses), followed by public supplies, mainly municipal.

About one-third of the high cap well pumpage occurred in (by order of amount) Portage, Adams, and Waushara Counties. The remaining top ten counties were Dane, Rock, Dunn, Marathon, Waukesha, LaCrosse, and Sauk.

Groundwater pumping has become a concern in places due to the drying of lakes, wetlands, and streams; and in the southeast and northeast where water levels in the deep aquifer have been dramatically lowered.



¹ Wisconsin Department of Natural Resources.

² USGS 2009 <http://pubs.usgs.gov/circ/1344/pdf/c1344.pdf>

5

Environmental / Human Health Impacts of Agriculture

With its vast acreage, agriculture affects environmental and human health. While some government programs and farmers have worked for decades to minimize agricultural externalities such as soil loss, pesticide exposure, and nutrient loading to lakes, rivers and groundwater, much remains to be done.

Agricultural Irrigation

Approximately 377,000 acres, or four percent of all cropland in Wisconsin is irrigated.⁵ This is a 70 percent increase from the late 1970s.³⁶ Figure 18 shows agricultural irrigation by county. Portage, Waushara, and Adams counties, each located within central Wisconsin, account for almost one-half of total agricultural irrigation. These counties also lead the state in the production of potatoes, sweet corn and other assorted vegetables.³⁶

Studies in the 1960s and 1970s, and more recent work since 2000, warned that the growth in groundwater pumping for agricultural irrigation in the Wisconsin Central Sands could substantially lower regional water levels and stream flows.³⁷ Since 2000, water levels and stream flows in this region have been notably depressed, at least in areas that contain large densities



Photo 4
Central pivot irrigation system

of high capacity wells. High capacity wells are wells on a property where total pumping is more than 100,000 gallons per day.³⁸ As shown in Figure 19, areas with large densities of approved high-capacity wells appear to be associated with sandy glacial sediments.

Areas of the Central Sands with large densities of high capacity wells experienced record low water levels in 2000-2008.³⁷ This stands in sharp contrast to regions with few high capacity wells. The Little Plover River, a former high-quality trout stream in this area has dried annually in stretches since 2005. Long Lake near Plainfield, which formerly covered 45 acres has been dry to near dry since 2005. Declines of around four feet or more in water levels by pumping are possible beyond climatic influences.³⁷

In 2004, Wisconsin passed its first law to address groundwater quantity and high capacity wells.³⁹ In 2009, additional state groundwater quantity legislation was proposed, but did not pass.

For full document see www.uwsp.edu/cnr/landcenter/megatrends/agriculture.aspx

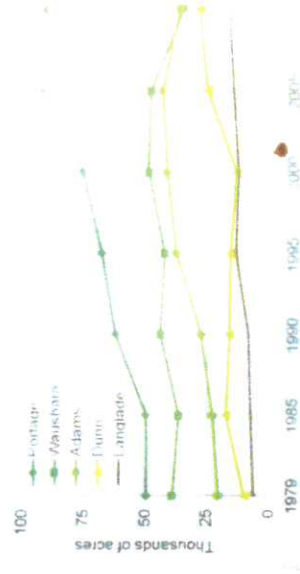
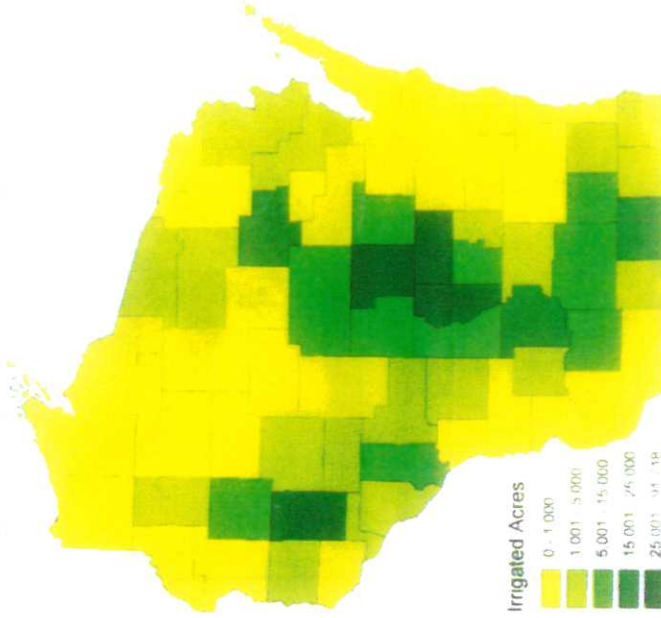


