

Wisconsin Acts

Passed by the Legislature on
June 30, 1988

June 1988 Spec. Sess.
Assembly Bill 1

Date of enactment: July 7, 1988
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1987 Wisconsin Act 420

AN ACT relating to diversion of water for agricultural purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Nonstatutory provisions; requirements for water diversion permits. (1) The legislature finds that drought conditions have caused extreme damage to agriculture in this state and that temporarily modifying the procedures and standards for permitting water diversion from streams and lakes will reduce further damage to agriculture.

(2) (a) Notwithstanding sections 30.02, 30.07 (1) and 30.18 (2) to (7) of the statutes, the department of natural resources shall issue permits for the diversion of water from lakes and streams for agricultural purposes as provided under this subsection.

(b) The applicant for a permit under this subsection shall request permission for the diversion from the department of natural resources and shall inform the department of natural resources of whether he or she owns riparian land.

(c) No notice or hearing requirements apply to a request for a diversion under this subsection.

(d) Except as provided under paragraph (dm), the department of natural resources shall inspect the site of the proposed water diversion within 48 hours after the applicant requests permission to divert.

(dm) The department of natural resources shall deny a request under paragraph (b) if the applicant does not own riparian land. A riparian owner may use water diverted under a permit issued under par. (e) on his or her nonriparian land if the nonriparian land is contiguous to the riparian land or is separated from the riparian land by a road.

(e) The person conducting the inspection under paragraph (d) shall immediately grant the permit, in writing, if he or she determines that the applicant

owns riparian land, that the applicant needs emergency water diversion assistance, that the proposed diversion will not cause unduly adverse environmental effects and, if the proposed diversion is from a stream, that the proposed diversion will not cause significant adverse effects on other users of the stream, including industrial, public utility and commercial navigation users. The inspector may impose any conditions necessary to ensure that the diversion, and other diversions from the lake or stream, do not cause unduly adverse environmental effects.

(3) The department of natural resources may rescind or modify a permit granted under subsection (2) or under executive order number 43, issued June 8, 1988, in writing, if the diversion is causing or aggravating unduly adverse environmental effects.

(4) A permit issued under subsection (2) or under executive order number 43, issued June 8, 1988, is valid through September 30, 1988, unless rescinded under subsection (3).

(5) The department of natural resources shall monitor compliance with the conditions of permits issued under subsection (2) or under executive order number 43, issued June 8, 1988.

(6) Subsections (1) and (2) do not limit the enforcement powers of the department of natural resources with respect to violations of permits issued under section 30.18 of the statutes or subsection (2) or under executive order number 43, issued June 8, 1988, or water diversions made without a permit. Section 30.298 (1) of the statutes applies to a violation of a permit issued under subsection (2) or under executive order number 43, issued June 8, 1988.

(7) This SECTION is void after September 30, 1988.
