Thank you for contacting the Wisconsin Department of Natural Resources. Please submit all of the required information listed below and follow any additional instructions listed. Send completed applications to Permit Intake http://dnr.wi.gov/topic/Waterways/about_us/county_contacts.html

Please note that you are responsible for obtaining all necessary local (e.g. city, town, village or county) and federal (USACE) permits or approvals in addition to any applicable state permits prior to starting any work at the project site.

- Contact your local zoning department to find out if zoning requirements could affect your project.
- Visit our Endangered Resources Review page, to see if an endangered or threatened species could affect your project.

Electronic Application Submittal: The Department offers the opportunity to apply electronically for all waterway and wetland individual permits at http://dnr.wi.gov/Permits/Water/

Public Notice Newspaper Posting: If you would like to delegate to the Department the required task of publishing in the newspaper any Class I public notices required as part of the permit process, and pay a fee for this service, please apply electronically at http://dnr.wi.gov/Permits/Water/

Informational Requirements: Use additional sheets if necessary.

- Application form. A complete, signed application form "Water Resources Application for Project Permits (WRAPP)" (Form# 3500-53) http://dnr.wi.gov/files/PDF/forms/3500/3500-053.pdf
- Application fee. Checks should be made payable to “Wisconsin DNR.” A list of fees can be found at http://dnr.wi.gov/topic/waterways/Permits/PermitProcess.html
- A copy of your deed or similar proof of ownership (e.g. land contract, current property tax receipt, etc.).
- Photographs that clearly show the existing project area. Remember that too much snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference.
- Project plans and specifications that show what you intend to do. Plan drawings should be clear and to scale. Be sure to draw all plans as accurately and detailed as possible. The Department reserves the right to require additional information to evaluate the project.
- Site maps which clearly illustrate the location and perimeter of the project site, and its relationship to nearby water resources (e.g. lakes, rivers, streams, wetlands), major landmarks and roads. Provide copies of relevant maps (e.g. wetland, soil, floodplain, or zoning maps), with the project location clearly identified. The Department offers a web mapping tool to assist in creating these maps at http://dnr.wi.gov/topic/surfacewater/swdv/
- Narrative description of your proposal on a separate blank page. Please state:
  - What the project is, purpose of project, and need for the project,
  - How you intend to carry out the project, including methods, materials and equipment,
  - Your proposed construction schedule and sequence of work,
  - What temporary and permanent erosion control measures will be used, and
  - The location of any disposal area for dredged or excavated materials,
  - For discharges of fill, provide a description of type, composition, and quantity of material,
  - The names and addresses of adjoining property owners,
  - How you plan to avoid, minimize, and mitigate impacts to waterways,
  - Area (e.g., linear feet) impacted.
- Electronic documents. If you are applying on paper, all documents listed above must also be submitted in an electronic format, either by enclosing a CD, Flash drive, disk, etc with your application materials, or providing a link to an FTP site, cloud server, or by other electronic methods. If possible, please create a separate file for each component of the application (i.e., forms, photos, maps, plans, etc.). Each file must be less than 15 megabytes in size, and the total size of the files combined must be less than 30 megabytes.
Irrigation Information Requirements

All applications to divert water from a stream or a lake with an outlet for agriculture, or irrigation require the following information that must be provided on the application form or on additional sheets. See sample plan sketch.

1. In the "proposed materials" box, indicate the model of pump, horsepower, diameter of inlet and outlet, and flow capacity in gallons per minute or cubic feet per second. Briefly describe distribution pipe and sprinkler heads. Indicate the type of flow meter that will be used to record water use. All but the smallest pumps are required to have either a positive displacement or magnetically operated flow meter with a non-resettable totalizing readout. Submitting manufacturer's brochures describing the equipment is recommended.

2. In the "location sketch" box, sketch or trace a map which clearly indicates the roadway access to the land to be irrigated. The map should enable the Department investigator to easily locate the property.

3. Under "project plans", submit a map with a scale of not less than 4" = 1 mile showing:
   a. Location of all the applicant's property by parcel, section, township, and range;
   b. The total and tillable number of acres in each parcel;
   c. The location of the waterway through the property and the sites where diversion will take place;
   d. The water level, as referenced to a benchmark, on the waterway at the pumping site.

4. Attach an attorney's opinion as to which parcels owned or leased are riparian to the body of water using the chain-of-title test. Riparian land, by the chain-of-title test, consists of parcels of land which touch the water or which are part of a larger assembly of parcels which have always been conveyed as a unit since the original purchase from the government. Submit a copy of any current leases.

   If leased riparian lands are involved, the fee title owner must apply for the permit.

5. If your project will include any dredging or filling adjacent to the waterway, or construction of intake structures other than a portable pipe, provide sketches showing a top view and cross section view of those areas. The sketches must be to scale on 8-1/2x11" sheets.

6. For all riverine sites (sites not located on a lake or impoundment) a hydrologic/hydraulic analysis may be required if the proposed project will reduce the effective flood flow capacity of the waterway by obstruction of existing flow area. If an analysis is required, the property owner may be required to retain an engineer, registered in the State of Wisconsin, to prepare this analysis. To determine if an analysis is needed, contact the Water Management Specialist (contact information below).

