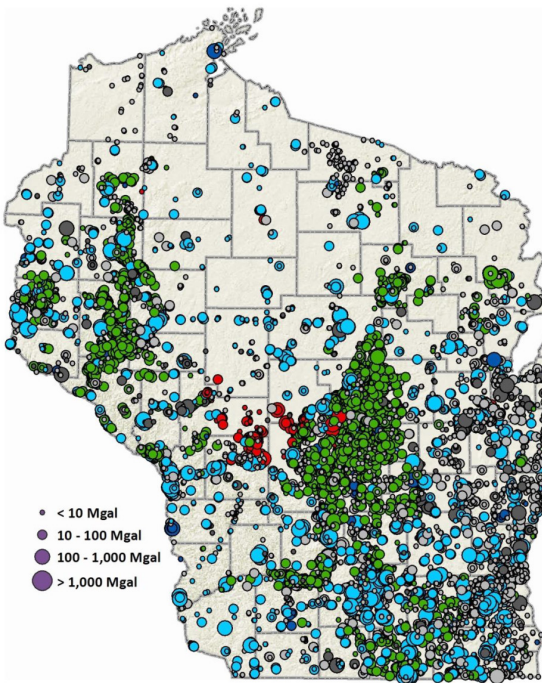


Well Dispute Settlement Program

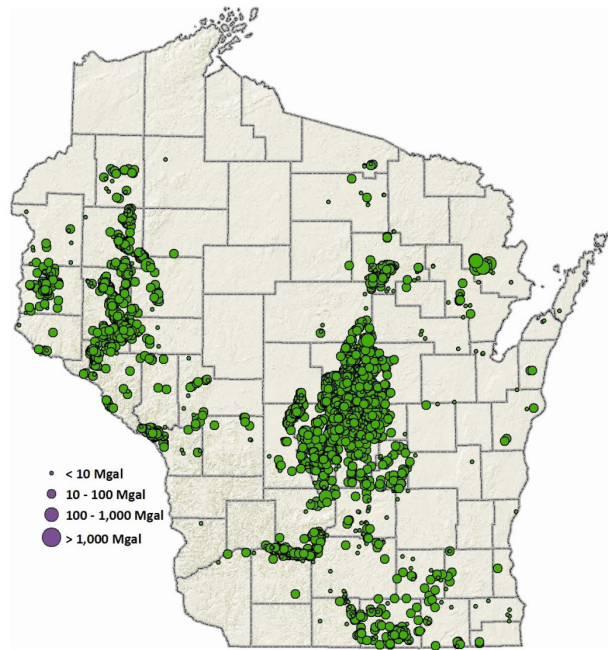
An Alternative to Neighbors Suing Neighbors Over Water

Pumping from high capacity wells has caused private, domestic wells of farmers and rural residents to dry up in some cases, most commonly in the Central Sands.

- As of February 2016, there were over 8,000 high capacity wells in Wisconsin that on their own can pump over 100,000 gallons per day.
- ▶ 2,441 of those are located in the 6 county Central Sands region of Adams, Waushara, Portage, Marquette, Waupaca, and Wood counties.



All High Capacity Wells in Wisconsin in 2013



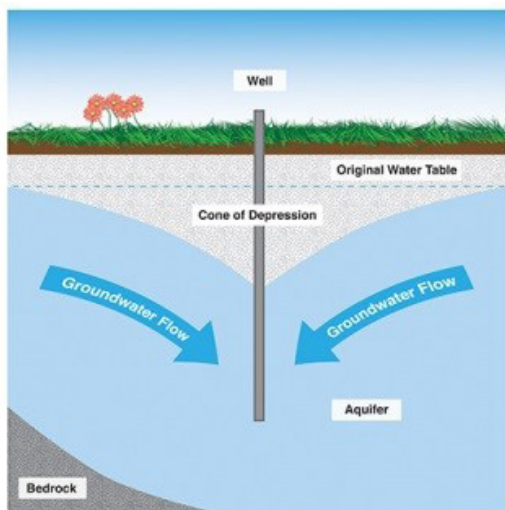
High Capacity Wells for Agricultural Use in 2013

What happens when a farmer's private well goes dry?

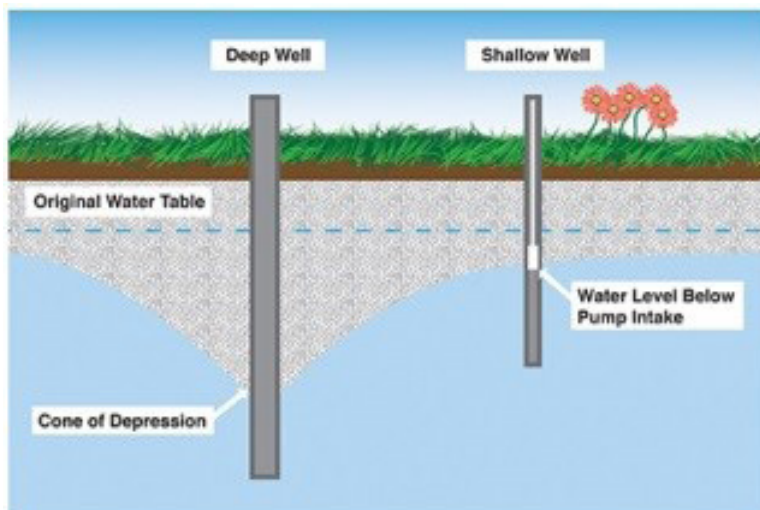
- The only recourse that these private citizens have is to sue their neighbor.
- Both parties have to hire lawyers at great personal expense.
- Such a lawsuit causes a great deal of tension between neighbors.
- Due to the high legal fees, damage to personal relationships, lengthy legal process and uncertainty, most individuals opt to simply replace their well at their own expense rather than pursuing the responsible party in court. The cost of a new well can be \$8000 or more.
- This infringes on private property rights and access to water for farmers and rural residents.

How do other states handle this issue?

- Minnesota has a Well Interference Program through their Department of Natural Resources.
- What is a well interference?
 - When pumping from a nearby high capacity well causes a public water supply or a private well to lose access to water and water levels recede below the pump of the affected well.



When a well pumps water it creates what is called a cone of depression around the well as water levels around the well drop.



The high capacity well in this image has caused water levels to drop below the pump in the private well, denying its owner access to water.

How does Minnesota's well interference program work?

- Private well owner whose well has dried up submits a complaint to the DNR.
- The private well is first inspected to ensure it is an issue with access to water and not a failing of the well or the pump itself.
- DNR investigates the situation, modeling hydrology of the area to determine why the well has gone dry.
- DNR determines what has caused the private well to go dry.
- DNR submits a report that states whether or not the high capacity well is at fault.
- The high-capacity well owner has an opportunity to respond in a hearing.
- A settlement process explores different options for the responsible party to enable the private well owner to obtain access to water. Options include lowering their pump, drilling a new well, or connecting to a municipal water supply.

How much does it cost?

- Minnesota spends between \$0 and \$500,000 each year on the program depending how many complaints are filed.

What can the Wisconsin State Legislature do?

- Pass legislation establishing a well interference program in Wisconsin
- Ask the DNR to promulgate rules in order to set up the program
- Provide funding for DNR staff to enact a well interference program

Why should the legislature enact a well interference program?

- Protects the private property rights of farmers and rural residents
- Protects high capacity well owners who may be falsely accused of a well interference from a frivolous lawsuit
- Solves the problem through science based investigations rather than in the courts

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