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Remarks of Representative Lee Nerison  
on Assembly Bill 874  
Assembly Committee on Environment and Forestry  
February 10, 2016

Chair Mursau and Committee Members:

Thank you for holding a hearing on Assembly Bill 874. As Chair of the Assembly Committee on Agriculture, I worked with Senator Gudex on this bill which is vital to our agriculture economy.

In 2011, the Supreme Court's Lake Beulah decision in effect told the DNR that their authority over water usage isn't limited to the specific language of the statutes. This has led to uncertainty for high capacity well owners, permit applicants, and those who issue the permits.

Assembly Bill 874 seeks to clarify some of this murkiness in the law. It ensures that owners of existing high capacity wells will be able to continue to use them under the standards and conditions that apply to their permits.

The simple, narrowly crafted bill allows well owners to do the following without triggering a new – previously unrequired – review:

- Transfer ownership of the well.
- Perform maintenance of the well.
- Replace a failing well within 75 feet of the existing well and to “substantially the same depth.”

A high capacity well owner will have to report any of these actions to the DNR, but will not have to pay a fee or undergo an inspection process. The original well agreement, including all limits and standards, continues to apply.

Note that the bill doesn't change the broad authority the DNR has to oversee and regulate high capacity wells in some important ways:

- The Public Trust Doctrine (§30.03) allows the DNR to order a hearing regarding a well that may be affecting navigable waters.
- The DNR can modify or rescind permits if a well isn't conforming to the applicable standards or conditions set in the permit (§281.34).
- Owners are required to submit annual pumping reports.

I encourage your support for Assembly Bill 874 so that we may provide regulatory certainty for high capacity well owners, address the existing backlogs and delays in high capacity well permitting, and give clear guidance to those tasked with reviewing these permits.

Thank you for your time and consideration of this bill.



State Senator  
**Rick Gudex**

District 18

February 10, 2016

To: The Assembly Committee on Environment and Forestry  
From: Sen. Rick Gudex  
Re: Assembly Bill 874

Mr. Chairman, members of the committee, thank you for holding this hearing today. AB 874 is a simple and narrowly crafted bill that, because it touches on a controversial subject, has become undeservedly controversial itself.

In 2011 the Supreme Court issued what is now known as the Lake Beulah decision, which in effect told the DNR that their authority over water usage isn't limited to the specific language of the statutes. One result of this ruling has been more bureaucracy, more reviews, and more fees on landowners, none of which were previously required and which are particularly burdensome for small family farmers and businesses.

This bill does the following things:

1. Ensures that the owner of a high cap well can transfer ownership without triggering an additional, previously unrequired DNR review;
2. Allows owners to repair or replace a failing well, as long as it is within 75 feet of the original and to substantially the same depth without triggering DNR review;
3. Allows owners to reconstruct an existing well in conformance with existing rules without triggering DNR review;
4. Makes clear that the transferred, reconstructed, or replaced well must comply with the original agreement with the DNR.

Under this bill, the owner of a high capacity well will have to report any of these actions to the DNR, but will not have to pay a fee or undergo an inspection or application process. The original agreement for the well will continue to apply, including all limits and standards in that agreement. The broad authority the DNR already had, even before the Beulah decision, to oversee and regulate high capacity wells remains unchanged under this bill. But this bill gives landowners some small amount of certainty that they'll be able to keep working, keep producing, and that their property values won't take a dive.

Now, there are several misconceptions about this bill that I would like to address.

First, that this bill will hurt the environment, hurt our navigable waters, hurt our water supply. If we have any such problem in Wisconsin, it isn't because of this bill. Every existing high capacity well in Wisconsin received a permit in accordance with the law and DNR rules. The wells affected by this bill already exist, and are already working, and are already under the DNR's continuing oversight.

Second, someone will surely mention that this bill doesn't address larger questions about water usage and high capacity wells in Wisconsin. That's true, it doesn't. This bill isn't going to solve all our problems. It's not meant to. We wanted a narrow, specific bill to address a specific concern, and that's what is before you today.

Third, that with this bill, we're denying the DNR a chance to place greater restrictions on existing wells. Look at it this way: if a landowner has a high capacity well for sixty years, as long as he remains within the limits and standards set in his permit and submits his annual reports and the DNR never has reason to believe the well is hurting the public's interest in navigable waters, that landowner can use his well in peace for all of those sixty years. But that same owner could not sell his land after 5 years without undergoing a lengthy and unpredictable process that wasn't required when the well was originally drilled.

Fourth, that we're removing all chance of oversight over our water. No. That argument ignores the public trust doctrine in 30.03 of the statutes, and the authority in chapter 281 as well. These laws clearly give the DNR authority to review, change and even revoke permits if the situation warrants.

Fifth, that we are creating some kind of "perpetual water right" by passing this bill. If a "perpetual water right" exists, then it already exists under the law. As I mentioned earlier, a landowner can already keep and use a well as long as he/she owns the land now, as long as the well remains within the limits and standards set in the permit, as long as there are no conflicts with the public interest, and as long as the "standards or conditions applicable to the approval of the high capacity well" don't change. That hardly sounds like a perpetual right.

Sixth, that we're not doing anything to ease the red tape in creating new wells. True. The purpose of this bill isn't to make getting new permits easier. It is to protect the rights of landowners who already have high capacity wells, with legal permits, who are abiding by the law and only want to protect the value of their land and businesses.

Finally, one organization has already accused us of wanting to let wells continue even if those wells are directly causing harm to state waters. For the sake of having a bit of restraint, I'll limit myself to saying that this is simply a lie. The DNR has and will continue to have the ability to reexamine and limit wells that are causing problems. This bill does not change that.

The provisions contained in this bill are simple, and small, but will give landowners back a measure of certainty that they once had and that is very important to them and their businesses. I fully support a more comprehensive look at water usage in Wisconsin, but especially with time running out on the current legislative session, I urge you to not let these simple but needed changes get lost again.



# WISCONSIN LEGISLATURE

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TO: Assembly Committee on Environment and Forestry  
FR: Sen. Mark Miller and Rep. Cory Mason  
RE: AB 874

Wisconsin is blessed with an abundance of water. Water provides the basis for our economy and way of life. The Wisconsin state constitution protects the waters of Wisconsin for the benefit of all users. Under Wisconsin's public trust doctrine, everyone is entitled to our water, but no one is allowed to use the water to the detriment of others. The Wisconsin Supreme Court in the 2011 *Lake Beulah* decision confirmed that the public trust applies to all waters of the state, including underground water because ground water and surface waters are interconnected. The state is responsible for protecting this public trust.

In certain areas of Wisconsin, particularly in the Central Sands region, high capacity well operation has caused lake shorelines to recede, springs to dry up, stream flows decline and impacted drinking water supplies. The Little Plover River near Plover is the best-known example of a stream nearly disappearing due to nearby high capacity well withdrawals. This is a problem that must be addressed by the Legislature to ensure the appropriate protection of our water resources now and into the future.

Assembly Bill 874 is not the solution. Rather, it exacerbates the problem. AB 874 would grandfather existing high capacity well permits by allowing the transfer, replacement and reconstruction of wells without a new permit. This would essentially create a water rights legal environment where the waters of the state are allocated on a first-come, first serve basis. Water rights is the legal doctrine that prevails in Western States, but runs contrary to Wisconsin's public trust doctrine. New applicants could be denied well permits because existing permits allow over-use of the water resource.

Current groundwater science can determine with reasonable accuracy how much water can be withdrawn from an aquifer and still maintain water availability for all users. It can determine how much water can be withdrawn from wells in the vicinity of water bodies and still maintain normal seasonal flow and lake levels. It can determine which wells are affecting the surface waters. In short, modern ground water science provides us with the tools needed to manage our abundant water resource indefinitely and avoid the conflicts that arise due to over consumption. This should be the basis of a regulatory framework for high capacity wells such as outlined in our legislation, Senate Bill 72/Assembly Bill 105.

We ask that you oppose Assembly 874.





To: Assembly Committee on Environment and Forestry  
From: Lucas Vebber, Director of Environmental and Energy Policy – WMC  
Date: February 10, 2016  
RE: Support for Assembly Bill 874

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Chairman Mursau and Committee Members:

Thank you for the opportunity to testify today. My name is Lucas Vebber and I am the Director of Environmental and Energy Policy at Wisconsin Manufacturers and Commerce (WMC). WMC is the state's chamber of commerce and manufacturers' association. We have almost 4,000 members of all sizes and across all sectors of the state's economy. One in four private sector employees in Wisconsin works for a WMC member company. WMC is dedicated to making Wisconsin the most competitive state in the nation. I am here today to testify in support of Assembly Bill (AB) 874.

A high capacity well is defined by statute to be a well, or a collection of wells on the same property, that have the total pumping capacity of more than 100,000 gallons per day, which comes out to about 70 gallons per minute. This does not mean that more than 100,000 gallons are actually being pumped, merely that the system has the capacity to pump that much. For example, if a system pumped 140 gallons in two minutes once a day, it would still qualify as a high capacity well due to the capacity.

Wisconsin has nearly abundant water supplies, giving us a significant competitive advantage over other states and other countries. High capacity wells are important to a wide cross-section of industry and agriculture in Wisconsin, and have been regulated in our state since 1945. There were around 11,000 active high capacity wells in our state as of 2014 according to DNR's 2014 Wisconsin Water Use report, the most recent available. Municipal wells account for the largest amount of groundwater withdrawals (43%). Agricultural irrigation accounts for about a third of groundwater withdrawals. The remaining high capacity wells are used for industrial uses, dairy production, power generation, etc. I've attached a map created by DNR which shows you where these wells are and what they're being used for.

Unfortunately due to uncertainty in our state's high capacity well regulatory framework, it is unclear what actions well owners can take to keep their wells working properly. High capacity well owners want to follow the law but current statutes don't provide them with a clear picture of how to proceed if they need to repair, maintain, replace, reconstruct and transfer ownership of their wells.

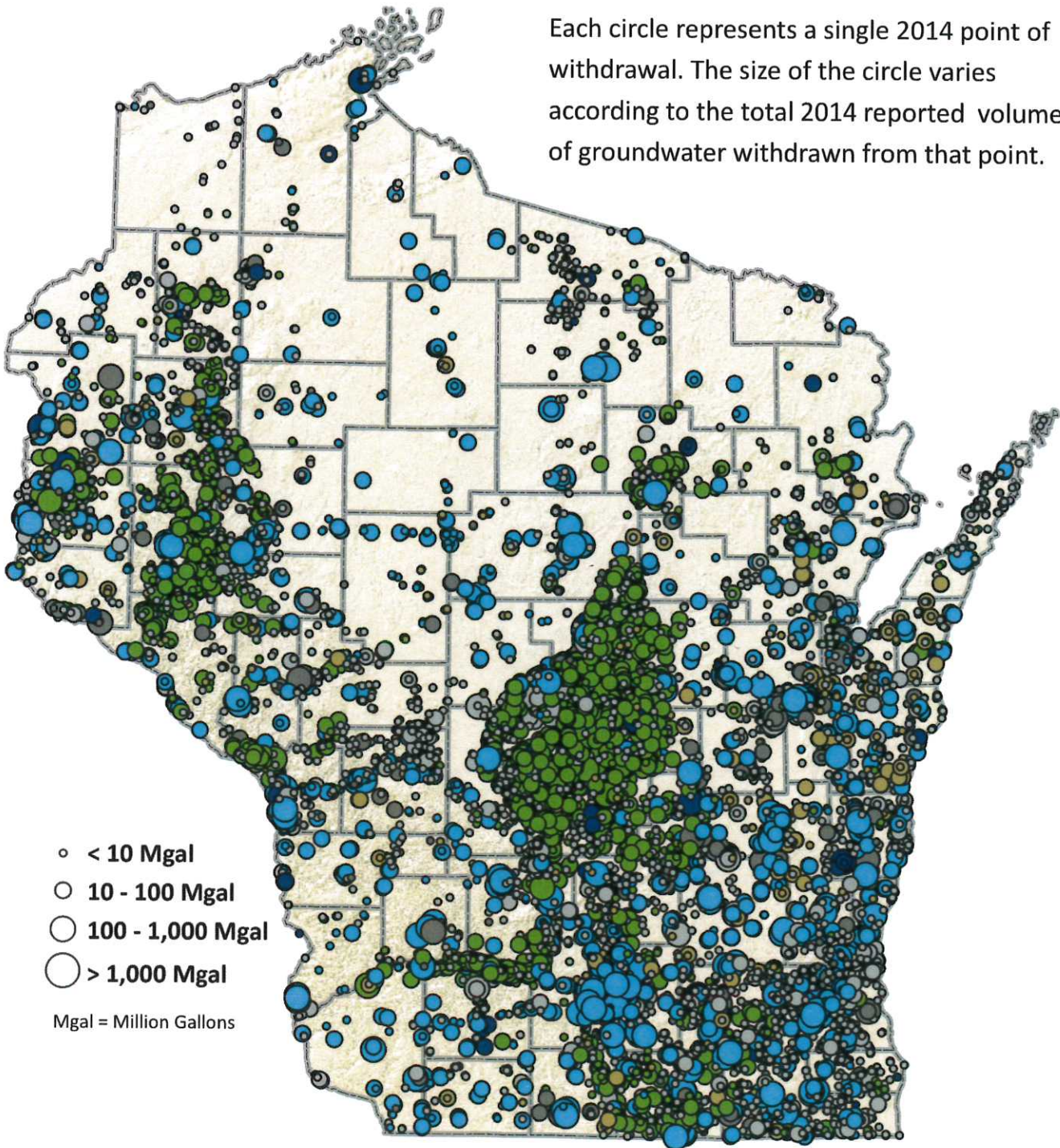
This legislation is a simple fix that will provide added certainty to high capacity well owners in our state. Notably, this bill does not allow any additional groundwater withdrawals: it simply makes it crystal clear in statute that the owner of a well may repair, maintain, replace, reconstruct and transfer ownership of their existing well.

This issue is critically important to job creators in our state. This is a simple fix that will provide needed certainty without impacting in any way the quantity of groundwater being withdrawn. For these reasons, WMC asks that you support AB 874. Thank you for your time today.



# 2014 Groundwater Annual Withdrawals

Each circle represents a single 2014 point of withdrawal. The size of the circle varies according to the total 2014 reported volume of groundwater withdrawn from that point.



- < 10 Mgal
  - 10 - 100 Mgal
  - 100 - 1,000 Mgal
  - > 1,000 Mgal
- Mgal = Million Gallons

- |                           |                             |                    |
|---------------------------|-----------------------------|--------------------|
| ● Municipal Water Supply  | ● Industrial (incl. mining) | ● Dairy Production |
| ● Agricultural Irrigation | ● Aquaculture               | ● All other uses   |

February 10, 2016  
Committee on Environment and Forestry  
RE: AB 874

Thank you for the opportunity to speak with you.

I'm Heidi Oberstadt, a small business owner in Stevens Point, right in the Central Sands.

I'd never driven down to testify until I saw this bill's partner, SB239, in the Senate. .. so I'm nervous, but this bill's possible impacts are very important to me.

I don't fit the stereotype of a serious angler, but I am. It's amazing how fishing has taken over my social life, and I now spend a lot of time on our waterways.

The first time I told my friends that I wanted to spend my weekend standing in a stream in rubber pants, they thought I was crazy.

With all the time that I spend playing outside, I've seen some pretty clear signs that we have an existing groundwater problem manifesting itself in visible surface water problems. You have seen the photos of our troubled Central Sands water- with visible stream beds and docks seemingly leading to nowhere.

This isn't a future problem, it's a current problem.

You are being pulled in a million directions on current legislation, so as someone who has literally watched this growing problem, I can offer a unique and authentic perspective.

To be completely honest, this bill worries me. Where is the science? Without using science to determine the language and content of this bill, you might as well ask me to write it. ☺

With this visible problem, the on legislative option that I can support is a science-based solution that not only helps our citizens who are currently affected, but ensures that science will be used to protect our groundwater for future generations of Wisconsinites.

I want to be able to show my future children the beauty of my home water someday. Please help me do that, and oppose this bill.

Thank you for listening!

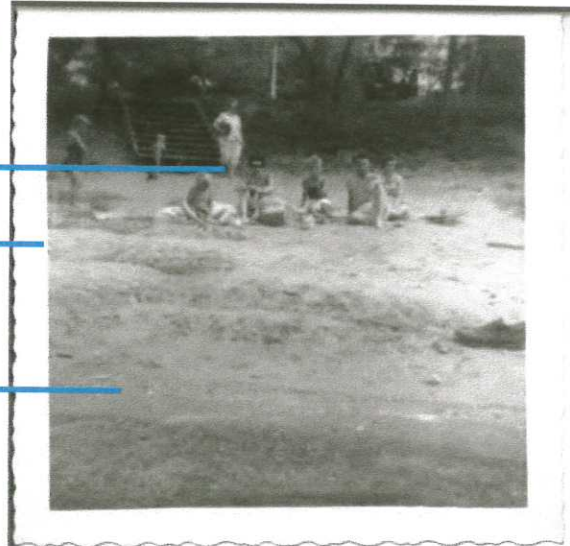


# Pleasant Lake, Beach and Shoreline Comparisons (present to past)

Pleasant Lake, 2013



Pleasant Lake, 1958



Boat Landing, Pleasant Lake, 2013



Boat Landing, Pleasant Lake, 1960s





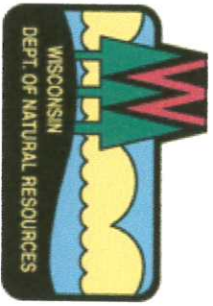
**Testimony Regarding AB 874 – January 10, 2016**

My name is John Holevoet, and I am the Government Affairs Director for the Dairy Business Association (DBA). I would like to thank Chairman Mursau and the rest of the committee for the opportunity to testify today regarding AB 874. I also want to thank Representative Nerison and Senator Gudex for their leadership on this issue. DBA fully supports protecting the valuable investments made by high capacity well owners. Whether the well is on a farm, at a factory, or elsewhere, the owner should not have to worry about his or her well needing to be repaired, reconstructed or replaced on short notice. Also, well owners should be able to transfer that well easily to future generations or new owners without having to put their investment at risk.

The wells that would be protected by this legislation have been previously reviewed and approved by the Department of Natural Resources. There is no new environmental impact caused by protecting existing wells. If any of these wells interfere with another's reasonable use of groundwater, the impacted party has a well-established legal remedy. This protects dairy farmers as much as it does other water users. This is a valuable protection, which clearly distinguishes Wisconsin from western states with perpetual water rights. Additionally, the Department of Natural Resources has authority under Wisconsin Statutes section 30.03(4) to protect navigable waters from any possible infringement caused by groundwater withdrawals.

Wisconsin has rich water resources, which put us in an envious position both nationally and internationally. We do not have a groundwater problem in our state. Our aquifers are stable or rising. Our annual groundwater recharge is plentiful. This bill recognizes that water is a competitive advantage for our state and it will help Wisconsin make the most of this tool for retaining and recruiting business investment. Please support this important piece of legislation.

