



February 11, 2015

To: Wisconsin State Legislators

From: Clean Wisconsin  
River Alliance of Wisconsin  
Wisconsin League of Conservation Voters  
Friends of the Central Sands  
Wisconsin Lakes  
Central Sands Water Action Coalition  
Friends of the Little Plover River  
Spring Lake Management District (Waushara County)

Subject: Opposition to LRB-1446- Replacement, reconstruction, and transfer of an approved high capacity well.

Access to adequate water supply is a problem in areas of Wisconsin where rivers, lakes and streams are drying up, and private wells are at risk due to over-pumping. The issues in Central Wisconsin are the best known, but burgeoning issues in Northwest Wisconsin as well as areas surrounding water-intense frac sand mining in Western Wisconsin are of increasing concern. Providing the necessary tools to ensure adequate access to groundwater for Wisconsin's industry and citizenry is a priority for this Legislature and for our groups.

LRB 1446 does not achieve this goal. Instead, the bill will end the only real opportunity that DNR currently 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 make sure a well is not over-pumping and causing water scarcity since high capacity well permits currently never expire. LRB 1446 removes this critical review opportunity altogether.

By taking away the only chance for any real review of water use, LRB 1446 essentially creates a permanent permit for water use. Instead of providing solutions for the challenges facing our state, LRB 1446 cements the problems in place with no chance for a resolution.

Supporters of LRB 1446 assert that DNR still has authority to review high capacity well permits under Chapter 30.03, which governs navigable waters. We whole-heartedly disagree with this argument. If Chapter 30.03 authority was a real option for protection of our groundwater resources, it would have been employed already. But this authority has NEVER been used despite the obvious problems of water scarcity in areas of the state because it is administratively burdensome, and a nearly impossible bar to meet. Furthermore, it only addresses problems after they have been created, rather than responsibly managing the resource to prevent issues in the first place. The citizens of Wisconsin can't rely on DNR using this obscure authority as a real protection for their property.

As citizens in Wisconsin continue to struggle with the effects of over-pumping, we need to provide more solutions, not fewer. We agree that if DNR did have some other mechanism for reviewing existing water use like a periodic review of permits, getting rid of review of transferred, reconstructed and replacement wells wouldn't be a problem. But without any opportunity for periodic review, we must oppose LRB 1446. Instead of removing the only real tool that exists, we urge you to look for ways to productively manage our water resources for all citizens of Wisconsin.