

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921



December 2, 2011

Name
Name 2
Address
City, State, Zip

Subject: Automatic Water Use Individual Permit

Property Name:
Property Number:

Dear Permittee:

Wisconsin law requires persons who withdraw 100,000 gallons of water per day or more to obtain or be covered by a Water Use permit starting on December 8, 2011. According to Department of Natural Resources (Department) records, you have the capacity to withdraw 1,000,000 gallons of water or more per day from your property. Included with this permit is a summary of the water withdrawal information that we have for your property.

Attached is your automatic Individual Permit. It is being issued to you based on your capacity to withdraw water. If you do not plan to withdraw 1,000,000 gallons of water or more per day for any 30 consecutive days, you may contact the Department to request to be covered under a General Permit instead of an Individual Permit.

The following is your baseline. Your baseline is equal to your maximum withdrawal capacity or maximum approved level of withdrawal as of December 8, 2008. The baseline includes all of the water sources on your property as of December 8, 2008.

Baseline (in Gallons per Day):

The following is your withdrawal amount. Your withdrawal amount is equal to your maximum withdrawal capacity or maximum approved level of withdrawal as of November 1, 2011. The withdrawal amount includes all of the water sources on your property and reflects any increases in authorized withdrawal capacity since December 8, 2008. For purposes of this permit, you are authorized to withdraw water up to the level of the following withdrawal amount. Please be aware that you may have other Department approvals, such as a High Capacity Well Approval or Chapter 30 permit, that have additional conditions. You must continue to follow those conditions. If you need a copy of your High Capacity Well Approval or Chapter 30 permit, please contact us.

Withdrawal Amount (in Gallons per Day):

You are required to follow all of the conditions in the attached permit. This includes annually reporting your water withdrawal information and requesting Department approval for an increased withdrawal if you plan to withdraw more water than your withdrawal amount.

If you have any questions, please contact DNR Water Use Program staff at (608) 266-2299 or at DNRWaterUseRegistration@wi.gov.

Sincerely,

A handwritten signature in cursive script that reads "Eric K. Ebersberger".

Eric Ebersberger
Chief, Water Use Section

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCESAutomatic Individual Water Use Permit
Property Number:

<Applicant Name> is hereby granted under s. 281.346(5)(c), Wis. Stats., an Automatic Individual Water Use Permit to withdraw water from the Great Lakes basin subject to all of the following conditions:

PERMIT CONDITIONS

1. The permittee shall comply with all conditions of the permit. Permit noncompliance is a violation of the permit and may be grounds for enforcement action, permit suspension or revocation, or denial of a redetermination or reissuance. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 281, Stats.
2. You are authorized to withdraw a total of _____ gallons of water per day from the sources on your property. This is your established withdrawal amount. You must apply to the department and receive a modification to the permit to increase this established withdrawal amount.
3. The permittee shall measure and record the amounts of withdrawal monthly and shall annually report to the department following the requirements in ss. NR 856.30 and 856.31, Wis. Adm. Code. Annual reporting is required each calendar year for all permittees.
4. This permit expires 10 years from the date of issuance. The department will notify permittees no later than December 8, 2020 that reissuance of the permit is required. If you intend to continue to withdraw at least 1,000,000 gallons per day for any 30 consecutive days, you shall apply to the department for individual permit reissuance using the methods prescribed by the department by no later than (insert permit expiration date – 180 days).
5. The permit does not convey any property or water rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state, or local laws, rules, or regulations.
6. The permittee shall allow an authorized representative of the department, upon presentation of credentials, to do all of the following:
 - (a) Enter, upon reasonable notice, the owner's premises where the regulated withdrawal is located or conducted, or where records are kept as required under the conditions of the permit.
 - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit.
 - (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices or operations regulated or required under the permit.
7. This permit is not transferable to another owner without prior approval from the department.
8. The permittee shall by March 1 notify the department of changes made in the previous calendar year to the information contained in the water use summary included with this Individual Permit.
9. All other permits and approvals that you have received for the withdrawal(s) remain in effect. This Water Use permit does not replace or change any of the conditions or requirements of the other permits or approvals.
10. The department may modify this permit as necessary, pursuant to s. 281.346(5)(o), Wis. Stats.
11. If a water supply service area plan is required by s. 281.346 or 281.348, Stats., the withdrawal shall be consistent with the approved water supply service area plan.

12. Pursuant to s. 281.346(7m), Wis. Stats., the department may, without a prior hearing, order a permittee to immediately stop a withdrawal if the department determines that there is a danger of imminent harm to the public health, safety, or welfare, to the environment, or the water resources or related land resources of this state.
13. All information submitted to the department is a public record and is subject to Wisconsin's open records law under ss. 19.21 to 19.39, Wis. Stats. The location of a water withdrawal is sensitive information that may impact domestic security. Open records requests for water withdrawal locational information will be subject to the requirements of s. NR 860.14, Wis. Adm. Code. Information provided to the department may be used by the department as it deems necessary.
14. After an opportunity for a hearing, the department may suspend or revoke this permit for cause, including obtaining the permit by misrepresentation or failure to disclose material facts or substantially violating the terms of the permit, pursuant to s. 281.346(5)(p), Wis. Stats.

CONCLUSIONS OF LAW

The Department of Natural Resources has the authority to issue individual permits for water withdrawals located in the Great Lakes basin under s. 281.346(5), Wis. Stats., and Chapter NR 860, Wisconsin Administrative Code.

FINDINGS OF FACT

1. The person receiving this permit is the owner, as defined in s. NR 860.11(7), Wis. Adm. Code, of the property.
2. The owner owns a property, as defined in s. NR 860.11(11), Wis. Adm. Code, with a water supply system or systems or a public water supply system that had a cumulative capacity to withdraw at least 100,000 gallons per day before December 8, 2008.
3. The owner has the capacity or is approved to withdraw at least 1,000,000 gallons per day for 30 consecutive days.
4. The owner withdraws less than or equal to the withdrawal amount established pursuant to s. 281.346(4g), Wis. Stats.

APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.