

February 11, 2021

Adam Freihoefer  
Water Use Section Chief  
Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53703

***Subject: Village of Somers Water Diversion Application***

Dear Mr. Freihoefer:

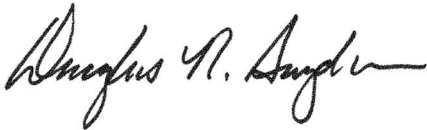
On behalf of the Village of Somers, we are applying for a Great Lakes water diversion under Wisconsin Statutes s. 281.346(4)(b) and the Great Lakes–St. Lawrence River Basin Water Resources Compact.

Attached is a letter of support from the Kenosha Water Utility and the corresponding minutes from the meeting of the Board of Water Commissioners. Enclosed are the three required parts of the application: Water Diversion Application, Water Supply Service Area Plan, and Water Conservation and Efficiency Plan.

Please call if you have any questions.

Sincerely,

BAXTER & WOODMAN, INC.  
CONSULTING ENGINEERS



Douglas R. Snyder

DRS:lrj  
Attachment  
C: Jason Peters, Administrator (email)

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**Board of Water Commissioners**

David F. Bogdala, Chairperson  
 Bruce Fox, Vice Chairperson  
 Mitchell Pedersen  
 Jack Rose  
 Dominic Ruffalo  
 Bill Siel

**Kenosha Water Utility**

**Curt Czarnecki**  
**General Manager**  
 4401 Green Bay Road  
 Kenosha, WI 53144  
 Phone (262) 653-4306  
 Fax (262) 653-4303

**“Providing and Protecting Kenosha’s Greatest Natural Resource”**

October 7, 2020

**To:** Adam Freihoefer, Water Use Section Chief, Bureau of Drinking Water and Groundwater, WDNR

**From:** Curt Czarnecki, General Manager

**Subject:** Letter of Support Request for the Village of Somers Diversion Application

The Kenosha Water Utility (KWU) is in receipt of the Diversion Application submitted on behalf of the Village of Somers along with a request from the Wisconsin Department of Natural Resources (WDNR) for a letter of support from KWU for the diversion application. The Kenosha Water Utility can offer the following.

The Village of Somers purchases water on a wholesale basis from the KWU. Existing intergovernmental agreements outline current and future municipal borders, water service areas, and sewer service areas for the City of Kenosha and the Village of Somers. The intergovernmental agreements are summarized as follows:

- 2005 City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307, Wisconsin Statutes
- 2005 Intergovernmental Agreement for Orderly Development by and between City of Kenosha and Kenosha Water Utility, and Town of Somers, Somers Water Utility and Somers Sewer Utility District
- 2015 Amendment to the 2005 City of Kenosha/Town of Somers Cooperative Plan
- 2017 City of Kenosha/Village of Somers/Town of Somers/Town of Paris/County of Kenosha/Kenosha Water Utility/Village of Somers Water Utility/Village of Somers Sewerage District/County Highway Commissioner Cooperative Plan and Intergovernmental Agreement under Sections 66.0301, 66.0305, and 66.0307, Wisconsin Statutes

Chapter 9 of the 2017 Intergovernmental Agreement states *“The City and the Kenosha Water Utility will support efforts by the Village in obtaining Wisconsin Department of Natural Resources approval for water diversion in accordance with the Great Lakes Compact, west of the subcontinental divide.”*

The Kenosha Water Utility has been approved by the WDNR for a water withdrawal in the Great Lakes basin in the amount of 35.68 million gallons per day average per year. This approval was provided in letters dated July 29, 2010 and December 2, 2011. This withdrawal approval was subsequently revised to 45.0 million gallons per day per a letter from the WDNR dated December 10, 2009. This withdrawal approval allows KWU to provide water from the Great Lakes basin for public water supply purposes outside of the Great Lakes basin, and approval to return the associated wastewater to the Great Lakes basin.

KWU has adequate capacity at the water production plant and approved withdrawal amounts to supply the requested average day diversion amount of 1.2 million gallons. Wastewater plant capacity needs would be assessed at the time of development to determine if adequate capacity exists or additional capacity is required. This analysis would be completed in accordance with Item 4. **SEWER CONVEYANCE FACILITIES** and Item 5. **KENOSHA WATER UTILITY SEWAGE TREATMENT PLANT AND FUTURE SEWAGE TREATMENT PLANT** of the 2005 Intergovernmental Agreement for Orderly Development by and between

City of Kenosha and Kenosha Water Utility, and Town of Somers, Somers Water Utility and Somers Sewer Utility District.

The City of Kenosha has been approved for a Great Lakes Diversion amount of 2.46 million gallons per day for average day pumpage based on a letter from the WDNR dated July 29, 2010. It is understood that any diversion amount granted by the WDNR to the Village of Somers per this request would not count against the approved diversion amount of 2.46 million gallons per day average allocated to the City of Kenosha. To further reinforce this understanding, KWU would require the point of withdrawal from the KWU distribution network into the Village of Somers distribution network to be located east of the sub-continental divide. If this is not achievable, KWU would require an administrative amendment be adopted to the 2017 City of Kenosha/Village of Somers/Town of Somers/Town of Paris/County of Kenosha/Kenosha Water Utility/Village of Somers Water Utility/Village of Somers Sewerage District/County Highway Commissioner Cooperative Plan and Intergovernmental Agreement under Sections 66.0301, 66.0305, and 66.0307, Wisconsin Statutes clearly defining ownership of the water provided by the Kenosha Water Utility to the Village shall in all cases transfer to the Village east of the sub-continental divide.

