

Thank you for contacting the Wisconsin Department of Natural Resources.

Enclosed are the project application materials you have requested.

The Wisconsin Department of Natural Resources helps protect your rights in public waters as well as public safety, by ensuring adequate planning and design of projects affecting fish and wildlife habitat, water quality and natural scenic beauty. This is done through permit and plan approval requirements for individual water projects. Chapters 30 and 31 of the Wisconsin Statutes require written permits for certain activities on or near a waterway: for example, to place any material below the ordinary high water mark (such as rock riprap, fish cribs, culverts, fords, etc.); to construct a bridge, dredge material from a lake or stream; create a pond; or to construct, operate, or maintain a dam. A single pier or wharf can generally be placed without a permit, provided state standards are met; more extensive piers or marinas require a permit.

Before submitting this application for an irrigation permit, please contact your county, city or village zoning department to find out if your project site is in either a mapped wetland or floodplain and if local zoning restrictions could affect your project. Please see the Wetland Information topic (found in the Waterway and Wetland Permits Web Page) or request Wetland Packet #20 in addition to this packet for details.

A complete application with detailed drawings will help us make a decision about your application for a permit. The following information is necessary for a complete application.

To help us make a decision in the shortest time possible, please submit the following information:

1. **A copy of your deed or similar proof of ownership** (e.g. land contract, current property tax receipt).
2. **Good photographs that clearly show the existing project area.** Remember, too much snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference.
3. **Five (5) copies of a completed application Form 3500-53L including applicant information page and project plans.** When completing your application, **please use a ballpoint pen with black ink.** The site location sketch and plan drawings (see Sample Drawing) should be clear and to scale and have enough detail to find the site and understand the project proposal. **Please follow the sample drawing and information requirements pages attached. Also, make sure your phone number (both business and home) and property address or fire number is on the application. Plans may be submitted on a separate page(s), but please submit five (5) copies.**
4. **Five (5) copies of a narrative description of your proposal,** on a separate blank page. Please state:
 - what the project is,
 - 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.
5. **Five (5) copies of site maps.** Provide copies of relevant maps (when possible), such as USGS topographic map, Wisconsin Wetland Inventory map, FEMA floodplain maps, soil or zoning maps, with the project location clearly identified.
6. **The appropriate application fee (complete Form 3500-53A).**

When you are finished compiling your application materials, remember to check your application for completeness. Then make copies of all materials so that you can submit **five copies** of the requested information to the Department. We also recommend that you keep a complete copy for your own records. Remember, incomplete applications may cause a delay in processing.

NOTE: Depending upon the type, complexity, and location of your proposed project, **processing can take 60 working days (3 months) or longer to complete a review, public notice and any required environmental analysis if your application is completed in detail.**

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 Specialist for the county where your project is located (a complete listing of addresses by county can be found on the Waterway Permits web page link below).

<http://www.dnr.state.wi.us/waterways>

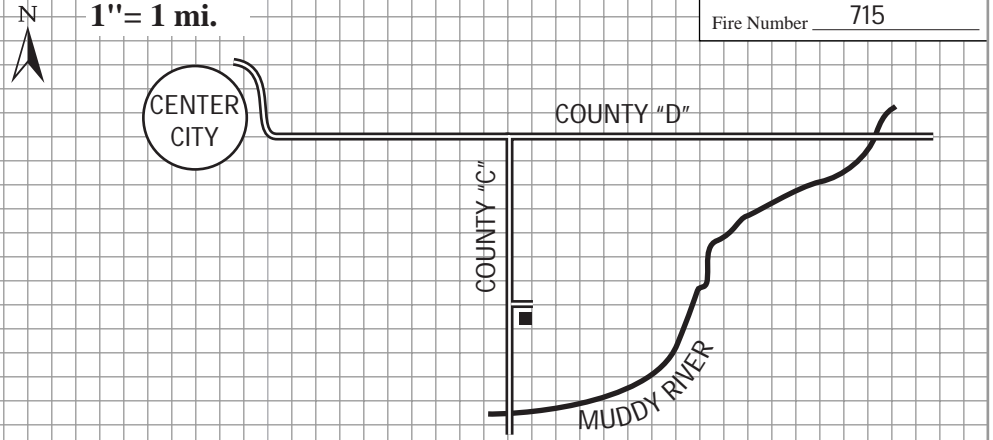
DRAWINGS OF PROPOSED ACTIVITY SHOULD BE PREPARED IN ACCORDANCE WITH SAMPLE DRAWING

Location Sketch (Indicate scale.) Show route to project site: include nearest main road and crossroad.

