



## 1995 ASSEMBLY BILL 709

November 29, 1995 - Introduced by Representatives FREESE, BALDUS, HAHN, MUSSER, NASS, OTTE, OURADA, SILBAUGH, ZUKOWSKI, F. LASEE and GUNDERSON, cosponsored by Senators SCHULTZ, RUDE, PANZER, BRESKE and COWLES. Referred to Committee on Natural Resources.

1     **AN ACT to renumber and amend** 144.025 (2) (e); and **to create** 144.025 (2) (e)  
2             1. of the statutes; **relating to:** the effect of certain water withdrawals on  
3             commercial aquaculture operations.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from constructing or operating one or more wells on one property that withdraw a total of more than 100,000 gallons of water a day without approval by the department of natural resources (DNR). If DNR finds that the proposed withdrawal will adversely affect a public water utility, DNR must disapprove the withdrawal or condition its approval so that the water supply of the public water utility will not be impaired.

This bill provides that if DNR finds that a proposed high-capacity well withdrawal, other than a proposal by a public water utility, will adversely affect a commercial aquaculture operation, DNR must disapprove the withdrawal or condition its approval so that the commercial aquaculture operation will not be adversely affected.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 144.025 (2) (e) of the statutes is renumbered 144.025 (2) (e) 2. and  
5             amended to read:

6             144.025 (2) (e) 2. No wells shall be constructed, installed or operated to  
7             withdraw water from underground sources for any purpose where the capacity and

1 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day  
2 without first obtaining the approval of the department.

3 3. If s. 144.026 applies to the proposed construction, the application for  
4 approval under this paragraph shall comply with s. 144.026 (5) (a).

5 4. If the department finds that ~~the~~ a proposed withdrawal will adversely affect  
6 or reduce the availability of water to any public utility in furnishing water to or for  
7 the public or does not meet the grounds for approval specified under s. 144.026 (5)  
8 (d), if applicable, it shall either withhold its approval or grant a limited approval  
9 under which it imposes such conditions as to location, depth, pumping capacity, rate  
10 of flow and ultimate use so that the water supply of any public utility engaged in  
11 furnishing water to or for the public will not be impaired and the withdrawal will  
12 conform to the requirements of s. 144.026, if applicable. If the department finds that  
13 a proposed withdrawal, other than a proposed withdrawal by a public utility engaged  
14 in furnishing water to or for the public, will adversely affect a commercial  
15 aquaculture operation, the department shall either withhold its approval or grant  
16 a limited approval under which it imposes conditions as to location, depth, pumping  
17 capacity, rate of flow and ultimate use so that the commercial aquaculture operation  
18 will not be adversely affected.

19 5. The department shall require each person issued an approval under this  
20 paragraph to report that person's volume and rate of withdrawal, as defined under  
21 s. 144.026 (1) (m), and that person's volume and rate of water loss, as defined under  
22 s. 144.026 (1) (L), if any, in the form and at the times specified by the department.

23 6. The department may issue general or special orders it considers necessary  
24 to ensure prompt and effective administration of this paragraph.

25 **SECTION 2.** 144.025 (2) (e) 1. of the statutes is created to read:

