

CLEAN WISCONSIN, INC

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF SCOTT MANLEY

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Scott Manley, being first duly sworn on oath, deposes and states as follows:

1. I am employed as Senior Vice President of Government Relations for the Wisconsin Manufacturers and Commerce (“WMC”). I make this affidavit based upon my personal knowledge.

2. WMC is a non-profit business trade organization with roughly 3,700 members statewide in the manufacturing, mining, dairy, energy, retail, health care, insurance, banking and service sectors of the economy. WMC is dedicated to ensuring that Wisconsin is the most competitive state in the nation in which to conduct business.

3. Since 1911, WMC has represented the interests of Wisconsin’s business community before administrative agencies, administrative law judges, the courts and the legislature to ensure that commerce is not impeded by regulatory actions. WMC frequently participates in the administrative rulemaking process by commenting on issues directly affecting its members’ ability to conduct business in the state. WMC is also involved in the legislative

process, and actively participated in the development of 2003 Wisconsin Act 310, which established the statutory framework for high capacity well approvals like the ones at issue in this case, as well as 2011 Wisconsin Act 21, which is also relevant to this case.

4. Water is a critical resource to WMC members who rely heavily on groundwater resources in the production of a variety of agricultural and other commodity products. High capacity wells are often the only viable means to obtain the necessary water for agricultural and manufacturing production. Consequently, by causing DNR to modify or rescind existing high capacity well permits or by limiting DNR's authority to issue future high capacity well permits, the relief sought by the petitioners in this case threatens the availability of water to WMC members, which necessarily will inflict serious economic harm.

5. WMC has 10 members that have been issued high capacity well permits since the publication of the attorney general's opinion referenced in these consolidated cases that could be modified or rescinded by DNR should the court, as requested by the petitioners, invalidate DNR's permitting policies that arose from that opinion. Further, WMC members have at least 235 existing high capacity wells not directly challenged in this litigation that were issued prior to the attorney general opinion that could also be modified or rescinded by the DNR based upon the relief sought by petitioners. Any existing high capacity well permits that are modified or rescinded because of this litigation will cause serious economic harm to those WMC members that require those wells for their business operations.

6. WMC has 3 members with existing well permit applications under review that could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by petitioners. Any future filings of high capacity well permit applications by WMC members could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by the petitioners. Denial, approval with unacceptable conditions, or delays in acting upon high capacity well

permit applications will cause serious economic harm to those WMC members that require those wells for their operations.

7. WMC participated in the development of 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to WMC members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

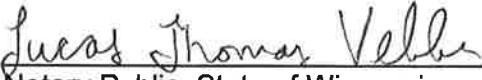
8. WMC members require numerous other permits that are necessary to conduct business in Wisconsin, including wastewater discharge and air permits. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Wisconsin Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking, and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on WMC members, and would otherwise result in Wisconsin having a less competitive regulatory climate that would adversely affect economic growth.

Dated this 3rd day of January, 2017.

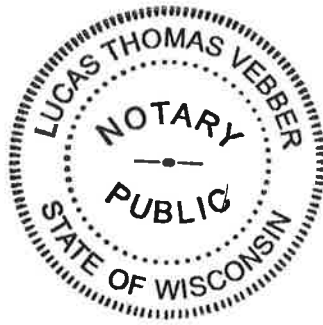


Scott Manley

Subscribed and sworn to before me
this 3rd day of January, 2017



Notary Public, State of Wisconsin
My Commission: 15 permanent.



CLEAN WISCONSIN, INC,

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF JOHN HOLEVOET

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

John Holevoet, being first duly sworn on oath, deposes and states as follows:

1. I am employed as the Director of Government Affairs for the Wisconsin Dairy Business Association, Inc. (“DBA”). I make this affidavit based upon my personal knowledge.

2. I joined the DBA’s government affairs staff in June 2014. I became DBA’s Director of Government Affairs in June 2015. In this role, I also guide the government affairs activities of the Dairy Business Milk Marketing Cooperative (“DBMMC”). I grew up on a farm and have in depth knowledge of agriculture and dairy farming.

