



John Muir Chapter

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**Statement of the Sierra Club's John Muir Chapter in opposition to SB 239
Before the Committee on Agriculture, Small Business, and Tourism
October 7, 2015**

Senator Moulton, and members of the committee, my name is Don Hammes. I am a volunteer for the Sierra Club and a member of the Executive Committee of the John Muir Chapter. I would like to thank you for the opportunity to provide comments on Senate Bill 239 on behalf of the John Muir Chapter of the Sierra Club. The John Muir Chapter represents over 14,000 members living throughout the state. We work to provide opportunities for Wisconsin residents 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 clean water in sufficient quantity is necessary for Wisconsin residents 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 ensures access to those who need it and that does not allow one land owner's actions to harm his neighbors. Unfortunately as drafted, SB 239 does not meet this test.

All waters in Wisconsin - lakes, streams, and aquifers - are connected. We must manage this resource with this fundamental fact in mind. This means 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. This will ensure that no one person's use of water is unfairly damaging the rights of others. Section 3 of SB 239 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 to others, yet the bill as drafted strips the ability of the DNR to afford this protection to others by not requiring any sort of approval for these actions.

Removing the ability of the DNR to review and adjust as necessary is unfair to neighbors in two regards. First it can lead to direct harm. This has been viscerally demonstrated time and again by instances like the Little Plover River running dry in Portage County or in Monroe County the Jorgenson dairy's well running dry - both due to ground water withdrawals on adjacent property. Second, it means that 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 either reject SB239 or amend it to ensure we have a water management system that provides all Wisconsin residents access to the water they need for their families and their economic activity.

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

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