

2013 DRAFTING REQUEST

Bill

Received: 4/17/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Alvin Ott (608) 266-5831 By/Representing: Erin Ruby
May Contact: Drafter: btradewe
Subject: Environment - water quality Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Ott@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Applicability of high capacity well requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 8/8/2013	evinz 5/15/2013	rschlue 5/15/2013	_____	sbasford 5/15/2013		State
/P2	btradewe 10/31/2013	evinz 8/8/2013	phenry 8/9/2013	_____	srose 8/9/2013		State
/1		evinz 10/31/2013	rschlue 10/31/2013	_____	srose 10/31/2013	lparisi 2/4/2014	State

FE Sent For:

@
INTRO

<END>

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FE Sent For:

1 eev
10/31/13
1 eev
10/31/13
<END>
165113

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/P1	btradewe 5/14/2013	evinz 5/15/2013	rschluet 5/15/2013	<u>8/9</u>	sbasford 5/15/2013		State

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1p2 eev
8/8/13

8/9 ph

JFP L

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/P1	btradewe	1/pl eeV 5/14/13	S SIB	_____	_____		

FE Sent For:

<END>

Tradewell, Becky

From: Ruby, Erin
Sent: Friday, April 12, 2013 8:02 AM
To: Kite, Robin; Tradewell, Becky
Subject: Meeting to Discuss A Drafting Request

Robin and Becky,

Our office has been working with the Wisconsin Water Well Association on an issue related to high capacity wells.

It's a multi-faceted issue that is not particularly easy to explain in writing (and actually involves some diagrams).

I'm wondering if the two of you might have some time available next Wednesday, the 17th, to meet with me and Jeff Beiriger from WWA so we can describe the problem and discuss potential drafting options. I believe any time from 10:00 a.m. to 3:30 p.m. works on our end.

Let me know if the 17th will work. If not, we can certainly look at other dates.

Thank you very much!

Erin

Erin Ruby

Office of State Representative Al Ott
3rd Assembly District
608.266.5831
erin.ruby@legis.wi.gov

323N

4/17/13 Meeting with Erin Ruby, Jeff Beirmer (lobbyist) and a well driller whose name I didn't catch. 144-331-2059

They are concerned about certain wells being considered high capacity wells, triggering the \$500 fee before drilling, a \$125 annual fee, and reporting requirements. See s. 281.39 and NR 812. [and 281.316 (3), (12)(a) and NR 850]
 ↳ they did not mention these laws

First concern is about wells used exclusively or primarily for fire protection purposes. They may have a 20 gallon per hour / 100,000 gallon per day capacity, which makes them high capacity wells and triggers the fees and reporting requirements but may be used only 1-2 days per year. Rural fire departments may have these or individuals may have these for fire departments to use so they don't have to go back into town. These should be exempted. Only the \$50 fee would apply (the fee for wells that are not high capacity wells). For new wells, this purpose could be reported to DNR before the well is constructed. For current wells, the fire department could notify DNR so that the person could stop paying the annual fee and making the annual report.

Also - some homes need a well, ^{with over 100,000 gallon/day capacity} to operate sprinkles for fire protection in the home. These should also be exempted.

2. Under current law, when a property has, say three wells with 20 gallon per hour capacity located on the property and another 20 gallon per hour capacity well is added on the property, the new well is considered a high capacity well, triggering the higher initial fee and the annual fee and reporting requirements. This could be a condominium project, for example. If the wells were located on separate properties, the high capacity requirement would not apply. So, exclude residential wells from the high cap well requirements.

3. Someone, a farmer for example, may have a well with a capacity over 100,000 gallons per day / 20 gallons per minute for irrigation, for example, and then want to add a smaller well for a new residence. This would trigger the \$500 fee for the new well (the annual fee and reporting requirement would already apply to the property because of the large well already there.)

So-exempt residential wells in situations 2 and 3.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2188/P1
RCT...:...