DBA



# Groundwater Use and Management in Portage County: Management Challenge - Interaction Effects Hicap Wells and the Two Lakes – Circa 1935

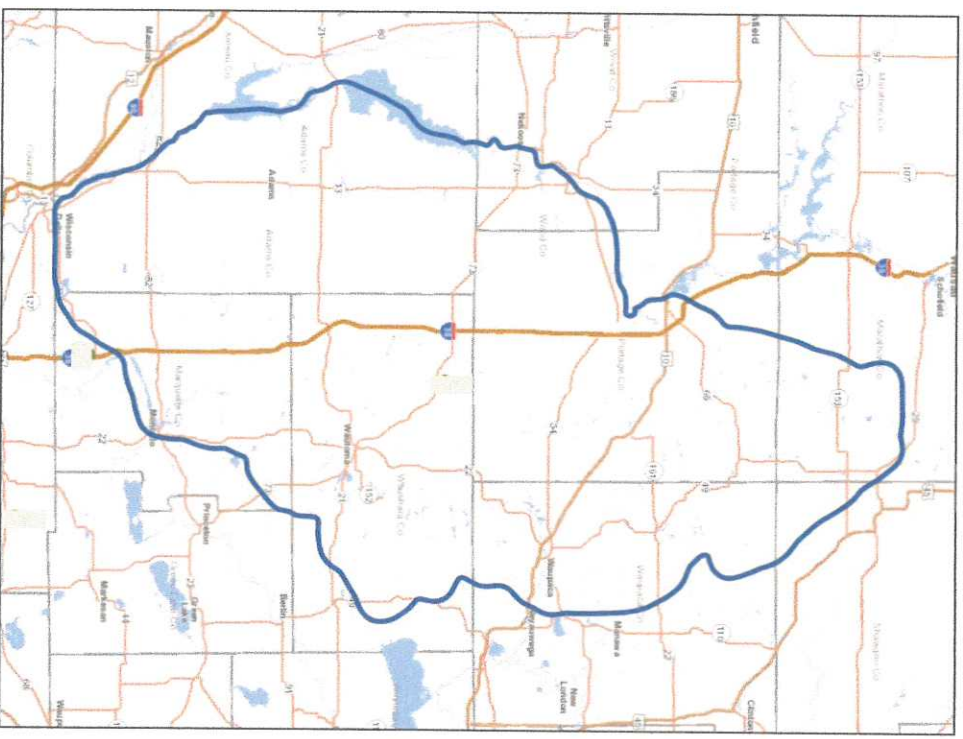


Image Source: Arthur Robinson Map Library





# Groundwater Use and Management in Portage County: Management Challenge - Interaction Effects Hicap Wells and the Two Lakes – Circa 1960

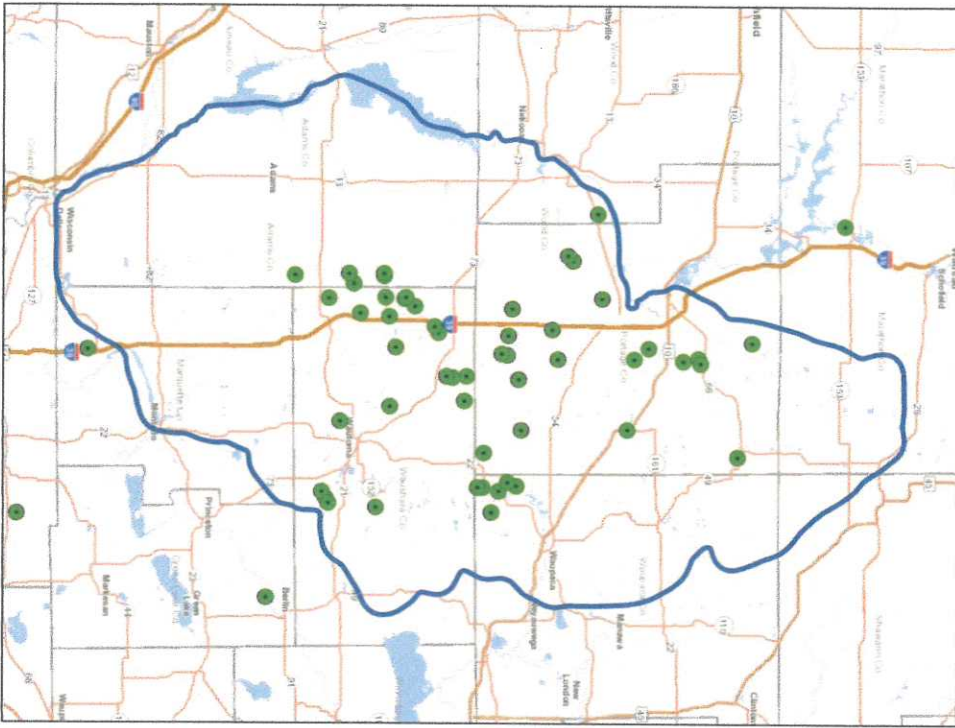


Image Source: Arthur Robinson Map Library



# Groundwater Use and Management in Portage County: Management Challenge - Interaction Effects Hicap Wells and the Two Lakes – Circa 1975

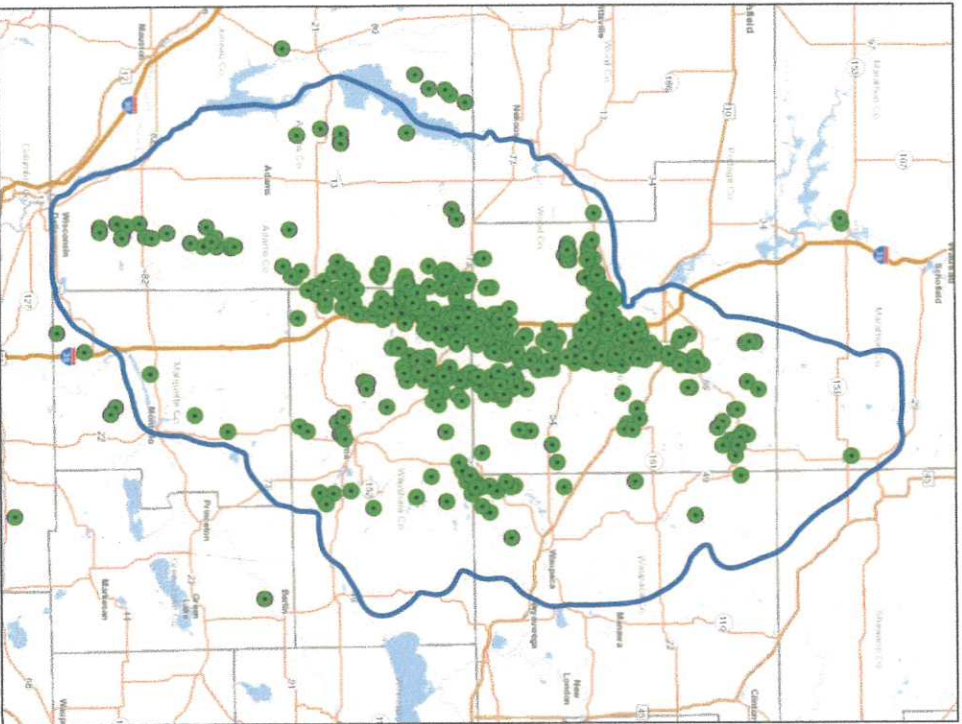


Image Source: Arthur Robinson Map Library





## Groundwater Use and Management in Portage County: Interaction Effects Hiccap Wells and the Two Lakes – Circa 1995

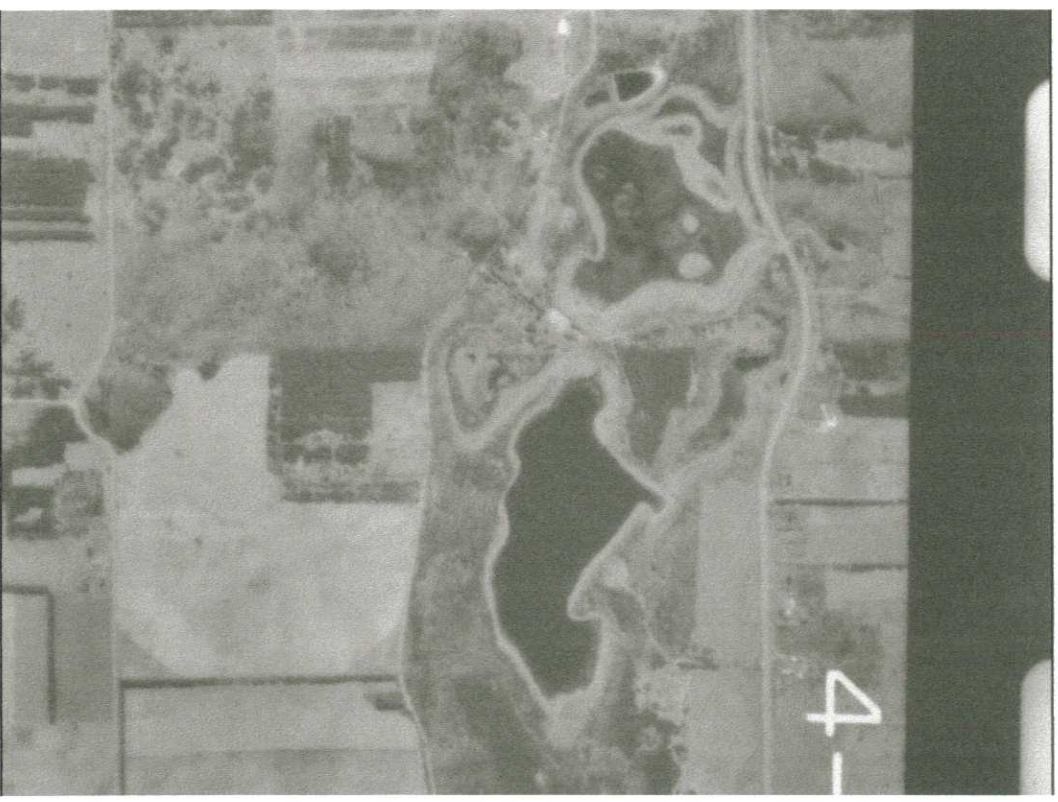
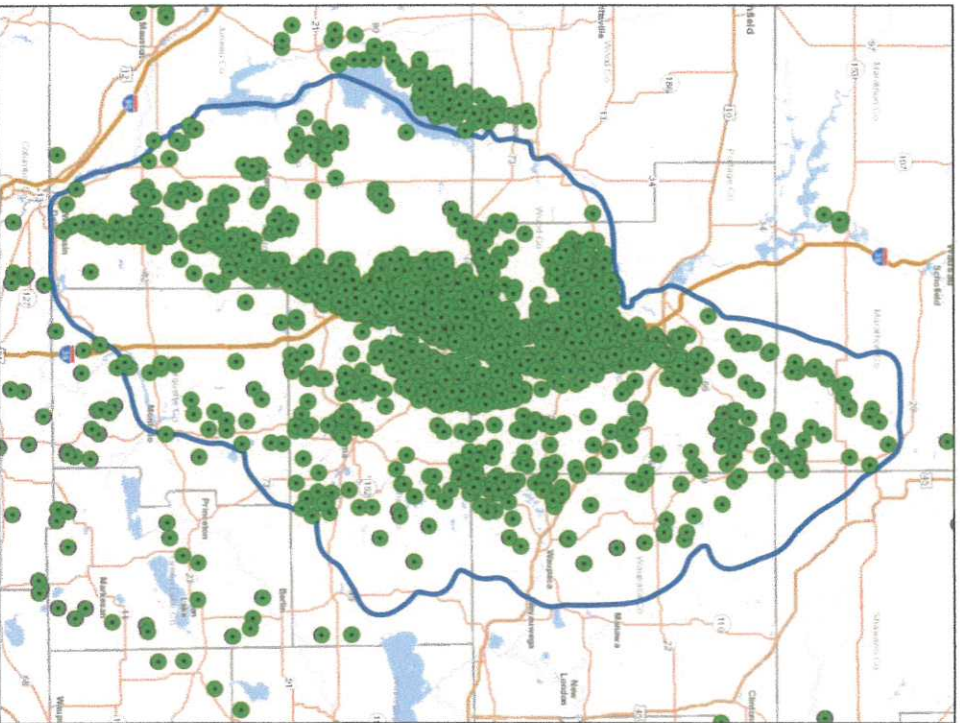


Image Source: Arthur Robinson Map Library



## Groundwater Use and Management in Portage County: Management Challenge - Interaction Effects Hiccap Wells and the Two Lakes – Circa 1985

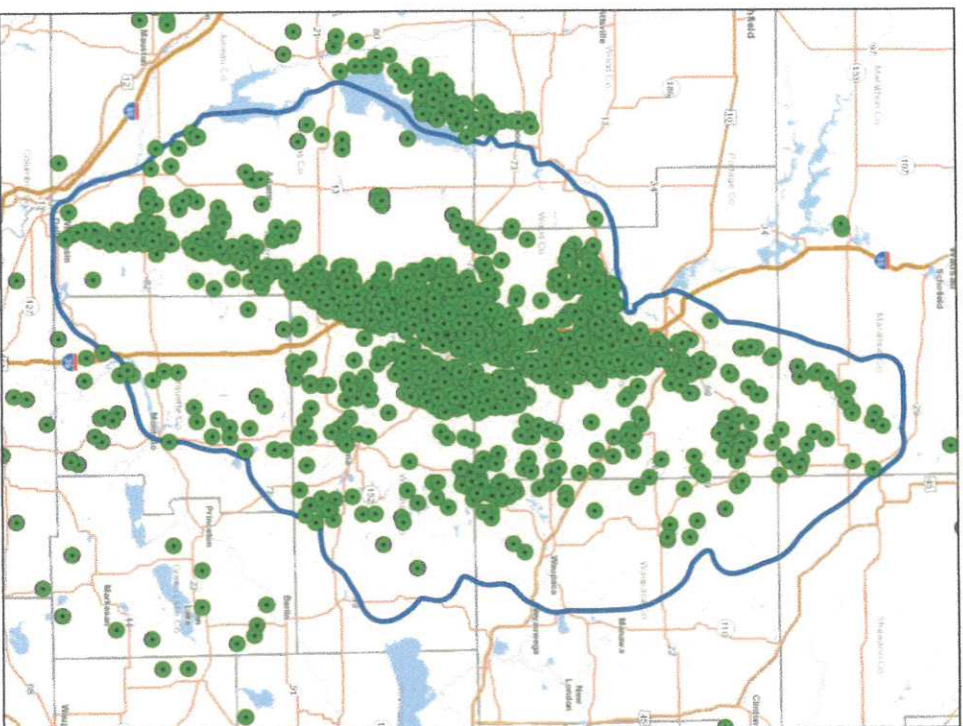
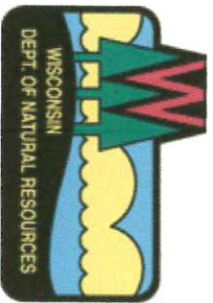


Image Source: Arthur Robinson Map Library





## Groundwater Use and Management in Portage County: Interaction Effects Hicap Wells and the Two Lakes – Circa 2013

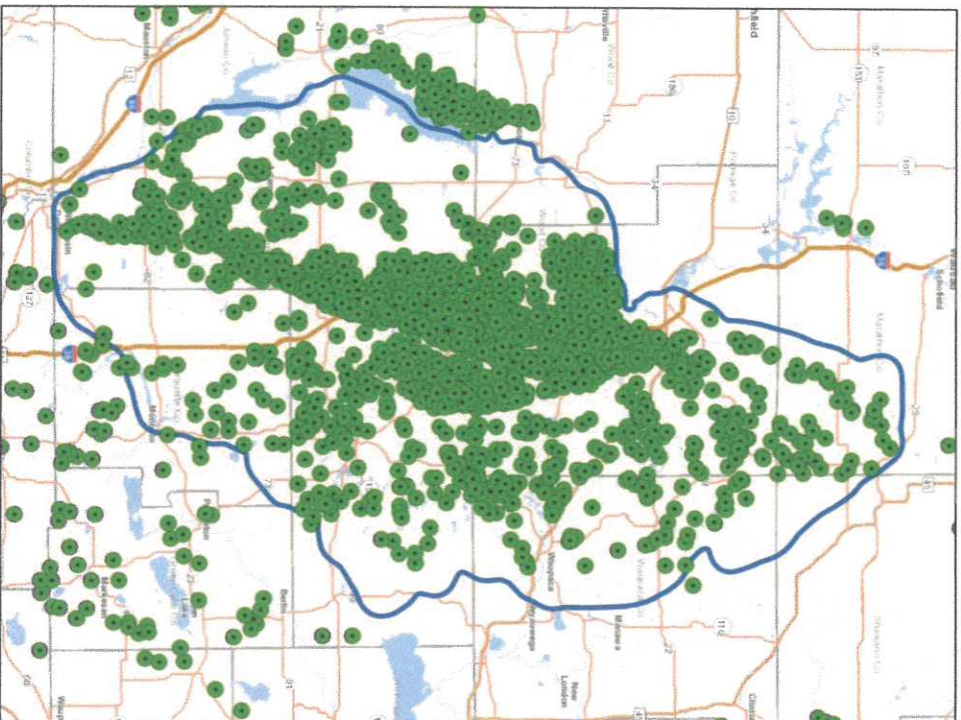


Image Source: Arthur Robinson Map Library





**Testimony of Amber Meyer Smith, Director of Government Relations  
AB 874/SB 239  
Assembly Committee on Environment and Forestry  
February 10, 2016**

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded forty five years ago as Wisconsin’s Environmental Decade and have thousands of members around the state.

I am speaking today in opposition to AB 874 because it takes us in the wrong direction in terms of protecting our water resources. It is a sad fact that there are areas in Wisconsin where rivers, lakes and streams are drying up and current law does not provide adequate protection. Once waterfront properties are now mud front properties and neighbors are now pitted against each other for the use of scarce water resources. AB 874 will make it even more difficult to deal with the bigger problems of groundwater drawdowns and guarantee that these problems will only continue to get worse in the future.

The problem is most notable in the Central Sands, where sandy soils require a lot of water to grow crops. One third of the 288 billion gallons of groundwater withdrawn annually in Wisconsin comes from the central sands – which covers just 5% of the state’s area. The Little Plover River was named one of the country’s “Most Endangered Rivers” in 2013. You will hear from many citizens here today that live in this area, and have been dealing for years with problems caused by over-pumping of groundwater without many answers aside from pooling their own resources and making their cases in court.



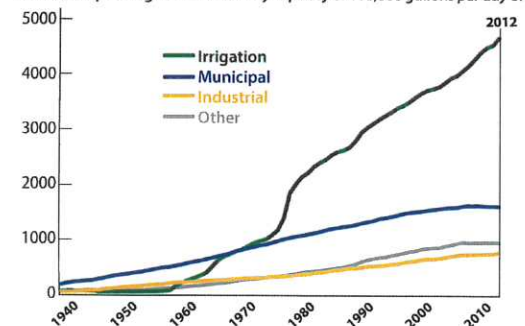
In 2004, the Groundwater Protection Act (Act 310) took an important step forward for protecting groundwater. But it was widely acknowledged that additional legislation would be necessary to adequately protect water supplies. It is now over ten years since the passage of Act 310, and the problems continue to grow, yet there has been no forward movement. When you consider that there has been an explosion of high capacity well permit applications – a 40% increase in the last three years – the need for a solution is more urgent. SB 239 is not that solution, and will in fact remove the only

real opportunity for wells to get reviewed and modified.

We understand the intention of AB 874 is to be limited in scope: to allow wells to be repaired, reconstructed, replaced or transferred without a review by DNR. While it sounds simple, this change could have a big impact in areas like the Central Sands. Currently, when an applicant applies to repair, reconstruct, replace or transfer their well, DNR has the ability to review the permit and make sure it is not adding to the cumulative impact stressing our groundwater resources in an area. This review is the only real opportunity to address wells that might be contributing to the problem because there is no other expiration date for high capacity well permits, and thus no other natural point of review. Furthermore, it creates a

**High capacity wells by type in Wisconsin**

Number of operating wells with a daily capacity of 100,000 gallons per day or more



Data: Wisconsin Department of Natural Resources Credit: Kate Preaman/Wisconsin Center for Investigative Journalism



permanent right to water that runs with the property whereby the first person to stick their straw in the glass is essentially assured that level of pumping forever. There is a solution: set a timeframe for the expiration of high capacity well permits. If there is a periodic review of these permits that comes upon expiration, then we would have no problem with ending the review that happens when a well is transferred, repaired, replaced or reconstructed.

