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State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
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Approval Date: **June 11, 2021**
High Capacity Well File Number: **38-06-014807**
Application No: **7986**
Water Use Property Number: **14807**

JOE BARLEY
TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC)

SUBJECT : High Capacity Well Conditional Approval - City of Marinette - Marinette County

Dear TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC) - BARLEY, JOE:

The Department of Natural Resources, Bureau of Drinking Water and Groundwater (Department), has reviewed and approved your application for the construction and operation of a non-potable high capacity well(s), located in the City of Marinette, Marinette County. The application was submitted by Tyco Fire Products And Jci (Tyco Property-South) and received by the Department on 4/23/2021.

Your application has received a review to determine compliance with the well construction and pump installation requirements of ch. NR 812, Wis. Adm. Code, and ch. 281, Wis. Stats. The Department's review indicates the proposed construction complies with ch. NR 812 requirements; however, you and your well driller are responsible for complying with all provisions of ch. NR 812 and the conditions contained in this approval. The Department's determination to issue this conditional approval is based on the information provided in your application and other available information, and it may be subject to modification pursuant to s. 281.34(7), Wis. Stats.

This approval consists of this letter and four attached sections: 1) Conditional approval to construct a high capacity well; 2) High capacity well conditional withdrawal approval; 3) Conditions and requirements for constructing and operating a high capacity well; and 4) Notice of appeal of rights and other legal notices.

Review this approval in its entirety. Please contact the department at 608-266-2299 with any questions or concerns.

Respectfully,

Aaron Pruitt, Hydrogeologist
State of Wisconsin - Department of Natural Resources
For the Secretary

CONDITIONAL APPROVAL TO CONSTRUCT A HIGH CAPACITY WELL

JOE BARLEY
TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC)

Approval Date: **06/11/2021**

County: **Marinette**

High Cap File Number: **38-06-014807**

Property Number: **14807**

Well Location

High Capacity Well Number:	93222
Well Name Assigned by Well Owner:	Extraction Well #3
PLSS Description:	Sec07 T30N R24E
Approved Pump Type:	Submersible
Approved Pump Capacity (gpm):	40
Approved Discharge Type (Over Top of Casing Seal,Pitless Adapter or Unit):	Over top of casing
Approved Discharge Location (Building Pressure Tank,Pond, etc.):	above ground equalization tank

Well Construction

Drilling Method(s):	Mud Rotary
Total Well Depth:	39'
Approved Finished Aquifer:	Sand/Gravel
Enlarged Drillhole Diameter / Depth Interval:	10" / 0' to 39'
Lower Drillhole Diameter / Depth Interval:	
Casing Diameter / Wall Thickness:	6" / 0.43"
Casing Material / Joint Type:	schedule 80 pvc / threaded
Depth of Grouted Casing:	24'
Screen Material / Slot Size in Inches / Depth Interval:	stainless steel / - / 24' to 39'
Annular Space Seal Type:	Neat Cement Grout
Annular Space Seal Length:	24'

CONDITIONAL APPROVAL TO CONSTRUCT A HIGH CAPACITY WELL

JOE BARLEY
TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC)

Approval Date: **06/11/2021**

County: **Marinette**

High Cap File Number: **38-06-014807**

Property Number: **14807**

Well Location

High Capacity Well Number:	93223
Well Name Assigned by Well Owner:	Extraction Well #4
PLSS Description:	Sec07 T30N R24E
Approved Pump Type:	Submersible
Approved Pump Capacity (gpm):	40
Approved Discharge Type (Over Top of Casing Seal,Pitless Adapter or Unit):	Over top of casing
Approved Discharge Location (Building Pressure Tank,Pond, etc.):	above ground equalization tank

Well Construction

Drilling Method(s):	Mud Rotary
Total Well Depth:	38'
Approved Finished Aquifer:	Sand/Gravel
Enlarged Drillhole Diameter / Depth Interval:	10" / 0' to 38'
Lower Drillhole Diameter / Depth Interval:	
Casing Diameter / Wall Thickness:	6" / 0.43"
Casing Material / Joint Type:	schedule 80 pvc / threaded
Depth of Grouted Casing:	23'
Screen Material / Slot Size in Inches / Depth Interval:	stainless steel / - / 23' to 38'
Annular Space Seal Type:	Neat Cement Grout
Annular Space Seal Length:	23'

CONDITIONAL APPROVAL TO CONSTRUCT A HIGH CAPACITY WELL

JOE BARLEY
TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC)

