

BEFORE THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL MANAGEMENT DIVISION

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
WATER SUPPLY SERVICE AREA PLAN APPROVAL

The Wisconsin Department of Natural Resources (DNR) has the authority under Wis. Stats. § 281.348 to approve a water supply service area plan for a public water supply system. The DNR has reviewed the water supply service area plan for the Village of Somers Water Utility and issued the following Findings of Fact, Conclusion of Law and Decision regarding the proposed water supply service area plan.

FINDINGS OF FACT

The DNR finds that:

1. The Village of Somers (Village) applied to the DNR for a diversion of Great Lakes water under Wis. Stat. § 281.346(4)(b), in February 2021; submitted a revised application in September 2021, and submitted responses to DNR's request for information on August 17, 2021, September 17, 2021, and January 13, 2022.
2. The Village submitted a water supply service area plan in conjunction with its diversion application, as required by Wis. Stat. § 281.346(4)(e)1.em., and § 281.348(3).
3. The water supply service area was delineated in accordance with Wis. Stat. § 281.348(3)(c)1.
4. The DNR held a virtual public hearing on November 10, 2021. Prior to the public comment portion of the hearings, the DNR held an informational meeting and question and answer session.
5. The Village's water supply service area plan includes a consideration of existing regional water needs and other regional water supply planning information, as required in Wis. Stat. § 281.348(3)(bm).
6. The Village's water supply service area plan includes an inventory of the current water supply sources and quantities in the area, as required by Wis. Stat. § 281.348(3)(c)2.
7. The Village's water supply service area plan includes water demand forecasts for the planning period, as required in Wis. Stat. § 281.348(3)(c)3.
8. Existing and projected population estimated for the water supply service area over the planning period were completed and included in the water supply service area plan, as required in Wis. Stat. § 281.348(3)(c)3m.
9. The Village identified water supply options and conservation alternatives for the time period covered in the plan, including analysis of the approvability and cost-effectiveness of the options described in the plan, as specified in Wis. Stat. §§ 281.348(3)(c)4. and 281.348(3)(d)1.

10. The Village's water supply service area plan includes an assessment of the environmental and economic impact, as required in Wis. Stat. § 281.348(3)(c)5.
11. The water supply service area plan demonstrates effective utilization of wastewater infrastructure and existing water supply storage and distribution facilities, as required in Wis. Stat. §§ 281.348(3)(c)6. and 281.348(3)(d)2.
12. The water supply service area plan includes procedures for implementing and updating the water supply service area plan, as required in Wis. Stat. § 281.348(3)(c)7.
13. The water supply service area plan includes an analysis of how the water supply service area plan supports and is consistent with applicable comprehensive plans and approved areawide water quality management plans, as required in Wis. Stat. §§ 281.348(3)(c)8. and 281.348(3)(d)3.

#### CONCLUSIONS OF LAW

The DNR concludes that:

1. The Village's proposed water supply service area plan complies with the requirements of Wis. Stat. § 281.348(3)(d).
2. The DNR has authority under Wis. Stat. § 281.348 to approve the water supply service area plan.
3. The procedural requirements under §281.348(3)(b) for approval of the plan have been met.
4. The DNR has complied with the public notice and comment procedures set forth in Wis. Stat. § 281.346(9).

#### APPROVAL

The DNR pursuant to its authority in Wis. Stat. § 281.348 hereby approves the Village's Water Supply Service Area Plan. This approval is subject to the terms and conditions described in this approval. The Village shall comply with all conditions of this water supply service area approval. Non-compliance may be grounds for enforcement or revocation

1. This approval expires on February 23, 2042, 20 years from the date of issuance. Following approval, the Village must submit a new water supply service area plan at least 180 calendar days before the existing approval expires.
2. Proposed water supply service area plan revisions require an application for review and a new water supply service area plan approval by the DNR. Revisions include but are not limited to, modifications to the delineated water supply service area, and water source alternatives.
3. If the Village fails to comply with the terms and conditions of this approval, the Village is subject to the penalty provisions in Wis. Stat. § 281.98.

4. All other permits and approvals that the Village has received from the DNR remain in effect. This water supply service area approval does not replace or change any of the conditions or requirements of other permits or approvals issued under other authority.