3. DBA is a nonprofit, statewide organization of dairy producers, vendors, allied industry partners, and professionals actively working to ensure that dairy producers, large and small, remain an active, thriving part of Wisconsin’s economy, communities, and food chain. A large part of DBA’s work is fostering a positive business and political environment for dairy farming in Wisconsin. This includes being dedicated to the creation and preservation of consistent water, environmental, and waste management regulation.

4. Water is essential to many parts of the dairy industry, from raising livestock to dairy product production. DBA's members rely on high capacity wells to conduct business, and will be particularly affected if their high capacity well permits are modified or rescinded by the Department of Natural Resources (DNR) by order of this court based upon relief sought by petitioners. Two of the parties in the consolidated cases have dairy cattle. James Wysocki/Agri-Alliance Land, LLC, is a DBA member and has a high capacity well permit that is targeted in this case. Many of our other farmer members also have high capacity wells that are essential to their operations. Furthermore, dairy farming is inextricably linked to dairy processing in this state and almost all dairy processors use high capacity wells. DBA's membership includes at least 17 high capacity well permit holders allowing for the operation of 27 separate wells that are essential to their operations. Those high capacity well permits could be modified or rescinded by DNR based upon the relief sought by petitioners.

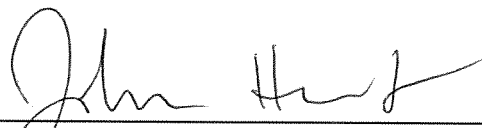
5. When the attorney general's opinion referenced in these consolidated cases was issued, 33 dairy framers had well permit applications languishing in DNR's permit backlog. The delay caused by the backlog cost dairy framers thousands of dollars in additional attorney, engineering, and construction costs. It also caused more than one DBA member to abandon his proposed project entirely. This backlog has been greatly reduced because of DNR policies resulting from the attorney general opinion on the application of 2011 Wis. Act 21 to high capacity well permits. The relief sought by the petitioners would likely return Wisconsin to the ineffective permitting of high capacity wells, including backlogs of permit applications, that was DNR's practice prior to the attorney general's opinion. DBA members will suffer economic harm if that occurs.

6. Finally, DBA has at least three members with existing well permit applications under review that could be denied, approved with unacceptable conditions, or not acted upon by DNR in a timely manner based upon the relief sought by petitioners. Any future filings of well permit applications with the DNR to meet production needs of these and other DBA members

could also be denied, approved with unacceptable conditions, or not acted upon by DNR in a timely manner based upon the relief sought by petitioners.

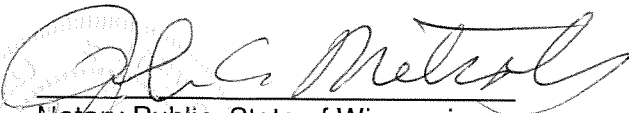
7. DBA participated in the development of 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to DBA members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

Dated this ____ day of December, 2016.

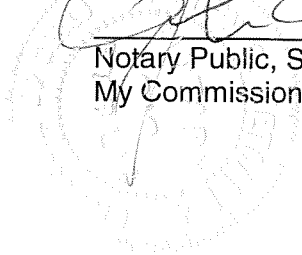


John Holevoet

Subscribed and sworn to before me
this 29th day of December, 2016



Notary Public, State of Wisconsin
My Commission: Is Permitted



STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

DANE COUNTY

CLEAN WISCONSIN, INC,

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF NICKOLAS GEORGE, JR.

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Nickolas George, Jr, being first duly sworn on oath, deposes and states as follows:

1. I am employed as President at Midwest Food Processors Association (“MWFPA”). I make this affidavit based upon my personal knowledge.

2. The Midwest Food Processors Association (“MWFPA”) is a trade association that advocates on behalf of food processing companies and affiliated industries in Illinois, Minnesota, and Wisconsin. Established in 1905 as the Wisconsin Cannery Association, today MWFPA represents a diverse group of food processors on a variety of food issues.