Based on the information outlined above I feel the request complies with the adopted intergovernmental agreements between KWU and the Village of Somers. Furthermore, KWU has adequate capacity and withdrawal approval to accommodate this request. Based on the information conveyed in this letter KWU has no objections to the diversion request submitted on behalf of the Village of Somers.

If you have any questions or need any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Czarnecki". The signature is fluid and cursive, with the first name "Curtis" being more prominent than the last name "Czarnecki".

Curtis Czarnecki, P.E.

CC: Board of Water Commissioners  
File



**MINUTES  
BOARD OF WATER COMMISSIONERS  
October 12, 2020**

The regular meeting of the Board of Water Commissioners was held via teleconference on Monday, October 12, 2020. The meeting was called to order at 6:06 p.m. by Chairperson David Bogdala.

At roll call the following members were present by telephone: Chairperson Bogdala, Vice Chairperson Bruce Fox and Commissioners Mitchell Pedersen and Jack Rose. Commissioners Dominic Ruffalo and Bill Siel were excused due to their attendance at the Committee on Licenses/Permits meeting. Staff present by telephone included: KWU - Curt Czarnecki (General Manager), Melissa Arnot (Assistant General Manager) and Ian Bagley (Director of Engineering); Public Works - Shelly Billingsley (PW Director), Brian Cater (Deputy PW Director) and Traci Museitif (Office Associate).

CITIZENS' COMMENTS: None

Approval of the Minutes of the Meeting held on September 28, 2020.

**It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

1. Disbursements for the month of September 2020

**It was moved by Commissioner Pedersen and seconded by Vice Chairperson Fox to receive and file. Motion carried unanimously.**

2. Quit Claim Deed between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-20 (STH 50 – 118<sup>th</sup> Avenue to 88<sup>th</sup> Avenue). (Districts 16/17)

**Preliminary motion to take up items 2 through 7, however, Curt Czarnecki requested item 2 be taken independently and recommended deferral of item 2. It was moved by Commissioner Pedersen and seconded by Vice Chairperson Fox to defer to next meeting. Motion carried unanimously.**



3. Conveyance of Rights in Land between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-20 (STH 50 – 118<sup>th</sup> Avenue to 88<sup>th</sup> Avenue). (Districts 16/17)

**Curt Czarnecki provided brief summary and referred to the presentation that was provided by Kevin Cornell (HNTB on behalf of WisDOT) at the October 12, 2020 Public Works Committee meeting. KWU staff recommended approval of items 3 through 7. It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

4. Temporary Construction Easement between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-20 (STH 50 – 118<sup>th</sup> Avenue to 88<sup>th</sup> Avenue). (Districts 16/17)

**See comments from item 3. It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

5. Audit Agreement between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-22 (STH 50 – 88<sup>th</sup> Avenue to 70<sup>th</sup> Avenue). (Districts 14/16)

**See comments from item 3. It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

6. Conveyance of Rights in Land between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-22 (STH 50 – 88<sup>th</sup> Avenue to 70<sup>th</sup> Avenue). (Districts 14/16)

**See comments from item 3. It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

7. Temporary Construction Easement between the Kenosha Water Utility and the Wisconsin Department of Transportation to facilitate Project 1310-10-22 (STH 50 – 88<sup>th</sup> Avenue to 70<sup>th</sup> Avenue). (Districts 14/16)

**See comments from item 3. It was moved by Commissioner Pedersen and seconded by Commissioner Rose to approve. Motion carried unanimously.**

8. Letter of Support from the Kenosha Water Utility to the Wisconsin Department of Natural Resources regarding Water Diversion Application for the Village of Somers.

**Curt Czarnecki provided a brief presentation and recommended approval. He also answered Chairperson Bogdala's question regarding re-evaluation at a later date if demands change based on future development. Jason Peters (Somers Village Administrator) thanked KWU staff for their help and coordination throughout the process and requested support from the Board of Water Commissioners. Doug Snyder (Baxter and Woodman, Village of Somers Engineer) was also available to answer questions. It was moved by Commissioner Rose and seconded by Vice Chairperson Fox to approve. Motion carried unanimously.**

COMMISSIONERS' COMMENTS:

- **Curt Czarnecki noted that the Wisconsin Department of Transportation has requested a special meeting on October 19, 2020 for the remaining items associated with the HWY 50 improvements. Chairperson Bogdala noted he would confirm the special meeting request with Board of Water Commissioners.**

There being no further business to come before the Board of Water Commissioners, it was moved, seconded and unanimously carried to adjourn at 6:22 p.m.