



Assembly Speaker Robin Vos

THE STATE OF POLITICS

Lawmakers Battle Over High Capacity Wells

Are they drawing down streams and lakes? Republican and Democratic lawmakers disagree.

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This year's bitter Capitol fight over how to regulate high-capacity wells was just practice for the all-out war looming next session. And eight counties in the middle of the state – the Central Sands region, represented by legislators from both parties – are ground zero in that fight.

The Central Sands region – 1.7 million acres of largely sandy soil – includes all or part of Adams, Marathon, Marquette, Shawano, Portage, Waupaca, Waushara and Wood counties.

Writing for Wisconsin Counties magazine, **Jim VandenBrook**, executive director of the nonprofit Wisconsin Land+Water, said there were fewer than 100 high-capacity wells in the Central Sands region in the 1960s.

In the same edition of the magazine, lawyers **Christopher Koehnke** and **Andrew Phillips**, updated that number: “Currently, the Central Sands region has more than 3,000 high-capacity wells and, according to DNR, these wells pumped more than 98 billion gallons of water in 2012.”

Why is this important? “Any withdrawal of groundwater lowers the groundwater level, or water table, and in some cases streams, lakes and wells can go dry,” VandenBrook wrote.

High-capacity wells that irrigate the land are the only reason Wisconsin ranks third in U.S. potato production nationally and why golf courses there stay green. Vegetable and dairy farmers, and cranberry growers, also depend on those wells to stay in business and hire workers.

But the soaring number of those wells, and how much groundwater they use, worry many landowners, environmentalists and hydrologists.

The stakes in the emotional issue have gone up since May, when Attorney General **Brad Schimel** issued an opinion that concluded that the state Department of Natural Resources (DNR) has limited authority to review applications for new high-capacity wells.

Responding, DNR officials announced new, scaled-back criteria for reviewing applications for new high-capacity wells, which are defined as pumping more than 100,000 gallons of water per day or a combination of wells that can pump that much.

In that statement, DNR officials said they stopped considering the “cumulative impact” of new high-capacity wells on groundwater and will no longer “impose monitoring requirements” on new wells.

Schimmel’s opinion does not have the force of law. But DNR officials said the attorney general “is the chief legal advisor for state and government” and, “Historically, the DNR has followed all formal legal opinions issued by the attorney general.”

Republican Rep. **Scott Krug**, of Wisconsin Rapids, worked for months on the high-capacity well issue last session, trying to find a compromise. Krug’s efforts were opposed by a neighboring lawmaker, Assistant Democratic Leader **Katrina Shankland**, of Stevens Point.

No fewer than 21 special-interest groups – including Wisconsin Manufacturers & Commerce; vegetable, potato, soybean and cranberry growers, dairy farmers, **Clean Wisconsin**, Wisconsin Rural Water and the **Wisconsin Wildlife Federation** – registered to lobby on one of Krug’s bills. Nothing passed both houses of the Legislature, however.

The Assembly’s two top party leaders told WisconsinEye last week that the need for the next legislative session to act on high-capacity wells is greater than ever. They disagree on what should be done.

Agriculture is “one of our three largest industries,” noted Assembly Speaker **Robin Vos**.

Vos said Republicans made a “historic” push last session to protect public access to clean water, while also allowing those now operating high-capacity wells to replace them without getting “Mother may I?” approval from DNR’s “unelected, unaccountable bureaucrats.”

Also, Vos said, Republicans want a “regulated meter” on each well, so how much water it uses can be accurately measured. “Now, it’s an estimate.”

But Assembly Democratic Leader **Peter Barca** accused Republicans like Vos, who requested Schimmel’s opinion, of overturning an important 2011 state Supreme Court ruling. That decision said DNR had the authority to consider the “cumulative impact” of all proposed new wells on groundwater, according to lawyers Koehnke and Phillips.

As a result, Barca said, “It’s going to make it much more difficult for the average person in Wisconsin to have water capacity for their own wells.”

Democratic Sen. **Chris Larson** went further last week, saying crippling of DNR’s regulatory authority “will allow corporations to profit by devastating and drying up our public streams, lakes, and groundwater.”

Vos disagreed: “Water levels are historically high right now. Lake Michigan is at a 90-year high. We’re not at some point where are running short of water in Wisconsin.”

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