3. The primary role of MWFPA is to influence public policy and make the Midwest a good place for food processors to conduct business. To achieve this goal, MWFPA represents food processors before the Wisconsin legislature and regulatory agencies.

4. Water is a critical resource throughout all food industry sub-sectors. For example, water is used in the fruit and vegetable processing industry for: process cooling, operating boiler systems, water fluming, as well as blanching, peeling, cooking, product rinsing, and equipment

cleaning, and used as an ingredient in final products. The central sands agricultural region is one of the most productive vegetable growing areas in the United States due to irrigation. Consequently, by causing DNR to modify or rescind existing high capacity well permits or by limiting DNR's authority to issue future high capacity well permits, the relief sought by the petitioners in this case threatens the availability of water to MWFPA members, which necessarily will inflict serious economic harm.

5. Among the consolidated cases in this litigation is one MWFPA member with a high capacity well permit that could be modified or rescinded by the Department of Natural Resources (DNR) by order of this court based upon the relief sought by petitioners. MWFPA has two members that have been issued high capacity well permits since the publication of the attorney general's opinion referenced in these consolidated cases that could be modified or rescinded by DNR should the court, as requested by the petitioners, invalidate DNR's permitting policies that arose from that opinion. Further, MWFPA has at least 18 members with existing well permits to operate approximately one hundred wells not directly challenged in this litigation that were issued prior to the attorney general opinion that could also be modified or rescinded by the DNR based upon the relief sought by petitioners. Any existing high capacity well permits that are modified or rescinded because of this litigation will cause serious economic harm to those MWFPA members that require those wells for their food processing operations.

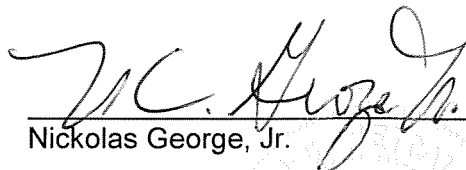
6. MWFPA does not currently have members with existing well permit applications under review. However, several commodity growers with which MWFPA members contract for raw products for food processing have pending well applications that could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by petitioners. Further, any future filings of high capacity well permit applications by MWFPA members, as well as similarly situated commodity producers that supply raw products for food processing to MWFPA members, could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by the

petitioners. Denial, approval with unacceptable conditions, or delays in acting upon high capacity well permit applications will cause serious economic harm directly to those MWFPA members that require those wells for their food processing operations, as well as indirectly through the supply chain availability of raw products from similarly situated commodity producers with which MWFPA members contract for those raw products.

7. MWFPA participated in the development of 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to MWFPA members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

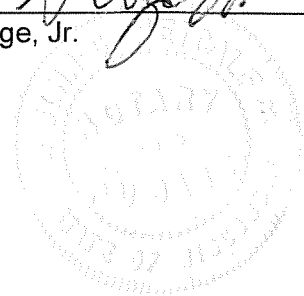
8. MWFPA members require numerous other permits that are necessary to conduct business in Wisconsin, including wastewater discharge and air permits. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Wisconsin Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking, and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on MWFPA members, and would otherwise result in Wisconsin having a less competitive regulatory climate that would adversely affect economic growth.

Dated this 30 day of December, 2016.



Nickolas George, Jr.

Subscribed and sworn to before me

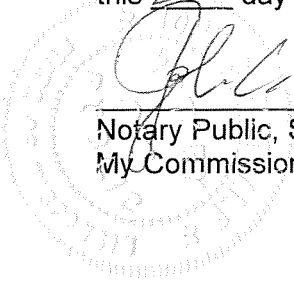


this 30th day of December, 2016



Notary Public, State of Wisconsin

My Commission: is permanent



STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

DANE COUNTY

CLEAN WISCONSIN, INC

Petitioner,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF TAMAS HOULIHAN

STATE OF WISCONSIN)
) ss
COUNTY OF LANGLADE)

Tamas Houlihan, being first duly sworn on oath, deposes and states as follows:

1. I am employed as the Executive Director of Wisconsin Potato and Vegetable Growers Association (“WPVGA”). I make this affidavit based upon my personal knowledge.

