

Big dairy, Scott Walker donor at center of high-capacity well controversy in Adams County

By Jessica VanEgeren | The Cap Times
September 20, 2014



The first of two barns at Rosendale Dairy in Rosendale holds 4,000 cows at a time. Milk Source Holdings, the owners of Rosendale Dairy, is purposing to build another large dairy, Richfield Dairy, 60 miles north of Madison in Adams County.

An administrative law judge recently blasted the Wisconsin Department of Natural Resources for what he deemed narrow, unscientific guidelines when assessing and permitting high-capacity wells. The case involved Milk Source Holdings LLC, a substantial donor to Gov. Scott Walker which plans to build an industrial dairy farm in Adams County.

The Sept. 4 ruling by state Administrative Law Judge Jeffrey Boldt is the latest wrinkle in the ongoing effort by Milk Source — which milks and manages 27,000 cows on four Wisconsin dairy farms — to build and begin operating Richfield Dairy roughly 80 miles north of Madison.

The \$35 million confined animal feeding operation, or CAFO, would house 4,300 cows and 250 steers. The dairy operation would be spread over 115 acres that would include farm buildings and production areas and another 16,300 acres for spreading manure from the more than 4,500 animals.

To accommodate the water needs of the industrial farm, Milk Source first applied to the state DNR for a permit to build two high-capacity wells — defined as wells with the capacity to pump 70 gallons of water per minute — on May 4, 2011.

Six months later, the DNR approved the permit that allowed for two high-capacity wells to be built on the site, with a combined capacity to withdraw 72.5 million gallons of water per year.

Roughly one month later, four Milk Source employees donated \$85,000 to Gov. Scott Walker's campaign fund on one day, according to the Wisconsin Democracy Campaign.

In all, Milk Source employees have donated \$117,000 to Walker between 2010 and the end of 2013.

The most recent donation to Walker, in the amount of \$2,500, came April 24 from Milk Source owner James Ostrom. Milk Source owns the state's top two largest dairies: New Chester, which like Richfield Dairy is in Adams County, and Rosendale Dairy in Fond du Lac County.

Six months after Walker's campaign received the \$85,000 in donations, the state Legislature approved and Walker signed a budget that included a provision stating "the failure to consider cumulative effects" when assessing the environmental impacts of a high-capacity well can no longer be grounds for appealing a permit.

“Once again, we see actions by Gov. Walker's administration coincide with contributions to Gov. Walker's campaign,” said Scot Ross, director of the Madison-based liberal advocacy group One Wisconsin Now. “Gov. Walker has proven he will sell off Wisconsin to the highest bidder.”

Ross cited the \$700,000 donated by mining company Gogebic Taconite to Wisconsin Club for Growth, a pro-business advocacy group directed by Walker's campaign adviser, and a \$6 million tax credit to Arcadia-based Ashley Furniture Industries less than a month after Walker received \$20,000 in donations from the company's top executives.

“The donations, most would surmise, is driven by the ‘Open for Business’ mantra of the administration,” said Bob Clarke, president of Friends of the Central Sands, a nonprofit organization dedicated to protecting the environment in the state's Central Sands region. “The DNR is no longer advocating for the management of resources. It is very narrow in its interpretations of its duties and is often advocating against it.”

Given the proximity of New Chester Dairy and its approximately 8,400 cows to the proposed Richfield Dairy, and visibly dropping water levels in Fish Lake, Huron Lake and Long Lake, the Friends of the Central Sands, Family Farm Defenders and other petitioners appealed the permit on the grounds the DNR should be looking at the cumulative impacts to nearby water sources when issuing high capacity well permits.

When issuing such permits, the DNR was routinely looking at how a well would impact other water sources, but only on the same property.

In his ruling, Boldt said the DNR “took an unreasonably limited view of its authority,” and that the public trust doctrine, statutes and decades of court precedent required the state DNR to consider cumulative impacts.