Approval Date: **06/11/2021**

County: **Marinette**

High Cap File Number: **38-06-014807**

Property Number: **14807**

Well Location

High Capacity Well Number:	93226
Well Name Assigned by Well Owner:	Exrtraction Well #5
PLSS Description:	Sec07 T30N R24E
Approved Pump Type:	Submersible
Approved Pump Capacity (gpm):	40
Approved Discharge Type (Over Top of Casing Seal,Pitless Adapter or Unit):	Over top of casing
Approved Discharge Location (Building Pressure Tank,Pond, etc.):	above ground equalization tank

Well Construction

Drilling Method(s):	Mud Rotary
Total Well Depth:	38'
Approved Finished Aquifer:	Sand/Gravel
Enlarged Drillhole Diameter / Depth Interval:	10" / 0' to 38'
Lower Drillhole Diameter / Depth Interval:	
Casing Diameter / Wall Thickness:	6" / 0.43"
Casing Material / Joint Type:	schedule 80 pvc / threaded
Depth of Grouted Casing:	23'
Screen Material / Slot Size in Inches / Depth Interval:	stainless steel / - / 23' to 38'
Annular Space Seal Type:	Neat Cement Grout
Annular Space Seal Length:	23'

Well Construction Requirements and Conditions:

1. You or your well driller must contact Sara Fry at 920-662-5147 at least one business day prior to starting construction in accordance with s. NR 812.03(1), Wis. Adm. Code.

HIGH CAPACITY WELL CONDITIONAL WITHDRAWAL APPROVAL

JOE BARLEY
TYCO FIRE PRODUCTS AND JCI (LAKE PARK TRAILS LLC)

Approval Date: **06/11/2021**

County: **Marinette**

High Cap File Number: **38-06-014807**

Property Number: **14807**

Approved Wells

Well Name	Water Use Code(s)	High Capacity Well Number	Pump Capacity (gpm)
Extraction Well #3	OT11	93222	40
Extraction Well #4	OT11	93223	40
Exrtraction Well #5	OT11	93226	40

Approved Withdrawals by Source

Well Name	Water Use Code	High Cap Well #	Pump Capacity (gpm)	Approved Daily Withdrawal (gallons)	Maximum Approved Monthly Withdrawal Amount (millions of gallons)											
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Extraction Well #3	OT11	93222	40	57600	1.79	1.61	1.79	1.73	1.79	1.73	1.79	1.79	1.73	1.79	1.73	1.79
Extraction Well #4	OT11	93223	40	57600	1.79	1.61	1.79	1.73	1.79	1.73	1.79	1.79	1.73	1.79	1.73	1.79
Exrtraction Well #5	OT11	93226	40	57600	1.79	1.61	1.79	1.73	1.79	1.73	1.79	1.79	1.73	1.79	1.73	1.79

Maximum Property Monthly Withdrawal Amounts (millions of gallons)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5.36	4.84	5.36	5.18	5.36	5.18	5.36	5.36	5.18	5.36	5.18	5.36

Please note that your property approval is equal to the sum of the approved withdrawal amounts for each source.

