



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

June 8, 2010

Jeff Scrima, Mayor
City Hall – Room 208
201 Delafield Street
Waukesha, WI 53188

Dear Mayor Scrima:

The Department received Waukesha's application for a diversion of Great Lakes water on May 20, 2010. After receiving the Waukesha application we conducted an initial completeness review. That review identified some deficiencies in the application.

Through preliminary discussions with representatives for the City it was suggested to us that Great Lakes water was the only viable option for a sustainable water supply, however, subsequent to the submittal of the application, it has been publically discussed that the City is continuing to examine alternatives to Great Lakes water and is actively considering other sources of Great Lakes water. We understand these additional considerations may be important to Waukesha's ultimate decision to seek Great Lakes water. One of the key requirements of the Compact for approving an application for a diversion is demonstrating that there is no reasonable water supply alternative. Through Discussions with representatives with the city we were told that Great Lakes water was the only viable option for a sustainable water supply. Due to the fact that it has been publically discussed that the City is examining alternatives to Great Lakes water and is actively considering other sources the Department cannot move forward on reviewing the application and the City must confirm that Great Lakes water is in fact the only long term sustainable water option.

The Great Lakes Compact requires the return flow to be as close as possible to the withdrawal source. The submitted proposal identifies three possible withdrawal source options to obtain Great Lakes water. However, without providing a corresponding return flow option for each withdrawal source it is not possible to determine whether the proposal will comply with this requirement. The City must provide to the Department both the point of withdrawal and with the proposed return flow location.

In addition, the application lacks sufficient detail, as required by the Compact, regarding the costs for the diversion. We would expect the cost analysis for each of the requested options to be based upon information received from the potential withdrawal sources indicating what they would be charging for providing Great Lakes water. The City must provide to the Department detailed cost estimates for each of the withdrawal and corresponding return flow options.

There have been press reports where you have questioned whether this application had gone through the appropriate local approvals. Additionally, the City failed to pay the statutorily (s.281.346 (12)(d), Wis. Stats.) required review fee of \$5,000. Before moving forward with the application the City will be required to pay this fee and attest that the application has received all the appropriate city approvals necessary for submittal under the Compact.

At a minimum, resolution of the outlined items above is necessary before the Department can move forward with the acceptance and review of your application. If you have specific questions, please contact Bruce Baker at (608) 266-1902.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Frank', written in a cursive style.

Matthew Frank
Secretary