

Setting the stage for the public's right to water

In spring of 2007, hoping to prevent another catastrophe, River Alliance, Wisconsin Wildlife Federation, Trout Unlimited and the Plover River Alliance officially petitioned the DNR to establish the minimum healthy flow for the river. Meanwhile, local water users and conservationists worked to develop a plan to maintain that healthy flow, especially in the crucial summer months. The DNR and hydrologists from the UW-Stevens Point worked to determine the appropriate water level, called a Public



This bubbling up of water from underground to the surface is what we commonly a "spring." This is groundwater, showing itself off. (River Alliance photo)

Little Plover - The Poster River of Careless Water Use

By Lori Grant

Here it is, five years since the first time the Little Plover River south of Stevens Point ran dry, and it's looking pretty bleak once again. This is a local tragedy – but also the perfect case study of why Wisconsin's groundwater laws are inadequate.

The Little Plover is six miles long, flowing west from its headwaters through the village of Plover to its mouth at the Wisconsin River. It is a groundwater-fed stream, with 95% of its flow bubbling up from the ground to wetlands and springs along the river corridor.

In the heart of potato growing country, the Little Plover watershed is pocked with wells: there are farm wells for irrigating crops, the



No, this is not an arroyo in the southwestern U.S. It's what a Wisconsin stream looks like when it dries up, which has been the fate of the Little Plover River, in Portage County, in recent years. (Photo courtesy University of Wisconsin Stevens Point)

wells of the villages of Plover and Whiting that serve their residents, and vegetable processor Del Monte's well. In the summer months when the Little Plover River is most in need of cold groundwater to maintain a flow that will keep trout alive, the multiple wells in the watershed are working overtime for crop and lawn irrigation. The Little Plover experienced low summer water levels for several years until the unthinkable happened – a mile long section completely dried up, first in 2005 and then again in 2006. Studies indicate that half the "missing" flow is due to irrigation wells within a two-mile radius of the river, and nearly half is attributable to municipal wells, especially the village of Plover.

Rights Stage, and convened representatives of the water users and interested resource advocates to develop a plan to make sure the healthy flow could be maintained, especially through the crucial summer months.

By this spring, the DNR had developed a fair plan that spelled out specific pumping adjustments when Little Plover levels fell below a certain threshold, called the public rights stage. But it is clear this summer that after working together for nearly two years, the water users in the watershed will not agree to voluntarily comply, even as the river falls well below the DNR-established level.

This highlights one of the most pressing problems with current groundwater law: DNR does not have the authority to **require** the water users to modify their pumping to save the river. Once a well has been approved, the water user has the right to pump the allocated amount in perpetuity. The law still reflects the belief, now discredited by the science, that groundwater resources are infinite and that there's no connection between the water pumped out of the ground and water on the surface. Big water users continue pumping while shorelines recede, rivers trickle and wetlands dry up.

To make matters worse, the village of Plover wants to locate a new well near the headwaters of the Little Plover River. There's a good chance they'll get that well approved because of glaring shortcomings in current law. There is no question that a new well in the headwaters area will impact the river, but DNR does not have the authority to assess it.

First do no harm – and conserve

Finally, current law does nothing to prevent wasting of water. Spray irrigation, widely used in the Little Plover watershed, is an old-school, tremendously inefficient way to water crops. Ninety percent of the water sprayed on crops never makes it back into the groundwater. Of course some is taken up by the growing crops, but much is lost to evaporation. At least farmers are producing something; it could be argued their urban counterparts are even more wasteful, watering expansive lawns for the sake of urban cosmetics.

The new Great Lakes Compact requires all new large-scale water uses within Wisconsin's Great Lakes Basin to be conditioned upon water conservation measures. In the Little Plover watershed and the rest of the state outside the Great Lakes basin (roughly two thirds of Wisconsin), new withdrawals carry no such common sense requirements.

