

**OFFICE OF THE GOVERNOR**

Wisconsin State

28 1995

Law Library

**EXECUTIVE ORDER #253**

**Proclaims a State of Emergency  
Relating to Drought Conditions**

**WHEREAS**, Outagamie and Waupaca Counties in the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during the spring and summer of 1995; and

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

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

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

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

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

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

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

**NOW, THEREFORE, I, TOMMY G. THOMPSON**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wisconsin Statute § 166.03(1)(b)1, do hereby declare the present drought condition to be a natural disaster and proclaim the counties of Outagamie and Waupaca to be in a state of emergency for 30 days, unless extended by joint resolution of the Legislature.


**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and § 166.03(1)(b)1, Wis. Stats., I hereby order:

1. That the statutory notice and hearing provisions of § 30.18, Wis. Stats., relating to the diversion of water from certain lakes and streams for purposes of crop irrigation be suspended for diversions in Outagamie and Waupaca counties.


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



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and  
caused the Great Seal of the State  
of Wisconsin to be affixed. Done  
at the Capitol in the City of  
Madison this twenty-sixth day of  
July in the year one thousand  
nine hundred and ninety-five.

  
TOMMY G. THOMPSON  
Governor

By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State