

OUR VIEWS

## **Koshkonong lake district should appeal**

We've had a change of heart.

Two years ago, an administrative law judge sided with the state Department of Natural Resources and ruled that raising the level of Lake Koshkonong 7 inches in summer and eliminating winter drawdowns were not in the public interest. We then urged both sides to put this longrunning dispute behind them, move on and work together.

But since Rock County Judge Daniel Dillon again upheld that decision May 9, we've decided to urge the Rock Koshkonong Lake District and supporters of higher water to appeal. Here's why.

First, Brian Christianson, the lake district's chairman, quickly heard from many residents that they want the district to appeal. About one-third said keep fighting; about one-third want the district to move on, and the final third were undecided, he told the Gazette.

Second, the district has already sunk up to \$500,000 into the legal battle, and an appeal would cost little more because there are no oral arguments in an appellate court.

Third, Dillon said the court must sustain the DNR's reasonable statutory interpretation, "even if the court believes that another interpretation is equally reasonable or even more reasonable than that of the DNR." Was Dillon suggesting the DNR is being unreasonable? Christianson says Dillon's views seem to leave the door open for an appeal.

Finally, and perhaps most important, if the district doesn't appeal—and it's meeting at 6:30 tonight to discuss it—advocates of higher water will never be able to put their frustrations to rest and will always wonder what might have been.

This battle has raged at least since 1979 and continues to pit neighbor against neighbor. The DNR has on its side those who enjoy duck hunting and fear damage to wetlands and other waterfowl habitat. Residents and business owners who want more water will never be satisfied if the district abandons the fight now. Homeowners on a shallow lake that's a Rock River flowage backed up by the Indianford Dam gaze at docks on dry land and wish they could use their boats. They wonder why they must pay high property taxes for waterfront land on a lake they can't always enjoy. Businesses

bemoan the loss of revenue from summer residents who stay away when water is low.

We only hope that when the legal process is exhausted, the two sides haven't become so bitter that they can't set sail together on other projects to enhance the lake.