2. Wisconsin Potato and Vegetable Growers Association (“WPVGA”) is a non-profit statewide organization representing 300 farming operations and related business associate members. WPVGA was created to assist its grower-members to conduct and utilize science-based agricultural research and technologies, garner government support for research, produce environmentally sound research generally, and provide consumers with reliable information.

3. Wisconsin currently ranks third in the United States in potato production and generally ranks number one in canning vegetable production. The Wisconsin potato and

vegetable industry currently provides 35,000 jobs in Wisconsin and generates \$6.4 billion in gross state product.

4. Water is a critical resource for WPVGA's members who rely heavily on groundwater pumped from permitted high capacity wells to irrigate their crops. The central sands agricultural region is one of the most productive potato and vegetable growing areas in the United States due to irrigation. It would be virtually impossible to grow adequate quality potatoes and vegetables in the central sands area without irrigation.


5. WPVGA has 22 members that have been issued well permits since the publication of the attorney general's opinion referenced in these consolidated cases. Those permits could be modified or rescinded by the Department of Natural Resources (DNR) should the court, as requested by the Petitioner, invalidate DNR's permitting policies that arose from that opinion. Further, WPVGA has at least 89 members with existing well permits not directly challenged in this litigation that were issued prior to the attorney general opinion that could also be modified or rescinded by the DNR based upon the relief sought by Petitioner. Modification or rescission of existing high capacity well permits because of this litigation threaten serious economic harm to WPVGA members that require those wells for their operations.

6. WPVGA has 9 members with existing well permit applications under review that could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by Petitioner. Any future filings of high capacity well permit applications to meet business needs of WPVGA members could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by petitioners. Denial, approval with unacceptable conditions, or delays in acting upon

high capacity well permit applications will cause serious economic harm to those WPVGA members that require those wells for their operations.

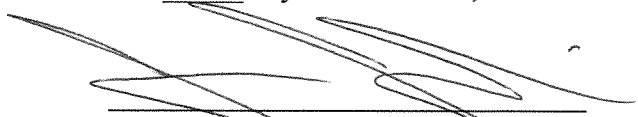
7. WPVGA actively supported 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to WPVGA members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

8. WPVGA members require numerous other permits that are necessary to conduct business in Wisconsin. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Wisconsin Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on WPVGA members, and would otherwise result in Wisconsin having a less competitive regulatory climate.



Tamas Houlihan

Subscribed and sworn to before me
this 30th day of December, 2016



Notary Public, State of Wisconsin
My Commission: 9-20-2020

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

DANE COUNTY

CLEAN WISCONSIN, INC,

Petitioners,

v.

Case No. 16 CV 2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF JOHN UMHOEFER

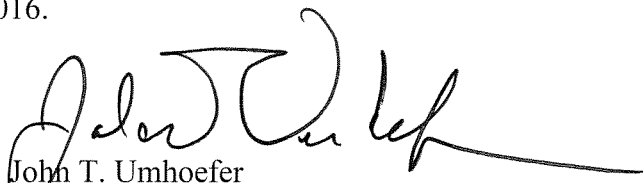
1. I am employed as the Executive Director of the Wisconsin Cheese Makers Association. I have completed this affidavit based upon my own personal knowledge.
2. Wisconsin Cheese Makers Association is a non-profit statewide organization representing over 80 dairy product manufacturing facilities in Wisconsin, and more than 100 companies in Wisconsin supplying goods and services to the dairy industry. Our trade association provides information, advocacy, member education and networking events for its member companies.
3. Wisconsin Cheese Makers Association members are central to agricultural production in Wisconsin, with the dairy industry representing nearly one half of all agricultural production in the state. Nearly ninety percent of all milk production in Wisconsin is manufactured into cheese

products, processed cheeses, butter, yogurt, whey and other dairy products produced by Wisconsin Cheese Makers Association members.