Photo 5
Dry streambed at the site of the Little Plover River

Figure 18

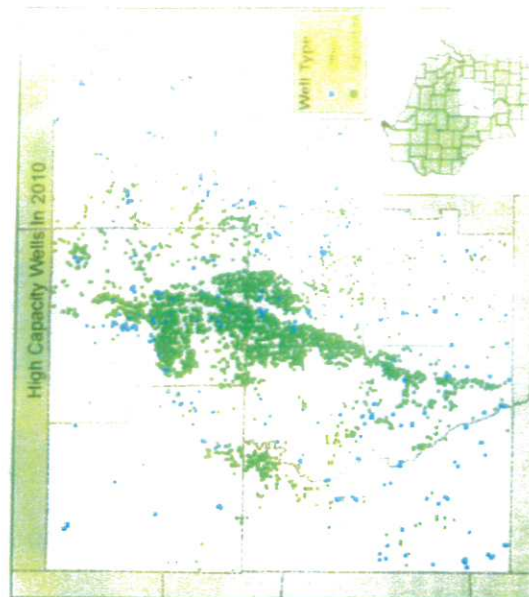
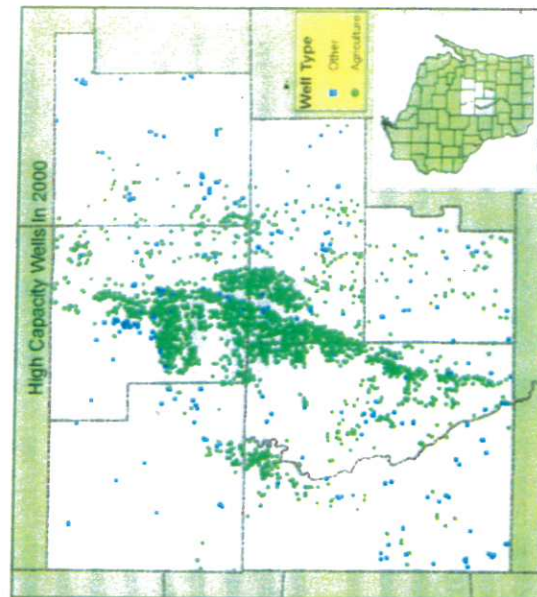
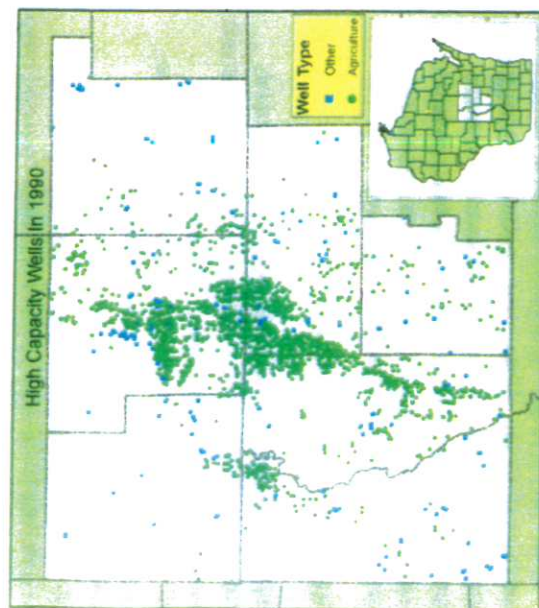
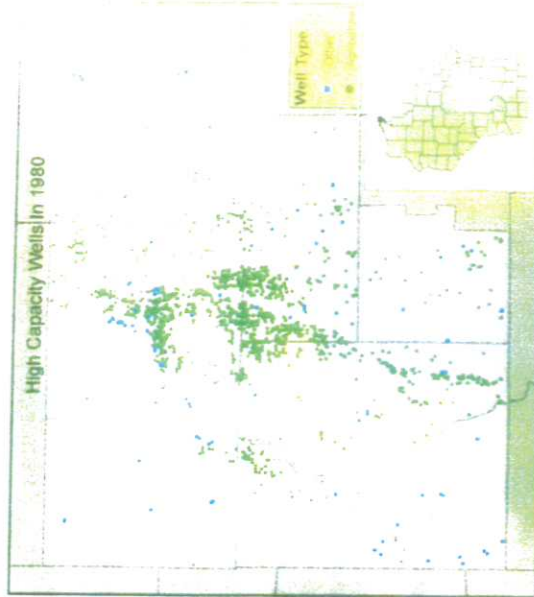
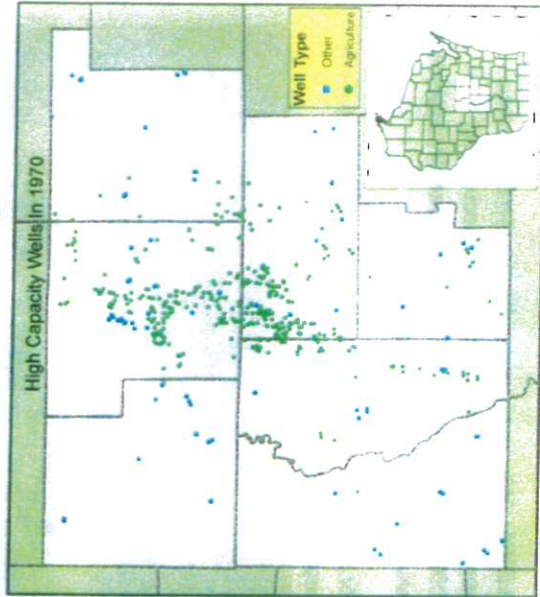
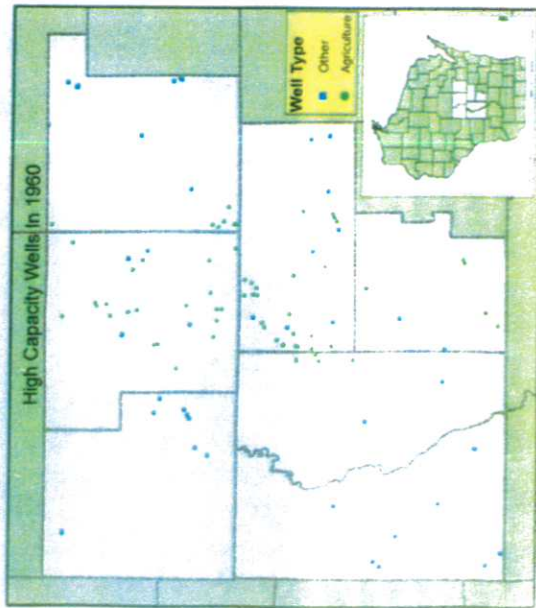
Agricultural Irrigation

This map shows irrigated acres by county. Most agricultural irrigation is focused on the counties in the central part of the state largely due to more permeable, sandy soils. The graph below shows agricultural irrigation for selected counties.