“It is scientifically unsupported, and impossible as a practical matter, to manage water resources if cumulative impacts are not considered,” Boldt wrote.

Milk Source was represented by Michael Best & Friedrich, a firm involved in many of the state's hot-button issues the past few years.

In a legal summary of the case on its website, the firm says Boldt's ruling signals a potential shift in Wisconsin's water law. While an administrative ruling is not precedent-setting, it is very likely the DNR will consider the decision a mandate to develop new internal processes in an effort to begin considering cumulative impacts prior to issuing high-capacity well permits for all uses, including industrial uses like frac sand mining and municipal water supply services.

“The Richfield Dairy high-capacity well permit decision creates significant uncertainty for businesses in Wisconsin that rely on high-capacity wells to operate and has a potential to create significant adverse economic impacts across the state,” reads the brief.

“We aren't anti-agriculture or anti-business. If we manage the resources correctly, everybody can enjoy them and use them,” Clarke said. “All we are looking for is a balanced use of the resources.”

The ruling does not represent a total loss for Milk Source. While Boldt said cumulative impacts need to be considered when considering permits and lowered the annual amount of water that could be pumped from the Richfield Dairy's two wells from 72.5 to 52.5 million, the project is still moving forward.

At 7 p.m. on Oct. 14, a public hearing will be held on the new DNR permit request that includes the new limits set by the judge. The hearing on this draft environmental impact statement and related documents will be held at the Adams County Community Center, 569 North Cedar Street, in Adams.

The DNR is accepting public comments on the documents from Sept. 25 through Oct. 10. To view the documents, go to <http://dnr.wi.gov/topic/agbusiness/cafo/richfielddairy.html>.

(23) Comments

B-Man - 19 minutes ago

How does this differ from a particular union donating \$5,000,000 to an outside group supporting a candidate that promised to repeal Act 10?

Puffy - 3 minutes ago

It differs because supporting the unions does not deplete ground water or turn hundreds of acres of pasture into manure recycling service.

Maybe you should live next to this CAFO. You might change your opinion.

kooler - 50 minutes ago

i can't tell if scooter's the whore or the pimp.

JUST US - 1 hour ago

Whether he lacks the finesse of Thompson or not the man is just plain DIRTY. He doesn't give a rat's hind end about Wisconsin or its people. If someone gives him money he will do whatever he wants to bend the rules or make new rules so that their gift is rewarded. This is returning Wisconsin government to the turn of the century when big business owners bought politicians and in turn bought government. It took Bob La Follette and grass roots citizens to fight for years to end the corruption that existed in Wisconsin government. Walker is rapidly returning us to that era!

everclear - 1 hour ago

So why would 46% of Wisconsin voters approve of the selling of Wisconsin resources for the benefit of one college dropout. Really makes you wonder about their thought process.

Beingbucky - 1 hour ago

Gcs, if wanting to protect our state's future water supply is partisan, then I guess I am guilty.

But I don't care if it is Obama, Ralph Nader, Walker or Steppe who is responsible. It is a tragedy in the making.

I remember when my father explained to me that two wrongs don't make a right. I wasn't convinced. But that's because I was five years old. Of course he was right, and invoking Obama at every turn does not solve Wisconsin's problems. Only a fool or a desperate shill would think so.

johnnn - 1 hour ago

Let me start by saying that I am NOT a Walker fan.

The first article or two I saw about Walker donors apparently getting a hand from the gov I said "so what? Coincidence." But after seeing story after story after story of the same thing for more than three years,... Anybody with any sense of objectivity should see the pay-for-play mentality that Walker has ingrained into Wisconsin. We'll get rid of him in November, but unfortunately, the havoc he's wreaked will last a long time.

Nav - 1 hour ago

There WAS a time when the Republican party, in spite of some of its controversial views, was a viable party a person could join. And many did.