We have heard proponents of the bill argue that DNR still has the ability to tackle problems with water drawdowns through Wisconsin Ch. 30.03 and Ch. 281.34. Unfortunately neither offer real solutions for reviewing permits and making the needed adjustments to prevent problems.

**Ch 30.03(4)(1):** While it is an authority that exists within the statutes, it has never been employed by DNR as a tool to address problems caused by high capacity wells because it is unrealistic and administratively burdensome. To launch a Ch. 30 action DNR would have to name all high capacity well owners in an area as jointly liable for the cumulative impacts of their wells on a waterway. Then there would be an entire contested case process around that liability. Only when a hearing examiner issues “an order directing the responsible parties to perform or refrain from performing acts...to fully protect the interests of the public in the navigable waters” would anything be accomplished. In addition, Ch. 30.03 only applies to damage to a navigable water, thereby leaving damage to private wells or wetlands without recourse or review options.



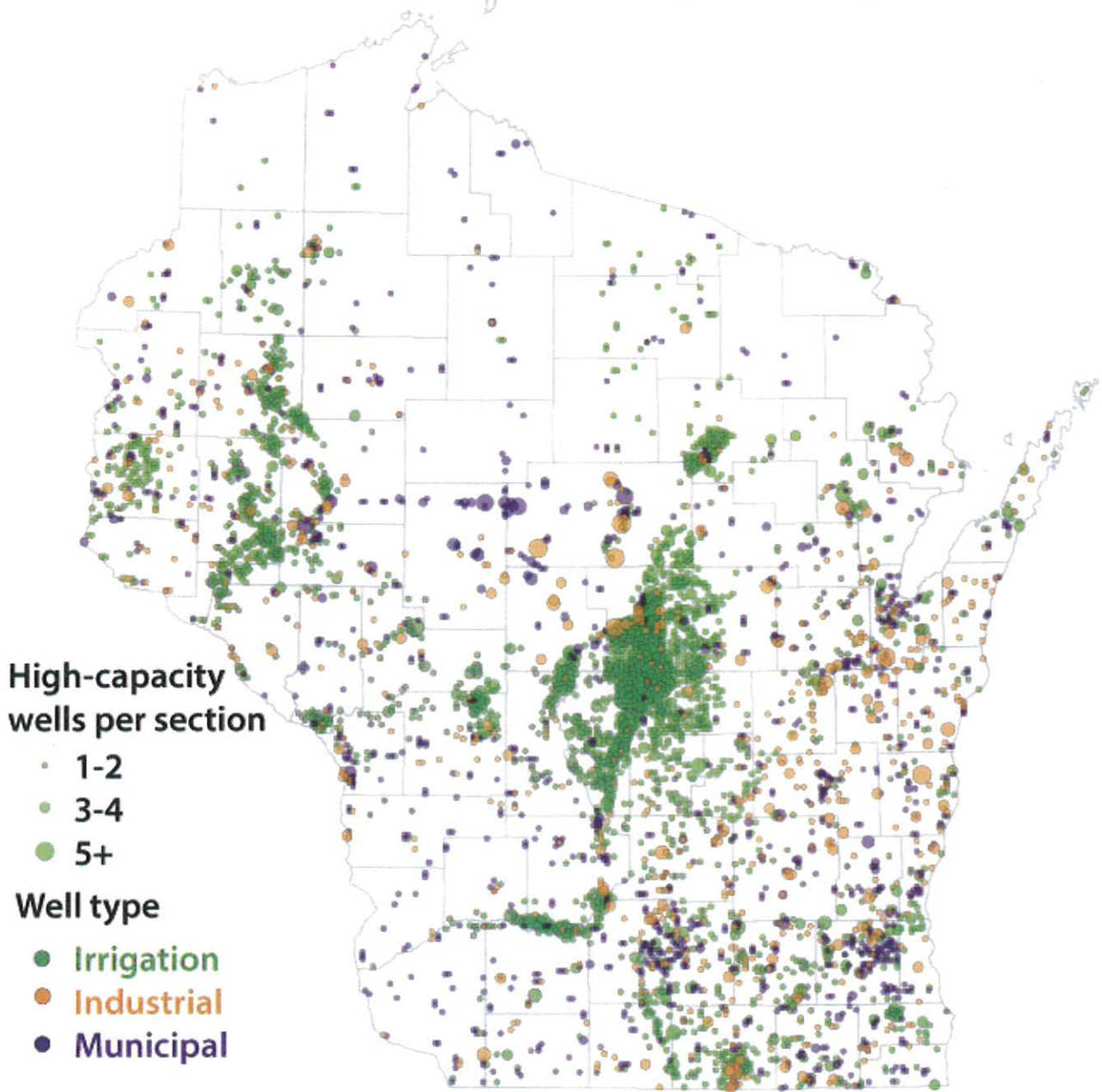
**Ch. 281.34(7):** This is an authority that DNR can only utilize to modify or rescind a permit because there is a permit violation. It is not permit violations that are causing problems in the Central Sands, but rather lack of adequate limitations in the permits. That is why taking away the only periodic review that currently exists will compound problems in the Central Sands and remove an important tool for managing groundwater resources.



Options that can only be employed AFTER damage has already been caused are not solutions. We need to prevent damage from occurring in the first place and put in place sustainable groundwater management guidelines, not just rely on ways to address problems after the fact. The investments that farmers make in their property and wells should be protected. But that protection needs to be balanced with the equally important need to protect the investments homeowners make in their properties, the public's right to use and enjoy our state's waterways and the investments our state makes in protecting our natural resources. Without a balanced approach to resource management, this bill will pick winners in the fight for groundwater resources, and will guarantee the losers are homeowners, tourism, and local tax base.

For these reasons we respectfully ask that you oppose AB 874 today.

# Wisconsin's high-capacity wells



Data: Wisconsin Department of Natural Resources

Credit: Kate Pregelman/Wisconsin Center for Investigative Journalism





Representative Jeffery Mursau  
Chair, Assembly Committee on Environment and Forestry  
North Hearing Room  
State Capitol

February 10, 2016

RE: Assembly Bill 874

Good afternoon Representative Mursau and members of the Committee,

Thank you for holding this hearing to learn from the public about this legislative initiative that attempts to manage Wisconsin's groundwater resources.

The River Alliance of Wisconsin is a nonprofit river conservation organization. Our members come from all corners of the state. They are property owners and academics, anglers and small business owners. They work tirelessly in their communities to restore stream banks, hunt down aquatic invasive species, speak out about public policy, and work to make rivers accessible to everyone. What they have in common is that they love the waters of this state and want them protected from being depleted and degraded.

The River Alliance has been working on how groundwater pumping affects surface waters going back to the year 2000, when Perrier proposed its huge water bottling project, with its potential to deplete springs and surface waters.

The Perrier experience is instructive for today. It would have given a private industry unfettered access to a public resource. This bill does the same. This time the private interest is agriculture. At the heart of our state's water policy is the public trust doctrine, which presumes that ALL water users are created equally. The bill before you clearly shows a mentality that some water users are more equal than others. The property rights of those people owning property on lakes and streams, especially in the Central Sands area of the state, have no reason to think their concerns were considered.

The River Alliance opposes this bill because it sends us backwards in water protection law and policy. Just as holders of pollution permits must have those permits reviewed periodically, so should holders of high-capacity well permits. When a business applies for a permit to discharge wastewater into our waters – called a WPDES permit – that permit is granted on a five year basis – it must be renewed every 5 years. And yet the major industries that rely on these permits being issued – the paper industry, energy utilities, and food processors, just to name a few – have not collapsed under the uncertainty of it. Nothing is static in nature, especially where human beings are involved. Conditions change all the time -- which is why it makes sense to occasionally review ALL hi-cap well permits, and it makes no sense, from a resource management perspective, to slack off that review, as AB 874 would make possible.

I would be remiss to not mention AB477. The amendment that was to be discussed today was disappointing. It held out the promise of creating "sensitive resource areas" where the impacts of groundwater pumping on other public waters could be analyzed and, perhaps, a balance could be reached between commercial use of the water and protecting the resource for other uses.

The sensitive resource areas, as described in the bill, are served up with a cumbersome, convoluted, circuitous process – not to mention deeply fraught with possible political maneuvering -- that dooms their creation before even a gallon of groundwater is analyzed.

Citizens who have invested in water front properties have been patient in letting the bill process play out -- and they have been largely ignored in it, despite communicating very clearly their concerns and specific suggestions for improving this bills. Along with them, we envision that the circuitous route that an SRA must take means the hope of sensible groundwater management will likely end up in a political ditch.

You now have the opportunity to meaningfully engage all stakeholders in the process of developing groundwater solutions that truly balance the needs of all users.

Thank you for the opportunity to speak today.

A handwritten signature in cursive script that reads "Allison Werner".

Allison Werner

River Alliance of Wisconsin



Wisconsin Trout Unlimited Public Hearing Testimony in Opposition to AB 874  
To the Wisconsin Assembly Committee on Environment and Forestry  
Wednesday, February 10, 2016

Good Afternoon Chair Mursau, Vice Chair Krug, and members of the Wisconsin Assembly Committee on Environment and Forestry.

I would like thank you for your service to our State and for allowing me to be here today to express Wisconsin Trout Unlimited's opposition to AB 874.

My name is Michael Kuhr, and I am the Vice Chair for the Wisconsin State Council of Trout Unlimited. I'm also a stay at home dad and small business owner. Needless to say, my office hours coincide with naptime and bedtime.

Trout Unlimited is a 501(c)3 nonprofit organization. In Wisconsin, we have over 5,000 members, situated in 21 chapters which cover the footprint of our State.

Wisconsin Trout Unlimited is dedicated to Wisconsin, and its coldwater resources. We are an organization of volunteers. In fact, I'm a volunteer, and so are the other Wisconsin TU members who have taken off of work and traveled here today.

Last year alone our 21 Chapters and the State Council reported over 48,000 volunteer hours. We worked on 82 different conservation projects and held 88 youth education events. These restoration projects bring thousands of non-state dollars to Wisconsin, and they add value to our State.

I would like to stress the economic importance of water in our state.

A recent report by the American Sportfishing Association – commonly referred to as the ASA – found that Wisconsin is the 3<sup>rd</sup> highest ranked destination for non-resident anglers in the United States. We know the fishing is good here in Wisconsin and the rest of the country does too.

The report also found that fishing related retail sales in Wisconsin total over 1.4 BILLION DOLLARS each year. The end result is, according to the ASA report, that angling supports over 21,000 JOBS, leads to over 665 MILLION DOLLARS of salaries and wages paid in our state, and accounts for over 148 MILLION DOLLARS of local and state tax revenue.

In sum, according to the ASA, recreational fishing in Wisconsin generates 2.2 BILLION DOLLARS in annual economic impact.

Fishing represents a significant economic engine for Wisconsin, as do our partners in the Hunting, Tourism, and Agricultural industries. We need to make sure that water is being used in a manner that sustains these economic engines for our State.

Respectfully submitted by: Michael Kuhr, Wisconsin Trout Unlimited Vice-Chair  
6103 Queens Way, Monona, WI 53716 (414) 588-4281

mikek.trout@yahoo.com

By our very nature humans are consumptive creatures. At times I've been guilty of watching too much T.V., eating too many sweets, spending too much time on the phone, sending too many text messages, and even using too much water.

Unfortunately, we've seen the effects of overconsumption on our water supplies. The most obvious case being in the Central Sands area, where residents have seen lakes and rivers dry up.

As our populations continue to increase, our cities expand, and our economies grow, so will the demand on our resources. We are going to need more tools to ensure that clean, safe, and abundant water supplies are available to all.

Right now there are three instances when existing high capacity wells can be re-evaluated: when they are repaired, when they are replaced, or when the land upon which they sit changes ownership.

That's a pretty limited variety of circumstances but it does allow for some review. This review process does not appear to be overburdening the DNR, since their own fiscal impact statement of this bill indicate that only 10 such reviews occur per year.

Over time, regional weather patterns may change, our technology improves, and our understanding of science increases. Many of the existing high capacity well permits were issued under old laws, using old science, and PERMANENTLY locking in such permits makes no sense.

We'd like to propose an alternate way forward using periodic review.

Wisconsin Trout Unlimited believes that setting up a periodic review schedule for all high capacity wells is the best solution. If periodic review was ensured, then wells could be moved, replaced, reconstructed or transferred without issue. This would address the agricultural community's concerns about needing to act quickly when wells fail (to ensure the protection of crops), and would also ensure that groundwater use is monitored so that *all stakeholders* – and the economic engines that they support – have certainty, and such that our State's economy can continue to grow.

**In short, having periodic review of high capacity wells is a common sense solution that will protect Wisconsin's economy, and keep Wisconsin moving forward.**

We need to work together to prevent future water issues, and we need more tools – not less – to deal with water use, to ensure that all of the economies that depend on Wisconsin's water are served.

For that reason, Wisconsin Trout Unlimited requests that this Committee take no further action on Assembly Bill 874, and that it not be allowed to advance.

On behalf of Wisconsin Trout Unlimited, we thank you for your time and your commitment to public service.

Respectfully submitted by: Michael Kuhr, Wisconsin Trout Unlimited Vice-Chair  
6103 Queens Way, Monona, WI 53716 (414) 588-4281 mikek.trout@yahoo.com



## 2016 Assembly Bill 874 Comments

- My name is Patrick Rindfleisch (14 Canvasback Cir, Madison WI 53717), I live in Madison and my family owns a cottage on Witter Lake in Waushara County
- While I appreciate your efforts to address the issue of high capacity wells, I am opposed to AB874 because it does not do enough to protect the surface waters of our state, specifically those in the Central Sands Area
- I purchased our cottage in 2006, although it has been in our family since my grandfather built it in 1968. I note that when he built the cottage there were a couple hundred hi-cap wells in the Central Sands and there are now over 3,000
- Witter Lake is a groundwater or seepage lake, meaning that there are no springs or streams feeding the lake...100% of the water comes from groundwater and precipitation
- Over the past several years we have seen large areas of forested land near our lake clear cut and turned into farmland with numerous high capacity irrigation wells.
- During this same period of time we have seen the water levels in our lake drop 2 ½ to 3 feet...precipitation levels from rain and snow have been average during this time which leads me to believe that the new high cap wells are having an impact on the lake levels. Interestingly there is a monitoring well in Hancock with continuous data going back to the 1950's that shows a steady decline in water levels as the number of wells increased and precip levels were average
- Like many lakes in the Central Sands area, the average depth is 5-7 feet so when the water table is drawn down during the summer months by high cap wells for irrigation, it has a direct and noticeable impact on the ability to use the lake as well as the quality of water. When we put our boat in this spring it was sitting in 2-3 feet of water and when we took it out in late August the front half of the boat was resting on the lake bed
- I recognize that irrigation is critical for the yields from the farm fields but my hope would be that as a state we would strike a balance between irrigating crops and protecting the surface waters that are so valuable to the sportsmen, tourists and families that enjoy them
- I often hear the argument that farmers need certainty as it relates to their wells. I would ask, what about the certainty for waterfront property owners? Farmers made investments but so did my family. Since purchasing our cottage in 2006, we have made over \$100k of improvements using local contractors and suppliers, directly benefiting the local economy. If lake levels continue to drop, how much future investment will there be in ours and other lake properties?
- There are risks in all industries and farming should be no different, if a farmer wants to buy land near a lake or stream, clear cut the trees and install a high cap well then they should do so knowing that if the water levels in the lake decline below a certain level they may have to dial back their pumping
- I have spent the last 16 years working in the financial services industry so I know first-hand the affect that regulation can have on business and I see important correlations in this case...the rules have required change, but if we were to get into another financial crisis these rules have created stronger companies and they will survive. If we get into a prolonged period of

precipitation change, then the one chance the DNR has to monitor wells will help to protect lakes and rivers and they can survive

- I often look around our lake on summer weekends and see the 50 or 60 cottages full of families and kids enjoying the water and think about the fact that the same scene is being played out on hundreds of other lakes in the area...it would be a tragic mistake not to protect these waters for future generations and I ask you to consider the rights of all citizens as it relates to ground and surface waters in our state and instead of supporting AB874, please work on a bill that would balance the need for irrigation along with protecting the at-risk waters of the Central Sands area





# WISCONSIN LAKES

*We Speak for Lakes!*

4513 Vernon Blvd., Suite 101, Madison WI 53705  
608.661.4313 ~ 608.661.4314 fax  
info@wisconsinlakes.org

## TESTIMONY TO ASSEMBLY COMMITTEE ON THE ENVIRONMENT & FORESTRY IN OPPOSITION TO AB874

Presented by Michael Engleson, Executive Director  
February 10, 2016

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Thank you for the opportunity to testify today on AB874. Wisconsin Lakes is a non-profit conservation organization whose membership is primarily waterfront property owners, lake associations, and lake districts who in turn represent over 80,000 citizens and property owners. On behalf of these groups, who care deeply about lake health and the environmental, economic, and cultural benefits they bring to their own property, as well as the entire state, I am here today to express Wisconsin Lakes' opposition to this bill.

My members are interested in this bill because their rights are at stake. We already know that despite being a relatively water rich state, groundwater pumping can deplete lakes, reduce or eliminate streamflow, dry up other wells, or even cause a public health crisis by reducing the quality of drinking water when toxins concentrate in a drawn-down aquifer. So it's not just that my member's enjoyment of their lake could be impacted or that their kids and grandkids might not have the memories they had hoped they would. It's also a worry that the value of their property could be impacted. We've talked a lot about preserving property rights recently – well, here's a case where this bill could not only negatively impact the property rights of the members of Wisconsin Lakes, it would actually create a whole new kind of right for only certain entities.

High-capacity well permits do not expire. Because this bill prohibits the state from reviewing those permits at the time the wells are repaired, reconstructed, replaced, or transferred, there would be no time when the wells' permits would ever be reviewed. In effect, this creates a perpetual water right for the permit holder, more akin to the water law of the western U.S. than the reasonable use standard embedded in Wisconsin law. And let's be clear – this right, this perpetual, unending right, *would not be available to anyone except a high-capacity well owner*. The proponents of this bill argue that this is all about certainty, which I will discuss further in a moment, but the bill has a much greater effect: it creates a new kind of right in a resource for one set of users at the expense of everyone else.

Under this bill, if a growing number of wells in a particular geographic area impact the water levels in local lakes and rivers, a permitted high capacity well would be able to just keep on pumping. If a small residential well, possibly one used by one of my members, started to run dry, and there was demonstrable proof the aquifer was overtaxed, existing high-capacity wells would be able to continue to pump. A small business not using a high-cap well, or a small family farm? Out of luck.

Frankly, it's even true that if the pumping is impacting other permitted high capacity wells in the area, they could all just keep on pumping! If there was no longer enough water to satisfy each right to pump, however, lawsuits among competing users are a certainty. Lots of lawyers in western states get really rich litigating just those sorts of cases. And I'm certain that if I was a waterfront property owner watching my lake drain away

*Wisconsin Lakes is a statewide nonprofit organization with nearly 1,000 members and contributors including individuals, businesses, and lake associations or districts representing more than 80,000 citizens. For over 20 years, Wisconsin Lakes has been a powerful bipartisan advocate for the conservation, protection and restoration of Wisconsin's lake resources.*

before my eyes, along with my property value, I would be asking myself why don't I have the legal right to that water, to a full lake, since I was using that water first?