Groundwater use trend data for each county is available at <http://wi.water.usgs.gov/wcomp/find>

Growth in Approved High Capacity Wells in the Central Sands

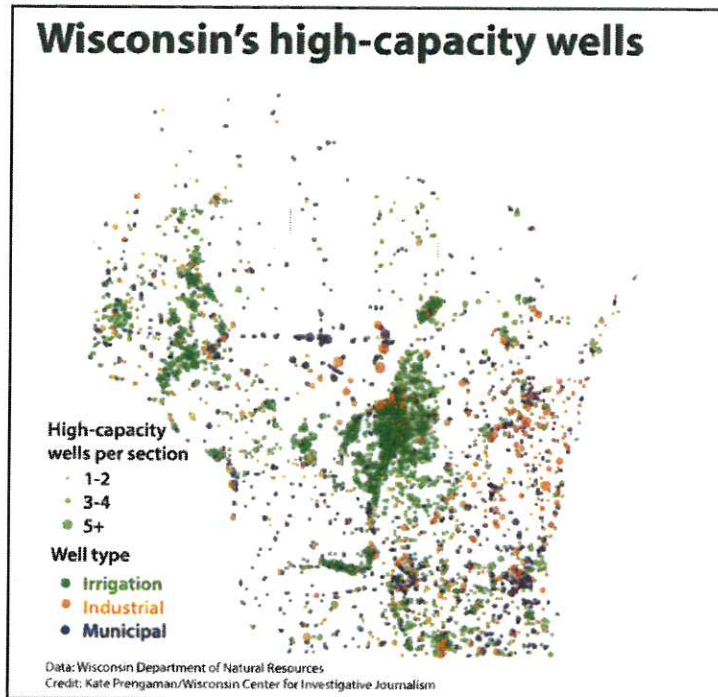


Maps Created by Dan McFarlane, Center for Land Use Education, 2010. Data Source: Wisconsin Department of Natural Resources. High Capacity Well Information. <http://dnr.wi.gov/org/water/dwgn/hicap.html>. Accessed May 2011.

Protecting Groundwater for Future Generations

Groundwater supply is a growing concern in Wisconsin. Luckily, Wisconsin is not yet facing a water crisis of the magnitude that many western states are facing. If we take smart action now, we can manage our groundwater to ensure that adequate supplies are available for future generations. On the other hand, if Wisconsin fails to take action to limit the cumulative impacts of high-capacity wells, the prospects for future generations of farmers and the outlook for the state's \$88 billion agricultural industry will be in jeopardy.

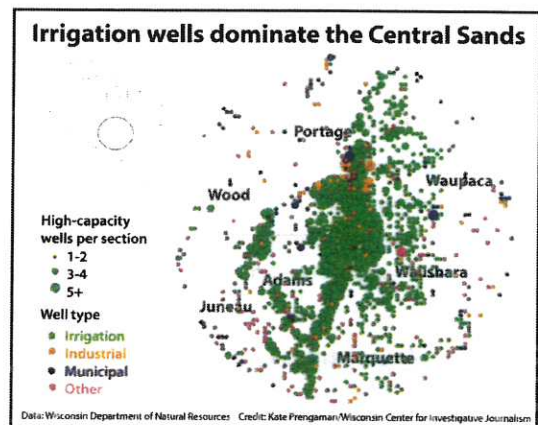
Wisconsin's high-capacity wells



This fact sheet is brought to you by:

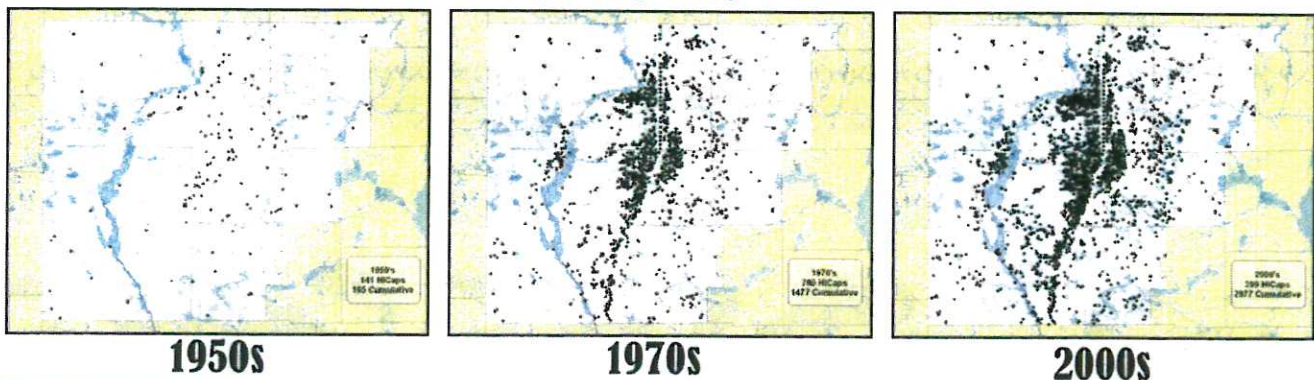


Irrigation wells dominate the Central Sands



There are currently 8,402 permitted high capacity wells in Wisconsin, defined as wells with the capacity to pump over 70 gallons per minute or 100,000 gallons per day. In 2013, over 2,200 of those were located in the Central Sands region of Wisconsin, and there are even more today. The Central Sands consists of six counties: Wood, Portage, Waupaca, Adams, Waushara, and Marquette. Most wells in the Central Sands are not operating at their full permitted capacity, and yet water levels in the region are still declining enough that some farmers have had to drill newer, deeper wells (at significant expense) as groundwater levels drop.

The Growth of High Capacity Wells in Wisconsin



Managing Groundwater: What can the state do?

- Give the DNR legislative guidance and rulemaking authority to regulate the cumulative impacts of high-capacity wells.

The experience of states such as Michigan and Minnesota demonstrate that it is possible to regulate the cumulative impacts of high-capacity wells without stifling agriculture or other industrial development. Indeed, a sound framework for managing groundwater is necessary to ensure economic growth. Attempts to prohibit the DNR from taking cumulative impacts into account are short-sighted and harmful to farmers and industry in the long run.

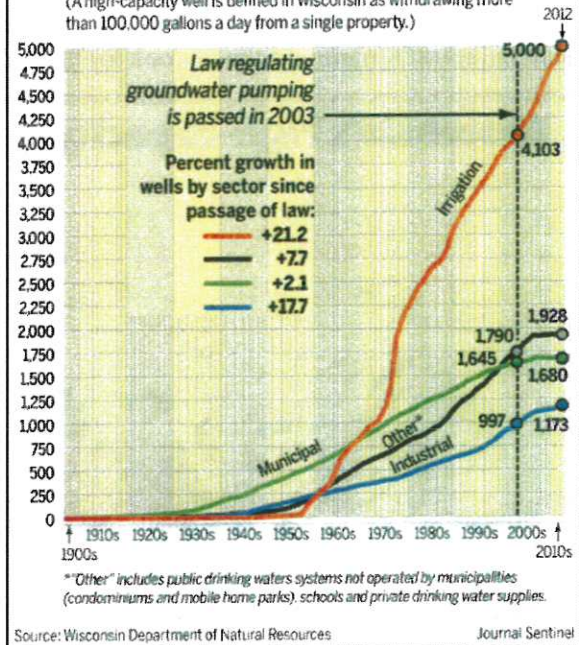
Key components of a cumulative impacts framework include: establishing baseflow allocations for maintenance of surface waters, development of a model (either regional or statewide) that predicts how a proposed well would impact surface waters and existing wells, and creation of procedures to ensure that all water users can exercise their right of reasonable use in the case of conflicts.

High-capacity well use on the rise

The number of high-capacity wells used for irrigation far outpaces other uses in Wisconsin.

Number of high capacity state wells

(A high-capacity well is defined in Wisconsin as withdrawing more than 100,000 gallons a day from a single property.)



- Provide funding for the DNR to compile the necessary data to construct a cumulative impacts model.
- Increase DNR staffing to review high-capacity well permits.

Right now, the DNR has only 4 staff members reviewing high-cap well permits. Because of a backlog of hundreds of new well applications, review can take well over six months. By comparison, the state of Minnesota has 18 hydrogeologists, as well as additional support staff, who review of high-capacity well permits. Result: Minnesota farmers get their well permits in a timely fashion. Simply stated, the Wisconsin DNR needs more staff reviewing high-capacity well permits.

Wisconsin Farmers Union, a member-driven farm organization, is committed to enhancing the quality of life for family farmers, rural communities and all people through educational opportunities, cooperative endeavors and civic engagement. Learn more at www.wisconsinfarmersunion.com.





Central Wisconsin Sand and Gravel Aquifer Managing Water for Multiple Uses

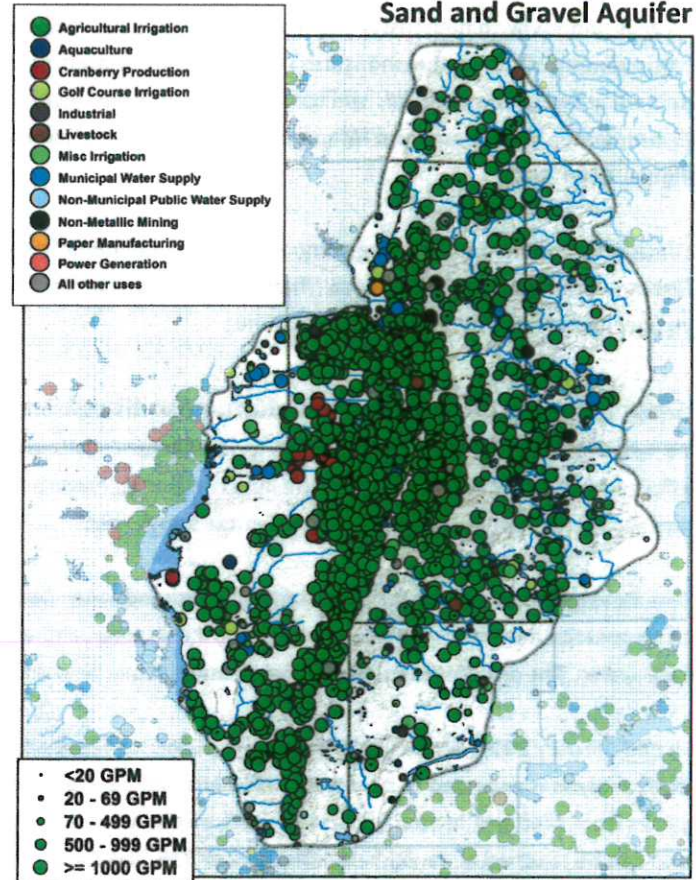
What is the Central Wisconsin Sand and Gravel Aquifer ?

