

Karen J. Fahey
W3921 County Road M
Pine River, Wisconsin 54965
(920) 987-5205
Email Address: silverbell777@centurytel.net

June 13, 2013

Bureau of Fisheries Management
Natural Waterbody Permits
P. O. Box 7921
Madison, Wisconsin 53707

Gentlemen:

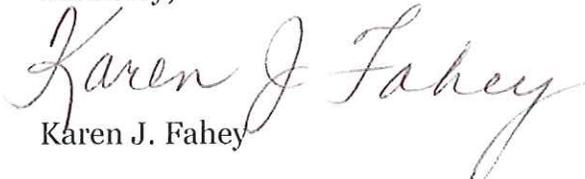
I am enclosing my Fish Farm Application For Use of Natural Body of Water along with the following information:

- ◆ A location sketch showing the shape of the three ponds and the nearest public roadway, County Road E. These ponds are approximately one and one half miles north of Pine River, Waushara County, Wisconsin.
- ◆ A photocopy of the warranty deed for this property. Please note that I am the sole trustee of the Karen J. Buehler Marital Trust. The previous holder of this permit was Charles Buehler, my husband who passed away in 2005. I continue to hold this property along with my current husband, Roger Fahey.
- ◆ A photocopy of the plat book showing the Township of Saxeville with the farm location outlined in red and the location of the ponds highlighted in yellow.
- ◆ A copy of the original Natural Waterbody Permit #16-NE-1486 which was issued to Charles Buehler on January 13, 2003.
- ◆ A photocopy of the Department of Agriculture, Trade and Consumer Protection Fish Farm Registration for the current year.

Also enclosed is my check in the amount of \$100.00 to cover the transfer of the permit. I spoke with David Bartz of your Wautoma DNR office, and he told me that I should only pay the \$100 transfer fee rather than paying for the transfer and renewal.

Should you need further information, please contact me.

Sincerely,


Karen J. Fahey

k
Encls.

Check # 2104

19-NE-001486

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

Fish Farm Application For Use of Natural Body of Water

Form 3600-227 (R 3/13)

Page 1 of 2

Notice: Use of this form is required by the Department for any application filed pursuant to ss. 29.733, Wis. Stats., and ss. NR 19.90-95, Wis. Adm. Code. The department will not consider your application unless you provide all information requested and submit the fee(s) indicated for the permit(s) selected. A social security number or federal employer identification number is **REQUIRED** when applying for a license listed in ss. 29.024(2g) or 29.024(2r), Wis. Stats. The number **SHALL NOT** be disclosed to any other person except the Department of Workforce Development or the Department of Revenue to determine liability for delinquent Wisconsin taxes or child or family support. Other personally identifiable information requested on this form will be used for program administration and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Mail this form with its attachments and required fee to WDNR -Natural Waterbody Permits FH/4, PO Box 7921 Madison, WI 53707-7921.

Applicant Information

Applicant Name: First MI Last Karen J. Fahey				Co-Applicant Name: First MI Last			
Address W3921 County Road M				Address			
City Pine River		State WI	ZIP Code 54965	City		State	ZIP Code
Phone Number (920) 987-5205		Social Security No./ Fed. Employer ID No. 395-46-6053		Phone Number		Social Security No./ Fed. Employer ID No.	

Project Information

Business Name (if any)				Waterway Name					
Address N5238 County Rd. E, Pine River, WI 54965				Water Source (identify as gallons per minute, gpm)					
<input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village of Saxeville				Spring	Well	Stream	City Water	Other	Specify Other
County Waushara				Fire Number (if applicable) N5238				Is there a discharge to a water of the state? <input type="radio"/> Yes <input type="radio"/> No	
1/4 1/4 NW NW	1/4	Section 33	Township 20 N	Range 12	<input checked="" type="radio"/> E <input type="radio"/> W If Yes, Indicate: <input type="checkbox"/> Waterway <input type="checkbox"/> Wetland		Discharge (gpm)		

Project Description

A "natural body of water" is defined in Wisconsin law as any spring, stream, pond, lake or wetland that was historically present in a natural state but may have been physically altered over time. A "freeze-out pond" is defined in Wisconsin law as a natural, self-contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