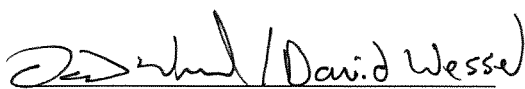
4. Water is a critical resource for Wisconsin Cheese Makers Association members who rely heavily on groundwater resources in the production of dairy products. WCMA has members with 48 processing plant sites that operate a total of 82 existing permitted wells. These permits are not directly challenged in this litigation, but could subsequently be reversed, set aside or vacated by DNR based upon the relief sought by petitioner. In addition, WCMA has 1 member with an existing well permit application under review that could be set aside or denied by DNR based upon the relief sought by petitioner. Any future filings for well permit applications before the DNR to meet the production needs of these and other WCMA members, as well as similarly situated dairy producers that are current high capacity well permit holders who supply raw milk products to WCMA members, would be subject to standards of review not currently required by law.

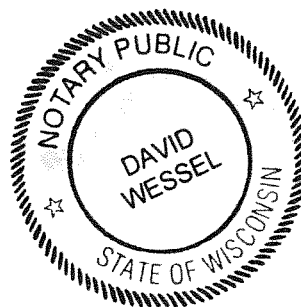
5. WCMA actively participated in the development of 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation.

Dated this 22nd day of December, 2016.


John T. Umhoefer

Subscribed and sworn to before me
this 22 day of December, 2016


Notary Public, State of Wisconsin
My Commission: 05/29/2018



CLEAN WISCONSIN, INC,

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF PAUL ZIMMERMAN

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Paul Zimmerman, being first duly sworn on oath, deposes and states as follows:

1. I am employed as the Executive Director of Governmental Relations at the Wisconsin Farm Bureau. I have been employed by the Wisconsin Farm Bureau for more than 22 years. I make this affidavit based upon my personal knowledge.

2. The Wisconsin Farm Bureau is Wisconsin's largest general farm organization with more than 46,000 members originating from 61 County Farm Bureaus across Wisconsin. The Wisconsin Farm Bureau is a non-profit statewide agricultural organization providing a voice for farmers and a vision for agriculture for its farmer members who are leaders in the production of Wisconsin's dairy, beef, pork, poultry, corn, soybeans, grain, alfalfa, forage, cranberry, vegetables, fruits, forestry, and aquatic products.

3. Wisconsin is among the most diverse agricultural production states in the nation. The Wisconsin Farm Bureau represents all types of farms in the state regardless of size, commodity produced or method of production. Wisconsin's climate, natural resources, infrastructure, and farming heritage keep Wisconsin among the nation's top agricultural states,

generating more than \$88 billion in economic activity, providing nearly one of every ten jobs for Wisconsin's citizens.

4. Water is a critical resource for Wisconsin Farm Bureau members who rely heavily on groundwater resources pumped from permitted high capacity wells in various types of commodity agriculture production. Water, like soil, is essential to sustaining and growing agricultural production in Wisconsin in order to feed, clothe and sustain the world's growing population.

5. Among the consolidated cases in this litigation the Wisconsin Farm Bureau includes as members five (5) current permit holders whose well permits would be modified or rescinded by the Department of Natural Resources (the "DNR") by order of this court based upon the relief sought by petitioner. Wisconsin Farm Bureau has at least twenty-four (24) members that have been issued high capacity well permits since the publication of the Attorney General's opinion referenced in these consolidated cases that could be modified or rescinded by DNR should the court, as requested by the petitioners, invalidate DNR's permitting policies that arose from that opinion. Further, Wisconsin Farm Bureau has many hundreds of members with existing well permits not directly challenged in this litigation that were issued prior to the Attorney General opinion that could also be modified or rescinded by the DNR based upon the relief sought by petitioners. Any existing high capacity well permits that are modified or rescinded because of this litigation will cause serious economic harm to those Wisconsin Farm Bureau members that require those wells for their farming operations.