An aquifer is a rock or soil formation that can store or transmit water. The **Central Wisconsin Sand and Gravel Aquifer (CWSGA)** is defined as a contiguous area east of the Wisconsin River where groundwater is stored in sand and gravel deposits more than 50 feet deep. The aquifer covers 1.75 million acres in parts of Adams, Marathon, Marquette, Portage, Shawano, Waupaca, Waushara and Wood counties.

These deposits of sand and gravel were left by melting glaciers at the end of the last ice age. Because they are comprised of coarse material, rainfall and snowmelt are more likely to soak into the ground rather than flowing off the land surface to lakes and streams. In many areas of the CWSGA, there can be over 150 feet of sand and gravel saturated with groundwater. Often, this aquifer starts only a few feet below the surface.

This region is characterized by over 800 miles of trout streams and over 300 lakes. Most of these streams and lakes are highly dependent on groundwater as their primary source of water.

High Capacity Wells Located in the Central Wisconsin Sand and Gravel Aquifer



The CWSGA has proven to be an effective setting for a number of agricultural industries including produce, grain, dairy, timber, Christmas tree and cranberry production. In fact there are over 2000 high capacity irrigation wells in the CWSGA. This represents half of all irrigation wells in Wisconsin and their use is a major contributor to Wisconsin's national ranking in crop production for potatoes (3rd), green beans (1st), sweet corn (2nd), peas (3rd), and carrots (2nd). The estimated economic impact of irrigated agriculture in this area is billions of dollars and tens of thousands of jobs per year. Achieving a sustainable balance between water uses requires a scientific approach to adaptive management and the participation of local stakeholders.

Currently, the DNR is working to improve its management tools by partnering with the U.S. Geological Survey, the Wisconsin Geological and Natural History Survey, and others by building computer models to better understand the complex groundwater-surface water interactions and how different management alternatives affect groundwater and surface water flows. In addition, DNR is in the early stages of developing a strategic analysis for the CWSGA that will collect, analyze and report the latest scientific, ecological and socio-economic information relating to groundwater and surface water in the eight-county area.

Read more about these efforts on the back and how partners hope they will lead to possible solutions.



Central Wisconsin Sand and Gravel Aquifer High Capacity Well Trends and Concerns

Work underway to help provide foundation for possible future discussions and solutions

Work is underway to help foster the sustainable use of groundwater in the Central Sands to benefit the people, natural resources and economy of the region and state. Two particularly important efforts are underway to help address and find possible solutions to meet growing demands for, and concerns about, groundwater withdrawals: the **Strategic Analysis for Surface Water and Groundwater Use, Effects and Management in the Central Sands of Wisconsin** and the **Groundwater Flow Model for the Little Plover River Basin**.

These efforts build on a growing body of research and monitoring in the Central Sands area coordinated through Wisconsin Groundwater Coordinating Council. They also build on cooperative efforts by state and federal agencies, academia, and high capacity well owners to voluntarily find solutions.

Getting the big picture as a foundation for discussion

To help find ways to sustainably manage groundwater in Wisconsin's Central Sands region in the future, the state is launching an effort to collect, analyze and report the latest scientific, natural resources and socio-economic information relating to groundwater and surface waters in the eight-county Central Sands area.

This **Strategic Analysis for Surface Water and Groundwater Use, Effects and Management in the Central Sands of Wisconsin** aims to summarize the state of the science in all of these areas and assess alternative courses of action to protect groundwater and surface water. The resulting comprehensive document can be used as a reference for the development of public policy.

In mid-January 2014, DNR will provide to the public for feedback a draft outline of the topics planned for inclusion in the analysis. A draft analysis is expected to be done in 2015 and will be available for public comment at that time. A team of DNR staff across disciplines from field and central offices will work on the analysis. Dan Helsel, water leader for DNR's West district, is the lead contact and can be reached at daniel.helsel@wi.gov or 715-284-1431.

Zeroing in on a specific situation to develop a model for elsewhere

DNR is funding a project jointly conducted by the Wisconsin Geological and Natural History Survey and the U.S. Geological Survey to develop a sophisticated computer model aimed at helping maintain healthy water levels in the Little Plover River.

The group will assess the current state of science regarding groundwater and surface water interaction in the Little Plover River watershed and will develop a groundwater flow model to simulate the local groundwater and surface water systems.

A second phase of the modeling will develop tools to evaluate various pumping scenarios and water management strategies to ensure the health of the Little Plover River. The project is expected to take about two years.