Soon (in 5/14)

eev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ
xref

Note

gen cat

1 AN ACT .;. relating to: approval, reporting, and fee requirements for certain
2 wells.

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) and pay a \$500 fee before constructing a high capacity well. In some cases, before approving a proposed high capacity well, DNR must ensure that the well will not have a significant adverse effect on certain springs or surface water bodies. The law also requires the owner of a high capacity well to submit an annual report on the amount of water pumped. Under current law, a high capacity well is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day. Current law requires a person who wishes to construct a well that is not a high capacity well to notify DNR and pay a \$50 fee.

This bill provides that a well of any capacity used primarily for fire protection purposes or used to provide water to a single family or multifamily residence located on the same property as the well is not a high capacity well and that an existing residential well or fire protection well is not considered in determining whether a new well to be constructed on the same property is a high capacity well.

Under current law, for example, if a property owner has an irrigation well with a capacity of 90,000 gallons per day and the property owner wants to add another well with a capacity of more than 10,000 gallons per day for any purpose, the property owner must pay a \$500 fee and get approval from DNR before constructing the new well and must make annual pumping report. Under the bill, on the other hand, if

can

a property owner has an irrigation well with a capacity of 90,000 gallons per day and wants to add a well with a capacity of over 10,000 gallons per day to provide water to a residence located on the same property or for fire protection purposes, the property owner is not required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report. Also under the bill, if all of the wells on a property are residential wells, the property owner may add another well of any capacity to serve a residence located on the same property without being required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report.

Current law requires a person with a water system with the capacity to withdraw more than 100,000 gallons of water per day from surface water or groundwater to pay a \$125 annual fee to DNR. This bill provides that the capacity of a well used primarily for fire protection purposes or to provide water to a single family or multifamily residence located on the same property as the well is not considered in determining whether a person is required to pay the \$125 annual fee.

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

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

1 ^x
SECTION 1. 281.34 (1) (a) of the statutes is renumbered 281.34 (1) (am).

2 [✓]
SECTION 2. 281.34 (1) (ae) of the statutes is created to read:

3 281.34 (1) (ae) "Fire protection well" means a well used primarily for fire
4 protection purposes.

5 ^x
SECTION 3. 281.34 (1) (b) of the statutes is amended to read:

6 281.34 (1) (b) "High capacity well" means a well, except for a residential well
7 or fire protection well, that, together with all other wells on the same property except
8 for residential wells and fire protection wells, has a capacity of more than 100,000
9 gallons per day.

plain

10 [✓]
SECTION 4. 281.34 (1) (em) of the statutes is created to read:

11 281.34 (1) (em) "Residential well" means a well used to provide water to a single
12 family or multifamily residence that is located on the same property as the well.

13 ^x
SECTION 5. 281.346 (12) (a) of the statutes is amended to read:

insert section
from page 2

1 281.346 (12) (a) A Subject to par. (am), a person who has a water supply system
 2 with the capacity to make a withdrawal from the waters of the state averaging
 3 100,000 gallons per day or more in any 30-day period shall pay to the department
 4 an annual fee of \$125, except that the department may promulgate a rule specifying
 5 a different amount and except that, notwithstanding the department's rule-making
 6 authority, no person is required to pay more than \$1,000 per year under this
 7 paragraph.

History: 2007 a. 227; 2009 a. 28, 180, 276; ~~2011~~ a. 32, 167.

8 **SECTION 6.** 281.346 (12) (am) of the statutes is [✓]created to read:

9 281.346 (12) (am) The following are not considered in determining the capacity
 10 of a water supply system for the purposes of par. (a):

11 1. The capacity of a well used to provide water to a single family or multifamily
 12 residence on the same property as the well.

13 2. The capacity of a well used primarily for fire protection purposes.

14 **SECTION 7.** 281.344 (4s) (dm) of the statutes is amended to read:

15 281.344 (4s) (dm) *Requiring individual permit.* The department may require
 16 a person who is making or proposes to make a withdrawal that averages 100,000
 17 gallons per day or more in any 30-day period, but that does not equal at least
 18 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
 19 under sub. (5) if the withdrawal is located in a groundwater protection area, as
 20 defined in s. 281.34 (1) (a) [✓](am), or a groundwater management area designated
 21 under s. 281.34 (9).

History: 2007 a. 227; 2009 a. 180; ~~2011~~ a. 32.