Now, Chapter 30 does supposedly have a provision that could be invoked by DNR to step in and review a permit. It would require the harm already to have taken place. It would require the injured party to convince DNR to take up the matter in the first place. It would not apply for disputes over impacts to other wells because the section only applies to navigable waters. It is unclear what the process, or the prospects for actions brought under this section would be, because it has never before, to our knowledge, been used for this purpose. When the conflicts arise, as they inevitably will, reliance on even this section will certainly result in yet more litigation.

So, in our opinion, creating a bifurcated system of water rights between one sort of groundwater user and another that will eventually result in conflict and litigation seems like an extreme measure to get where we need to be. And we agree that that place is "certainty." Where we really need to be is at a place where *all* users are certain that their rights will be upheld – and that most certainly includes existing high-cap well users, but it also includes other well owners and waterfront property owners as well.

So to get there, like it or not, we're back at needing to manage our groundwater resources. I know it seems like the spigot will run forever, but sometimes it doesn't – ask the folks on Pleasant Lake, or Long Lake, or those that watch the Little Plover Run dry. And the fact is, management requires some sort of periodic review. Certainly, if there isn't evidence found of an issue, then the withdrawal should be allowed to continue. But an all-you-can-eat fish fry ends when there's no more fish, whether you can eat more or not. So it's in the best interest of everyone to figure out what to do before we hit a water crisis. We want to avoid dried up lakes, empty streambeds, and bone-dry wells, high cap or otherwise. We want to avoid future conflicts and court cases by taking the time to figure out how to manage this resource reasonably and sustainably, and we believe if we ALL come together at the table, there is a way to do that and still be fair to everyone. A truly sustainably managed resource means certainty for all – from the biggest CAFO, to the cabin on the lake. And that is where we should be headed, not in the direction of this bill, towards two systems of rights, less management, and more conflict.

Wisconsin Lakes urges you all to stand for a reasonable and fair management of our waters, and to reject AB874.



**2015 Assembly Bill 874**  
**Before**  
**The Assembly Committee on Environment and Forestry**

Thank you, Mr. Chairman, for the invitation to speak.

- My name is Bruce Dimick, from Saratoga WI, in the Heart of the Central Sands area and thus most likely to be impacted by any legislation that will weaken the governance of HCW's. I will be speaking in opposition to ~~SB 239~~. *AB 874*
- It is important to note, that in a rare bipartisan move both of our state leaders, Senator Julie Lassa and Representative Scott Krug were opposed to SB 239 and I assume they are opposed to AB 874. They both acknowledged that the water table in the Central Sands has already been irreparably harmed by HCW over pumping. They are looking out for the best interests of their constituents.
- As a resident of a rural area in a rural town where there is no municipal water supply, we depend on clean plentiful ground water to meet our needs as does everyone else in our Town of Saratoga of ~ 5200 residents. To think that water supply could be jeopardized by the over-pumping of high capacity wells and that there would be no recourse to address the problem after the high capacity wells are established is grossly unfair to the rural residents of Saratoga or any other town in Wisconsin.
- The Public Trust Doctrine mandates that the waters of the State belong to all the people. This bill is essentially a move to privatize the ground waters of the state.
- **An end to DNR periodic review of high-capacity well permits**
- \* **The gift of "forever" water rights to privileged entities**
- \* **No protection against over-pumping of aquifers**
- \* **Disregard for cumulative effects from high-capacity wells**
- Another key issues that we are concerned about with this bill are the use of straw buyers for big organizations such as the proposed Golden Sands Dairy in Saratoga. This CAFO would be built and owned by the Wysocki Family of Companies. Adjoining land has been purchased and Scott Kotlowski has applied for three HCW's permits, it is believed that his intentions are to sell this land to Wysocki once Wysocki has the Golden Sands CAFO permitted. Under AB 874 there would be no review then or ever of the HCW permits and they would be transferred to Wysocki.
- AB 874 does not achieve this goal. Instead, the bill will end the only existing opportunity that DNR has to review and adjust water use permits in order to address problems. Currently, DNR's authority to review and adjust a high capacity well approval is limited to instances of a transfer, replacement, or reconstruction of a well. This is the only real opportunity to address over-pumping when there is a groundwater shortage since high capacity well permits never expires. AB 874 removes this critical review opportunity altogether.

*Frances Rowe  
W 13475 Czech Lane  
Coloma, Wisconsin 54930*

**Testimony in Opposition to AB 874  
February 10, 2016**

I would like to share with you this this afternoon my concern that **AB 874** is a bad idea. It is a bad idea because **Water is our most precious resource**. I shall speak to four points this afternoon:

1. Existing high capacity wells should not “forever” status.
2. Wisconsin should not become a “western water state”.
3. Wisconsin homeowners should not have to watch helplessly as they their property values, along with their drinking water quantity and quality disappear.
4. The fact that our water is all connected.

I live on Pleasant Lake in Waushara County. My concern is sparked by the fact that Pleasant Lake is losing its water and **AB 874** will not help restore the water loss or stop it from decreasing. Pleasant Lake is losing its water to the epidemic of high capacity wells plaguing central Wisconsin.

My written testimony before you is accompanied by a group of pictures that tell the story.

The first page is a two picture set of Pleasant Lake, one taken in 1996 the other in 2013. There is a dramatic difference. Note the flag pole on the end of the point. In 1996 it is several feet from the water’s edge; in 2013 it is over 30 feet from the water’s edge.

Page 2 illustrates the water’s decline. In 1985, my kids sitting on the wall, the water’s edge was several feet from the wall; in 1993 the water was half way up the same wall, and 2011 (before the 2012 drought) the water line is 28 feet south of the wall. On page 3 you can see the water’s edge is 44 feet south of the wall. On page 4 you can see me, I am 5’2” standing next to my pier, a pier from which I use to be able to dive. The day the picture was taken the water was 6 inches deep. The wood blocks sitting on top of the pier were cut from the bottom of the legs several summers previously to enable the pier to “work” with the drying lake.

Clearly we have a problem! The next two pictures illustrate impact water loss has on the fish community. Shoreline habitat is now high and dry; the channel to Turtle Bay, once a navigable stream and fish passage, is now barely six inches wide.



Page seven tells this story with a graphical representation of Pleasant Lake's dropping water level. The graph at the bottom of the page illustrates the rain, green showing rainy years, red the dry ones.. One can see that from 1990 through 2014 most years there was ample rainfall. It was not a lack of precipitation that led to Pleasant Lake's dropping water level.

Sadly, the Pleasant Lake story is shared by many lakes in the Central Sands. Page eight in your packet shows you Patrick Lake, Long Lake, Fish Lake, Pine-Hancock Lake, and Huron Lake all experiencing loss of water on a large scale. Long Lake, page nine, is the saddest story of all – it is now a wetland. The problem is existing high capacity wells, the same high capacity wells that **AB 874** will give eternal life.

### **Existing High Capacity Wells**

Our current high capacity well problem did not always exist in Wisconsin, see pages 10-12. Prior to 1950 there were 24 high capacity wells. Over the past 65 years that number has grown. Today there are over 14,000. Moreover, most of these high capacity wells are concentrated in Central Wisconsin. Portage, Waushara, and Adams Counties are 1, 3, and 4 respectively for the number of high capacity wells in Wisconsin, see page 13. Clearly getting a high capacity well approval is not difficult in this state, in spite of what some folks claim.

The water problems we are currently experiencing are the result of existing wells – not high capacity well requests yet to be approved. It is the collection of high capacity wells in close proximity to each other and our lakes and streams that has become a problem – the cumulative effect of pumping groundwater.

You can see the cumulative impact of high capacity wells on Pleasant Lake by looking at the map on page 15. There are hundreds of wells in eastern Adams County that have had an impact on Pleasant Lake, Chaffee Creek, and the other streams in the area – these are the high capacity wells **AB 874** will make eternal; high capacity wells that will escape review forever. The yellow arrow indicates the water flow that feeds the Pleasant Lake springs.

We all are required to renew our drivers' licenses on a regular basis, our car licenses, our professional licenses of all sorts. Well approvals should not be immortal; they need periodic review as well. Currently, it is only upon repair, replacement, or reconstruction that review of existing high capacity wells is completed. **AB 874** removes that periodic review.

We understand the concern of agricultural irrigators who want to repair or replace existing wells. We recognize the need to fix a broken well when necessary, particularly given the fact that some of Wisconsin's irrigation wells have been in the ground for 50 years. And, we understand that irrigators do not want to lose a crop or suffer an economic setback, they want certainty for their businesses. Home owners want certainty too!

Home owners want certainty that lakes will not dry up, certainty that trout streams will not disappear, certainty that drinking water wells will contain ample potable water, and certainty that their property values will remain stable.

The irrigators' request to repair, replace, or reconstruct existing high capacity wells without DNR review, could be balanced with property owner's request for property value stability by amending **AB 874** to include periodic review of existing high capacity wells by the DNR. If all high capacity wells were reviewed on a 10 year rotation, which seems a reasonable increment, the desire of irrigators to repair, replaces, or reconstruct a high capacity well without DNR review would be reasonable. To provide a repair, replace, or reconstruct option without a periodic review requirement is where the problem lies.

Periodic high capacity well review could be the first step in achieving sustainable groundwater use for Wisconsin.

### **Wisconsin should not become a "western water state"**

A second concern we have with **AB 874** is that it makes water pumping a property right, not a privilege. It does so by linking high capacity well approvals to properties and exempts the wells from review upon property transfer. We ask that high capacity wells not be tied to properties. We do not want western water law in Wisconsin, where water is allocated on a first come first served basis.

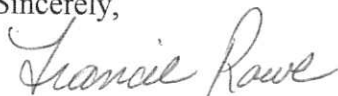
### **Our Water is All Connected**

Finally, it is all connected. The often unsaid problem with pumping groundwater from our state's aquifers is that the water that is taken out is not returned without additions, additions of nitrates, phosphates, urine, and feces.

The more we pump, the more we pollute. We take our groundwater out of the earth, but send it back tainted. The last page of your packet provides a Wisconsin map illustrating areas where nitrate pollution is a problem. It is not an accident that the highest nitrate pollution in the state is the exact same area where existing high capacity wells are found in the greatest numbers and groundwater pumping is at the greatest volume. Compare the existing wells mapped on page 12 and the pollution map on page 16 and you will see the pattern.

Thank you for listening to me this afternoon. I appreciate your time and thoughtful consideration of the issues at hand. Please keep in mind that **AB 874** benefits a few who already have high capacity wells, while hundreds of property owners lose. On Pleasant Lake alone, 214 property owners will suffer if this bill becomes law, as they will lose their lake, their drinking water, and their property values. Maintaining review of existing high capacity wells is important, not to do so threatens our drinking water, lake levels, and property rights.

Sincerely,



Francie Rowe



December 9, 2015

Dr. Frances Rowe  
Commissioner  
Pleasant Lake Management District  
PO Box 239  
Coloma, WI 54930

Re: High capacity well impacts on Pleasant Lake  
*MARS Project Number: 1707*

VIA: EMAIL

Dear Dr. Rowe,

At the request of the Pleasant Lake Management District, Montgomery Associates: Resource Solutions, LLC (MARS) has prepared this review of previous groundwater analyses of the Pleasant Lake area for your use in advocating groundwater management policies that will protect Pleasant Lake, Chaffee Creek and other water resources near Coloma, Wisconsin. The primary purpose of this letter is to illustrate the general geographic area in which high capacity wells could reasonably be expected to have a significant impact on Pleasant Lake.

The contested case hearing in 2012 over the proposed Richfield Dairy high capacity wells in the Town of Richfield in Adams County included extensive analyses of the impacts of high capacity wells on groundwater in the vicinity of Pleasant Lake. Groundwater computer modeling by the dairy's consultant, Dr. Charlie Andrews, and by Dr. George Kraft of the University of Wisconsin – Stevens Point demonstrated that the proposed Richfield Dairy wells would impact Pleasant Lake and Chaffee Creek. Figure 1 shows groundwater drawdown after 25 years of pumping the Richfield Dairy wells at the requested rate of 72.5 million gallons per year (MGY) simulated by Andrews.<sup>1</sup> Note that predicted drawdown extends into four townships and several adjacent river drainage basins. The asymmetry in the drawdown pattern reflects the northwest-southeast groundwater flow toward Pleasant Lake. Groundwater modeling by Andrews and Kraft predicted that pumping of the Richfield Dairy wells would cause a drop in the level of Pleasant Lake of an inch to several inches, as well as flow reductions in Chaffee Creek, Tagatz Creek, Little Roche A Cri Creek, and others. Note that these streamflow impacts extend across watershed boundaries. Administrative Law Judge Bolt ruled that the impacts of the Richfield Dairy wells would be significant, especially when considered in combination with the cumulative impact of other high capacity wells in the region.

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<sup>1</sup> S.S. Papadopoulos & Associates, Inc., July 27, 2012. Evaluation of groundwater pumping for Richfield Dairy, LLC, Town of Richfield, Adams County, Wisconsin.

An analysis in 2015 by Kraft<sup>2</sup> of the proposed high capacity “Bula well” near Pleasant Lake shows similar widespread impacts. Kraft’s groundwater model simulation of the Bula well (Figure 2) shows that regional groundwater flow at Pleasant Lake and Chaffee Creek is northwest to southeast, starting at a groundwater divide approximately 3 miles west of Pleasant Lake in the Town of Richfield in Adams County. Thus the source area of groundwater feeding Pleasant Lake and Chaffee Creek extends into the eastern portion of the Town of Richfield.

Kraft’s simulation of the Bula well pumping at 43.8 MGY (1/12 of the applied-for maximum pumpage, following current DNR procedures) predicted a drop of 4 inches in the level of Pleasant Lake and flow reductions of 0.031 cfs and 0.036 cfs in Chaffee and Tagatz Creeks, respectively. Simulation of the Bula well pumping at 1/3 of its maximum rate (175 MGY) predicted a drawdown of 1.4 ft in Pleasant Lake. Kraft also found that the Bula well would reduce flows in the adjacent Little Roche A Cri, Mecan and Montello watersheds – consistent with the widespread drawdown and flow depletions predicted by Andrews for the Richfield Dairy wells (Figure 1).

The impacts of a third proposed high capacity well near Pleasant Lake, the Frozene well, have also been estimated by Kraft through computer modeling.<sup>3</sup> The proposed well site is approximately 2 miles west of Pleasant Lake. Kraft’s simulation of the proposed well pumping at 379,900 gallons per day (139 MGY) resulted in a drop of 0.52 ft in the level of Pleasant Lake.

This work by Andrews and Kraft on the proposed Richfield Dairy, Bula and Frozene wells demonstrates that Pleasant Lake could be impacted by wells located miles away, including locations in other watersheds. In addition, Andrews’ work on the Richfield Dairy proposed wells showed that the cumulative pumping of hundreds of existing high capacity wells in the region around Pleasant Lake has already lowered the lake level.<sup>4</sup> Figure 3 illustrates the Townships and Sections in which Pleasant Lake, Chaffee Creek and the proposed Richfield Dairy and Bula wells are located. Also shown are water table contours simulated by Andrews (2012) for existing and the approximate groundwater flow path toward Pleasant Lake. Comparing this figure to the extent of pumping impacts illustrated in Figures 1 and 2 illustrates that the area in which existing and proposed wells have been shown to have an impact extends over dozens of Sections.

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<sup>2</sup> Kraft, G.J., June 15, 2015 letter to Pleasant Lake Management District Commissioner Frances Rowe.

<sup>3</sup> Kraft, G.J., June 9, 2014 letter to Pleasant Lake Management District Commissioner Frances Rowe.

<sup>4</sup> Supplemental written testimony of Charles B. Andrews, Ph.D. on behalf of Richfield Dairy, LLC, Case No. IH-12-03, IH-12-04, IH-12-05 and IH-12-08.



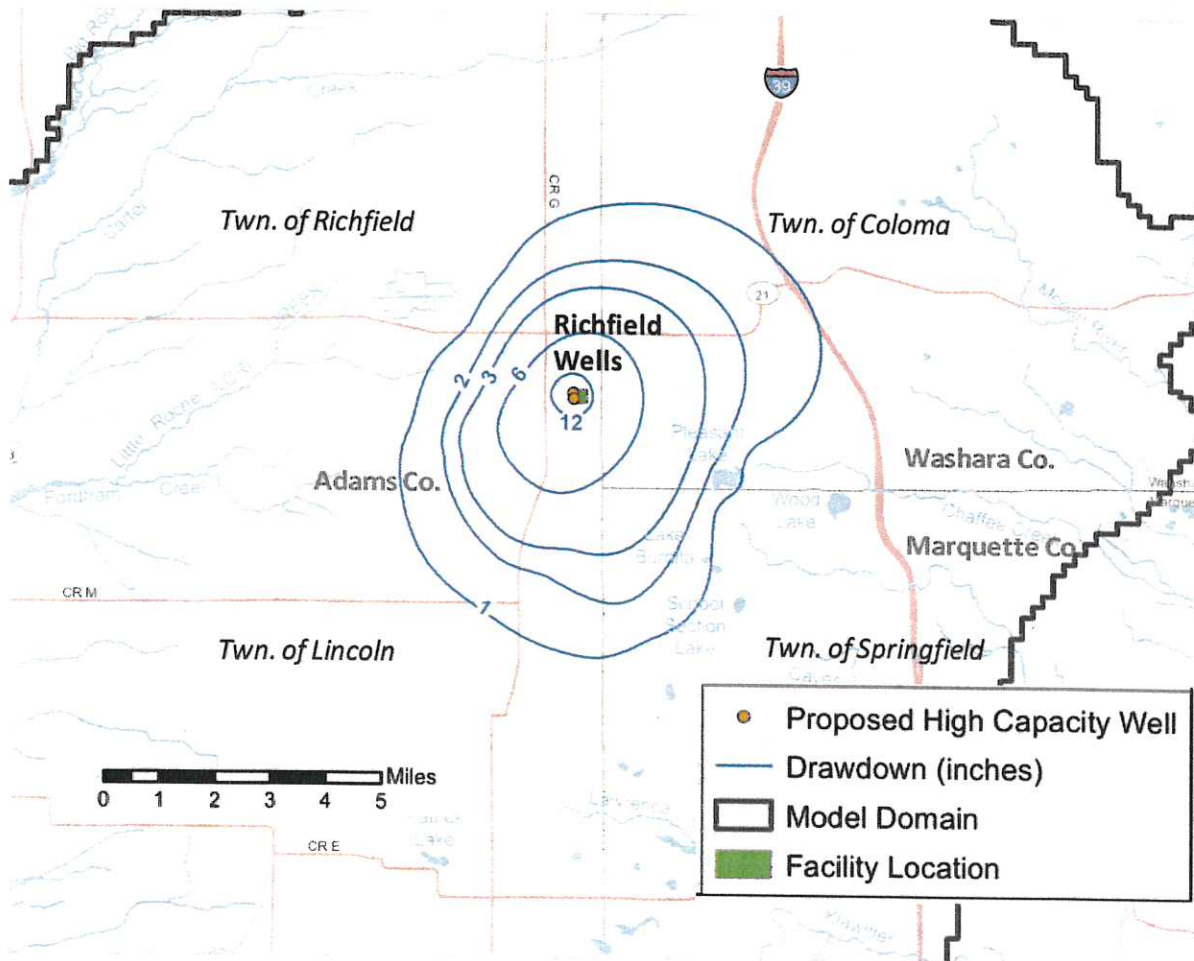


Figure 1. Groundwater drawdown after 25 years of pumping simulated for Richfield Dairy wells pumping at 72.5 MGY by Andrews (2012). Annotation added by MARS.