Contacts for this project:

Dan Helsel, DNR, daniel.helsel@wi.gov

Ken Bradbury (WGNHS) krbradbu@wisc.edu

Mike Fienen (USGS) mnfienen@usgs.gov

Little Plover River Listed 4th Most Endangered River in America 2013



April 17 . . . American Rivers announced its 2013 listing of AMERICA'S 10 MOST ENDANGERED RIVERS (MER.) The Little Plover River (LPR), 4th on the list, flows through Portage County at the heart of Wisconsin's Central Sands.

The common thread . . . of the top 4 MER is that they have either outdated or, more alarmingly, NO water/groundwater management plans in place.

Historically . . . the LPR has never gone dry, even in past drought periods of greater magnitude . . . until 2005 when sections of the river dried up—and this has continued to happen since then.

What has changed . . . to make this happen? Portage County has the highest number of High Capacity Wells (HCW) in the state. Based on groundwater modeling, the growth of HCW and the depletion of river flow have coincided.

The time has come . . . to embrace the science and establish an enforceable groundwater management plan for the LPR, the 6 counties of the Central Sands and Wisconsin.

How will this end? . . . We look at this river and wonder if this will be the final chapter in the story of the LPR? Will it end as a lifeless, empty shadow of what once was? Perhaps a different chapter in this river's story can be written. The choice is ours and yours . . . help us save the Little Plover River—it can be done if we start today.

Friends of the Little Plover River

1100 Main Street, Suite 150

Stevens Point, WI 54481

(715) 343-6215

www.friendsofthelittleploverriver.org



Little Plover River Time Line

- The LPR is the “Canary in the Mine” for the Groundwater of the Central Sands
- 1997 (17 years ago) Village of Plover commissioned a study . . . predicting a dry up in 2005
- 2005 (9 years ago)—1st dry up of sections of the LPR in recorded history
 - Friends of the Little Plover River formed
 - 1st Annual Newsletter
- 2006 (8 years ago)—Sections Dry
 - LPR Workgroup formed with all parties represented
 - Newsletter
- 2007—Sections Dry
 - Augmented to save trout
 - 1st Annual Appreciation Day Event on the river/ 140 4th grade students from Roosevelt and Plover/Whiting Schools
 - 2 Newsletters
- 2008—Sections Dry
 - Augmented to save trout
 - DNR asked to set Public Rights Flow
 - Newsletter
- 2009—Sections Dry
 - Augmented to save trout
 - DNR sets PUBLIC RIGHTS FLOW
(6.8 cfs at Hoover, 4.0 cfs at CTH R, 1.9 cfs at Kennedy)
 - State Legislators form LPR Fact Finding Commission—the Groundwater Working Group
 - FLPR representatives regularly attended Groundwater Working Group meetings in Madison
 - State Legislators visit LPR
- 2010 Heavy rains
 - FLPR representative gave testimony to the Wisconsin State Legislative fact-finding committee, the Groundwater Working Group
 - FLPR started tracking HCW applications and approvals
 - Groundwater legislation did not proceed
 - Newsletter

- 2011 Heavy rains
 - FLPR WEBSITE goes live (all volunteer hours to develop and maintain)
 - FLPR awarded Water Conservation Organization of the Year
 - FLPR Award Installation at Roosevelt and Plover/Whiting Schools
 - 2 Newsletters
- 2012 CSWAC/FLPR asked DNR to enforce Public Rights Flow (1st letter)
 - USGS report: *Stream Flow Depletion by Wells*
 - Portage County involvement requested and task force formed but stalled
 - LPR Conservation Concept Plan
 - Purchase of 140 acres funded by Stewardship and Portage County Land Preservation Funds—takes 100 acres out of irrigation
 - Newsletter
- 2013 2nd letter asking DNR to enforce PRF
 - LPR named 4th Most Endangered River in America
 - FLPR does presentations in Chicago and throughout Wisconsin
 - Natural Resources Board, including DNR Secretary Stepp, visits LPR
 - 8th Annual LPR Appreciation Day (1000 students engaged in water conservation to date)
 - Event: LPR walk with Professor Robert Freckman
 - LPR E-News started, 20 to date
 - LPR Conservation land transferred to the Village of Plover
 - Groundwater Resolution passed Portage County Groundwater Citizens Advisory Committee and moved on to Planning and Zoning Committee
 - Portage County Planning and Zoning Committee approves Groundwater Resolution, it will be before the Portage County Board on December 17
 - DNR: more LPR studies pending—another 1 ½ years. 2015?
 - What happens after the study . . . does the DNR have the “authority to save any river or lake?”

Since 2006, the Friends of the Little Plover River has successfully applied for 16 grants to support its educational mission.

Friends of the Little Plover Mission

The mission of the FLPR is, through education and conservation, to restore and maintain the healthy flow of the LPR and its associated shore lands by promoting wise management of the groundwater and land resources in the LPR watershed and beyond.



Little Plover River Community Currents

Fabulous 5th Event—700 Students Served To Date Appreciation Day

We are proud to tell you that on May 6, 2011, the Friends of the Little Plover River held the 5th Annual Appreciation Day Event. Yes, it was 5 years ago that we first welcomed to the river approximately 140 fourth grade students from Roosevelt and Plover/Whiting Elementary Schools. The educational hands on event was an immediate success and continues to be a much anticipated event for the fourth grade students.

To date we have seen approximately 700 students become engaged in water conservation, educational and recreational themes . . . We're planning for 1,000 students by 2013.

