

ROCK-KOSHKONONG LAKE DISTRICT,
ROCK RIVER-KOSHKONONG ASSOCIATION, INC., and
LAKE KOSHKONONG RECREATIONAL
ASSOCIATION, INC.,

Petitioners,

v.

Case No. 06-CV-1846

STATE OF WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Respondent.

NOTICE OF APPEARANCE AND STATEMENT OF POSITION

The respondent State of Wisconsin Department of Natural Resources appears in this matter by its attorneys, Attorney General J.B. Van Hollen and Assistant Attorney General JoAnne F. Kloppenburg, and responds as follows to the allegations in the petition for review.

1. The Department ADMITS the allegations in paragraph 1.
2. The Department DENIES the allegations in paragraph 2 for lack of information or knowledge sufficient to determine their truth.
3. The Department DENIES the allegations in paragraph 3 for lack of information or knowledge sufficient to determine their truth.
4. The Department ADMITS the allegations in paragraph 4.

5. The Department DENIES the allegations in paragraph 5 for lack of information or knowledge sufficient to determine the truth of the allegations as to residency.

6. The Department ADMITS the allegations in paragraph 6.

7. The Department ADMITS the allegations in paragraph 7.

8. The Department ADMITS the allegations in paragraph 8.

9. The Department ADMITS the allegations in paragraph 9 that it issued a proposed operating order on April 15, 2005, which re-established the summer maximum and modified the winter drawdown, and DENIES the allegation in paragraph 9 that the order denied RKLD's petition.

10. The Department DENIES the allegation in paragraph 10 that the operating order denied the District's request for amendment, and ADMITS the remaining allegations in paragraph 10.

11. The Department DENIES the allegation in paragraph 11 that the Decision denied RKLD's petition for a change in the operating order, and ADMITS the remaining allegations in paragraph 11.

12. The Department ADMITS the allegations in paragraph 12.

13. The Department ADMITS the allegations in the first sentence of paragraph 13, and DENIES the allegations in the second sentence of paragraph 13.

14. The Department DENIES the allegations in the first 2 sentences of paragraph 14 for lack of information or knowledge sufficient to determine their truth, and DENIES the allegations in the third sentence of paragraph 14.

15. The Department DENIES the allegations in the first 3 sentences of paragraph 15 for lack of information or knowledge sufficient to determine their truth, and DENIES the allegations in the fourth sentence of paragraph 15.

16. The Department DENIES the allegations in paragraph 16.

17. The Department DENIES the allegations in paragraph 17.

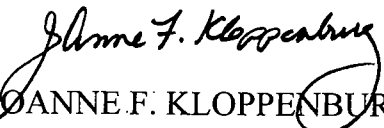
18. The Department DENIES the allegations in paragraph 18.

19. The Department DENIES the allegations in paragraph 19.

The Department asks that the Court affirm its December 1, 2006, Decision in its entirety.

Dated this 17th day of January, 2007.

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