



December 20, 2011

Peter McKeever  
Anne Bensky  
Garvey McNeil & Associates, S.C.  
One Odana Court  
Madison, WI 53719

RE: Petition for a Contested Case Hearing under section 227.42, Wis. Stats.

Dear Mr. McKeever and Ms. Bensky:

On December 2, 2011, the Wisconsin Department of Natural Resources ("DNR") received a petition from you on behalf of the Pleasant Lake Management District seeking a contested case hearing under section 227.42, Wis. Stats. The petition was hand delivered and received at the Office of the Secretary of DNR on December 2. The hearing was requested regarding the conditional high capacity well approval for two potable wells to be located in the Town of Richfield, Adams County, issued by DNR to Milk Source Holdings, LLC, on November 3, 2011.

Your petition for hearing is granted with respect to, and the hearing itself will be limited to, the following issues relating to the conditional high capacity well approval:

1. Whether DNR properly considered the environmental impact of the proposed high capacity wells on the waters of Pleasant Lake and other waters of the state, including the groundwater aquifer and nearby private wells, when DNR was presented with scientific evidence of potential harm to waters of the state.
2. Whether DNR correctly exercised its expertise in water resources management, its discretion and its duty as trustee of public trust resources when DNR determined that the proposed high capacity wells would not cause a significant adverse impact on the waters of the state and DNR granted the conditional approval to Milk Source Holdings, LLC.
3. When considering whether to condition or deny a proposed high capacity well approval, does DNR have legal authority to take into account the cumulative impacts caused by existing drawdown of groundwater and surface waters, or is DNR's legal authority limited to considering only the potential adverse environmental impacts of the proposed high capacity well or wells for which an approval is being considered?

Insofar as your petition for hearing seeks to raise any other issues not specifically identified above, it is denied.

This decision shall become effective unless a written request for judicial review to contest the decision is filed with DNR within thirty (30) days after the date this notice is mailed. All requests shall be filed either by delivery to the Office of the Secretary of DNR at 101 South Webster Street, Madison, Wisconsin, or by certified mail addressed to the Office of the Secretary, DNR, P.O. Box 7921, Madison, Wisconsin 53707. Such a request for judicial review shall name the DNR as the respondent.

When we have completed processing the file, we will transmit it to the Division of Hearings and Appeals of the Department of Administration where it will be assigned to an administrative law judge and scheduled for hearing.

Attorney Judith Mills Ohm will be representing the DNR in this matter. Please contact her if you have any questions, at (608) 266-9972.

Sincerely,

A handwritten signature in black ink that reads "Matt Moroney". The signature is written in a cursive style with a large, stylized "M" and "O".

Matt Moroney  
Deputy Secretary

c: Judith Mills Ohm—LS/8