



September 24, 2013

Senate Bill 302 – High Capacity Wells

Wisconsin Farmers Union is committed to ensuring fair and adequate access to water for farmers. In particular, we speak on behalf of the majority of farmers in Wisconsin who do not have high-capacity wells, but who are affected by a small but growing number of their neighbors who do. We are also speaking on behalf of future generations of farmers whose access to water will either be safeguarded or diminished by the actions of the current generation.

In this capacity, we ask you to OPPOSE SB 302, relating to High Capacity Wells, in its current form, unless it is amended to provide provisions for monitoring and managing water access to assure fairness to all users and recourse for farmers and those in the neighboring community whose existing water access is impaired by newly-installed high-capacity wells.

Wisconsin has witnessed a rapid proliferation of high-capacity wells in recent years. Most of these wells are for agriculture, although it is still a minority of farmers in the state who have high-capacity wells. A number of the new high-capacity wells in Wisconsin are for use in the frac sand industry. These high-capacity wells are beginning to negatively impact existing wells. For example, the well on the Jorgenson dairy farm in Sparta went dry when the adjacent U.S. Silica mine began running its high-capacity well.¹ In Dunn County, farmers in Rock Falls have experienced water shortages as the number of high-capacity wells in the area has grown. In one five-mile radius, the DNR counts the existence of 120 high-capacity wells.

Some have glibly suggested that if a farmer's well runs dry because of a proliferation of high-capacity wells in the area, the farmer should simply "join the crowd" and install his or her own high-capacity well. Setting aside the significant cost of such a proposal, Wisconsin Farmers Union does not believe that this "arms race" approach, with all farmers building increasingly bigger, deeper wells, is a true solution to the challenge of ensuring fair and adequate access to water for current and future generations. The problem, as those in the Great Plains have understood for years and we are just beginning to realize here in Wisconsin, is that we are draining aquifers faster than they can be recharged. Drilling more and bigger high-capacity wells is not the solution to this challenge. On the contrary, it makes the problem worse. A real solution will require the active participation of both the public and the private sector.

In Western states, new high-capacity well applications are reviewed to see whether the new well would harm surface water flows or infringe upon the water rights of existing well owners. This process gives existing well owners the certainty of knowing that their newly-drilled well will not

¹ "Sparta Farmer Eyes Sand Mine as Cause of Well Issues," April 2, 2013, http://lacrossetribune.com/news/local/sparta-farmer-eyes-sand-mine-as-cause-of-well-issues/article_a3c483f4-9b4a-11e2-b27f-001a4bcf887a.html



be rendered obsolete in a few years by a deeper well on a neighbor's property. In Kansas, a group of landowners have agreed to self-regulate, voluntarily limiting their own water use so that they are not continually "stealing" water from one another in a desperate race to the bottom of the aquifer.

Wisconsin Farmers Union urges you to insist upon state legislation that incorporates these or other mechanisms aimed at ensuring fair and adequate water access both now and in the future. WFU policy expresses support for "locally-driven tools, as well as state-wide mechanisms to protect the quantity and quality of groundwater, equitably available for all interests, including water necessary to support healthy ecosystems." WFU policy is oriented toward long-term productivity and equity, rather than short-term gain.

Rolling the clock back nearly a decade to the 2004 groundwater legislation is not only insufficient, it is a step in the wrong direction. The 2004 bill was never meant to be a permanent solution. It was an interim measure that codified what everyone could agree on at that point, and laid the groundwork for what everyone knew needed to happen next: a comprehensive approach to managing groundwater withdrawals so that surface waters are not impaired and groundwater supplies are not depleted.

What has happened since 2004? In the absence of any forward movement on the part of the legislature, the issues that were only partially addressed by the 2004 bill have become even more dire. The City of Waukesha has depleted its water supply and is petitioning to withdraw water from Lake Michigan. The Little Plover River, a Class I trout stream, ran completely dry during parts of 2005-2009, and lakes such as Long Lake near Plainfield have receded or disappeared entirely.² With the exception of a failed attempt in 2010, there has been no forward movement in the legislature taking on the issue that we can no longer ignore.

The Supreme Court decision in *Lake Beulah* was a small step forward in moving toward where we eventually need to go, which is comprehensive groundwater legislation that prevents a race to the bottom. SB 302 as currently written would un-do this progress. At the moment when circumstances on the ground are getting increasingly urgent, this is no time to backtrack.

Wisconsin Farmers Union stands ready to collaborate with members of the legislature, industry, hunting and fishing and other agriculture groups, municipalities, conservation organizations, and residential and recreational property owners to craft workable solutions to a challenge that we all share: the decline of groundwater resources in the state. We urge you, as members of the legislature, to insist upon a comprehensive and forward-looking solution to this pressing issue.

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² Wisconsin Groundwater Coordinating Council report to the Wisconsin Legislature, August 2013:
<http://dnr.wi.gov/topic/groundwater/documents/GCC/GwQuantity/SurfaceWaterImpacts.pdf>