



Central Sands Water Action Coalition Supports Clean Wisconsin & Pleasant Lake Management District's Battle Against the DNR: Wisconsin's Lake, Streams, Fisheries, Drinking Water, and Property Values at Risk

Press Release: June 25, 2018

Contacts:

Tressie Kamp, Staff Attorney, Midwest Environmental Advocates

tkamp@midwestadvocates.org, (608)251-5047 x 8

Raymond "Skip" Hansen, Chair, Central Sands Water Action Coalition

info@centralsandswater.org, 920-787-2029

MADISON, WI – On June 22, 2018, Midwest Environmental Advocates filed an *amicus curiae* (friend of the court) brief in the Court of Appeals on behalf of the Central Sands Water Action Coalition (CSWAC) in support of Clean Wisconsin and the Pleasant Lake Management District's high-capacity well case challenging the Wisconsin Department of Natural Resources failure to protect Wisconsin's waters.

In this action, Midwest Environmental Advocates represents the Central Sands Water Action Coalition, who argue through citizen testimonials that shared water resources in their communities are constitutionally protected and held in trust by the state and that the DNR must protect those resources for the public. If approved by the DNR, the high-capacity wells in this case will impact water quality and quantity as well as property values, the local economy, tourism, fishing, drinking water, and recreation.

"DNR continues to operate under political pressure to undercut the public trust doctrine and unreasonably interpret the law in a manner that avoids robust protections of lakes and streams that belong to all of us", stated MEA staff attorney Tressie Kamp. "In turn, CSWAC and other Wisconsinites whose livelihoods depend on clean, safe water, feel compelled to shoulder the burden of litigation and other costly actions to protect public health, the diverse economy of the Central Sands region, and the quality of our State's public trust waters."

As a coalition of impacted Central Wisconsin lake and river groups as well as property owners, CSWAC again made a financial commitment to file a "friend of the court brief" in the Court of Appeals to protest the DNR's rollback of its public trust responsibilities. CSWAC's friends of the court briefing in the Circuit Court helped support a victory for the Public Trust Doctrine, but the State is undercutting this victory by appealing the Circuit Court decision.

CSWAC is concerned about the continued negative impact high-capacity well pumping has on lakes, streams, wetlands and other surface waters. “CSWAC’s members have seen firsthand how high-capacity wells can impact lake and stream levels,” said CSWAC Chairman Skip Hansen. “This summer, Central Sands property owners and visitors will experience a rare year of high water thanks to heavy rainfall. However, history and data show that unfortunately the norm is for lake and stream levels to fall so low that some area lakes and streams become inaccessible to property owners and the public and negatively impact property values.”

A study by the UW-Extension Waushara County office found that property values along six lakes in the Town of Oasis dropped by 4.3% between 2004 and 2009. That contrasts sharply with the 11.6% increase in property values elsewhere in Oasis during that same period. When lakefront property values decline, property owners and local governments lose money. CSWAC members Brian and Susan Wolf bought their property in 2005 on Waushara County’s Long Lake/Oasis, which was known as a trophy bass fishing lake. But the lake started to dry up in 2006, and in 2007 the property was assessed at 60% below its 2005 purchase value because the lake was disappearing. By the end of 2007, this lake was essentially gone due to high capacity wells, and virtually all of the fish had died.

CSWAC partner, Gary Barnes, a fourth-generation farmer in Adams County, has experienced the impacts of high-capacity well pumping first hand. He raises a small number of cows, calves, yearlings and a bull, grows crops to feed his cattle, and had two 35-foot wells that supplied water for drinking and their cattle for over 100 years until 2012 when his cattle well went dry. At the same time, 75 16-inch diameter high capacity irrigation wells were operating within a 4-mile radius of Gary & his son Matt’s farm. Their own drinking well at times was also pumping water sporadically and had a lowered water level. During this time, Gary noted that the neighboring high-capacity wells were operating 24-hours a day over potato crops in response to high temperatures. Gary hired a local irrigation well driller to assess his problems and notified the DNR. The DNR stated that since this was a private water supply, the issue was a “water rights” matter and it was up to the parties involved to reach a settlement. The well driller recommended a new, deeper well be placed and so Gary decided that his best option to sustain his farm was to dig a new well, and have electrical cables placed underground to power the pump motor – all at a personal cost of \$8000. His new 2-inch well was dug 75 feet to find a good supply of water.

Legal History

In October 2016, [Clean Wisconsin and Pleasant Lake Management District challenged eight high-capacity well applications approved by the DNR](#) (mostly in Wisconsin’s “Central Sands” region). The litigation addresses the agency’s continued neglect of its granted authority to issue high-capacity well permits that protect water quality and quantity.

DNR research had shown that each of these wells would have a negative impact on nearby surface waters. protected by the Public Trust Doctrine in our state’s Constitution, including high-quality trout streams.

On October 11, 2017 Judge Bailey-Rihn ruled to nullify seven of the high-capacity well permits, the eighth was sent back to DNR for review. Judge Bailey-Rihn required the DNR to void the permits and fulfill their constitutional duty to protect Wisconsin's waters.

On January 5, 2018, the Wisconsin Department of Natural Resources along with an intervenor group (Wisconsin Manufacturers and Commerce, Dairy Business Association and others) appealed the October 11 Circuit Court decision invalidating the eight high capacity well permits.

.....

The Central Sands Water Action Coalition is an organization of 69 lake associations, lake districts, and conservation groups representing more than 54,000 members and their families. The Central Sands Water Action Coalition advocates for the protection and sustainable use of ground and surface waters of the Central Sands. Learn more on the web at <http://centralsandswater.org>.

Midwest Environmental Advocates is a public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about the Midwest Environmental Advocates on the web at midwestadvocates.org, like MEA on [Facebook](#) or follow @MidwestAdvocate on [Twitter](#).