CONDITIONS AND REQUIREMENTS FOR CONSTRUCTING AND OPERATING A HIGH CAPACITY WELL

1. **WELL CONSTRUCTION.** It is your responsibility and the responsibility of your well driller and the pump installer to ensure that the well construction and pump installation for the proposed high capacity well are completed in compliance with the requirements of ch. NR 812, Wis. Adm. Code, and in compliance with the conditions specified in this approval. The pump installation will discharge through a Department-approved pump and the entire discharge piping arrangement system shall be installed in a manner to meet the applicable requirements of ch. NR 812, Wis. Adm. Code. If the Department discovers features or aspects of the installation or operation that are in violation of ch. NR 812, Wis. Adm. Code, or in violation of the conditions specified in this approval, the approval will become void. It your responsibility to make any needed corrections to the well construction or the pump installation, or to any changes in operation or water usage.
2. **LOCATION.** In accordance with ss. NR 812.09(2) & (4)(a), Wis. Adm. Code, and unless otherwise stated in explicit conditions specified in this approval, the approved high capacity well shall be constructed within a distance of 660 feet around the approved coordinates; this allowance is subject to setbacks defined in ch. NR 812, Wis. Adm. Code. The well driller shall determine accurate coordinates for the latitude and longitude of the well location with the use of a Global Positioning System (GPS) unit and shall include these coordinates on the Well Construction Report.
3. **APPROVAL EXPIRATION.** In accordance with s. NR 812.09(4r), Wis. Adm. Code, if the construction of the proposed high capacity well has not commenced within two years from the date of this letter, this approval is void. If the approval is voided under this subsection, a new application must be submitted and approved before any construction work on a new proposed well or pump installation may be undertaken.
4. **DRILLING NOTIFICATION.** In accordance with s. NR 812.03(1), Wis. Adm. Code, notice shall be provided to the Department's District Region Drinking Water Specialist on the business day prior to the date when construction, including grouting, of the high capacity well is proposed to commence.
5. **FILLING AND SEALING.** Any approved well is expected to be used. A high capacity well shall be filled and sealed if the well meets any of the criteria defined in NR 812.26 (4)(a) Wis. Adm. Code.
6. **REPORTING.** Withdrawals from each of the high capacity wells on your property must be recorded monthly and reported to the Department by March 1 of the subsequent calendar year in a format provided by the department in accordance with s. 281.34(5)(e)2., Wis. Stats., and s. NR 820.13(1), Wis. Adm. Code. Please consult current Department instruction regarding approved measurement and estimation methods.
7. **WELL CONSTRUCTION REPORT.** In accordance with s. NR 812.10(11), Wis. Adm. Code, the well driller shall prepare a Well Construction Report for the proposed high capacity well and shall submit the report to the Department within 30 days following completion of the well.
8. **WITHDRAWAL LIMITS.** In accordance with s. NR 812.09(4)(a), Wis. Adm. Code, the operation of the proposed high capacity well shall be limited to the withdrawal schedule found in the withdrawal approval.
9. **WATER WITHDRAWAL REGISTRATION.** Your approved withdrawal has been registered with the Department pursuant to s. 281.346, Wis. Stats., and ch. NR 856, Wis. Adm. Code. Registration is required for persons who have a water supply system with the capacity to withdraw an average of at least 100,000 gallons per day (70 gallons per minute). You do not need to take any additional steps to register at this time. For more information on water use registration, go to https://dnr.wisconsin.gov/topic/WaterUse/registration.html or call the Water Use Program at (608) 266-2299.
10. **WATER USE FEES.** Any person with a high capacity well with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period shall pay to the Department an annual water use fee of $125, as well as an additional fee for any Great Lakes basin withdrawal exceeding 50 million gallons per year. This high capacity well approval may be rescinded if either of these annual fees is not paid. See s.281.346(12), Wis. Stats., and ch. NR 850, Wis. Adm. Code. For more information about Great Lakes basin fees, go to https://dnr.wisconsin.gov/topic/WaterUse/fees.html or call the Water Use Program at (608) 266-2299.
11. **WATER USE PERMIT** (GREAT LAKES BASIN ONLY). In addition to a high capacity well approval, a water use permit is required for Great Lakes Basin withdrawals averaging 100,000 gallons per day or more in any 30-day period. See s. 281.346(4m), Wis. Stats., and ch. NR 860, Wis. Adm. Code. For more information on water use permitting go to https://dnr.wisconsin.gov/permits/water or call the Water Use Program at (608) 266-2299.
12. **CHANGE IN OWNERSHIP.** Pursuant to s. 281.34(2g)(c), Wis. Stats., if ownership of a high capacity well is transferred, the new high capacity well owner shall notify the Department within 90 days of the transfer using the form prescribed by the Department.

NOTICE OF APPEAL RIGHTS AND OTHER LEGAL NOTICES

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Administrative Rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to Sections 227.52 and 227.53 of the State Statutes, 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 must name the Department of Natural Resources as the Respondent.

To request a contested case hearing pursuant to Section 227.42 of the State Statutes, 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. 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.

All requests for contested case hearings must be made in accordance with section 227.42, Wis. Stats., and section NR 2.05(5), Wisconsin Administrative Code, and served on the Secretary in accordance with section NR 2.03, Wisconsin Administrative Code. Pursuant to Section NR 2.05(5), Wisconsin Administrative Code, and Section 227.42, Wis. Stats., the Petitioner is required to include specific information demonstrating the following:

1. The substantial interest of the Petitioner which is injured in fact or threatened with injury by Department action or inaction;
2. That there is no evidence of legislative intent that this interest is not to be protected;
3. That the injury to the Petitioner is different in kind or degree from the injury to the general public caused by the Department action or inaction; and
4. That there is a dispute of material fact (you must specify the disputed fact(s)).