22 **SECTION 8.** 281.346 (4s) (dm) of the statutes is amended to read:

23 281.346 (4s) (dm) *Requiring individual permit.* The department may require
 24 a person who is making or proposes to make a withdrawal that averages 100,000

move
to
p. 2

1 gallons per day or more in any 30-day period, but that does not equal at least
2 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
3 under sub. (5) if the withdrawal is located in a groundwater protection area, as
4 defined in s. 281.34 (1) (~~a~~) [✓] (am), or a groundwater management area designated
5 under s. 281.34 (9).

6 **History:** 2007 a. 227; 2009 a. 28, 180, 276; 2011 a. 32, 167.

(END)

ONote

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2188/P1dn

RCT.:.....

eev

date

Erin Ruby:

This is a preliminary draft of the proposal relating to the applicability of high capacity well requirements. It should be reviewed carefully.

Should the draft specify that a residential well must be used primarily or, perhaps, exclusively to provide water to a residence on the same property?

Under the bill, a residential well would not be considered a high capacity well no matter what the capacity of the well is and no matter how much water is actually pumped. It seems possible that one well serving a large multifamily development might pump an average of more than 100,000 gallons per day over a 30 day period. It might be difficult, though, to base the exemption from the \$500 application fee, for example, on how much is pumped because it might not be known in advance how much water would actually be pumped.

Should the draft specify a limit on the capacity of a residential well to qualify for the exemption? Should it limit the number of residential units that may be served by a residential well? Do you want any other limits or changes?

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2188/P1dn
RCT:eev:rs

May 15, 2013

Erin Ruby:

This is a preliminary draft of the proposal relating to the applicability of high capacity well requirements. It should be reviewed carefully.

Should the draft specify that a residential well must be used primarily or, perhaps, exclusively to provide water to a residence on the same property?

Under the bill, a residential well would not be considered a high capacity well no matter what the capacity of the well is and no matter how much water is actually pumped. It seems possible that one well serving a large multifamily development might pump an average of more than 100,000 gallons per day over a 30-day period. It might be difficult, though, to base the exemption from the \$500 application fee, for example, on how much is pumped because it might not be known in advance how much water would actually be pumped.

Should the draft specify a limit on the capacity of a residential well to qualify for the exemption? Should it limit the number of residential units that may be served by a residential well? Do you want any other limits or changes?

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Tradewell, Becky
Sent: Monday, June 24, 2013 2:25 PM
To: Ruby, Erin
Subject: RE: LRB 2188/P1

Erin,

A. The WWA concerns with the sentence in the analysis lead me to think that the draft (LRB-2188/P1) may not do what is wanted.

As we discussed in the meeting in April, the statutes define "high capacity well" in terms of the total capacity of the wells on a property. When a person proposes to construct a well, the well is considered to be a high capacity well if, after the well is constructed, the capacity of all of the wells on the property will be over 100,000 gallons per day, even if the proposed well is small. If the proposed well is a high capacity well, based on the capacity of all wells on the property, the well must be approved by DNR, the applicant must pay a \$500 fee, and an annual pumping report must be filed.

Under current law, the concept of "high capacity well" cannot be separated from consideration of the capacity of all of the wells on the property. It is true that if there is no other well on a property, a proposed well is considered to be a high capacity well if it has a capacity of more than 100,000 gallons per day. But if there is at least one other well on the property, the size of a proposed well that triggers high capacity well regulation depends on the capacity of the other well or wells.

The draft modifies the definition of "high capacity well" so that no residential well (or fire protection well) would be considered in determining the capacity of the wells on a property for purposes of telling whether the high capacity well law applies. Thus, no proposed residential well would ever be considered a high capacity well, no matter the capacity of the proposed well or the capacity or purpose of the other wells on the property. DNR approval would not be required, the \$500 fee would not have to be paid, and no annual pumping report would be required.

If that is not what is wanted, I need some more information to make sure that the redraft does what is wanted. The main question is: should the draft make any change to current law on when DNR approval is required under the high capacity well statute, s. 281.34?