Please select the scale of the drawing carefully to fit all the necessary information on the application form. If necessary, use additional sheets. Be sure to draw all the plans as accurately as possible. The Department may require additional information to evaluate the project.

Please send the completed application to the contact for the county where your project is located. A complete contact listing by county can be found at: [http://dnr.wi.gov/topic/waterways](http://dnr.wi.gov/topic/waterways) (search keywords “Permit Intake & Contacts”).
PROPOSED DIVERSION

Purpose: [Explain purpose of diversion (agricultural or non-agricultural use)]

<table>
<thead>
<tr>
<th>Maximum rate of diversion (gallons per minute)</th>
<th>Dates between which water will be diverted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From</td>
</tr>
<tr>
<td></td>
<td>To</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum acreage to be irrigated</th>
<th>Type of crop to be irrigated</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>How many inches of water per application</th>
<th>Maximum number of applications anticipated in a year</th>
</tr>
</thead>
</table>

PROPERTY TO BE IRRIGATED

Attach an attorney’s opinion showing which parcels of property are riparian to the body of water involved using the chain of title test, as described on the reverse side of this form. Also indicate parcels of property to which water will be applied which are contiguous to the riparian property. The reverse side also describes the allowable use of water on contiguous or non-riparian land. Attach a copy of the deed for each parcel.

DOWNSTREAM BENEFICIAL USERS

You must obtain waivers of objection from downstream irrigators, owners of hydropower dams, and municipal or industrial waste dischargers. The Department will furnish the list of users to you. If a downstream beneficial user does not grant a waiver, you must agree to leave sufficient water in the stream for that user, or the application will be dismissed and a permit will not be issued.

LEGAL DESCRIPTION OF EACH PARCEL OF LAND INVOLVED

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>Owned</th>
<th>Leased</th>
<th>Tillable*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NE ¼ of the SW ¼</td>
<td>37</td>
<td>68N</td>
<td>40E</td>
<td>40</td>
<td>--</td>
<td>23</td>
</tr>
</tbody>
</table>

*See reverse side for definition of tillable land.

Submit a map suitable for photocopying with the application on a scale of not less than 4 inches = 1 mile, showing:

A. Exact location of all applicant’s property by parcel, section, township and range
B. Exact location of waterbody (stream or lake with an outlet or flowage) as it flows through applicant’s property and the point on the waterbody where the diversion will take place

The Department may request additional information.

I hereby certify that the information contained herein is true and accurate. I also certify that I am the duly authorized agent or representative and may sign this application on behalf of the owner(s) of said property.

Applicant’s Signature | Date Signed
Chain of Title Test

The chain of title test is used in Wisconsin to determine the acreage of riparian land. Each parcel owned by the applicant must touch the stream (or lake) or must be part of a larger parcel touching the stream (or lake) which has come down in an unbroken chain of title from the original government patent to the present owner in order to be considered riparian under this test.

Two questions must be answered for each parcel: (1) Does the applicant presently own the property? and (2) Does the parcel meet the chain of title test?

A parcel, once severed in ownership, cannot be considered riparian land unless it touches the stream (or lake) or unless its riparian rights were expressly preserved throughout all property transactions involving the parcel. Leased lands must still meet the same requirements as non-leased land and the actual owner of the leased lands must be a co-applicant for the permit.

An attorney’s opinion is required to establish that each parcel meets the chain of title test. The attorney must state that he/she has examined the abstract of title and set forth his/her conclusion regarding the riparian status of lands to be irrigated using the chain of title test. If the attorney has any questions regarding the chain of title test, he/she should contact the Department person processing the permit for advice.

Tillable Acreage

The amount of water that can be diverted for irrigation purposes is limited to the amount reasonably necessary to irrigate the tillable riparian acreage owned by the applicant. Water may be used on contiguous land (land which touches riparian land on a line or at a point) under applicant’s ownership, but the total amount of water to be diverted is limited to that necessary to irrigate tillable riparian lands.

In order to be considered tillable, land must be currently under cultivation, must have been used in the past for cultivation, or must have the capability to grow crops without major land alterations such as extensive grading, clearing or filling. Land which has never been tilled but which has proper soil and topographic characteristics to permit agriculture without clearing or other major alterations may be considered as tillable land, provided it is the clear intention of the applicant to use this land for crops in the immediate future. Any permit issued may contain provisions that will require such land to be put in cultivation within a specified period of time.

To demonstrate that land is tillable, the applicant must either (1) attach an NRCS soils map for the area, showing on the map the outline of the lands to be irrigated, and including the soil survey interpretation sheet for each soil type or (2) a statement from the local NRCS office indicating the tillable acreage in the parcels involved. As an alternative, if no new lands are to be irrigated, evidence that a given acreage was under cultivation in the past (aerial photos, crop reports) may be considered sufficient.

If further clarification is needed, please contact your local Department water management specialist.