Mark your calendars for next year's Appreciation Day—May 4, 2012

A Special Thanks to Our Teachers



This Annual Appreciation Day Event continues to be so very successful because of these enthusiastic and supportive teachers. For this and your dedication **We Thank You!** Through rain and shine you have come.

This Year's Volunteers . . . an integral part of this annual event . . . **Thank You** for all your time and expertise:

Nathan Anschutz 1 st yr	Dan Bogg 1st yr	Steve Bradley 4 th yr
Bill Ebert 3 rd yr	Barb Feltz 5 th yr	Barb Gifford 5 th yr
Jim Gifford 5 th yr	Jennifer Glad 1 st yr	Stu Grimstad 5 th yr
Duane Groshek 1 st yr	Tyler Groh 4 th yr	Lynn Holborn 2 nd yr
Matt Jacobson 5 th yr	Jerry Knuth 5 th yr	Dale Kufalk 5 th yr
Al Kunst 5 th yr	Tom Meronek 5 th yr	Hayley Templar 1 st yr

Education Student Volunteers: Kathleen Rimer, Megan Utecht, Christina Hoppe;

Roosevelt Teachers: Faye Miller, Karen Wiltzius, Jean Hayder;

Plover/Whiting Teachers: Betsy Wiberg, Rebeca Radtke, Betsy Weinkauf

(Continued on Page 2)

Aerial Mapping of Little Plover River Provided by Bob Bowen

On April 29, 2011, Bob Bowen carried out an aerial mapping of the River. You can view the photos he took on our website at <http://www.friendsofthelittleploverriver.org/about-the-river/aerial-mapping-of-the-little-plover/aerial-mapping-images/>. Bob has been flying since 1967, 44 years, and accumulated over 3000 hours of personal flying and Civil Air Patrol service. Bob's aircraft is a 1947 Luscombe that stays in very good condition through required annual inspections. It's a factory model aircraft and not a home built. Age is not a factor and Bob says he's sure the plane will outlast its owner. Bob has shared aerial photos with the City of Stevens Point, Department of Planning and Zoning, in regard to the Wisconsin River and Plover River draw down and the Portage County Planning and Zoning departments. He also provides an aerial platform for the UWSP Schmeckle Reserve project that is used to maintain an ongoing overview of the reserve's improvements. Occasionally Bob does courtesy photos for individuals who want shots of their residence. The Friends of the Little Plover River wish to thank Bob for the many volunteer hours he devoted to the mapping of the Little Plover River.

Submitted by Barb Gifford



Bob Bowen stands next to his 1947 Luscombe

THE SEVEN ACTIVITY STATIONS--2011 APPRECIATION DAY

MAY 6, 2011

(CONT. FROM PAGE 1)

WOULD YOU DRINK THIS WATER?

Students performed an experiment on a glass of "contaminated" water. The experiment consisted of looking, smelling, and tasting the liquid. After answering all three criteria, students had to answer "Would you drink this?" Many of the answers were "No." Some ingredients in the water included food coloring, onion powder, and coffee creamer. The lesson learned from this activity is there are many pollutants in the water and many of them can be tested by looking, smelling, and tasting, but many cannot be seen and have to be tested by scientists.



INCREDIBLE JOURNEY

The life of a water drop... Students had the opportunity to learn how the water cycle works by pretending they are water drops. They were able to virtually move through the water cycle collecting beads that represent places they would travel in the water cycle like soil, plants, clouds, groundwater, lakes, rivers, oceans, animals or glaciers.

FLY TYING

Al Kunst conducted demonstrations at the Fly Tying station. This activity taught students about the different types of flies and how to understand the environment one is fishing in to be able to fish well. Students were able to watch Al tie the flies they would use when fishing. Donated LPR fishing lures were given to each student.



WATER CONSERVATION

Conserving water is always an important topic to discuss. Even with students in grade school. Duane Groshek (Village of Plover) and Andrew Aslensen (Rural Water Association) presented the water conservation station. Duane brought handouts about how to conserve water to give to the students.

FLY CASTING

Fly casting taught students how to properly use a fly rod, along with fly fishing techniques. Stu Grimstad, from Trout Unlimited, brought 20 youth fly rods with him. Bill Ebert and Dan Bogg helped out. It was a windy day which made this activity exciting.



TROUT SHOCKING/VIEWING

This is a student favorite! Tom Meronek, Dale Kufalk and Matt Jacobson of the DNR explained that the river is a valuable resource to be preserved. They demonstrated how to shock fish to do a census and students saw fish from the river up close. Students asked many questions.



MACROINVERTEBRATES/STREAM FLOW

UWSP student volunteers captured macroinvertebrates that live in the stream and students were able to see them up close and were amazed at the immense diversity of the river ecosystem. They also learned the importance of measuring river flow and what flow rates and stream levels mean to animals living in the stream.



Little Plover River on Exhibit at the MREA Energy Fair

Volunteers from the Friends of the Little Plover River, Barb Feltz, Barb Gifford, Jim Gifford, Jennifer Glad and Jerry Knuth, staffed an informational exhibit at the 22nd Annual Energy Fair in Custer, WI on June 17-19, 2011.

Sponsored by the Midwest Renewable Energy Association, the Energy Fair is the nation's longest running energy and sustainability education event of its kind. Members of the Friends answered questions from Fair attendees on the status of the Little Plover River and other groundwater issues. We were thanked by many for our groundwater education efforts.