6. Wisconsin Farm Bureau has at least twelve (12) members with existing well permit applications under review that could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by petitioners. Any future filings of high capacity well permit applications by Wisconsin Farm Bureau members could be denied, approved with unacceptable conditions, or not acted upon in a timely manner

by DNR based upon the relief sought by the petitioners. Denial, approval with unacceptable conditions, or delays in acting upon high capacity well permit applications will cause serious economic harm to those Wisconsin Farm Bureau members that require those wells for their operations.

7. The Wisconsin Farm Bureau monitored the development of Wisconsin Act 21, the regulatory reform legislation passed by the Legislature and signed into law by the Governor in 2011. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to Wisconsin Farm Bureau members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

8. Wisconsin Farm Bureau members are required to obtain numerous other permits that are necessary to conduct business in Wisconsin, including livestock siting, nutrient management, and wastewater discharge permits. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Wisconsin Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking, and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on Wisconsin Farm Bureau members.

Dated this 3rd day of January, 2017.

Paul Zimmerman
Paul Zimmerman

Subscribed and sworn to before me
this 3rd day of January, 2017

H. [Signature]
Notary Public, State of Wisconsin
My Commission: is permanent

CLEAN WISCONSIN, INC,

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF NATURAL RESOURCES,

Respondent.

AFFIDAVIT OF JEFFREY G. LANDIN

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

Jeffrey G. Landin, being first duly sworn on oath, deposes and states as follows:

1. I am employed as the President of the Wisconsin Paper Council. I make this affidavit based upon my personal knowledge.
2. Wisconsin Paper Council is a non-profit statewide organization representing 20 pulp and paper mills located in Wisconsin, along with 70 paper converting and related business associate members employing over 31,000 or over 7% of all manufacturing workers in Wisconsin. The value of paper and pulp shipments represents gross state product in Wisconsin in excess of \$14 billion annually.
3. The Wisconsin Paper Council advocates for and represents its members in public affairs and public relations matters, serves as a center for exchange of ideas, and disseminates news and information concerning the industry.
4. Water is a critical resource for Wisconsin Paper Council members who rely heavily on both surface and groundwater resources in various phases of the production of paper products

in Wisconsin. High capacity wells are sometimes the only viable means to obtain the necessary water for certain members. Consequently, by causing DNR to modify or rescind existing high capacity well permits or by limiting DNR's authority to issue future high capacity well permits, the relief sought by the petitioners in this case threatens the availability of water to Wisconsin Paper Council members and likely result in economic harm.

5. Wisconsin Paper Council has one Associate member that have been issued high capacity well permits since the publication of the attorney general's opinion referenced in these consolidated cases that could be modified or rescinded by DNR should the court, as requested by the petitioners, invalidate DNR's permitting policies that arose from that opinion. Further, Wisconsin Paper Council has at least seven members with existing well permits not directly challenged in this litigation that were issued prior to the attorney general opinion that could also be modified or rescinded by the DNR based upon the relief sought by petitioners. Any existing high capacity well permits that are modified or rescinded because of this litigation will cause serious economic harm to those Wisconsin Paper Council members that require those wells for their operations.

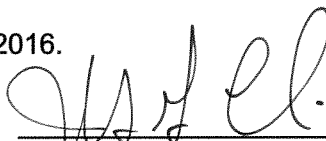
6. Any future filings of high capacity well permit applications by Wisconsin Paper Council members could be denied, approved with unacceptable conditions, or not acted upon in a timely manner by DNR based upon the relief sought by the petitioners. Denial, approval with unacceptable conditions, or delays in acting upon high capacity well permit applications will cause serious economic harm to those Wisconsin Paper Council members that require those wells for their operations.

7. Wisconsin Paper Council supported 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a

provision created by Act 21, would cause economic injury to Wisconsin Paper Council members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

8. Wisconsin Paper Council members require numerous other permits that are necessary to conduct business in Wisconsin, including wastewater discharge and air permits. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Wisconsin Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking, and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on Wisconsin Paper Council members, and would otherwise adversely affect Wisconsin regulatory climate and economic competitiveness.