Flow Metering

In order for you to remain within your maximum flow rate and total seasonal water allotment, the Department requires that you install a flow meter in the irrigation system. This meter should show instantaneous discharge as well as cumulative volume. Department personnel will visit your site from time to time to determine whether you are complying with permit requirements. Your irrigation system installer can help you locate a supplier of a suitable meter.
# Stream Diversion Facts – SECTION 30.18, WISCONSIN STATUTES

<table>
<thead>
<tr>
<th>Statutory Requirements of Section 30.18</th>
<th>A permit is required for diversion from streams or lakes with outlet streams for purposes of irrigation or agriculture.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A permit may be issued if the diversion will not injure public rights. If non-surplus water is diverted, affected riparians must consent.</td>
</tr>
<tr>
<td></td>
<td>The Department determines the amount of surplus water (water not being beneficially used) available in each case after making detailed field investigations and observations.</td>
</tr>
<tr>
<td></td>
<td>The Department maintains jurisdiction and may determine when diversions must cease. The Department may revoke most permits if the diversion is subsequently determined to be harmful to the lake or stream or to other riparians.</td>
</tr>
<tr>
<td>Riparian Land</td>
<td>Only an owner or lessee of riparian land can receive a permit to divert water. Riparian land consists of parcels of land which touch the lake or stream or which are part of a larger assembly of parcels which has always been conveyed as a unit since the original purchase from the government. A riparian permittee may irrigate land which is contiguous to his riparian land.</td>
</tr>
<tr>
<td></td>
<td>The Department may transfer permits to a new owner of the property. Amendments to permits (requests for increased water) are treated in the same manner as new applications.</td>
</tr>
<tr>
<td>Beneficial Uses</td>
<td>Beneficial uses include water used for power generation, industrial cooling, waste assimilation, public water supply, irrigation and domestic purposes. A certain minimum amount is needed to maintain water levels on streams, lakes, and flowages.</td>
</tr>
<tr>
<td>The Public</td>
<td>The public is entitled to sufficient water for stream flow, recreation and aesthetic enjoyment. Boating, fishing, and swimming are typical recreational uses.</td>
</tr>
<tr>
<td>Preservation of Aquatic Life and Wetlands</td>
<td>Water is needed to maintain sufficient water volume (living space), dissolved oxygen, cover and food for various aquatic organisms, including fish. Reduced flow in streams lessens the natural cleaning and flushing action, increases temperature (which reduces the oxygen content), and reduces the available cover afforded by the banks, logs, rocks, etc. It also increases competition for living space. Lowering of water levels for a prolonged period may cause temporary drainage of adjacent wetlands.</td>
</tr>
<tr>
<td>Water Use Conflicts</td>
<td>In general, there are times of the year when the need for water nears or exceeds the available supply. Some uses are non-consumptive (water is not actually lost to the stream) such as hydro-electric dams. Other uses such as irrigation are consumptive and result in diminished streamflow. To avoid future conflicts, the rights of existing permittees have to be clearly defined before new permits can be issued.</td>
</tr>
</tbody>
</table>
Stream Diversion Facts -- SECTION 30.18, WISCONSIN STATUTES
(continued)

Appropriation Doctrine

A Wisconsin Supreme Court Case (Omernick v. DNR) in 1976 stressed that the rights of existing beneficial users must be given priority when new applications are considered. The case held that prior beneficial users of water in effect have a property right and they may refuse to consent to a future irrigator if they are beneficially using the water that would be diverted. Thus, prior users of water would have a "superior" right compared to a new applicant. Protection of the rights of prior users is important for many reasons, including the substantial investment normally required for many uses.

In a "pure" system of prior appropriation, all users of water must obtain an appropriation permit for the use of a specific quantity of water. The oldest permit in force would have the best right. As water supplies diminish, the most recent permittees must cease their use in favor of the more senior users. The "pure" system of water appropriation is used in the western states.

In Wisconsin, the major appropriative aspect comes in the consent requirement from existing users before a new permit can be issued. However, the relative rights of existing permittees will only be looked into when complaints are received. It is possible that after a hearing, a "junior" user could be required to modify his use of water to protect the prior rights of a "senior" user. In all cases, the public right to use water is paramount to private rights.

Permit Procedures

a. The applicant must provide a complete application including all supporting documentation.
b. Department staff makes a detailed field investigation.
c. The Department determines the amount of surplus water available in the stream.
e. The Department issues a public notice and holds a public hearing if objections are received.
f. A permit is issued if no objections are received. The quantity of water authorized is based on the amount needed to irrigate a certain number of tillable riparian acres.
g. If a hearing is required, an order is issued on the basis of the record, either denying the requested authority or approving the request with appropriate environmental safeguards.
h. All permits issued will contain conditions and may require use reports.
To Apply:
When you are finished compiling your application materials, remember to check your application for completeness. Remember, incomplete applications may cause a delay in processing. We recommend that you keep a complete copy for your own records.

Once your application is complete, submit using the online system, or mail it to the permit intake address based on the county where your project is located. If you have questions or problems filling out or completing the application requirements, contact the Water Management Specialist for your county.

Permit intake addresses and Water Management Specialist contact information can both be found at http://dnr.wi.gov/topic/Waterways/about_us/county_contacts.html