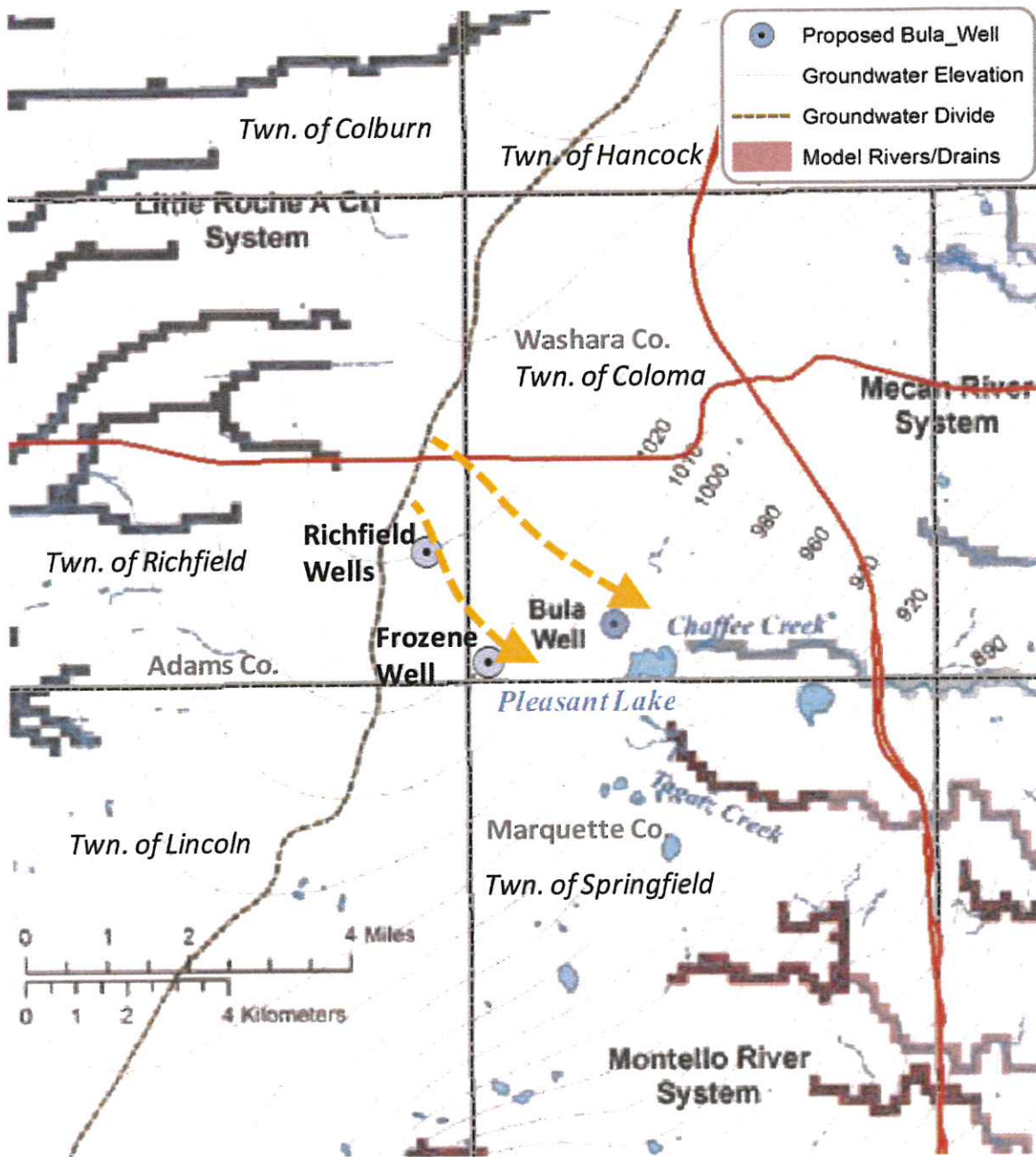


Figure 2. Water table contours simulated by Kraft (2015) in analysis of proposed Bula high capacity well. Approximate groundwater flow paths toward Pleasant Lake and Chaffee Creek, proposed Richfield Dairy wells, and annotation added by MARS.



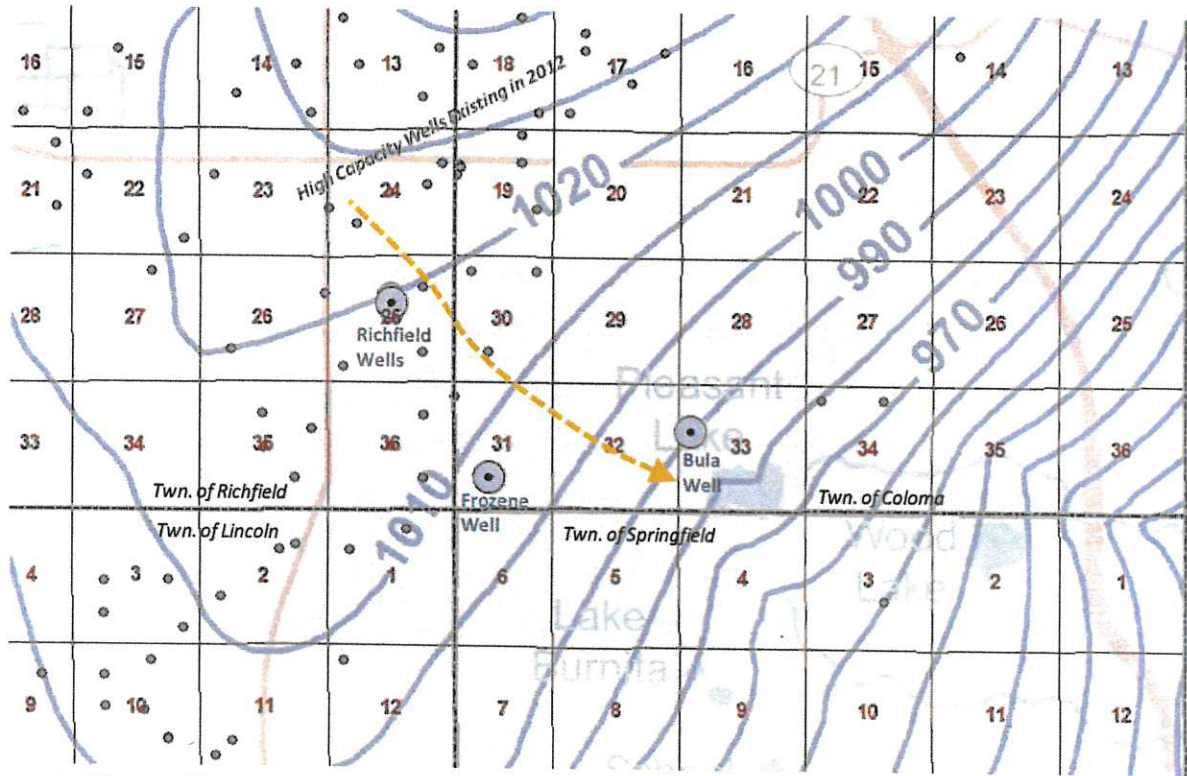


Figure 3. Water table contours simulated by Andrews (2012) in support of Richfield Dairy high capacity well application. Townships, sections, Bula and Frozene wells, high capacity wells existing in 2012, and approximate groundwater flow path added by MARS.

The most scientifically sound approach to managing the impacts of high capacity wells on water bodies such as Pleasant Lake would be a regional approach that encompasses the entire Central Sands. Abundant previous work has shown that the cumulative impact of pumping wells has a regional impact that affects Pleasant Lake and other resources. A management area specific to Pleasant Lake could be defined through further scientific analysis of the impacts of wells at various distances and directions from the lake. The influence of a potential well would generally increase with pumping rate and decrease with distance from Pleasant Lake, but there is typically no discrete boundary beyond which a well would have no impact. Defining a discrete boundary for a management area would therefore require establishing a minimum drawdown threshold for Pleasant Lake.

A pragmatic approach to establish a management area based on Public Land Survey System sections, as is currently being considered in draft legislation, could be informed by the previous studies of Pleasant Lake described above. Figure 4 shows our suggestion for prioritizing sections for management high capacity well impacts on Pleasant Lake and the Chaffee Creek headwaters based on the locations of these resources, the locations of proposed wells that have been shown to have an impact, and an understanding of the groundwater flow system. Figure 4 shows the highest priority sections in red and medium priority sections in yellow. As discussed above, wells beyond these areas could have an impact on Pleasant Lake, but the impact would be expected to be less due to the greater distance from the lake.



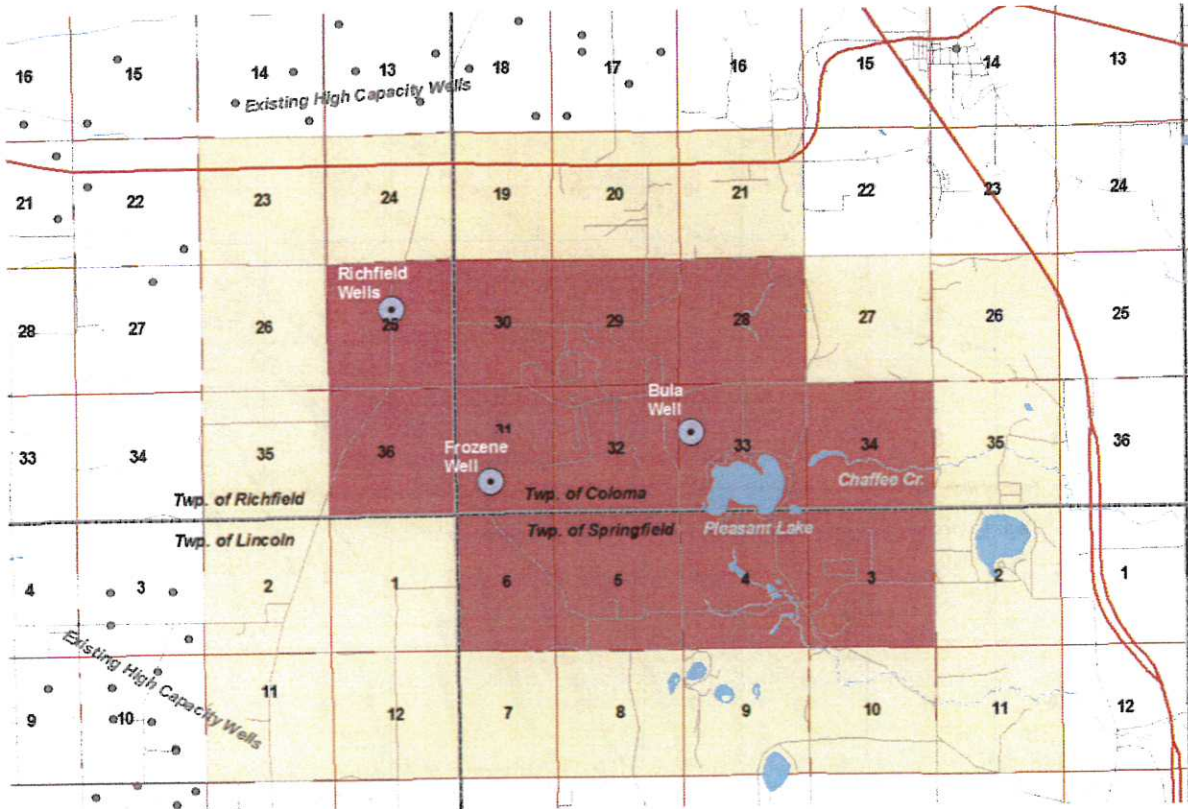


Figure 4. Suggested prioritization of PLSS sections for management of high capacity wells to protect Pleasant Lake and the Chaffee Creek headwaters. The highest priority areas are shown in red, with medium priority areas shown in yellow. Note that wells beyond these areas could still have an impact on Pleasant Lake and Chaffee Creek, as has been demonstrated for the existing high capacity wells shown here.

I hope this information is helpful. Please contact me at 608-839-4422 with any questions.

Sincerely,

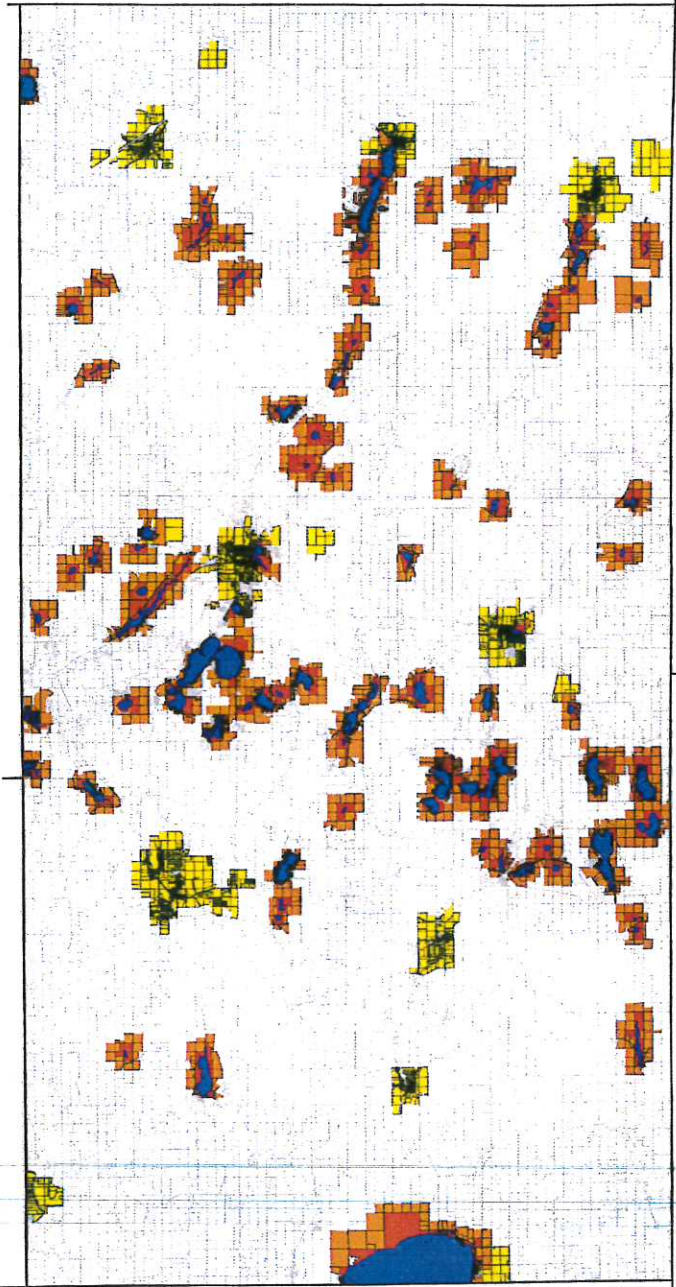
Montgomery Associates: Resource Solutions, LLC



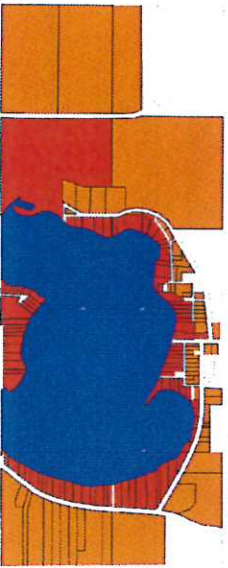
Stephen J. Gaffield, PhD, PE  
Hydrologist

# Waushara County Property Tax Study

## Waushara County Properties



### Pleasant Lake Detail



### Tax Statistics

	All Properties	Level 1	Level 2	Level 3	Level 4
Number of Properties	31205	3849	2757	4751	19848
Average Acreage	389899.55	12511.67	28999.87	12523.62	335764.38
Total Taxes	\$41,901,262.93	\$12,557,239.45	\$2,902,638.31	\$6,734,740.21	\$19,706,644.96
Average Tax Value	\$1,342,77	\$3,262.47	\$1,052.82	\$1,417.54	\$992.88
Taxes per Acre	\$107.47	\$1,003.64	\$100.09	\$533.50	\$58.69
% of Total Properties		12%	9%	15%	64%
% of Total Acreage		3%	7%	3%	86%
% of Property Tax Revenue		30%	7%	16%	47%



Map Created on: 10/12/2015

Projection: NAD 83/Wisconsin South (ftUS), EPSG: 2289

Data Sources and Rev. Dates:

- WkHydroPoly.shp, Waushara County GIS, 9/28/2013
- ParcelsandTaxData.shp, Waushara County GIS, 8/29/2013
- W\_ County\_Brds.shp, WI DNR, 2/13/2012
- TIGER/Line Shapefile, 2012, state, Wisconsin, Current Place/prepared by U.S. Department of Commerce, U.S. Census Bureau, Geography Division, 2012

Maps Created QGIS, D. T. "Quantum" GIS geographic Information system, "Open Source Geospatial Foundation Project (2011).

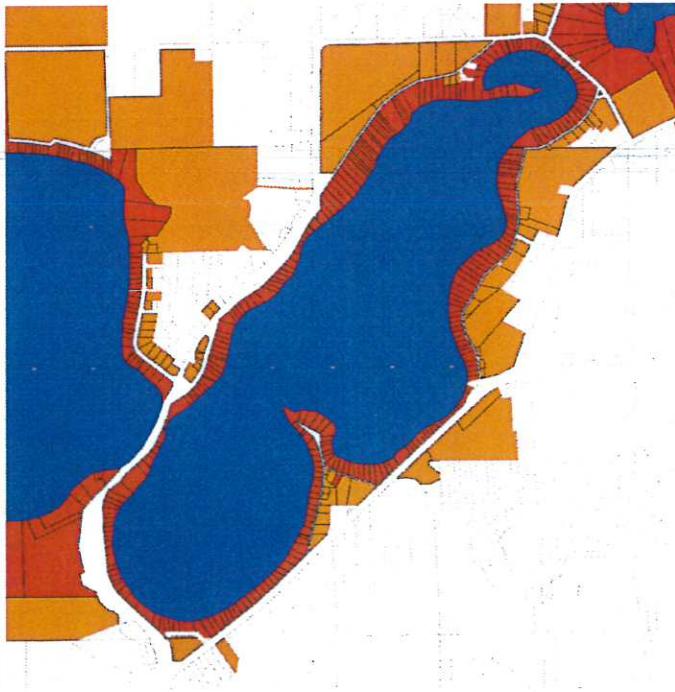
### Legend

- Lakes Larger than 10,000 sq. ft
- Level 1 - Adjacent to Lake
- Level 2 - Adjacent to Level 1
- Level 3 - Located in Clites, Not Level 1/2
- Level 4 - Rest of Properties
- County Boundaries

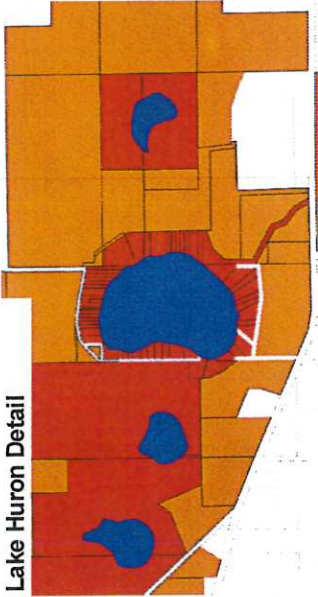


**Waushara County Property Tax Study – Lake Detail**

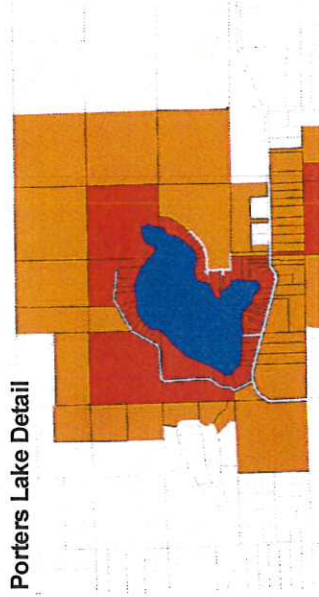
**Silver Lake Detail**



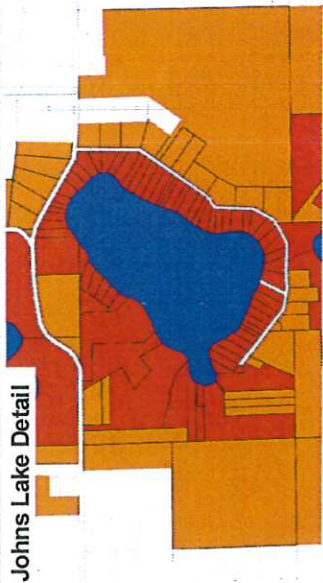
**Lake Huron Detail**



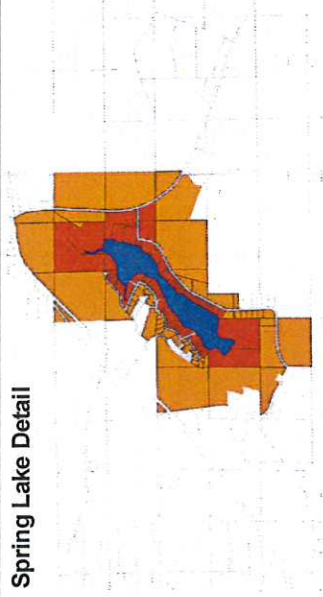
**Porters Lake Detail**



**Johns Lake Detail**



**Spring Lake Detail**



Map Created on: 10/12/2015

Projection: NAD 83/Wisconsin South (NUS), EPSG: 2289

Data Sources and Rev. Dates:  
 - WcHydroPoly.shp, Waushara County GIS, 9/28/2013  
 - ParcelsandTaxData.shp, Waushara County GIS, 8/29/2013  
 - WI\_County\_Bnds.shp, WI DNR, 2/13/2012

- TIGER/Line Shapefile, 2012, state, Wisconsin, Current Place/prepared by U.S. Department of Commerce, U.S. Census Bureau, Geography Division, 2012

Maps Created QGIS, D. T. "Quantum GIS geographic information system," Open Source Geospatial Foundation Project (2011).

