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**Wisconsin Supreme Court Reaches Unanimous Decision in Lake Beulah Case:
A Victory for Wisconsin Water Resources**

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Madison, Wisconsin - In resolving a long-standing dispute between the Village of East Troy and Lake Beulah conservancies relating to the permitting of a high-capacity municipal well, the Wisconsin Supreme Court delivered a resounding message this week in support of Wisconsin water resources and the Wisconsin families, businesses, homeowners, and sportsmen who rely on them for their livelihood and quality of life.

Midwest Environmental Advocates (MEA) filed an *Amicus Curiae*, or "friend of the Court", brief with the state's Supreme Court on behalf of Wisconsin Wildlife Federation, River Alliance of Wisconsin and Clean Wisconsin, in *Lake Beulah Management District v. DNR* in January of this year.

In a 7-0 unanimous decision written by Justice Crooks, the state's Supreme Court ruled that the Wisconsin Department of Natural Resources (DNR) has the authority and, in fact, a duty to consider potential adverse impacts posed by proposed high capacity wells if presented with concrete, scientific evidence of the potential for harm to state waters during the well permitting process.

The Court rejected every legal argument put forward by attorneys for the Village of East Troy relating to the DNR's scope of authority and duty regarding high capacity well permitting, though the Supreme Court did rule that the high capacity well in dispute could remain operational in view of the misfiling of a hydrogeologist's affidavit back in 2005. This affidavit, if it had been properly filed, would have triggered the DNR's duty to conduct an environmental review.

MEA and our Amicus clients maintain that the Supreme Court's decision in this case properly upheld a rational interpretation of the public trust doctrine within the framework of Wisconsin's high capacity well permitting statutes and the State of Wisconsin's Constitution. Furthermore, the Supreme Court ruling will serve to protect vital economic and ecological interests, including Wisconsin's highly-prized cold water trout population and groundwater-dependent endangered species.

"This decision marks a great day for Wisconsin's environment," explains Jodi Habush Sinykin, attorney for MEA. "The court upheld a rational interpretation of the public trust doctrine in the context of our state's high-capacity well permitting law and, in doing so, prevented a regulatory void that would have placed Wisconsin's water resources in jeopardy."

As a Governor appointed member of the Groundwater Advisory Committee, established under 2003 Wisconsin Act 310, Habush Sinykin worked closely with key stakeholders and members of the scientific and academic community to identify opportunities for improved groundwater management in Wisconsin.

"There is no denying that high capacity wells, like the municipal one at issue here, are capable of harming the lakes, rivers and wetlands of our state due to the hydraulic connection between groundwater and surface waters," Habush Sinykin states, "The Supreme Court's decision in *Lake Beulah* recognizes the DNR's longstanding experience and expertise balancing the economic and environmental interests of Wisconsin citizens and communities."

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- Midwest Environmental Advocates is Wisconsin's first and only public interest environmental law center. MEA provides legal and technical support to grassroots organizations that are fighting for clean air, clean water, and environmental justice. See www.midwestadvocates.org for more information.
- Clean Wisconsin protects Wisconsin's clean water and air and advocates for clean energy by being an effective voice in the state legislature and by holding elected officials and polluters accountable. Our mission is to protect the special places that make Wisconsin such a wonderful place to live, work and play. See www.cleanwisconsin.org for more information.
- River Alliance of Wisconsin's mission is to advocate for the protection, enhancement and restoration of Wisconsin's rivers and watersheds. See www.wisconsinrivers.org for more information.
- The Wisconsin Wildlife Federation has a dual mission to engage in conservation education and to advocate for sound conservation policy. See www.wiwf.org for more information.