The current extreme Republican party is headed by leaders who will do anything, say anything, to grab or stay in power, That is their mantra. They are not interested in fair play. They are not interested in helping ordinary Americans. They are not interested in the little guy/gal. They view half of American as takers. They literally want to force their way into governing and making the rich even more powerful and make the rest of us their slaves.

If the voters don't wake up, they are headed for some tough times under Republican administrations. We are seeing it already.

I urge everyone on here to familiarize yourselves with the issues, review Governor Walker's actual record (instead of being fooled by his ads), and go vote for the candidate you think will end the division of our state and put it in the right track, even if you think that is Governor Walker. Don't forget to take 10 like minded people with you to the polls!

jimatmadison - 2 hours ago

Scott Walker and the rest of the Wisconsin Republican Tea Partiers are 100% owned by big money corporations and the campaign donor class. The idea that they might be working for the rest of us doesn't even register on the radar.

Every policy is designed to use the levers of government to continue the redistribution of wealth from regular citizens to the wealthy elites.

All any wealthy interest has to do is lay out what they want and write a check. As long as the policy won't benefit regular citizens, at that point it's a done deal.

Heck, as Gogebic showed, for \$700,000 a campaign donor can actually write the laws they want enacted and the Republican Tea Partiers will rubber stamp it for them.f

fact based - 2 hours ago

Consumer and environmental protections are way down on the pay-to-play governor's list of priorities. Lining his political pockets is at the top. Let's send him in November to his beloved private sector, given that he's proven he's unable to grasp the concept of the public trust.

davea - 50 minutes ago

They are not even on his list!!

repubsareshoop - 2 hours ago

What 'business uncertainty' must mean is anything that prevents businesses from doing whatever they want.

We are on a fast track to deplete our fresh water supply through pollution and over-utilization. All for the almighty dollar. This is yet another example of that. Republicans need to drink clean water too. I just don't get it.

Observer5 - 3 hours ago

"Open for business" really means Scooter's for sale - but we already knew that.

Nav1 - 3 hours ago

Like I often say, not a day goes by that we do not see an article questioning some policy implemented by this Governor.

I cannot recall a Governor who was so much in the news...in a bad way.

bosco - 1 hour ago

Or you can say that there has never been such biased media.

davea - 54 minutes ago

You're saying reporting facts are biased?

Crow Barr - 45 minutes ago

Or, the truth hurts?

GamechangerSaloned - 2 hours ago

The failures and incompetence of the obama administration are in the papers everyday but you dismiss those as racism!

Nobody is buying that you are anything but a partisan.

davea - 53 minutes ago

What paper are you reading?

Migraine - 2 hours ago

Nav1, Every action a controversy linked to a major donor, otherwise he does nothing.

Nav1 - 2 hours ago

Migraine,

In other words, he puts Government service for sale for HIS own political gain. This is no longer conjecture. We have seen this story play many times now.

Why are the people of WI not getting it?

Do they see this Governor as their role model?

Is this what all politicians should aspire to?

What happened to the clean Government our state was known for?

We can complain all we want but unless the people go in droves to vote on November 4th to elect a new Governor, I am afraid we are in for more of the same the next four years where the Governor takes care of the needs of those who donate to him instead of the ordinary citizens of the state.

Migraine - 1 hour ago

Nav1,

Because his campaign successfully vilified the opposition. People are not voting for Walker - they are voting against unions, big government, the godless, tree huggers, free-loaders & intellectuals without recognition of own individual well being getting compromised. People are told what to think, not how to think.

Government has always been dirty with money... this cycle they have just been less covert. ALEC has been around for a long, long time. Walker just lacks the finesse of Thompson when betraying the state.

Our "clean" government was specifically targeted for retribution against originating the "clean" government ideal. Johnson and Walker specifically crushed the ideals established by Fiengold.

hankinheys - 2 hours ago

He has a right hand thug on staff named Katie Doner,
You can't make it up!