Operating a fish farm in a Natural Body of Water requires a permit under NR 19, Wis. Adm. Code. I am applying for:

- NR 19 Permit Renewal** - for continued use of a natural waterbody that was previously permitted as a preexisting fish rearing facility or a freeze-out pond.
- Initial NR 19 Permit** - for new use of a natural waterbody for fish farming (note, the waterbody must be a freeze-out pond).
- Transfer of NR 19 Permit** - to convey an existing NR 19 permit from one party to another, as a result of change in ownership or leasehold interest of a fish farm.

Number and dimension of ponds, raceways or tanks. Describe here and attach a diagram (Attachment # 4)

Three ponds ... Each 450' x 60'

Business Purpose: Activities engaged in. (select all that apply)

- Distributor
- Processor, On-Site
- Public Fee Fishing
- Hatchery
- Grower
- Raising Fish For Stocking
- Raising Bait For Sale
- Private, Personal Fishing
- Raising Fish to Directly Market for Human Consumption
- Other - Specify:

1. What type of pesticides do you currently use or plan to use?

None

2. Is your fish farm equipped with barriers that prevent the passage of fish between it and other water of the state? Yes No

3. If you are applying for an NR 19 Permit Renewal, have you made any facility changes - expansion, additional ponds, different species reared, etc. - over the last ten years?

Yes No If yes, describe:

Species Information

Complete the following information regarding your operation: List the quantity of each size of the species of fish you possess or plan to raise on an annual basis in each pond, raceway, natural body of water, freeze-out pond, self-contained body of water or preexisting fish rearing facility.

Fish	Eggs	Fry	Fingerling	Yearling	Adult	Fish	Eggs	Fry	Fingerling	Yearling	Adult
Bass Largemouth				50	100	Bluegill					
Bass Smallmouth						Crappie					
Bullhead						Perch				50	100
Muskellunge						Pumpkinseed					
Northern Pike						Sunfish					
Walleye						Tilapia					
Chubs						Brook Trout					25
Minnows						Brown Trout					
Shiners						Lake Trout					
Suckers						Rainbow Trout					50
Atlantic Salmon						Other (List):					
Chinook Salmon											
Coho Salmon											

Attachments (Provide all of the following)

1. Location sketch or map showing route to the project site, indicating nearest main road and crossroad, north arrow and scale.
2. Photocopy of deed, lease, land contract or other documentation showing that the land that is riparian to the body of water is owned, leased, or controlled by the permit applicant.
3. Photocopy of plat book showing property owners; photocopy of any easements for all properties surrounding the waterbody; and other documentation to show that none of the owners of the fish farm or riparian lands provide public access to the body of water by means of an easement or right-of-way or by means of a business open to the public. Note: the owners of the fish farm may allow fishing by the public for a fee.
4. Diagram showing number and dimensions of all ponds, raceways, tanks or other waterbodies to be used for fish farming.
5. For an Initial NR 19 Permit – Documentation to show the natural waterbody is a "freeze-out pond", meaning it is self-contained and has freezing or anoxic conditions that prevent a naturally-sustaining fish population at least twice every five years.
6. For a Transfer of NR 19 Permit – Photocopy of the previous owner's NR 19 permit, and documentation to show change of ownership.
7. Photocopy of any other permits or authorizations required by Ch. 30 or 31, Wis. Stats., the Army Corps of Engineers and any other federal, state or local laws and zoning ordinances for construction or operation of the fish farm. (Note: Permits issued under Ch. 30.19, 30.195 or 31.04 may mean your waterbody is exempt from a permit requirement.)
8. Photocopy of Department of Agriculture, Trade and Consumer Protection (DATCP) Fish Farm Registration from current or previous year.

Note: If conditions 2, 3, and 7 are met, then the DNR may find that your fish farm is exempt from a Natural Waterbody permit requirement. If so, the DNR will return your application and notify you of this finding.