Dated this 30th day of December, 2016.

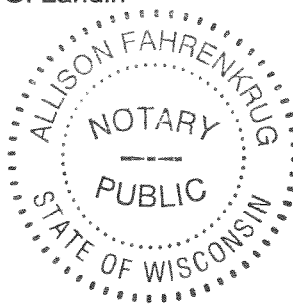


Jeffrey G. Landin

Subscribed and sworn to before me
this 30 day of December, 2016



Notary Public, State of Wisconsin
My Commission: April 21, 2020



CLEAN WISCONSIN, INC

Petitioners,

v.

Case No. 16CV2816

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES

Respondent

AFFIDAVIT OF NICOLE WAGNER

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Nicole Wagner, being first duly sworn on oath, deposes and states as follows:

1. I am employed as the Executive Director of the Wisconsin Corn Growers Association (WCGA). I make this affidavit based upon my personal knowledge.
2. The Wisconsin Corn Growers Association is a non-profit statewide organization representing 842 corn farming operators, operations and related business associate members. The WCGA was created to assist its grower-members to conduct and utilize science-based agricultural research and technologies, garner public and private sector support for agricultural research, and education the consumer on corn crop production and utilization in consumer products.
3. In 2015 Wisconsin farmers grew corn for grain crops on approximately three million acres in the state, harvesting 505 million bushels in total or 162 bushels per acre. The overall value of the harvested crop was approximately \$1.8 billion, ranking Wisconsin 9th nationwide in total United States corn production.

4. Water is a critical resource for WCGA members who rely heavily on groundwater pumped from permitted high capacity wells to irrigate their crops and will be particularly affected if their high capacity well permits are modified or rescinded by the Department of Natural Resources (DNR) by order of this court based upon relief sought by petitioner.

5. Among the consolidated cases in this litigation is **one** WCGA member with high capacity well permits that could be modified or rescinded by the Department of Natural Resources (DNR) by order of this court based upon the relief sought by petitioners. WCGA also has **thirty-three** members that have been issued high capacity well permits since the publication of the attorney general's opinion referenced in these consolidated cases that could be modified or rescinded by DNR should the court, as requested by the petitioners, invalidate DNR's permitting policies that arose from that opinion. Any existing high capacity well permits that are modified or rescinded because of this litigation will cause serious economic harm to those WCGA members that require those wells for their operations.


6. WCGA has **thirteen** members with existing well permit applications under review that could be denied, approved with unacceptable conditions, or not acted upon by DNR in a timely manner based upon the relief sought by petitioner. Any future filings for well permit applications with the DNR to meet crop production needs of WCGA members could also be denied, approved with unacceptable conditions, or not acted upon by DNR in a timely manner based upon the relief sought by petitioner.

7. WCGA supports the reforms contained in 2011 Wisconsin Act 21, Governor Walker's regulatory reform legislation that was the focus of the attorney general opinion challenged by the petitioners in this case. Eliminating or narrowly construing the requirement that DNR permit decisions be predicated on explicit authority, a requirement found in Wis. Stat. §227.10(2m), a provision created by Act 21, would cause economic injury to WCGA members because it would result in DNR modifying or rescinding existing permits, or denying, imposing unacceptable conditions, or delaying action on permit applications.

8. WCGA members require numerous other permits that are necessary to conduct business in Wisconsin. Members are also subject to countless regulatory programs implemented by state agencies through rulemaking. 2011 Act 21 contains various provisions that limit or otherwise clarify agency authorities relating to permit approvals and conditions, rulemaking, and other regulatory powers, including public trust authorities. Any limitations on these regulatory protections afforded under Act 21, as sought by the petitioners in this litigation, would have a negative economic impact on WCGA members.

Dated this 3 day of January, 2017.

State of Wisconsin
County of Waukesha
Subscribed and sworn to before me
this 3rd day of January, 2017



Nicole Wagner

Susan J. DeBord

Notary Public, State of Wisconsin
My Commission: February 18, 2019