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## **PRESS RELEASE – AUGUST 16, 2007 – FOR IMMEDIATE RELEASE**

### **NOTICE OF CLAIM FILED AGAINST STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND VILLAGE OF EAST TROY**

Several Wisconsin residents and two lake protective and management groups today gave notice of their intent to file suit against the Wisconsin Department of Natural Resources (“WDNR”) and the Village of East Troy in what some say may be a landmark case in the protection of Wisconsin’s lakes, wetlands and streams.

The notice asserts that the WDNR approved, without sufficient study, the placement of a high capacity well near Lake Beulah, an 840-acre, spring-fed lake in southeast Wisconsin. The well is situated near an important wetland area and a concentration of springs that provides an important source of water for Lake Beulah. The well will remove from the watershed as much as two million gallons of water per day.

The WDNR is charged with the obligation to protect Wisconsin's navigable waterways under the Public Trust Doctrine of the state constitution. The notice filed today alleges that the WDNR failed in its duty to perform an environmental assessment sufficient to meet the requirements of Wisconsin law. It further alleges that the Public Trust Doctrine requires the WDNR, prior to approving an application, to learn the potential impact of the well on the ecosystems of the lake and the surface waters, wetlands and streams of the surrounding watershed. The claimants assert that the environmental impact review should include an analysis of the likely changes to water level, temperature, and quality, and the resulting impact on the habitat of the lake and wetland areas.

The claimants, which include the Phantom Lake Management District and the Eagle Springs Lake Management District, will seek injunctive relief to stop the withdrawal of water until further environmental study is completed by the WDNR. The suit also seeks a judicial order that the WDNR is legally obligated to consider the environmental impact of high capacity wells before issuing permits for such wells, which the WDNR has refused to do, claiming it is prohibited from doing so by state statutes. This action comes after the failure of negotiations with the Village of East Troy to find alternative sites for the well. Sites outside of the affected watershed were located, but the Village of East Troy remains steadfast in its refusal to consider these sites.

“The DNR’s primary duty is the protection of our natural resources, including water quality and wildlife habitat,” stated Daniel Bach, one of the attorneys representing the claimants. “It doesn’t follow that the DNR could approve applications for high capacity wells without considering the impact of those wells on natural resources. In this instance, the interests of the developers and

short-sighted public officials took precedence over the long-term welfare of an invaluable watershed.”

Issues regarding access to water and preservation of waterways have been simmering for a while now, but with the current rate of development and increased demand for high capacity wells, those issues have reached a boiling point. The impact of these wells on the affected aquifers and surface waters is not yet fully known.

Many Wisconsin lakes recently have reached historic low water levels, limiting citizens’ rights to fish, swim, and boat and changing habitats in these areas. While numerous other factors may contribute to these water shortages including climate change and recent drought conditions, the impact of these high capacity wells cannot be overlooked. The claimants maintain that these water concerns make imperative careful WDNR review of environmental impacts prior to approving applications for high capacity wells.

**FOR MORE INFORMATION PLEASE CONTACT EITHER FRANK DAVENPORT OF  
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