Submitted by Barb Gifford



Jerry Knuth at the FLPR booth at 2011 MREA Energy Fair

Good and Worrisome Legislative News Good News

Can the DNR Regulate Groundwater Withdrawal ?
YES! The Wisconsin Supreme Court ruled unanimously YES in the Lake Beulah Management District v. Wisconsin Department of Natural Resources case.

To the surprise of many water conservation groups, the July 6, 2011 ruling of the Wisconsin Supreme Court affirmed that the State has an obligation to protect surface waters from the negative impact of excessive groundwater withdrawal. The Court found:

"... the DNR has authority and a general duty to consider potential environmental harm to waters of the State when reviewing a high capacity well permit application. . . . The DNR should use both its expertise in water resources management and its discretion to determine whether its duty as trustee of public trust resources management and it is implicated by a proposed high capacity well permit application such that it has an obligation to consider environmental concerns."

For the full text of the Court's ruling visit www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=67354

Worrisome News Water Under Assault

Polluters Over People Bill—SB24/AB24

These bills are "nothing but fast-tracking permits for a range of activities, especially the mining industry, that damage rivers, lakes, groundwater and air quality" says Denny Caneff of the River Alliance of Wisconsin.

FLPR board members traveled to Madison to speak with Senators and testify at a committee hearing in opposition to these bills.

Oct. 13: Barb Gifford was part of the Wisconsin League of Conservation Voters Special Lobby Day and met with Senators.

Oct. 26: Jerry Knuth was part of 200 plus citizens officially registering opposition to these bills.

Protect Our Wisconsin Heritage

Please contact the Chairs of the Natural Resource Committee and your State Senator and Representative.

Submitted by Barb Gifford

Thank you Contributors!

Troy and Debra Aeby
Wendy Allen
Todd Amba
Jake and Kristen Barnes
James and Linda Kasukonis
Emily Kurzewski
Mike Mitchell/Mitchell's Hilltop Pub & Grill
Robert and Jean Morris
Tom and Jane Parker
David and Roseann Rosin
Lynn Seifert
Mark and Jan Seiler
Mark and Kristen Wentzel

2011 Appreciation Day Sponsors
Stevens Point Women's Club
Dr. Michael and Becky Schmidt
Barb and Jim Gifford

The Friends of the Little Plover River have created a great, informative website

Please share this website link with others:
www.friendsofthelittleploverriver.org

Water Saving Tips = Fewer \$\$ (Do you receive a water bill?)

- Water efficient shower heads are inexpensive and can save a family of four up to 17,000 gallons per year.
- Need a new clothes washer? Consider buying Energy Star models which can save up to 20 gallons per load.

Friends of the Little Plover River



Your support will help the Friends of the Little Plover River continue their efforts to:

- ◆ Raise awareness of the Little Plover River
- ◆ Promote water quality and quantity issues
- ◆ Promote wise management of water and land resources
- ◆ Increase education of water resources through the Little Plover River Appreciation Day
- ◆ Protect the groundwater that recharges the Little Plover River and that residents drink every day

Select donation amount (Donations are tax deductible)

- Contributor \$15.00 Supporter \$25.00 Sponsor \$40.00
 Leader \$50.00 Benefactor \$75.00 Other: \$ _____
 I wish my support to be anonymous

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail: _____

Please make checks payable to: Golden Sands RC&D
Please print Friends of the Little Plover River or FLPR in the memo line

Please send this form and checks to:

Friends of the Little Plover River
c/o Golden Sands RC&D
1462 Strongs Avenue
Stevens Point, WI 54481

*All donors will have their names published in the next edition

JOIN US!

Improving the health of the Little Plover River is a community project. The Friends of the Little Plover River have come together to work towards the goal of protecting and educating the community about this gem of a stream for future generations.


Contact us:

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10th Annual Little Plover River Appreciation Day

May 6, 2016

Join us as we celebrate one of Wisconsin's unique natural treasures. The Little Plover River Appreciation Day brings 140 4th grade students from Plover/Whiting and Roosevelt Schools to this Class 1 trout stream to learn about the different aspects of water in their lives. Students not only learn about the things that live in the river and by the river, but also about the fun they can have with the River. Students will learn how to cast with fly rods and how to tie flies to use as lures. They will be able to see the fish and invertebrates that live in the River. They will test their knowledge of water conservation and water quality and learn about aquatic invasive species.

With your help we can make this day a fun, educational opportunity for the students and continue our community educational outreach.

Sponsorship Opportunities

YES!! I would like to sponsor the Little Plover River Appreciation Day

Print out this form and mail to the address below

- | | | | | | |
|--------------------------|-----------------|----------|--------------------------|--------|----------|
| <input type="checkbox"/> | Benefactor | \$100.00 | <input type="checkbox"/> | Friend | \$ 25.00 |
| <input type="checkbox"/> | Station Sponsor | \$50.00 | <input type="checkbox"/> | Other | _____ |

Donations are tax deductible

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I wish my support to be anonymous

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c/o Golden Sands RC&D Council, Inc
1100 Main Street, Suite 150, Stevens Point, WI 54481

Make Checks Payable to:
Golden Sands RC&D
with FLPR in the memo line

For more information contact
Barb Gifford
715-344-3539
barbaragifford@charter.net

Event Organizers



Golden Sands
Resource Conservation
& Development Council, Inc.

www.friendsofthelittleploverriver.org