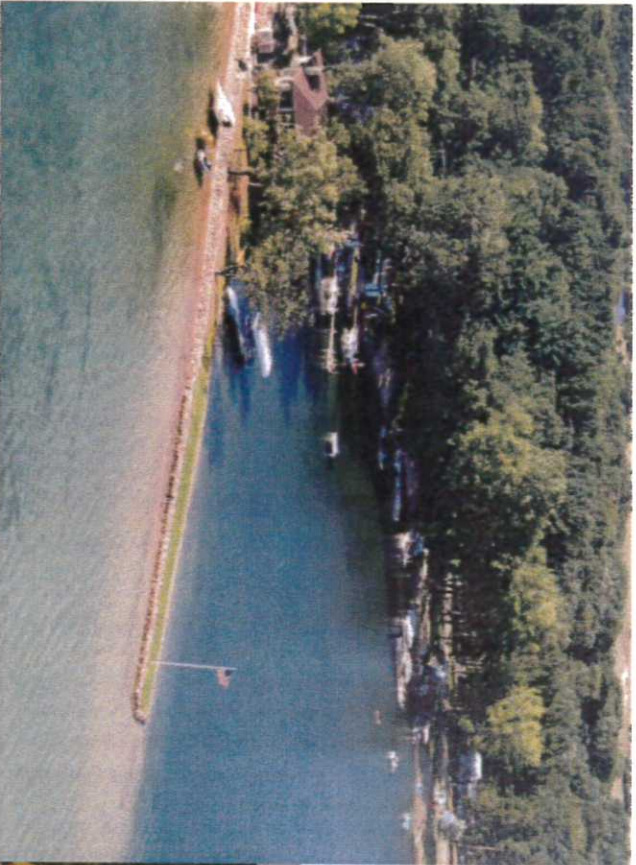
**Legend**

- Lakes Larger than 10,000 sq. ft
- Level 1 - Adjacent to Lake
- Level 2 - Adjacent to Level 1
- Level 3 - Located in Cities, Not Level 1/2
- Level 4 - Rest of Properties
- County Boundaries



# ***Pleasant Lake, Waushara County***

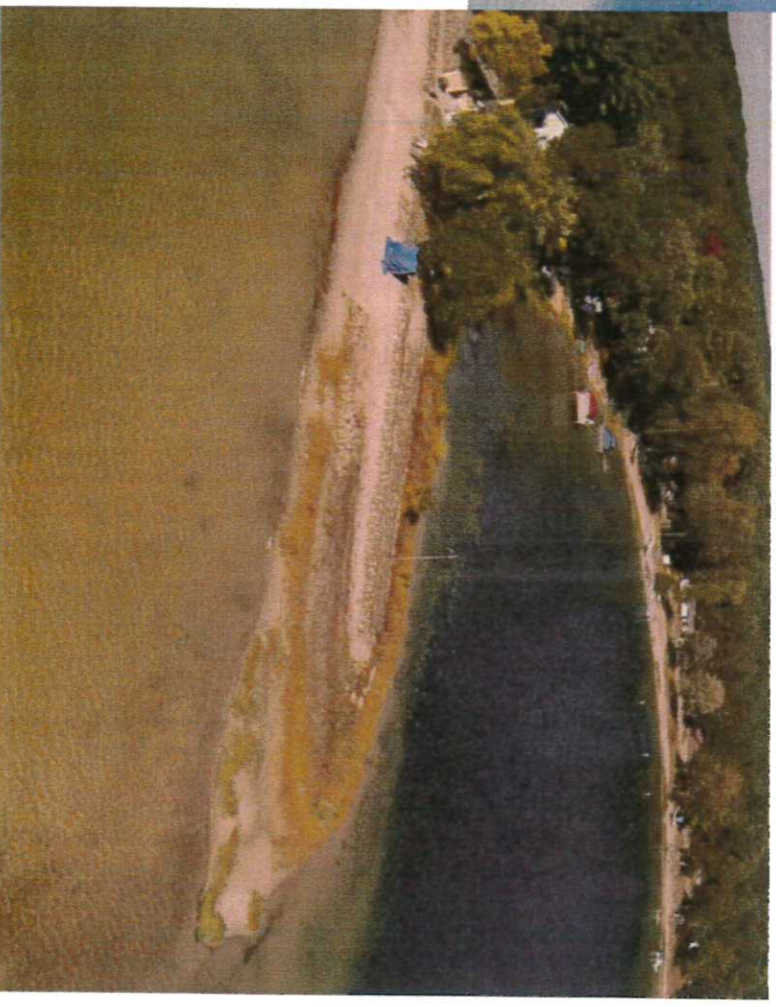
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**1996**

**Pleasant Lake North Shore Point**

**2013**



# Pleasant Lake

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## Water Levels 1984-2011



Water Line 1985



Water Line 1993

28 feet south of wall



Water Line 2011



# Pleasant Lake Shoreline

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**2012 Water line  
44 feet  
from wall**



# Pleasant Lake Shoreline

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Frances Rowe Testimony – February 10, 2016



# Pleasant Lake Water “Water moving” Away from Shoreline Habitat

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# ***Pleasant Lake, Waushara County***

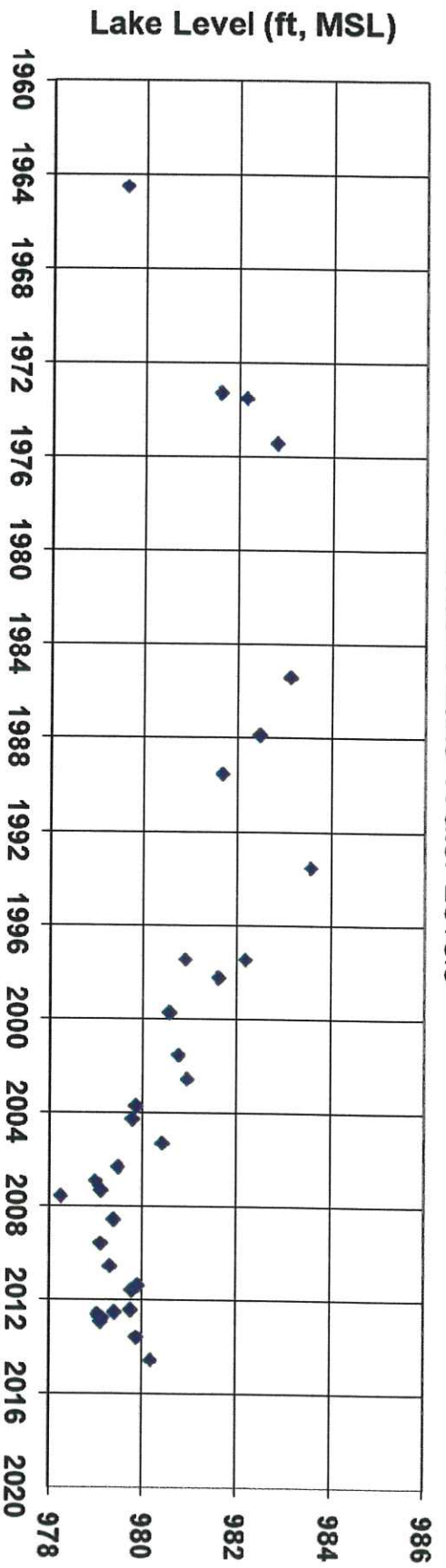
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## **Turtle Bay Channel – Once Navigable**

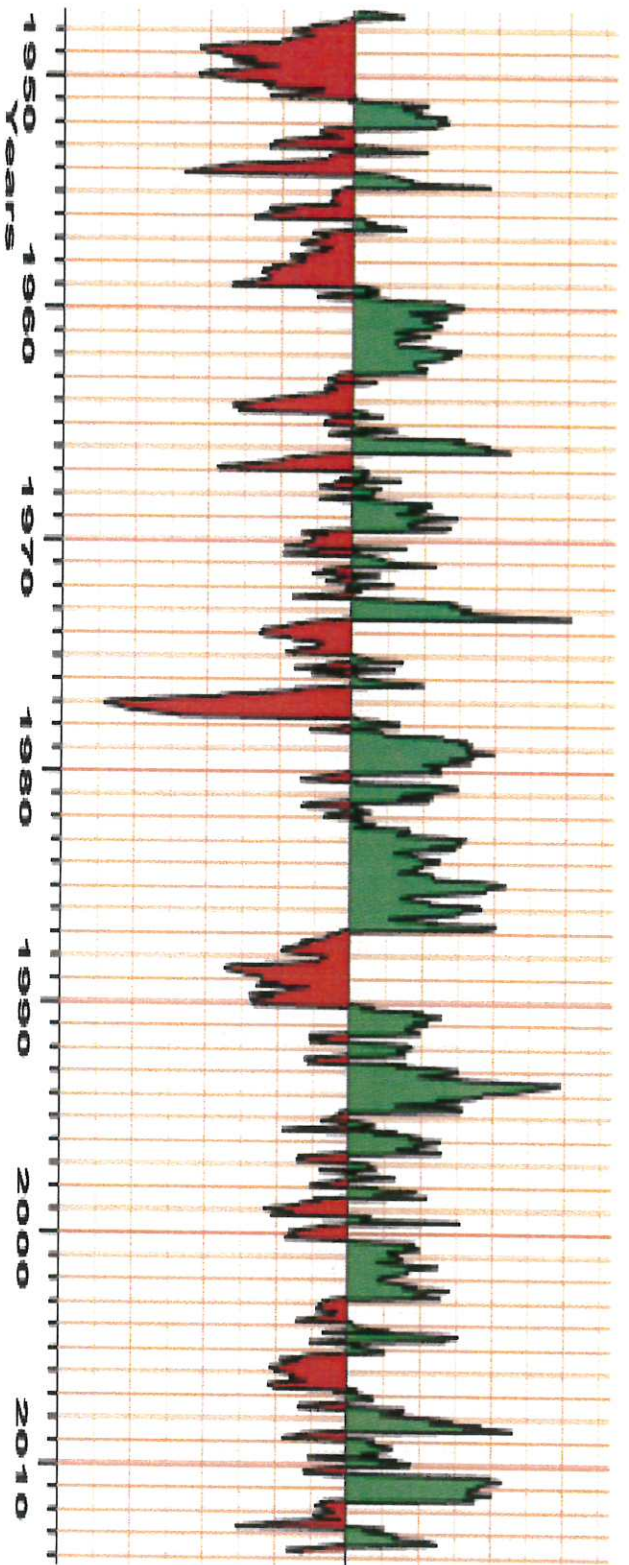




### Pleasant Lake Water Levels

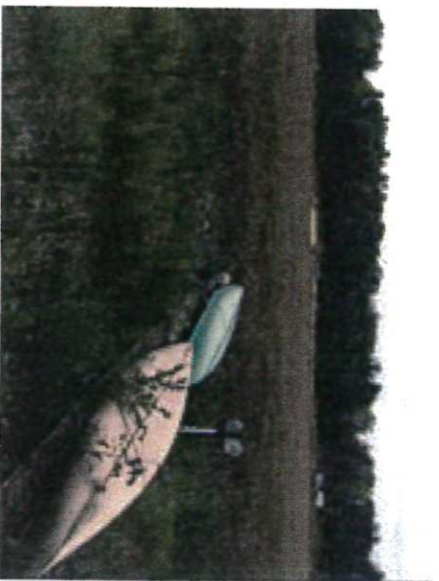


### Palmer Drought Severity Index for Central Wisconsin



# Central Sands “missing water”

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**Long Lake**



**Fish Lake**



**Pine-Hancock Lake**



**Patrick Lake**



**Pleasant Lake**



**Huron Lake**

Frances Rowe Testimony – February 10, 2016



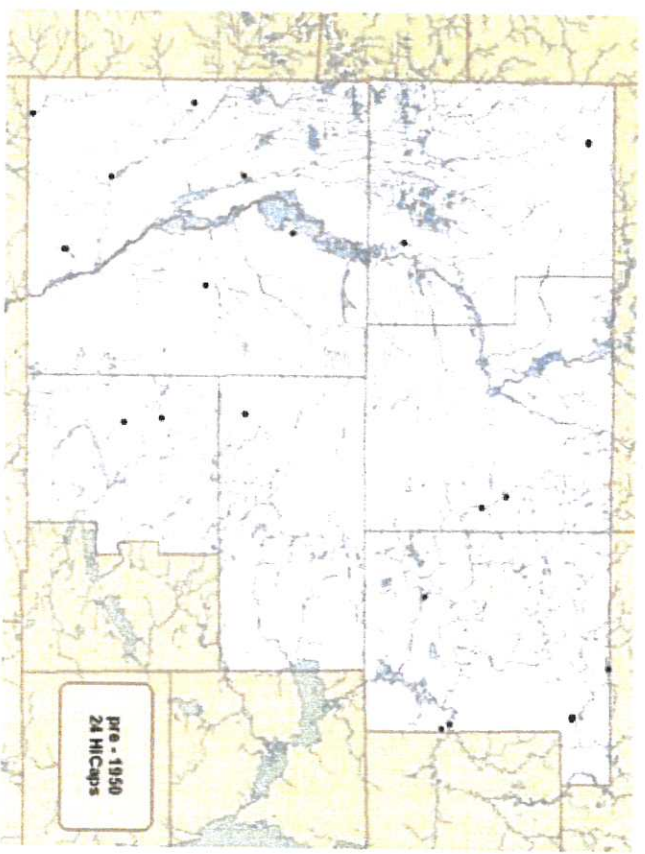
# Long Lake, Waushara County

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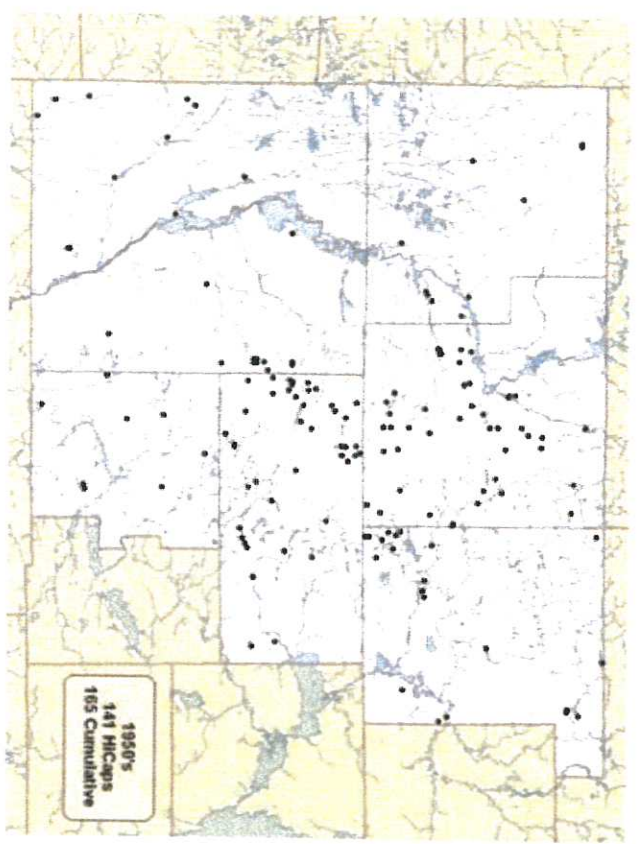


# Central Sands High Capacity Well Explosion

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**pre-1950 High Capacity Well Locations--24  
High Capacity wells**

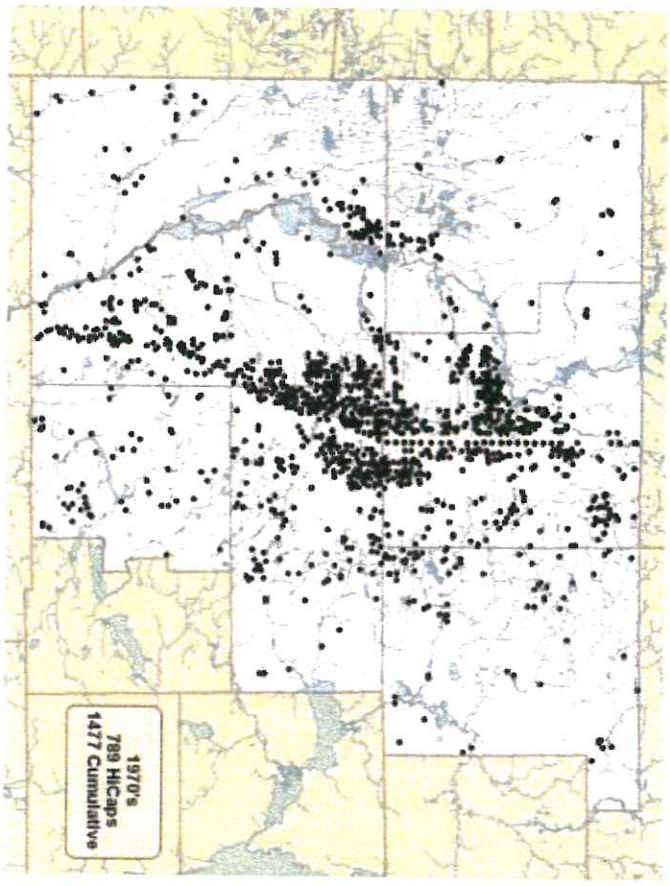


**High Capacity Well Locations in the  
1950's--141 added, 165**

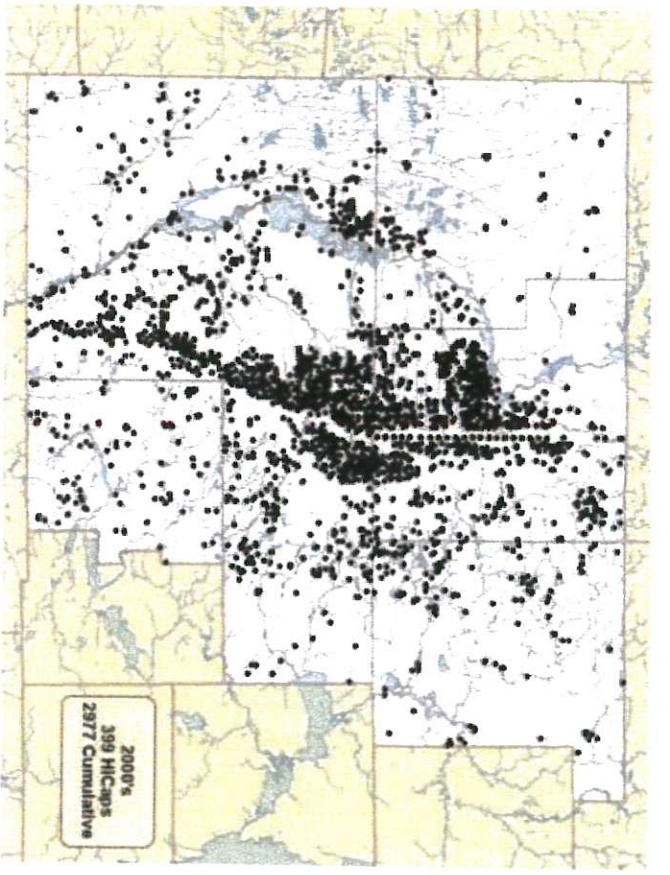


# Central Sands High Capacity Well Explosion

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High Capacity Well Locations in the 1970's



