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CONTACT: John Adams, Director of Communications, (608) 251-7020x15 or (608) 239-7753

Clean Wisconsin challenges high capacity well permits *Constitution requires DNR to consider impacts on lakes, rivers, and streams*

MADISON—Clean Wisconsin, the state's oldest environmental organization, filed nine legal challenges Friday against the Wisconsin Department of Natural Resources (DNR) over the agency's recent granting of high-capacity well permits, mainly in the Central Sands region.

These lawsuits are in response to the DNR's decision to rely on the opinion of Attorney General Brad Schimel stating the DNR lacks the authority to review the individual and cumulative effects of high capacity irrigation wells on nearby waterbodies.

"The proliferation of high capacity wells around the state is draining lakes, threatening outstanding and exceptional resource waters, and impacting private wells," said Katie Nekola, General Counsel for Clean Wisconsin. "The DNR's refusal to consider cumulative impacts violates the agency's Constitutional mandate to manage lakes and rivers and streams as public resources owned in common by all Wisconsin citizens."

In nine petitions filed in Dane County Circuit Court on Friday, Oct. 28, Clean Wisconsin argued the DNR's failure to review of cumulative impacts violates the agency's Constitutional obligation to protect the natural resources entrusted to the agency by the citizens of Wisconsin.

The Pleasant Lake Management District is co-petitioner on one of the nine petitions.

"Our members are very concerned about continuing reduction in water levels in the area; not only the cumulative impacts of so many wells, but the direct effects of each well on our lakes and streams," said Tom Kunes, President of the Pleasant Lake Management District.

The increase in high-capacity wells across the state are causing critically low levels of groundwater in areas like the Central Sands region. Because of the unique geography of the region, nearly all surface water bodies – including lakes, rivers, and streams – are fed by groundwater. Across the region, citizens are seeing lakes, rivers, and private home wells dry up as more and more water is drawn out of the aquifer for irrigation purposes.

The reduced water levels and stream flows are also having major impacts on fisheries and wildlife habitat. Several of the high capacity wells recently permitted by the DNR are at or near the headwaters of streams designated by the state as Outstanding Resource Waters or Exceptional Resource Waters. These are surface waters which, according to the DNR, "provide outstanding recreational opportunities, support valuable fisheries and wildlife habitat, have good water quality, and are not significantly impacted by human activities." Some of those streams include Buenavista Creek, Fourmile Creek, Tenmile Creek, and the South Branch of Tenmile Creek.

634 W. Main Street • #300
Madison, WI 53703
www.cleanwisconsin.org

Phone: 608-251-7020
info@cleanwisconsin.org
 [twitter](#) 

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As the petitions filed in court Friday point out, DNR's own scientists and staff experts for months raised concerns about the direct "substantial" impacts these high capacity well permits would have on the wetlands, stream flows, groundwater, and ecology of the surrounding landscape, including Pleasant Lake, Round Lake, Radley Creek (Class 1 trout stream), Lake Emily, and Rice Lake.

"The impacts of these wells go well beyond groundwater or surface water," said Carl Sinderbrand, an attorney representing Clean Wisconsin in the legal challenge. "The over-use of this water is degrading habitat and threatening fish and wildlife."

"These waters belong to all people of Wisconsin," Nekola said. "By relying on the attorney general's flawed opinion, the DNR is abdicating its Constitutional duty to protect the waters of our state."

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