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**2014 RES-391**

REGARDING GROUNDWATER LEGISLATION AND CURRENT AND  
FUTURE REVIEWS OF HIGH-CAPACITY WELL APPLICATIONS

Groundwater and surface water are connected and comprise a single resource, and the demand for groundwater continues to increase throughout Wisconsin and in Dane County.

Dane County already has over 400 high-capacity wells in place.

Adequate quantities of groundwater are critical in Dane County to sustain agriculture, industry, municipal and private drinking water supplies, and healthy rivers, lakes, streams, and wetlands for recreation.

Recent studies show that the cumulative effects of pumping in central Dane County has reduced, and sometimes reversed, groundwater flow to the Yahara chain of lakes.

Wisconsin's public trust doctrine establishes that Wisconsin's waters belong to the people of Wisconsin and shall be forever free, and therefore it is the state's duty to protect Wisconsin's waters for all Wisconsin residents.

Wisconsin's Supreme Court unanimously ruled in *Lake Beulah v. Wisconsin DNR*, on July 6, 2011 that "the DNR has the authority and general duty to consider whether a proposed high-capacity well may harm waters of the state".

Wisconsin's District IV Court of Appeals ruled on December 19, 2013 that the DNR must consider cumulative impacts of high-capacity wells on the environment when preparing an Environmental Assessment that will be used to evaluate whether or not to approve, condition, or deny a high-capacity well application.

In his conclusion of law on September 3, 2014, Judge Jeffrey D. Boldt, ALJ, with respect to a contested case hearing for two high-capacity well approvals by Wisconsin DNR, stated that: "the DNR possesses the authority to consider cumulative impacts to waters of the State caused by high-capacity well pumping, climate, and other factors when assessing applications for high-capacity wells. The failure to consider these impacts is a gap in public trust enforcement..."

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board urges the Department of Natural Resources to exercise its authority and general duty to consider cumulative impacts when evaluating high-capacity well applications; and

BE IT FURTHER RESOLVED that the Dane County Board formally requests that the Wisconsin legislature pass no new legislation that will limit, interfere with, or compromise the July 2011 *Lake Beulah vs. Wisconsin DNR* Supreme Court decision or the December 2013 *Family Farm Defenders, et al vs. Wisconsin DNR* District IV Appellate Court decision; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Governor of Wisconsin, Majority and Minority leaders of the Assembly and Senate, the Secretary of Wisconsin Department of Natural Resources, all Dane County members of the state legislature, and the Wisconsin Counties Association; and

BE IT FINALLY RESOLVED that Dane County add water conservation, a balanced water budget, and enhanced groundwater recharge to its priorities for water management.