DocuSigned by:  
*Jim Zellmer*  
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James Zellmer, Deputy Division Administrator  
Division of Environmental Management

2/23/2022 | 3:32 PM CST

Date

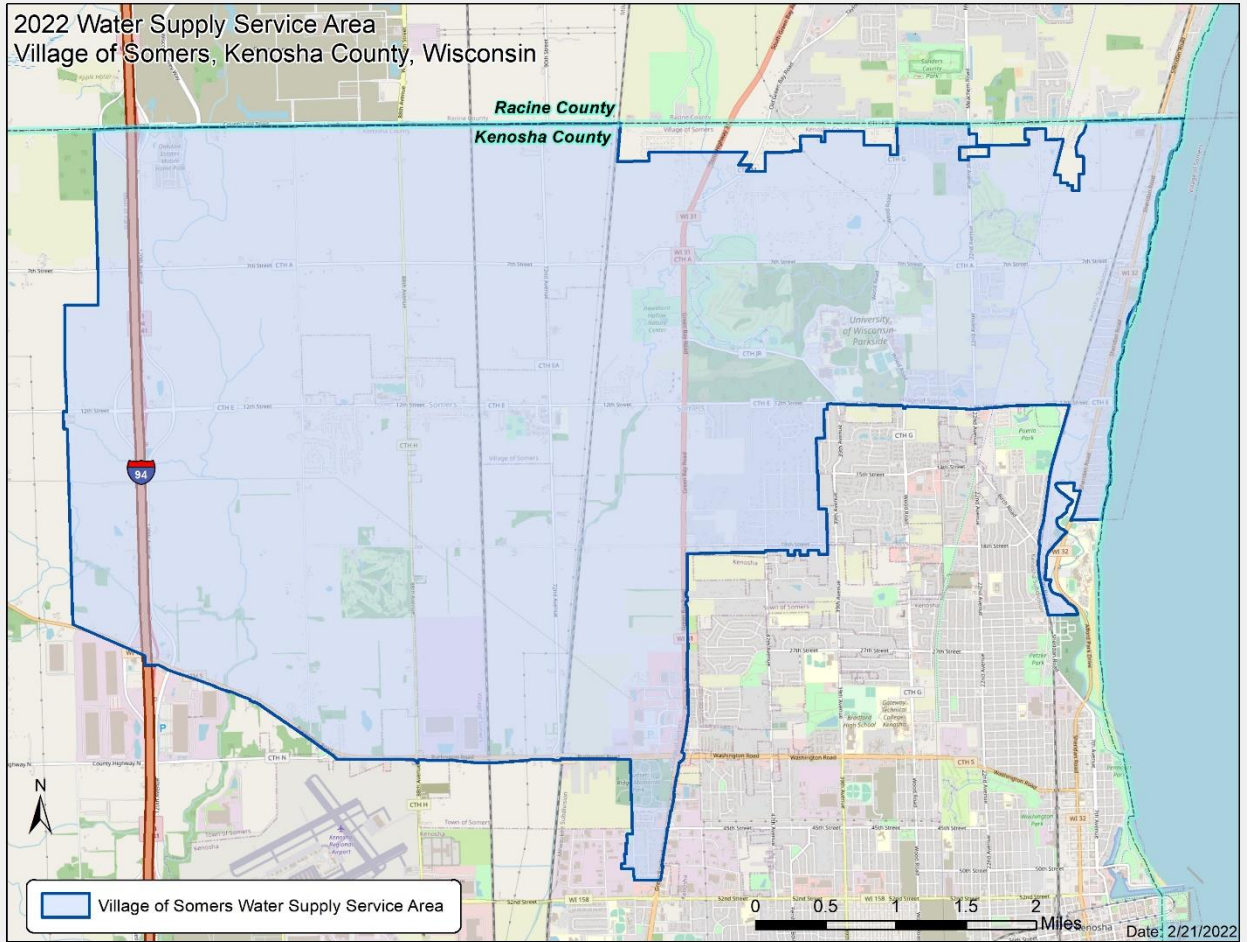
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*Adam Freihoefer*  
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Adam Freihoefer, Chief  
Water Use Section  
Bureau of Drinking Water & Groundwater

2/23/2022 | 3:29 PM CST

Date

Attachment A



### Appeal Rights

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)).