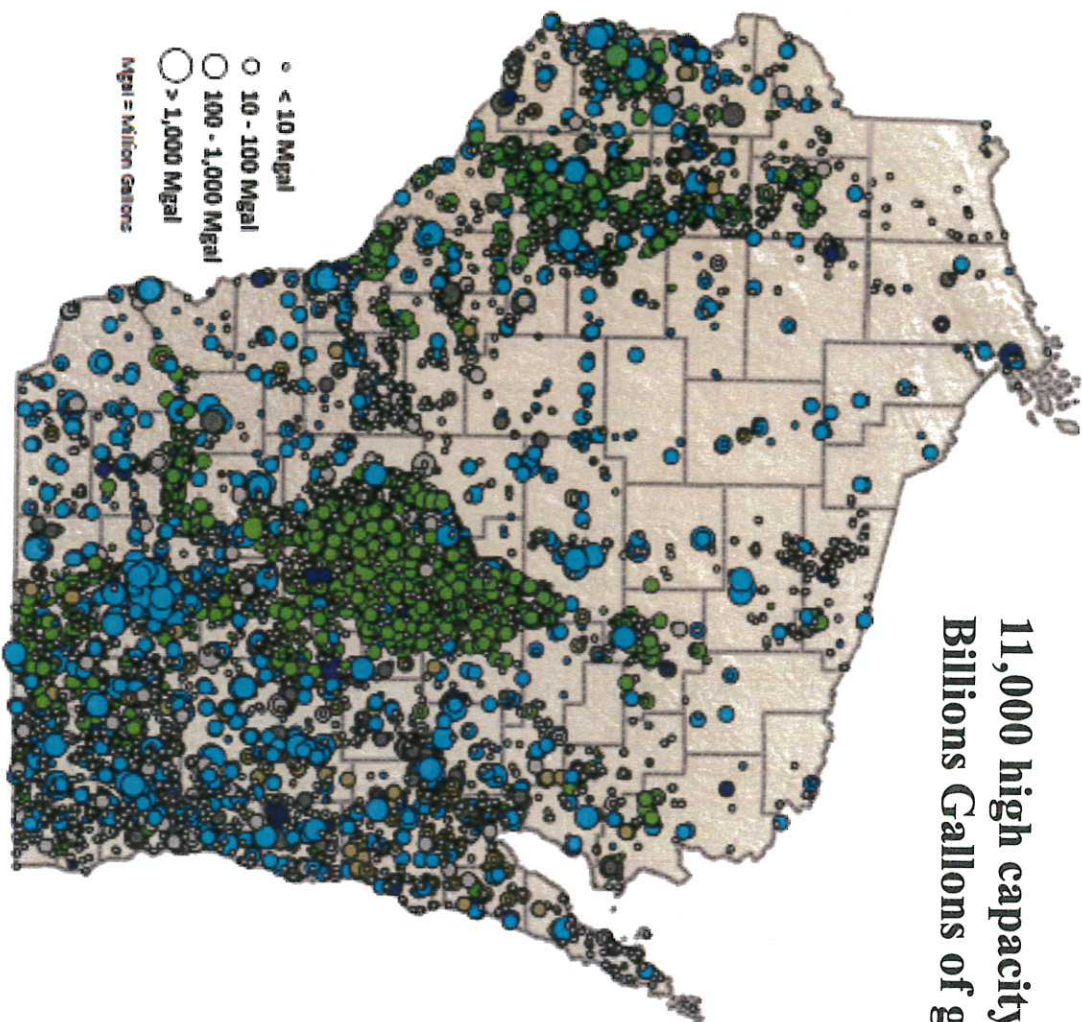
High Capacity Well Locations in the 2000's



# Wisconsin Water Use

## 2014 Withdrawal Summary

**11,000 high capacity well pumping 224  
Billions Gallons of groundwater**



Each circle represents a single 2014 point of withdrawal. The size of the circle varies according to the total 2014 volume of groundwater withdrawn from that point.

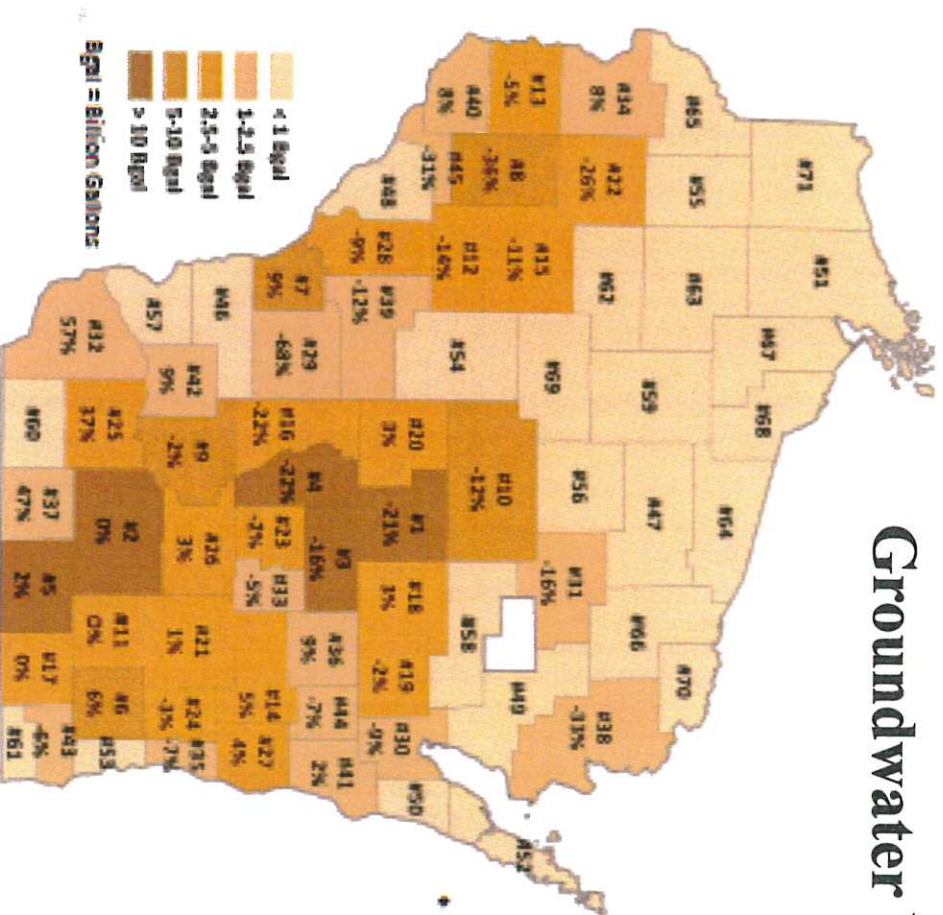
- Agricultural Irrigation
- Municipal Public Water
- Aquaculture
- Industrial
- Golf Course
- All other uses





# Wisconsin Water Use 2014 Withdrawal Summary

## Groundwater Withdrawals by County



Portage (#1), Waushara (#3), and Adams (#4) have the highest concentration of agricultural high capacity wells in the state. Dane (#2), Rock (#5), and Waukesha (#6) have large urban/suburban populations that rely on groundwater to meet their needs residential, commercial and industrial water needs.

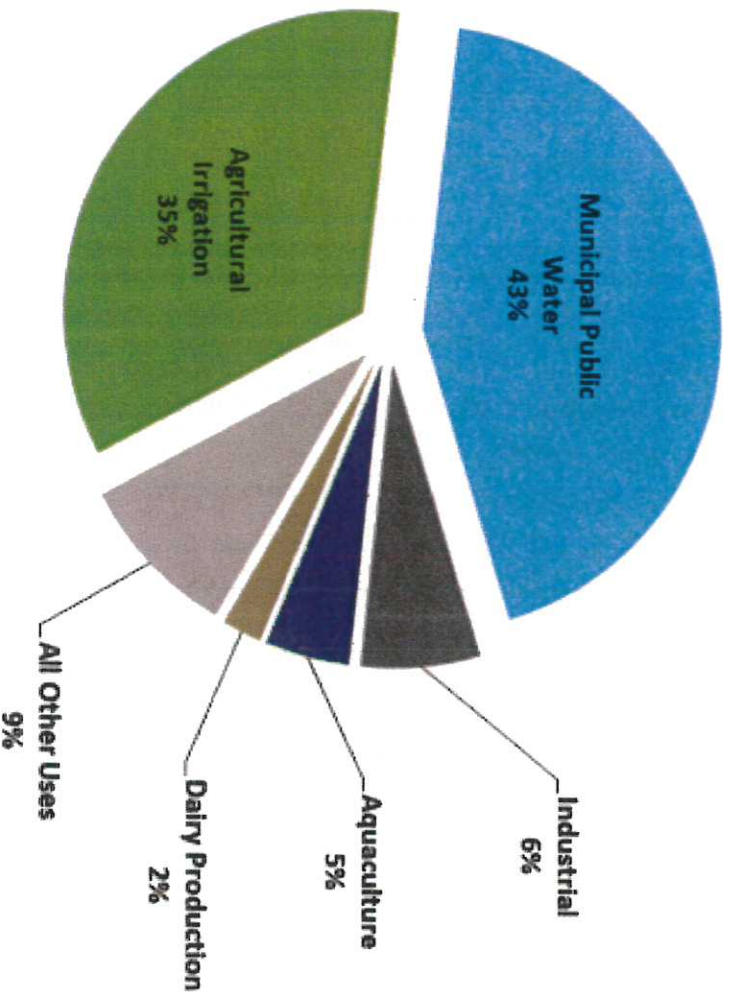


## Wisconsin Water Use 2014 Withdrawal Summary

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**In 2014 Groundwater  
withdrawals totaled  
224 billion gallons  
from over 11,000 high  
capacity wells active in  
2014.**

**In 2015 the state  
supports over 14,000  
high capacity wells!**



From:

<http://dnr.wi.gov/topic/WaterUse/documents/WithdrawalReportDetail.pdf>



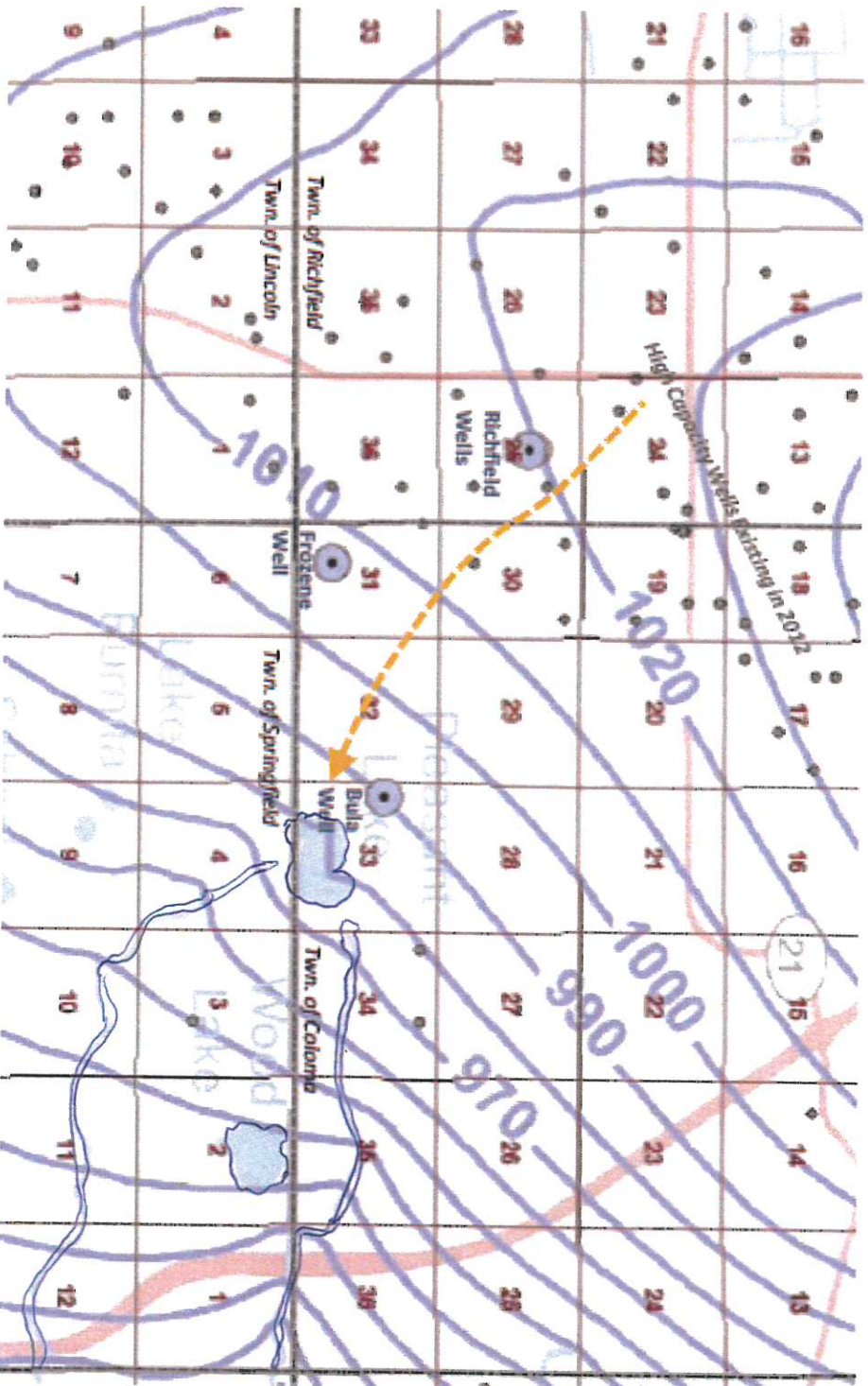


Figure 3. Water table contours simulated by Andrews (2012) in support of Richfield Dairy high capacity well application. Townships, sections, Bula and Frozene wells, high capacity wells existing in 2012, and approximate groundwater flow path added by MARS.

Frances Rowe Testimony - February, 10, 2016

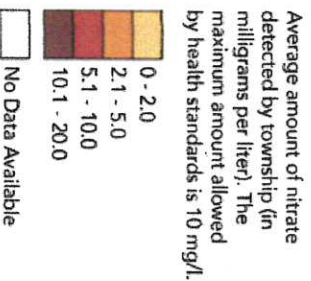
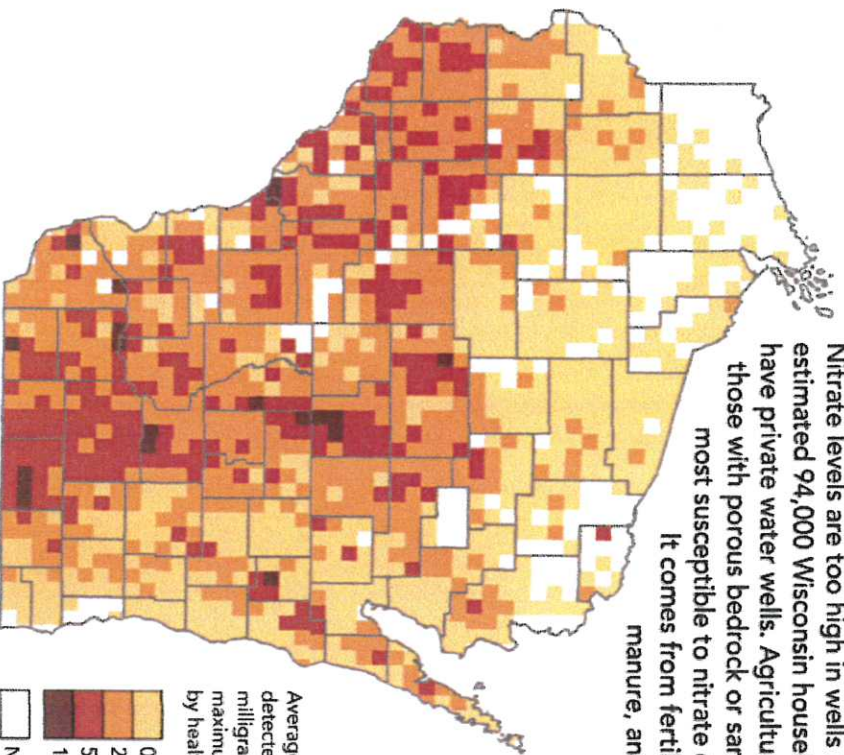
15



# It is All Connected

## Nitrate in drinking water around Wisconsin

Nitrate levels are too high in wells used by an estimated 94,000 Wisconsin households that have private water wells. Agricultural areas and those with porous bedrock or sandy soil are most susceptible to nitrate contamination. It comes from fertilizers, including manure, and other sources.

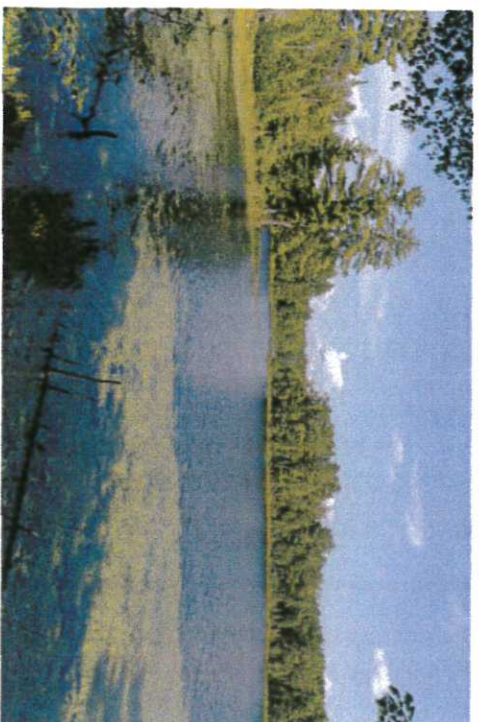


CREDIT: Katie Kowalsky/Wisconsin Center for Investigative Journalism

SOURCE: Well Water Quality Viewer, University of Wisconsin-Stevens Point's Center for Watershed Science and Education, Private Drinking Water Quality in Rural Wisconsin, Journal of Environmental Health, 2013.