Type of Permit and Fees

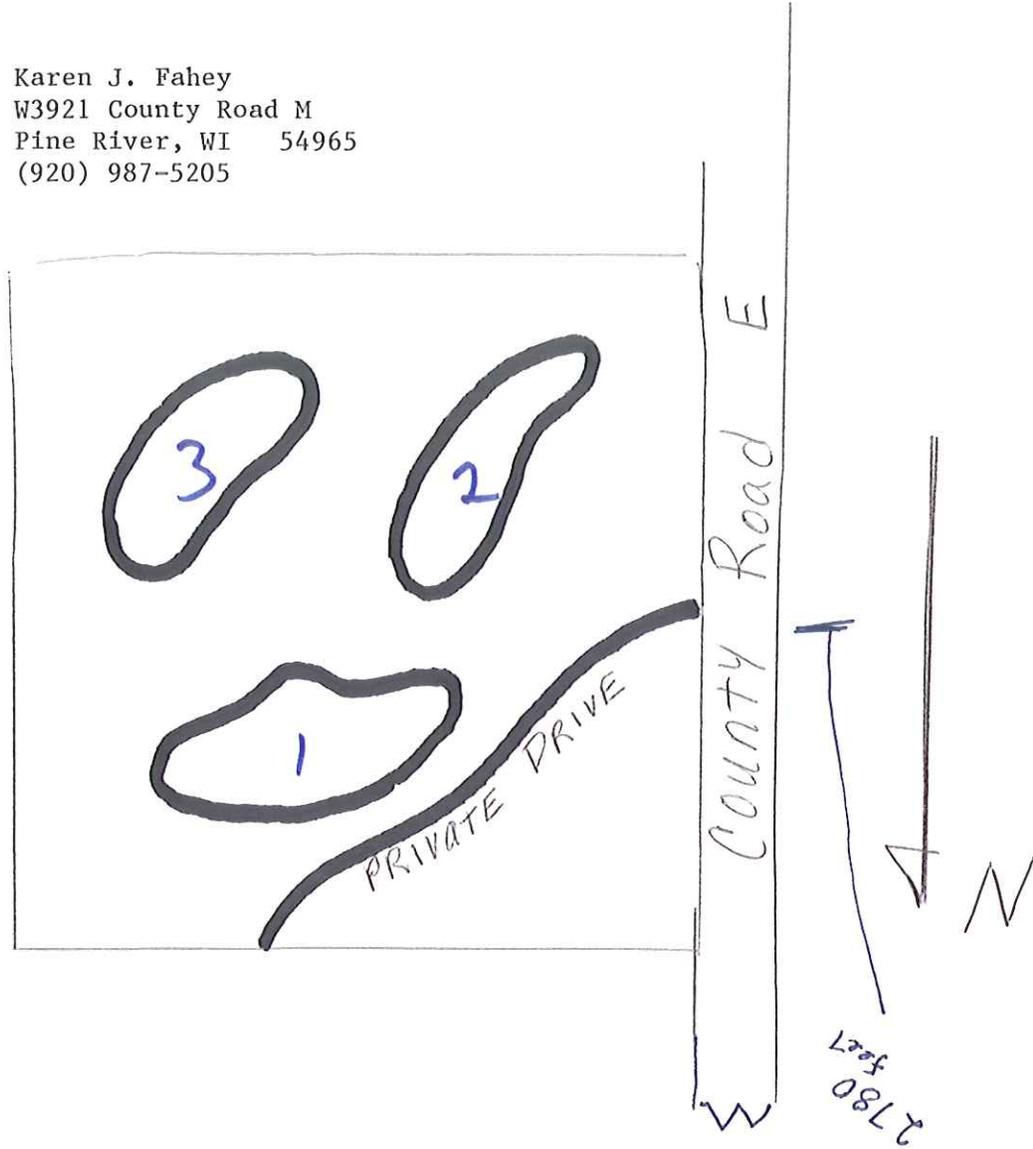
<input checked="" type="checkbox"/> Transfer of NR 19 Permit - \$100 fee	\$100
<input type="checkbox"/> Initial NR 19 Permit - \$ 500 fee	
<input type="checkbox"/> NR 19 Permit Renewal- \$50 fee.	
Make check or money order payable to the Department of Natural Resources (DNR)	Total Fees Enclosed: \$100