IRRIGATION SAMPLE DRAWING

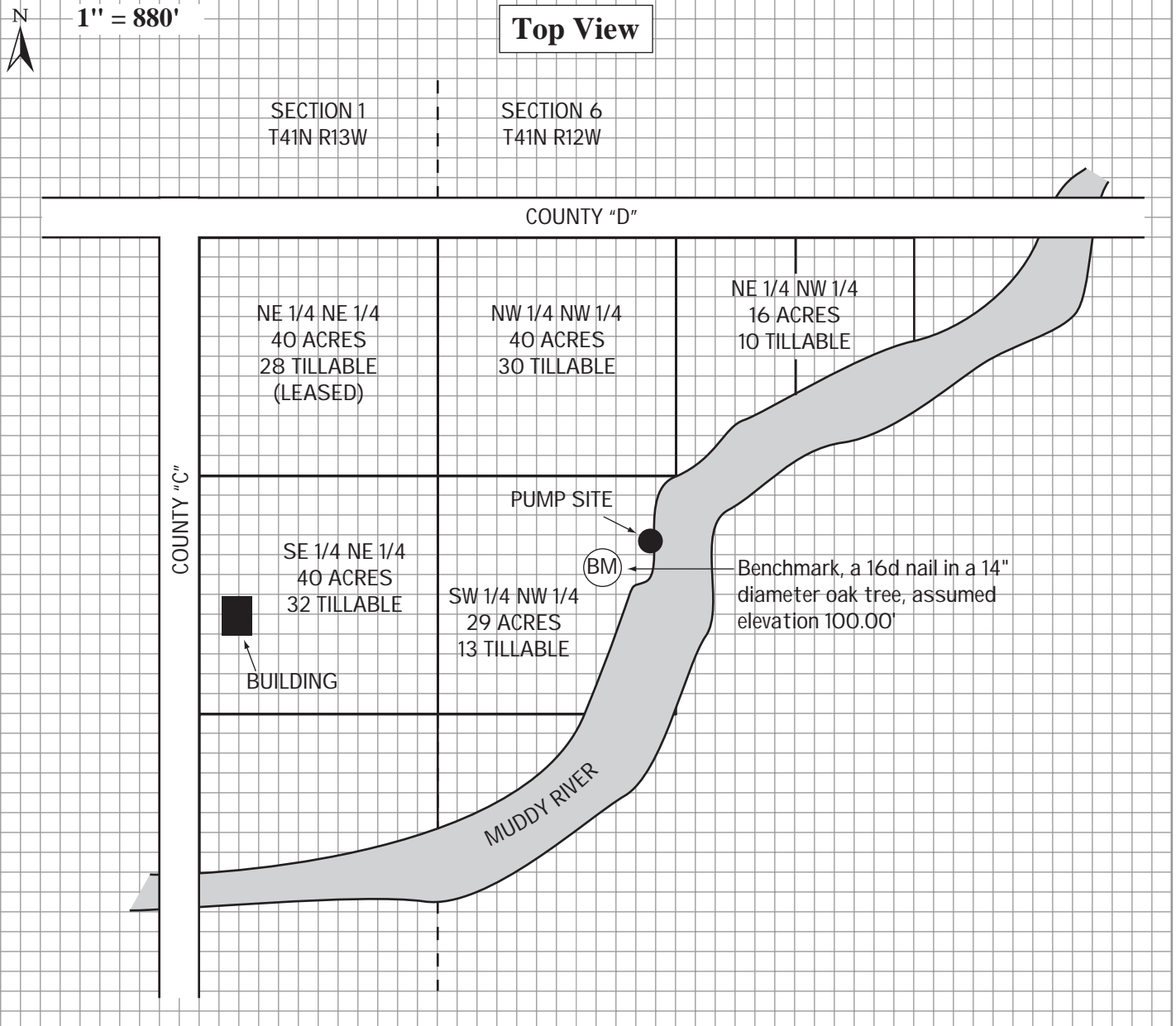
Proposed Materials

- 70 hp Ripley Pump, 600 gpm
- 4" intake and outlet
- 2000' of 6" aluminum pipe and a Berny magnetic flow meter
- 1 traveling gun irrigation head



Fire Number 715

Project Plans. (Include top view and typical cross sections. Clearly identify features and dimensions or indicate scale.) Use additional sheets if necessary.



State / Federal Application for Water Regulatory Permits and Approvals

Form 3500-053 (R 4/01)

Page 2 of 2

Drawings of proposed activity should be prepared in accordance with sample drawing.

Location Sketch (Indicate scale)

Show route to project site: include nearest main road and crossroad.

N

1" = _____ ft.

Fire Number _____



Proposed Materials

Project Plans (Include top view and typical cross sections. Clearly identify features and dimensions or indicate scale.) Use additional sheets if necessary.

N

1" = _____ ft.

Top View



Cross Section

Instructions: Fill out both pages of the "Joint State/Federal Application for Water Regulatory Permits and Approvals" (Form 3500-53L). Then fill out this supplement and submit the entire package to the appropriate DNR Office.

PROPOSED DIVERSION

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

Maximum rate of diversion (gallons per minute)	Dates between which water will be diverted From _____ To _____
Maximum acreage to be irrigated	Type of crop to be irrigated
How many inches of water per application	Maximum number of applications anticipated in a year

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

Parcel	Location			Indicate number of acres in parcel that are		
	Sec.	Twp.	Range	Owned	Leased	Tillable*
Example: NE ¼ of the SW ¼	37	68N	40E	40	--	23

*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

Statutory
Requirements of
Section 30.18

A permit is required for diversion from streams or lakes with outlet streams for purposes of irrigation or agriculture.

A permit may be issued if the diversion will not injure public rights. If non-surplus water is diverted, affected riparians must consent.

The Department determines the amount of surplus water (water not being beneficially used) available in each case after making detailed field investigations and observations.

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.

Riparian Land

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.

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.

Beneficial Uses

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.

The Public

The public is entitled to sufficient water for stream flow, recreation and aesthetic enjoyment. Boating, fishing, and swimming are typical recreational uses.

Preservation of Aquatic
Life and Wetlands

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.

Water Use Conflicts

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.

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.