



October 5, 2015 - HAND DELIVERED

## **An urgent communication to all Wisconsin legislators**

**We are at a crossroads. It is imperative that the legislature assert its authority and bring certainty and sanity to the regulation of new and existing high capacity wells in Wisconsin.**

### **The Problem**

The State of Wisconsin, Agriculture, and Industry all need certainty and clarity in the permitting of new and existing wells. The arbitrary and subjective nature of the process has led to a cycle of stagnation, litigation, and businesses uncertainty. **No reasonable business that needs water from such wells will invest millions of dollars to locate or expand here given such uncertainty.**

Because the Department of Natural Resources has created a backlog for those who need to drill new wells and those looking to repair or transfer ownership of existing ones, **the legislature must ACT before the end of this session.**

The unelected bureaucrats at the DNR are seizing on the vague nature of the Wisconsin Constitution's Public Trust Doctrine in such a way that it is doing real harm to your constituents. **This backlog of permits, which does nothing to protect the environment, is costing more than just jobs, it threatens our standing as a state friendly to agriculture and business.** Moreover, the backlog doesn't reflect the unknown potential projects that were never submitted, having been abandoned in reaction to the current regulatory climate here.

### **The Solution**

We need the legislature to provide:

- Specificity in statutory procedures and science-based standards that provide for timely and certain new well permitting
- Protection for code compliant private wells if it is proven that a high capacity well caused damage to the well
- A clear, science-based, statutory process to ensure that we uncover any problems caused by high capacity wells, such as any harm to surface waters, and a well-defined framework for the Legislature to take further steps to correct any such problems
- Clarification of the public trust doctrine consistent with the Supreme Court's *Rock-Koshkonong* decision
- Certainty in the repair, replacement, reconstruction, and transfer of existing high cap wells

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**Wisconsinites deserve to have our water protected by scientifically-sound, responsible, common sense legislation that allows our great farmers to responsibly use this life-giving, renewable resource to feed the world's families.**

Wisconsin is fortunate to enjoy an abundant water supply for drinking water. So, when someone claims our beautiful lakes, rivers and streams are drying up because the state's regulations of high capacity wells are not onerous enough — as some so-called environmental groups have done— we take notice. We not only set the record straight (see the attached column) but we roll up our sleeves and get to work to fix the problem.

We represent thousands of families who work on their land. They live on their land and they raise families on their land. They know full well that depleting the aquifer would threaten their livelihoods, their families' future and Wisconsin.

**If this sounds like an urgent plea, that is because this is.** We cannot wait any longer for the legislation described above.

**However, we cannot accept any legislation that would create new, stifling regulations or establish regulatory uncertainty as to how DNR and the state will approach new well applications moving forward.**

There are some in this state who want to ensure no piece of land is ever tilled and no drop of water is ever extracted. They view us as exploiters of the environment. While we are not environmental activists, we *are* active environmentalists. Please do not think the status quo stalemate protects the environment—it does not. However, the standstill does indeed jeopardize our future.

We are steadfast in our commitment to fixing these problems. **We are counting on the legislators who we elected and represent us in the State Capitol to defend us against this emerging war on Wisconsin Agriculture and the businesses that are the backbone of the state's economy.**