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## What was a lake is now a mudhole

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In 2005, Brian Wolf bought a cabin on Waushara County's Long Lake, a 40-acre watery paradise that was home to herons and loons.

This spring the lake was gone, reduced to mud flats and weeds, stranded pools of muddy water and dead northern pike.

The county's assessment of Wolf's once lakefront property has dropped by \$62,000. The ring of tidy cabins that once sent their light pooling across the water on summer nights is a vacationland ghost town.

"We look at mud now," Wolf said.

Stories such as Wolf's make some wonder whether the state's much-heralded groundwater law is little more than empty language and whether high-capacity wells, such as those used by farmers to irrigate crops, need to be more tightly regulated.

Despite being praised by supporters as a law that puts Wisconsin ahead of other states, the groundwater law protects only a small fraction of the state's surface waters. The law was passed in 2004 after much debate and in the wake of the failed efforts by Perrier, the corporate water bottler, to build a bottling plant in Adams County and sink wells near several valued area springs and the headwaters of the Mekan River.

Growers say the regulations go far enough and are concerned that additional controls might compromise their crops.

"How do we do an effective job of protecting these resources but continue to grow healthy crops to feed people?" asked Mike Carter, a spokesman for the Wisconsin Potato and Vegetable Growers. "There has to be a balance."

Before the laws, permitting for high-capacity wells, those wells that pump more than 100,000 gallons a day, did not consider the potential threat to nearby lakes, wetlands and streams .

Now, there is a law on the books. But is it working?

Wolf, with the view from his cabin of a lake-turned-mud flat,

will tell you that, despite its beauty and healthy fishery, Long Lake was lost due to drought and several nearby high-capacity wells, mostly used for farm irrigation. And he'll point out that the groundwater law did nothing to help protect the popular lake.

### **Not under the law**

Long Lake is one of many bodies of water that does not fall under the new groundwater law. The law is relatively narrow and requires the state department of natural resources to review the environmental impacts of a high-capacity well only in the following situations:

When the well is within 1,200 feet of any surface water identified as an "Outstanding Resource Water," such as a pristine lake, or as an "exceptional resource water," such as a wild river or trout stream.

When a well has a water loss of more than 95 percent, such as the wells operated by a water bottler.

When a well may significantly affect a spring that has a minimum flow of 1 cubic foot per second for at least 80 percent of the time.

The problem with these permitting requirements, according to a number of water experts, is that more than 90 percent of the state's surface waters -- including recreational lakes such as Long Lake -- are not protected by the law, said George Kraft, a hydrogeologist and director of the Central Wisconsin Groundwater Center at UW-Stevens Point.

Ken Bradbury, a hydrogeologist with the Wisconsin Geologic and Natural History Survey, said the 1,200 feet boundary is arbitrary.

"It has no basis in science," Bradbury said. "A lot of well impacts go farther out than that."

Wolf said, for example, that all of the wells contributing to Long Lake's demise are more than 1,200 feet from the lake. He said that within 1 miles of the lake are 13 high-capacity farm irrigation wells, all permitted by the DNR to pump up to 720,000 gallons of water a day. Their cumulative impact on area surface waters is the issue and another problem with the groundwater law, Wolf said, is that it doesn't consider such cumulative impacts.

Carter, with the Wisconsin Potato and Vegetable Growers, agreed that the agricultural wells have an impact but said a bigger problem may be the extended drought that continues to plague central Wisconsin.

### **At Huron Lake**

Not far away from Long Lake, Wolf said, is Huron Lake, a much larger, 65-foot-deep lake that has dropped 11 feet.

And Barb Feltz is watching dismayed as the Little Plover River near her rural Plainfield home drops lower and lower and will probably, within the next several days, go dry for the third summer in a row.

"I expect it to dry up in the next week," said Feltz, who grew up in the area and has known and loved the Little Plover since her childhood. "You used to be able to walk thigh-deep in the river. And it was a really nice trout stream."

Kraft said the Little Plover is affected both by high-capacity municipal wells in nearby Plainfield and Whiting as well as agricultural irrigation wells. But once again, he added, all of the wells except for one are beyond the 1,200-foot boundary set in the groundwater law.

Despite its flaws, the groundwater law has its defenders. Todd Ambs is head of the DNR's water programs and is also chairman of the Groundwater Coordinating Council, a group appointed by Gov. Jim Doyle to fine tune the rules used by the DNR to enforce the groundwater law. He said the law remains a work in progress and added that the council is charged with recommending changes in the law to the governor by the end of the year.

Ambs also said that, while it is true the 1,200-foot standard is arbitrary and leaves most surface waters unprotected, political compromise on the regulations was necessary to get them put in place.

"At least," he said, "1,200 feet is better than zero."

Further discussion of the boundary and possible changes will be discussed by the council in the coming months, Ambs added.

Even Bradbury, despite his criticism of the bill, said he is buoyed by the heightened awareness surrounding groundwater issues that has come with discussion and passage of the new law.

"I think it is terrific that we're talking about it at all," Bradbury said. "I've worked here since 1982 and this is the first time I've seen such momentum. And I don't want to let that slip away. I think we can change for the first time how we manage our water."

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