



For Immediate Release
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Dan Ellsworth, president of the Wisconsin Water Alliance, today issued the following statement regarding a recent Dane County Circuit Court decision relating to high capacity well permits:

“This is an ill-advised and seriously flawed decision from a Madison judge who wants to legislate from the bench rather than follow the statutory law and accept the opinion of the Wisconsin Attorney General. By vacating eight permits properly issued by the Wisconsin Department of Natural Resources (DNR), the judge has erred in applying the law and the facts.

“In reaching its faulty decision, the court ignored a 2016 Attorney General opinion that correctly states the DNR’s authority and the proper statutory provisions controlling the issuance of high capacity wells.

“In 2003, the Wisconsin Legislature enacted into law Act 310, which contains specific requirements for issuing high capacity wells. Also, in 2011, the Legislature enacted Act 21, which provides that explicit statutory laws are controlling and, therefore, the public trust doctrine is not implicated when issuing permits for high capacity wells. These laws were enacted by the Legislature to give certainty to the regulatory permitting process without sacrificing water protections.

“Unfortunately, the judge failed to read the clear statutory law that regulates high capacity wells and instead invoked a flawed and incorrect reading of the public trust doctrine. We expect the case will be appealed and are confident that it will be overturned.”

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The Wisconsin Water Alliance (www.wisconsinwateralliance.org) is a non-partisan, statewide organization whose mission is to help protect the state’s water resources and advocate for sound water policies that benefit current and future generations of Wisconsin families, cities, businesses, farmers and others. Through reasonable state and local policies, the WWA believes Wisconsin can continue to rely upon its fresh water to help drive the state’s economic engine while at the same time protect this precious natural resource.