Frances Rowe Testimony – February 10, 2016

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Joshua Boyer (CC-BY-SA)

DNR: More Than 200 Lakes, Rivers Added To Impaired Waters List





**Mrs. Lisa Conley**

516 Lac La Belle Drive  
Oconomowoc, WI 53066  
(262) 567-5947  
lconley101@gmail.com

January 5, 2016

RE: AB 874

**Representative Jeff Mursau**  
PO Box 8953  
Madison, WI 53708

Dear Representative Mursau and Members of the Assembly Environment and Forestry Committee,

As a member of the SE Wisconsin Regional Water Supply Advisory Committee, I participated in a careful study of the groundwater resources in SE Wisconsin. I am now all too aware of the careful balancing regulators must consider when locating and approving high capacity wells.

Granting perpetual permits to these users essentially gives Western Water Rights to our Wisconsin Waters. This is in direct conflict with the Public Trust Doctrine that charges the state to protect our precious heritage of freshwater. If over-pumping of the groundwater in an area occurs, this bill will pit farmer against farmer, and against communities that rely on wells, and on private wells.

In allowing continual use of high capacity wells even when the resource is overdrawn, this bill threatens the water quality and recharge of our lake, streams and wetlands.

We have too much to lose. Please oppose AB 874. Thanks for your attention.

Sincerely,



Mrs. Lisa Conley

AB874/SB239 – Against this bill as currently written – 2/10/16.

Chairman Mursau and Committee Members:

My husband and I have owned property on Spring Lake in Waushara County for 13 years, and my husband has fished on neighboring lakes growing up since the '60s. We never thought our Wisconsin waters would not be well-protected into the future since to our friends, family and neighbors, we all felt the same way – Wisconsin offered a high quality of life with our abundant natural resources, great lakes and rivers and good opportunity for employment. Sadly we have now witnessed the effects of diminishing groundwater in local lakes and streams in our central sands region, as well as listened to many property owners around us describe the significantly lowered levels of water in their lakes and rivers that they love and have worked hard to preserve and even improve for the future. Some also report harmful bacteria in their drinking water, coming from their own private wells or that their wells have dried up. You have heard these accounts today and at past public hearing re: the central sands region groundwater impacts on our lives.

Our own lake is spring-fed and is currently healthy, but what groundwater protections will be present to protect not only Spring Lake, but all our lakes, rivers, waterways in the future, if you strip away the current DNR oversight and review possible when high-capacity well permits are to be transferred, wells replaced or repaired after initial approval was granted in the past? A review at these times is crucial, especially in our central sands region, to evaluate the groundwater status around a well to see if harmful impact on surrounding waters has occurred. It makes common sense to look at the current status, possible cumulative impact of high-capacity well pumping to allow identification of serious groundwater problems so that the DNR/local communities can mitigate/prevent further destruction of our water resource.

A high-capacity well permit approval should not be permanently approved. Water rights are not private, but are and should remain public water rights of the state citizens for all to use and benefit from, whether for drinking water or for agriculture, business, local communities, recreational or conservation purposes.

Please remember the Wisconsin Public Trust Doctrine - "...the public interest, once primarily interpreted to protect public rights to transportation on navigable waters, has been broadened to include **protected public rights to water quality and quantity**, recreational activities, and scenic beauty." [http://dnr.wi.gov/topic/waterways/about\\_us/doctrine.htm](http://dnr.wi.gov/topic/waterways/about_us/doctrine.htm)

If you approve this bill, you take away the ability to identify new, to resolve existing, or prevent future groundwater problems. We need legislation that responsibly manages our water resource, not AB874 that opens the door to a certainty of harmful groundwater practices without oversight ability to review well permitting at appropriate times in the future.

Marty & Arnie Wilke  
N877 Spring Lake Estates Drive  
Neshkoro, WI 54960





**John Muir Chapter**

Sierra Club - John Muir Chapter  
754 Williamson St., Madison, Wisconsin 53703-3546  
Telephone: (608) 256-0565  
E-mail: [john.muir.chapter@sierraclub.org](mailto:john.muir.chapter@sierraclub.org) Website: [sierraclub.org/wisconsin](http://sierraclub.org/wisconsin)

**Statement of the Sierra Club's John Muir Chapter in opposition to AB 874  
before the Committee on Environment and Forestry  
February 10, 2016**

Chairman Mursau and members of the committee, my name is Bill Davis. I would like to thank you for the opportunity to provide comments on Assembly Bill 874 on behalf of the John Muir Chapter of the Sierra Club. The John Muir Chapter represents over 15,000 members living throughout the state. We work to provide opportunities for Wisconsinites to enjoy nature and advocate for the fair and rational management of our common resources so that all Wisconsin residents have access to the clean air, water, land, flora and fauna they need for their health and safety as well as to drive our economy forward .

Having assured access to sufficient quantities of clean water is necessary for Wisconsinites to live and raise their children without fear, and creates the bedrock of our economy. Therefore, the John Muir Chapter advocates for a fair and rational system of managing our water resources that protects the public's rights under the Public Trust Doctrine, ensures access to those who need it, and does not allow one land owner's actions to harm his neighbors. Unfortunately, AB 874 does not meet this test.

All waters in Wisconsin - lakes, streams, and aquifers - are connected. To manage and protect our water and to carry out the State's constitutional Public Trust responsibilities this fundamental fact must be kept in mind. This means, among other things, that what is happening with our water must be monitored and reviewed periodically to incorporate any changes in circumstances like changes in rainfall, ground water recharge or water use patterns in the area near the well. Section 3 of AB 874 violates this precept by removing several points where the Department of Natural Resources (DNR) could review water use in a particular area and make adjustments if necessary. The replacement, reconstruction or transfer of a well are all logical points at which the current water use patterns in an area can and should be reviewed. This would ensure that the proposed changes to a well will not result in harm lakes, streams, and other water resources in the area or neighbors, yet the bill as drafted strips the ability of the DNR to afford this protection by not requiring any sort of approval for these actions. This, in effect, inappropriately takes away the rights of the public and neighbors in favor of high capacity well owners.

Removing the ability of the DNR to review and adjust as necessary means the state will not be able to prevent direct harm to our water resources such as the Little Plover River running dry in Portage County or to protect neighbors such as in Monroe County the Jorgenson dairy's well running dry - both due to ground water withdrawals on adjacent property. This bill would also put the burden of challenging the actions of a well owner fall on those who are harmed instead of those who control and benefit from the altered well. This will have to be done through lengthy and expensive litigation during which neighbors will have to suffer from the damage done by the well-owners actions.

For these reasons, we ask that the Committee to reject AB 874 to ensure we have a water management system that protects the public's rights in our waters and provides all Wisconsinites access to the water they need for their families and their economic activity.

Thank you again for the opportunity to speak on this issue.

Remember to Support the Sierra Club through your workplace giving campaign!  
The John Muir Chapter is proud to be a member of



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Thank you for this opportunity!

My name is Fred Koch... spelled KOCH. I 'm a Wisconsin citizen and voter living on Pine Lake, in Springwater Township, Waushara County.

I am a member of the Board of Directors of the Pine Lake Property Owners Association and the representative from our association to Wisconsin Lakes, Central Sands Water Action Coalition and the Waushara County Watershed Lakes Council.

I am representing MYSELF today and ostensibly, all the other Wisconsin citizens and voters that could not attend this hearing today.

While AB874 APPEARS to be a simple, straightforward, one page bill... it has ENORMOUS consequences to the future of Wisconsin citizens.

Without direct language in the bill stating so, AB874 REMOVES cumulative impact studies from existing wells FOREVER.

Why is that a concern?

Jan and I live on Pine Lake full time. I'm the new kid on the lake coming up to the lake for only 43 years now.

Pine Lake and the other lakes in the Central Sands Area are family lakes. They're not a Lake Geneva or a Lake Como or a Delevan Lake or a Pewaukee Lake with million dollar houses on them. These are family owned cottages... when I say family I mean literally titled to brothers and sisters and their families. These are places they get away to for the weekend... they are ours and their... little slice of heaven.

Our lake and the lakes around us also have church and scout camps on the lakes... this gives city kids a chance to enjoy swimming and canoeing in a wonderful outdoor setting.

Jan and I have our fifth generation starting to enjoy the lake and a great many of our neighbors are sixth generation now.



It has been said AB874 is designed to protect farmers that have a long and rich history with the land. In this part of the state the lake residents... just like the farmers... have a long and rich history with the land.

Pine Lake is a seepage lake. There is no river or stream to feed the lake. Our water comes from rainfall and water that springs up from under the lake... the ground water.

We have multiple studies... conducted over the last 20 years... that conclude Pine Lake ground water flows Southeast through Portage County to our lake.

With the TREMENDOUS increase in the number of wells between our lake and the source of our water, you can easily conclude that less water is going to make it to our lake.

AB874 removes existing wells from individual impact review or cumulative impact review... FOREVER.

Many lakes in the Central Sands area are being impacted by lower water levels or complete loss of water right now.

AB874's protection of existing wells from individual impact review or cumulative impact review allows the harm to continue and get worse... FOREVER?

We are all scared... we have a feeling of hopelessness... we are watching our lake... our little slice of heaven... slowly disappear right in front of our eyes... and because of AB874 we have the feeling that there is nothing we can say or do to stop it.

**WE NEED YOUR HELP!**

We respectfully ask you to oppose and vote NO to AB874 so it does not get to the assembly for a vote.

Why? Like I said, we're scared of losing the great resource we have AND because this bill does not treat us... our property and our neighbors property the same as it does Big Agriculture.

They get special one sided treatment under AB874.

AB874 does nothing to protect OUR property value. This should be of great concern to this committee.

The value of our property depends on having a usable well and a usable lake.

Jan and I have a 100 x 100 foot lot... 10,000 sq. ft... for our land alone we paid \$3,000.00 in property taxes for 2014...  $\$3,000.00 / 10,000 \text{ ft} = \$0.30/\text{sq. ft.}$ ...  $\$0.30/\text{sq.ft.} \times 43,560 \text{ sq. ft./acre} = \$13,068$ . We pay the equivalent of \$13,068 / acre in property taxes...

If you look at the Waushara County tax rolls... you will quickly figure out that farms pay an average of \$3.00 to \$5.00/acre in property tax for their grazing / tillable, non-irrigated land... just the land, no buildings.

Why should Jan and I and our neighbors pay a disproportionate amount in property tax compared to a small family farm OR a multi million dollar, multi state corporation and not get the SAME water protection rights under the law?

If the value of our land value diminishes with the water level, who's reduction in property tax will be a bigger hit to the county and state?

As the lake front property tax revenue declines how is the county and school district, the major recipient of the property taxes, going to make up for the lost revenue?

AB874 removes existing wells from any further permitting applications and review.

We understand this eliminates a burdensome, lengthy and expensive process for SMALL family farms... THEY should have the right to repair or replace an existing well so long as it conforms to the original permit.

However, there is no definition of what a small family farm is in AB874... so it also protects multi million dollar, multi state corporations... users that could... WILL... have the greatest impact on the ground water... FOREVER.



This element of AB874 eliminates the DNR's responsibility, it's ability to enforce the Natural Resource Doctrine.

How is that fair to the citizens of Wisconsin? How does that protect our water?

Farm property generates income for the farms which helps them pay their property taxes and all their other expenses.

Jan and I have to generate income from other sources to pay our taxes. How is that fair to us and the other citizens of Wisconsin?

IT IS IMPORTANT to look back in history to give us a perspective of where we are today.

In the 1950's the Central Sands Area would only support evergreen tree farms and dairy farms due to the sandy soil conditions. Dairy Farms could survive with cows living off the prairie grass in the summer, with hay and sparse corn plantings used for silage in the winter.

It was only with the advent of mechanized irrigation that farmers in the Central Sands could even consider planting a cash crop.

Once cash crop production could be sustained through irrigation, farmland used just for cash crops of corn, potatoes, strawberries, soy beans, cabbage, and green beans became the norm.

Unfortunately this change of land use put many small family farms out of business and allowed very large farms... multi million dollar, multi state corporations to flourish...

Since 1960 dairy farms in Wisconsin have declined by more than 80%<sup>1</sup>

We have now come to realize this flourish of activity was achieved at great cost to our small farmers and the water resources of the state. It is time to AT LEAST prevent any further damage to all sides of this issue.

89 BILLION gallons of water were pumped out of the Central Sands Region in 2012. 84% of all that water went ONLY to irrigation... the last 6% was all private wells, villages/towns and industrial users. <sup>2</sup>

How is such DISPROPORTIONATE use of FREE water fair to the citizens of Wisconsin?

We hope this committee realizes that water is THE MOST IMPORTANT natural resource of the STATE.

We hope this committee realizes that WATER belongs to ALL OF THE CITIZENS of Wisconsin. It is not, was not, was never intended to be, something abused by any single group.

We hope this committee realizes that water is a FINITE resource.

Technologically we have the ability to pump water out of the ground MUCH faster than Mother Nature can put it back in the ground. It CAN disappear.

We hope this committee realizes that as more high capacity wells are drilled or REPLACED... WITHOUT restrictions, the water WILL eventually disappear.

We hope this committee realizes that AB874 as currently written... REMOVES all current AND future restrictions on existing wells... FOREVER.

We hope this committee realizes that AB874 REMOVES the DNR's ability to protect the waters of the state for the enjoyment of all Wisconsin citizens and voters... FOREVER.

IRONICALLY... AB874 DOES NOT protect high capacity irrigation wells from going dry.

Without cumulative impact and pumping restrictions, adjoining high capacity wells will be in competition with one another... helping the wells go dry SOONER instead of later.

**WE NEED YOUR HELP!**



We need champions in Madison... we need gladiators... we need all of you to do what may not be in your best political interest... this is not a Republican, a Democrat, a Liberal or a Conservative issue. This is a true everyone in Wisconsin issue.

It is Jan and my sincerest hope you will consider voting NO to AB874 in this committee.

That would allow time to create additional language in AB874 to not only protect farmers... but also protect water front owners, water recreation and the wonderful resources we enjoy in Wisconsin... now and forever.

To that end Jan and I would like to invite you all to our home, to meet our neighbors and see for yourself the little slice of heaven we are so fortunate to be a part of.

If either of us can be of any assistance to you or your staff... please... please let us know how we can help.

We are fortunate that the hearings on AB874/SB239 and any subsequent votes in the legislature will occur in the next few weeks.

Again... thank you for this opportunity!

<sup>1</sup> 2000 University of Utah Study of Dairy Farming in Wisconsin

<sup>2</sup> 2013 DNR statistics, compiled by UW Stevens Point

Febraury 10, 2016

- My name is Janice Koch and I live on Pine Lake in Waushara County.
- I am a member of Central Sands Water Action Collation which has over 10,000 voting members and growing with pending groups in the process.
- Today, however, I will be talking on a personal level and the impact the deep water wells are having on our family and neighbors that live around the lake we are on.
- My husband Fred and I own a 100 x 100 foot parcel of lake front property on Pine Lake which is located between Wild Rose and Waupaca.
- This little parcel of land on this lake has been in my family since the 1940's.
- I was blessed to enjoy this 'little piece of heaven all my life.
- Our son and daughter learned to swim and fish here...this lake helped keep them on the right path growing up and out of trouble and we have many wonderful memories of times at the lake.
- Our 2 grandchildren are now starting to make their own memories too.
- Our neighbors to the left have 13 grandchildren and our neighbors to the right have 6 grandchildren. Every weekend is a new adventure for them fishing, swimming and boating.
- Our ties are strong here...understand I am passionate about this lake as are many, many of our surrounding friends and neighbors. We do not want it to disappear! We do not want to loose our clean drinking water.
- The level of the lake is not only a concern for us homeowners who live around the lake, but also for the public who come to Pine Lake for a day to fish or enjoy a day of boating.
- Many have asked us what is happening to Pine Lake and tell me that they remember it in healthier times.



- Approximately 136 families live directly on or around the lake that belong to our 'Lake Association'.
- For those of you who don't know what eurasian milfoil is....it is a very evasive weed that spreads and grows quickly and chokes out the healthy plants destroying a healthy existence for fish or for water sports.
- For over 10 years the lake association has kept the nasty Eurasian Milfoil under control.
- We do this monetarily with annual dues, contributions and sales promotions of various items.
- This money allows us to do a yearly milfoil abatement program and keeps the species under control so we **and the public** can continue to enjoy it.
- We are a model of success for other lakes in the state to follow.
- In a sense our association members are stewards of the lake....keeping it clean and problem free like it should be.
- We did not drag our feet with studies and charts (there was no time for this) but immediately chose a direction to solve the problem and initiated it.
- I cannot tell you how proud we are of all the association members.
- By the way, we have to apply for a yearly permit from the DNR to do this abatement....we gladly apply knowing that what we are doing is handled in a safe way for our lake and approved by experts legally.
- What we **don't** have any control over is the water level and the amount of High Capacity Well permits handed out with no end in sight!
- I took that picture of the western shoreline of Pine Lake last October. If you take a look at the picture you will see where the shoreline is today. That is not where it should be. It is pretty obvious where it should be.

- When I stood at the same spot 5 years ago it would have been standing in knee deep water. 10 years ago I would have been in waist deep water. 15 years ago it would have been up to my neck.
- Every fall the lake is down from the level we started in spring.
- A little each year adds up fast!
- I truly believe it is because of the number of high capacity well permits that have been handed out like Halloween candy.
- These wells are affecting our aquifer which feeds the lake.
- The yearly snowfall and rain **can't** and **doesn't** cover each season's loss.
- This beautiful natural resource in this area of Wisconsin is diminishing.
- Our grandchildren may not be able to enjoy this lake in future years from now, because it won't be there.
- It will be a mud hole, and the surrounding lakes will follow. We will say we 'remember when' and remember the names of the politicians who voted for it to continue and increase.
- There are so many irrigation systems...they start to meld together, one stops and another starts.
- The map locating the high capacity wells is so congested with dots between Pine Lake and Stevens Point (approximately 35 miles) that I could not even count or connect them.
- Simply stated it doesn't take a brain surgeon to figure out that **too many** straws in the glass empty the glass faster.
- When I was a young girl I remember this area growing fields of beautiful Christmas trees.
- Agriculture relied solely on rain water and it survived.
- Now it's changed dramatically to what I view as fields of hydroponic agriculture (sometimes 3 crops a season) with endless unnecessary constant irrigation.
- Yesterday I looked up the definition of the responsibilities of the Department of Natural Resources. It is my understanding that the



DNR was implemented in 1967 to preserve, protect, manage and **maintain** the natural resources of the state...this includes protecting our water.

- Not anywhere did it say it gives politicians the authority to give away these rights or provide for special interest groups like big agriculture.
- The responsibility to keep and maintain our water clean and plentiful is both on the public's and state's shoulders.
- Isn't this the whole reason for developing the DNR....to put controls on what can and what cannot be done?
- It is **not** in the public's interest to have the DNR's supervision limited and yanked away. Greed will follow.
- We all see what is approaching, lakes, streams, wetlands are disappearing NOW.
- Drinking water from wells that will be jeopardized with contamination.
- Truly, I am not against agriculture at all, but there has to be a balance. The key to this is **BALANCE with supervision**.
- Minnesota and Michigan both have protections in place for their water...why can't Wisconsin?
- Please consider putting all of the 6 congested counties into a 'Sensitive Resource Area' that would monitor the water levels of our lakes, streams and wetlands.
- I challenge you to come up with a bill that will allow our lakes and clean drinking water to be here forever!
- Thank you.