



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 35

WHEREAS, virtually every county in the State of Wisconsin has experienced extreme drought conditions due to lack of precipitation during the late spring and early summer of 1976; and

WHEREAS, the drought condition has caused extreme damage to agricultural crops in the state; 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 and consumers in the State of Wisconsin; and

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

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

WHEREAS, Section 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 Section 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, by virtue of the authority vested in me by Section 22.16(3)(b)(1), Wis. Stats., I hereby declare the present drought condition to be a natural disaster and hereby proclaim the whole of the State of Wisconsin 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 Section 22.16(3)(b)(5), Wis. Stats., I hereby order:

1. That the statutory notice and hearing provisions of Section 30.18, Wis. Stats., relating to the diversion of water from streams for purposes of crop irrigation, be suspended.



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2. That water may be diverted from 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 closest Department of Natural Resources District or 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 48 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 diversions occur.

4. That the Department of Natural Resources immediately undertake an informational program dealing with the procedures to be followed and the offices to be contacted by individuals wishing to seek the emergency water diversion permits authorized by this Order.

5. That the emergency authorities granted herein shall be applicable only to agricultural irrigations that require emergency assistance.

6. 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.

7. That this Order is not to be construed in any manner as limiting the statutory enforcement powers 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 Section 30.18, Wis. Stats., or this Order.

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8. 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 thirteenth day of July in the year of our Lord one thousand nine hundred and seventy-six.

Martin J. Schreiber

MARTIN J. SCHREIBER
Acting Governor

By the Governor:

Douglas La Follette

DOUGLAS LA FOLLETTE
Secretary of State