

EXECUTIVE ORDER #75

**Relating to a Proclamation Declaring a State of Emergency
in Response to Drought Conditions**

WHEREAS, extreme heat and high humidity have caused emergency conditions throughout the State of Wisconsin, including areas that have experienced significant drought conditions due to the lack of precipitation; and

WHEREAS, the drought conditions are causing extreme damage to agricultural crops; and

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

WHEREAS, the continued and projected crop damage will result in severe economic losses to agriculture; and

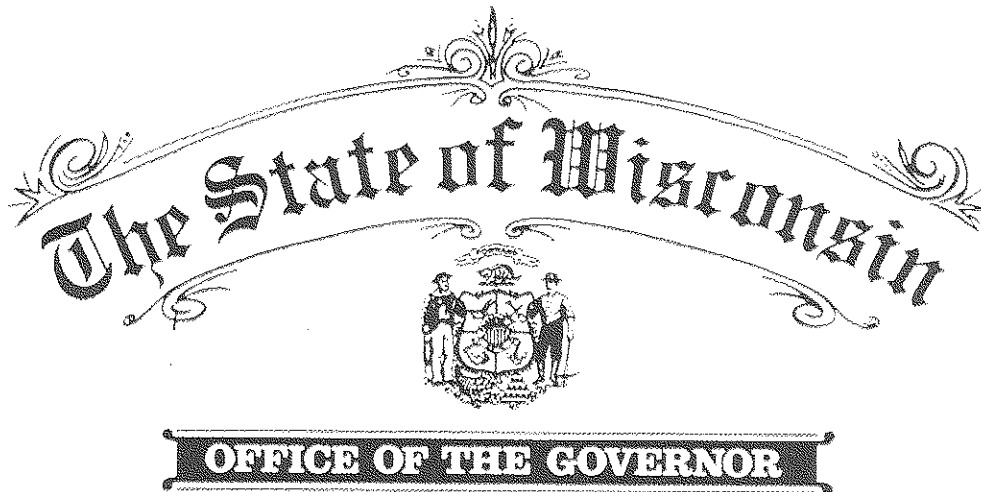
WHEREAS, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

WHEREAS, a permit issued by the Department of Natural Resources is required for certain lake and stream diversions for agricultural purposes pursuant to Section 30.18 of the Wisconsin Statutes; and

WHEREAS, waiving the notice, hearing, and consent provisions required by Section 30.18 of the Wisconsin Statutes 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 valuable water resources of the State.

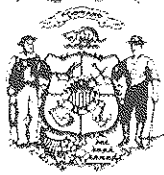
NOW, THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, and specifically by sections 323.10 and 323.12(4)(b) of the Wisconsin Statutes, do hereby:

1. Declare the present drought condition to be a natural disaster.
2. Proclaim the Counties of Adams, Brown, Buffalo, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Fond Du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, LaCrosse, Lafayette, Marquette, Manitowoc, Milwaukee, Monroe, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, Wood, and any county contiguous to the named counties at the discretion of the Secretary of the Department of Natural Resources and upon written notification to the Governor, to be in a State of Emergency for 60 days unless extended by Joint Resolution of the Legislature.



3. Direct all agencies of the State of Wisconsin to assist the above-referenced counties as appropriate in this response and recovery effort.
4. Suspend the statutory notice, hearing, and consent provisions of Section 30.18 of the Wisconsin Statutes; relating to the diversion of water from certain lakes and streams for purposes of crop irrigation in the counties declared to be in a State of Emergency.
5. Allow water to be diverted from certain lakes and streams for purposes of crop irrigation in the counties declared to be in a State of Emergency on a case-by-case basis, only where all of the following procedures have been followed:
 - a. The person proposing to divert water has requested permission from the appropriate Department of Natural Resources service center office; and
 - b. The proposed site of diversion has been field inspected, where determined to be necessary by the Department of Natural Resources, by an appropriate Department of Natural Resources on-site inspector, who is directed to conduct the field inspection within 72 hours of the request for permission to divert; and
 - c. The on-site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects, subject to any 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, including but not limited to: exact location of the diversion, rate of diversion, hours of diversion, and the frequency of diversion within the specified time period.
6. Proclaim 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.
7. Order that the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance.
8. Proclaim that any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the permit is issued and not longer than 60 days after the date of this Order, whichever comes first, unless the State of Emergency is extended by Joint Resolution of the Legislature.
9. Proclaim 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 permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions that occur without authorization pursuant to Section 30.18 of the Wisconsin Statutes or this Order.

The State of Wisconsin



OFFICE OF THE GOVERNOR

10. Authorize the Department of Natural Resources to rescind, in writing to the permittee, any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits.



By the Governor:


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 ninth day of July in the year 2012.


SCOTT WALKER
Governor