Some examples may be helpful:

1. Say there is a property with three residential wells, each with a capacity of 30,000 gallons per day and that the owner proposes to add another residential well with a capacity of 30,000 gallons per day. Should the owner be required to obtain DNR approval for the proposed well?

If not, would it matter if the proposed well was of the same capacity, but not a residential well?

If the owner wanted to add (to the property with three existing residential wells) a residential well with a capacity of over 100,000 gallons per day, would DNR approval be required? Would a \$500 fee and annual pumping report be required?

2. If a property has one existing well, a nonresidential well with a capacity of 90,000 gallons per day, and the owner wants to add a residential well of 30,000 gallons per day, would DNR approval be required?

Also, would DNR approval ever be required for a proposed fire protection well? If so, in what circumstances? Would a fee and pumping report ever be required based on the capacity of a fire protection well?

B. I would not recommend defining "capacity" unless there are problems with how the term is being interpreted now.

C. I don't think that the language in the budget about cumulative impacts would have an effect on the issues being addressed in this draft.

Please let me know if you have any questions or would like to discuss these issues.

Becky

From: Ruby, Erin
Sent: Friday, June 21, 2013 8:44 AM
To: Tradewell, Becky
Subject: LRB 2188/P1

Good morning, Becky!

First, thank you very much for your work on LRB 2188.

As you know, I met with Jeff Beiriger from the Wisconsin Water Well Association earlier this week to discuss your drafter's note and the bill draft. Overall, the draft hits the mark very well. It doesn't appear any changes are needed in response to the questions you raised in the note.

I do, however, have a few minor changes to request:

- **Page 2, line 3:** Delete "primarily".
- **Page 4, line 5:** Delete "primarily".
- Add a six-month delayed effective date.

Additionally, I have a couple of questions:

- **Page 2, line 8:** Jeff and I were discussing the meaning of the term "capacity", which is in the current law definition of "high capacity well". The assumption is that it refers to pumping or withdrawal capacity. In your opinion, would adding the word "pumping" or "withdrawal" before "capacity" be a good thing for the sake of clarity, or would it potentially cause issues elsewhere in the statutes or administrative code?
- Do you think the language included in the budget regarding the consideration of the cumulative impact of high capacity wells would have any impact on the issue we are attempting to address with this draft?

Finally, the WWSA had some concerns with one sentence in the LRB analysis:

The last sentence of the third paragraph reads – "Also under the bill, if all of the wells on a property are residential wells, the property owner may add another well of any capacity to serve a residence located on the same property without being required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report."

- The WWSA would like to clarify that the addition of another well could be of any capacity, so long as it's not a high capacity well. Further, they indicate that DNR approval would still be required for that additional well (via required permits), but the fee and annual pumping report would not be.

Thanks again, Becky!

Erin

Erin Ruby

Office of State Representative Al Ott

3rd Assembly District

608.266.5831

erin.ruby@legis.wi.gov

Tradewell, Becky

From: Ruby, Erin
Sent: Thursday, August 08, 2013 10:56 AM
To: Tradewell, Becky
Subject: RE: LRB 2188/P1

Thanks again for your work on this, Becky!

I finally heard back from Jeff Beiriger. For now, we're just going to go with the three minor changes I noted in my original email.

- **Page 2, line 3:** Delete "primarily".
- **Page 4, line 5:** Delete "primarily".
- Add a six-month delayed effective date.

Please keep this in Preliminary draft form for the time being.

Thank you!
Erin

Erin Ruby

*Office of State Representative Al Ott
3rd Assembly District
608.266.5831
erin.ruby@legis.wi.gov*

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C. I don't think that the language in the budget about cumulative impacts would have an effect on the issues being addressed in this draft.

Please let me know if you have any questions or would like to discuss these issues.

Becky

From: Ruby, Erin
Sent: Friday, June 21, 2013 8:44 AM
To: Tradewell, Becky
Subject: LRB 2188/P1

Good morning, Becky!

First, thank you very much for your work on LRB 2188.

As you know, I met with Jeff Beiriger from the Wisconsin Water Well Association earlier this week to discuss your drafter's note and the bill draft. Overall, the draft hits the mark very well. It doesn't appear any changes are needed in response to the questions you raised in the note.

