

The State of Wisconsin



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EXECUTIVE ORDER NO. 18

Relating to the Amendment of Executive Order No. 17

WHEREAS, a State of Emergency was declared in Executive Order No. 17 for the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara due to extreme drought conditions; and

WHEREAS, the entire State of Wisconsin has experienced severe drought conditions due to the lack of precipitation during June and July of 2001; and

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

WHEREAS, crop losses have already occurred due to spring flooding conditions; and

WHEREAS, continued and projected crop damage will result in severe economic losses to the agricultural industry in all Wisconsin counties; and

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

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

WHEREAS, section 30.18, Wis. Stats., requires notice and hearing provisions that are 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 this State.

NOW, THEREFORE, I, SCOTT McCALLUM, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this state, and specifically by Section 166.03 (1)(b) 1 of the Wisconsin Statutes, do hereby declare the present drought condition to be a natural disaster and proclaim the entire 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 the Constitution and Laws of Wisconsin, and section 166.03 (1)(b)1, 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 of certain lakes and streams for purposes of crop irrigation be suspended for diversions in all Wisconsin counties; and
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 adhered to:

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- a) The proposed divertor has requested permission from the Department of Natural Resources service center 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 ensure 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 frequency of the diversion within the specified time period; and
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 ensure that only duly authorized stream or lake diversions occur; and
 4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance; and
 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; and
 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 section 30.18 Wis. Stats., permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to section 30.18, Wis. Stats., or this Order; and
 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.



By the Governor

Douglas La Follette

Douglas La Follette
Secretary of State

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 seventeenth day of July in the year two thousand and one

Scott McCallum

Scott McCallum
Governor