Application Certification

Signature of Authorized Representative <i>Karen J. Fahey</i>	Date Signed June 14, 2013
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Leave Blank - DNR Use Only			
Received By	Date Received	DNR Docket Number	Application Date

Karen J. Fahey
W3921 County Road M
Pine River, WI 54965
(920) 987-5205



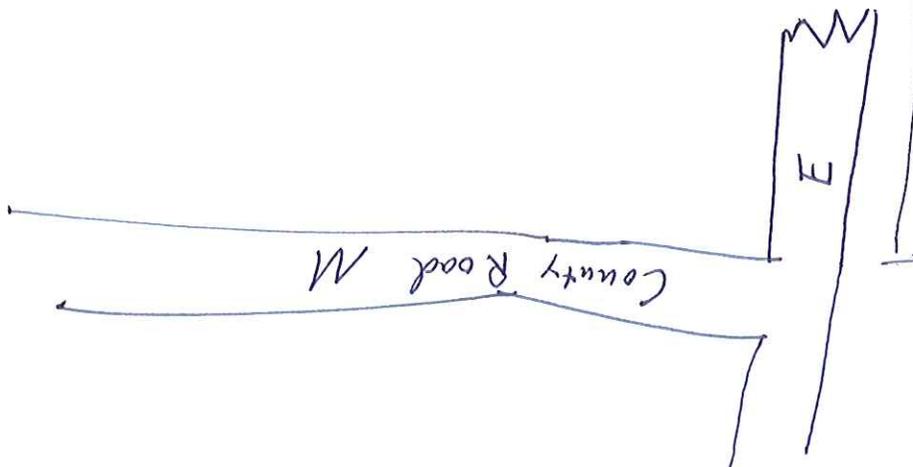
THREE PONDS 450' x 60' EACH

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 33 T20N - R12E

Town of Saxeville, Waushara County, Wisconsin

Total Ownership of Acreage -- This Farm 365 Acres

Farm Located Southeast Corner of County Roads E and M

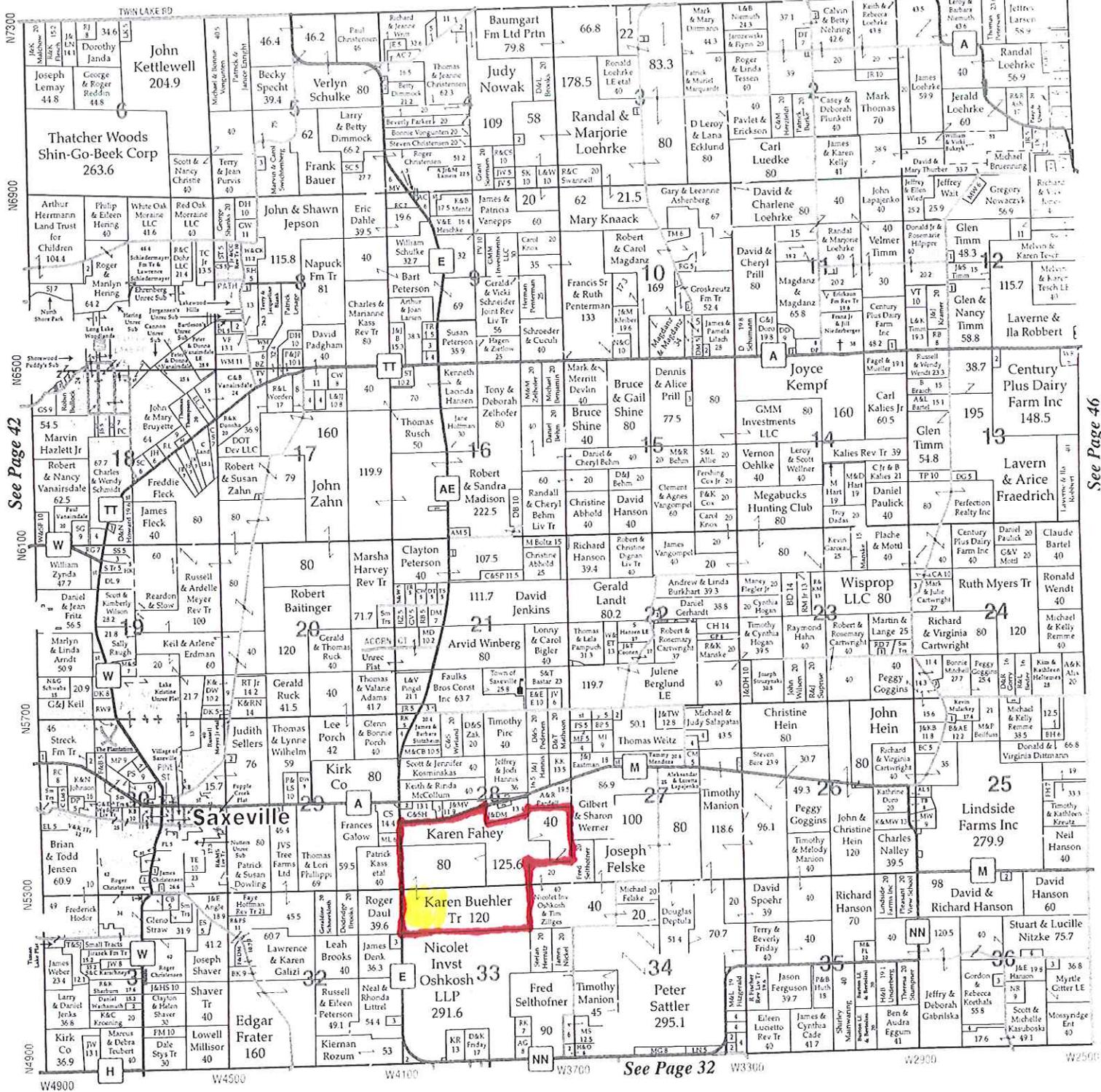


Saxeville

T.20N. - R.12E.

©2009 CLOUD Cartographics, Inc. St. Cloud, MN 56301

Waupaca County



See Page 42

See Page 46

See Page 32

Retzlaff Mechanical Welding & Fabrication, LLC
 "Where service, quality & experience are joined"

MIG, TIG, & Stick Welding
 New Work • Certified Welders to D1.1
 Repairing/Rebuilding • Long & Short Production
 Equipment Installation or Removal Services
 Mobile On-Site or Shop Services

N2126 State Rd. 49 N • Auroraville, WI 54923
 Phone & Fax: 920-361-7775 • Cell Phone: 920-420-8172

WILSTAR HOLSTEINS

Mailing Address
 N4389 State Rd 49
 Poy Sippi, WI 54967

Farm: 920-987-5086
 Fax: 920-987-5353

Lynn & Sara Harbaugh
 Lynn Cell: 920-420-1524

Willis & Carla Gunst
 Willis Cell: 920-858-9367



Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive, PO Box 8911, Madison, WI 53708-8911

Effective Date: April 01, 2013
Expires: March 31, 2014
Statute: 95.60

Registration Number: 112572-AQ

Fish Farm Registration

Legal Name:

Karen J Fahey

Business Location:

W3921 County Road M Pine River WI
54965-9572

Doing Business As:

Karen J Fahey

Livestock Premises Code(s): 0073AP5

Type 1 Fish Farm

This is your license/permit/certification/registration document. Post or carry as required by law. Non-transferrable - subject to revocation or suspension as provided by law.
DMS-BIT-06B (03/19/10) ↖ Remove this card and carry as identification. ↗

bits-16.qxd (rev.03/12)

KAREN J FAHEY
W3921 COUNTY ROAD M
PINE RIVER WI 54965



Wisconsin Department of
Agriculture, Trade and Consumer Protection

Fish Farm Registration Type 1 Fish Farm

Karen J Fahey

Registration Number:
112572-AQ

Expiration Date:
March 31, 2014

W3921 County Road M Pine River WI
54965-9572

DATCP Contact : (608) 224-4887



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

January 13, 2003

16-NE-1486

CHARLES BUEHLER
W3921 CTY RD M
PINE RIVER, WI 54965

Dear Mr. BUEHLER:

Thank you for recently submitting a NR 16 Permit Application for Use of a Natural Waterbody for your fish farm, which is registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). You will be pleased to know your application is approved, and your NR 16 Grandfathered Natural Waterbody Permit is attached.

As long as you maintain your annual DATCP Fish Farm Registration, your Natural Waterbody permit is valid for ten years from the date of issuance. One year before this permit expires, we recommend that you contact DNR to submit a permit application for renewal of your Natural Waterbody permit. Your renewal application must be submitted at least 60 days before permit expiration. Unless we determine that there has been a substantial change in circumstances related to the public interest or public rights associated with your fish farm, we will renew the Natural Waterbody permit for another ten years.

If you sell, lease or transfer control of the land surrounding your fish farm to someone else, you also need to transfer this Natural Waterbody permit. To request this transfer, the new owner should submit a Natural Waterbody permit application with a non-refundable permit fee (currently \$100).

Please note that your project was not reviewed for compliance with other types of approvals that might be required by federal, state or local laws. Physical alterations in or near wetlands, ponds or streams, well construction and wastewater discharges are all activities that may require a permit from the DNR. If you believe you may need DNR approval for any of these completed or future activities, please contact me at the address or phone number listed above. I can put you in with other DNR staff who can help you bring your project into compliance with state environmental laws.

If you have any questions about this permit, please contact me.

Sincerely,

Lee Meyers
Regional Fisheries Expert

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

NATURAL WATERBODY PERMIT
PERMIT # 16-NE-1486

APPLICANT INFORMATION

CHARLES BUEHLER
W3921 CTY RD M
PINE RIVER, WI 54965

PERMIT CONDITIONS

1. This permit authorizes use of a natural body(s) of water as a fish farm, to propagate or rear the fish species identified on your permit application form #3600-227, except where modified by the conditions of this permit. The specific natural body(s) of water authorized are: 3 ponds, each 60x450 feet in size, exclude all other waters
2. This permit authorizes only those fish farming activities specified on your permit application form #3600-227. If you plan to alter any of the fish farming activities, you must first notify the Department.
3. You are responsible for obtaining any other federal, state or local permits or approvals that may be required for the construction and/or operation of your fish farm.
4. You must keep a copy of this permit at the location of the fish farm at all times.
5. Your acceptance of this permit and operation of the fish farm signifies that you have read, understood and agreed to follow all conditions of this permit.
6. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the fish farm's operation, maintenance or compliance with this permit.
7. The Department may modify or revoke this permit if the project is not operated in accordance with this permit, or if the Department determines the activity is detrimental to the public interest or private rights.
8. In accordance with section 29.734, Wisconsin Statutes, the fish farm body of water must be equipped with barriers that prevent the passage of fish between it and the other waters of the state.

FINDINGS OF FACT

1. CHARLES BUEHLER has filed an application pursuant to section 29.733, Wis. Stats., for a permit to use a natural body of water for fish farming. The waterbody(s) are in the Town of Saxeville, located in the NWNW 1/4 of Section 33, Town 20N, Range 12E, Waushara County.
2. Pursuant to section 29.733, Wis. Stats., the department has made the following determinations:
 - a. The land riparian to the water body is owned, leased or controlled by the fish farm owners;

- b. None of the owners of the fish farm or of the riparian land provide access to the body of water by means of an easement or other right-of-way to the public;
 - c. The body of water is a preexisting fish rearing facility as defined in s. 29.001(64), Wis. Stats.
3. The Department of Natural Resources and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of Sections 1.11, 29.733 and 283, Wisconsin Statutes, and Chapters NR 16, 102, 103, 115, 116, 117, 150, and 299, Wisconsin Administrative Code.
 4. Under section 29.733(2)(b), Wis. Stats., for preexisting fish rearing facilities, the department has not made any determination that no substantial public interest exists in the body of water or that no public or private rights in the body of water will be damaged.
 5. The department has not reviewed this fish farm operation for compliance with other regulatory requirements, including chapter 30 or 31, Wis. Stats. permits, Wisconsin Pollution Discharge Elimination System (WPDES) requirements, or any other Statutes or Administrative Codes not listed above.

CONCLUSIONS OF LAW

1. The Department has the authority under s. 29.733, Wis. Stats. and NR 16-Subchapter II, Wis. Adm. Code to issue a permit allowing the use of a natural body of water for operation of a fish farm.
2. The proposed fish farm operation conforms to the review standards of section 29.733, Wis. Stats. and NR 16-Subchapter II, Wis. Adm. Code.

ORDER

IT IS THEREFORE ORDERED THAT the application of Mr. CHARLES BUEHLER, for a permit to use a natural body of water as a fish farm pursuant to s. 29.733, Wis. Stats., in the Town of Saxeville, Waushara County, be, and the same hereby is, APPROVED.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI,

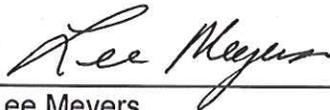
53707-7921. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

A request for contested case hearing must follow the form prescribed in section NR 2.05(5), Wis. Adm. Code, and must include the following information:

1. A description of the Department's action or inaction which is the basis for the request;
2. The substantial interest of the petitioner which is injured in fact or threatened with injury by the Department's action or inaction;
3. Evidence of legislative intent that this interest is not to be protected;
4. An explanation of how the injury to the petitioner is different in kind or degree from the injury to the general public caused by the Department's action or inaction;
5. That there is a dispute of material fact, and what the disputed facts are;
6. The statute or administrative rule other than s. 227.42, Wis. Stats., which accords a right to a hearing.

This notice is provided pursuant to section 227.48(2), Wis. Stats.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

by 

Lee Meyers
Regional Fisheries Expert

January 13, 2003

Date

This Deed, made between Karen J. Buehler, individually and Karen J. Buehler, as Trustee of the Charles Buehler Revocable Living Trust dated 8/23/2001 and Karen J. Buehler Marital Trust, Karen J. Buehler Trustee Grantor, Trustee

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Maushara County, State of Wisconsin: Grantee.

MAUSHARA COUNTY, WISCONSIN
Received for record this
5th day of May
RD 2006 at 03:28 PM and
recorded in volume 780
of records page 148
Document Number: 436614

REGISTER OF DEEDS

Recording Area

Name and Return Address
Steven D. Shambeau
P.O. Box 111
Waupaca, WI 54981

FEE
10
EXEMPT

030-2834-0000, 030-2833-0100, 030-2833-0200
030-3312-0000, 030-3321-0000, 030-3322-0000
Parcel Identification Number (PIN)
This is not homestead property.
030-2843-0000 is homestead property

The Southwest 1/4 of the Southeast 1/4 and the South 1/2 of the Southwest 1/4 of Section 28, Township 20 North, Range 12 East. AND the Northwest 1/4 of the Northeast 1/4 and the North 1/2 of the Northwest 1/4 of Section 33 Township 20 North, Range 12 East, all in the Town of Saxeville, Waushara County, Wisconsin.

Exceptions to warranties: Subject to easements, covenants and restrictions of record.

Dated this 3rd day of May, 2006

(SEAL) Karen J. Buehler (SEAL)

(SEAL) Karen J. Buehler, Trustee (SEAL)

AUTHENTICATION

Signature(s) Karen J. Buehler

authenticated this 3rd day of May, 2006
Steven D. Shambeau

* Steven D. Shambeau
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by S706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Steven D. Shambeau
Waupaca, WI 54981

* Karen J. Buehler, Trustee of the Charles Buehler Revocable Living Trust
ACKNOWLEDGMENT

State of Wisconsin, } ss.
Personally came before me this _____ day of _____, the above named _____

me known to be the person _____ who executed the foregoing instrument and acknowledge the same.

* _____
Notary Public, State of Wisconsin
My commission is permanent. (If not, state expiration date: _____.)
(Signatures may be authenticated or acknowledged. Both are not necessary.)