I do, however, have a few minor changes to request:

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- The WWWA would like to clarify that the addition of another well could be of any capacity, so long as it's not a high capacity well. Further, they indicate that DNR approval would still be required for that additional well (via required permits), but the fee and annual pumping report would not be.

Thanks again, Becky!

Erin

Erin Ruby

Office of State Representative Al Ott

3rd Assembly District

608.266.5831

erin.ruby@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2188/P~~1~~ 2

RCT:eev:rs

SOON (in 8/8)

Stays

CMY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ref

1 **AN ACT** *to renumber* 281.34 (1) (a); *to amend* 281.34 (1) (b), 281.344 (4s) (dm),
2 281.346 (4s) (dm) and 281.346 (12) (a); and *to create* 281.34 (1) (ae), 281.34 (1)
3 (em) and 281.346 (12) (am) of the statutes; **relating to:** approval, reporting,
4 and fee requirements for certain wells.

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) and pay a \$500 fee before constructing a high capacity well. In some cases, before approving a proposed high capacity well, DNR must ensure that the well will not have a significant adverse effect on certain springs or surface water bodies. The law also requires the owner of a high capacity well to submit an annual report on the amount of water pumped. Under current law, a high capacity well is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day. Current law requires a person who wishes to construct a well that is not a high capacity well to notify DNR and pay a \$50 fee.

*

This bill provides that a well of any capacity used primarily for fire protection purposes or used to provide water to a single family or multifamily residence located on the same property as the well is not a high capacity well and that an existing residential well or fire protection well is not considered in determining whether a new well to be constructed on the same property is a high capacity well.

Under current law, for example, if a property owner has an irrigation well with a capacity of 90,000 gallons per day and the property owner wants to add another

well with a capacity of more than 10,000 gallons per day for any purpose, the property owner must pay a \$500 fee and get approval from DNR before constructing the new well and must make an annual pumping report. Under the bill, on the other hand, if a property owner has an irrigation well with a capacity of 90,000 gallons per day and wants to add a well with a capacity of over 10,000 gallons per day to provide water to a residence located on the same property or for fire protection purposes, the property owner is not required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report. Also under the bill, if all of the wells on a property are residential wells, the property owner may add another well of any capacity to serve a residence located on the same property without being required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report.

* Current law requires a person with a water system with the capacity to withdraw more than 100,000 gallons of water per day from surface water or groundwater to pay a \$125 annual fee to DNR. This bill provides that the capacity of a well used primarily for fire protection purposes or to provide water to a single family or multifamily residence located on the same property as the well is not considered in determining whether a person is required to pay the \$125 annual fee.

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

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

1 SECTION 1. 281.34 (1) (a) of the statutes is renumbered 281.34 (1) (am).

2 SECTION 2. 281.34 (1) (ae) of the statutes is created to read:

3 281.34 (1) (ae) "Fire protection well" means a well used primarily for fire
4 protection purposes.

5 SECTION 3. 281.34 (1) (b) of the statutes is amended to read:

6 281.34 (1) (b) "High capacity well" means a well, except for a residential well
7 or fire protection well, that, together with all other wells on the same property, except
8 for residential wells and fire protection wells, has a capacity of more than 100,000
9 gallons per day.

10 SECTION 4. 281.34 (1) (em) of the statutes is created to read:

11 281.34 (1) (em) "Residential well" means a well used to provide water to a single
12 family or multifamily residence that is located on the same property as the well.

1 **SECTION 5.** 281.344 (4s) (dm) of the statutes is amended to read:

2 281.344 (4s) (dm) *Requiring individual permit.* The department may require
3 a person who is making or proposes to make a withdrawal that averages 100,000
4 gallons per day or more in any 30-day period, but that does not equal at least
5 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
6 under sub. (5) if the withdrawal is located in a groundwater protection area, as
7 defined in s. 281.34 (1) (a) (am), or a groundwater management area designated
8 under s. 281.34 (9).

9 **SECTION 6.** 281.346 (4s) (dm) of the statutes is amended to read:

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15 defined in s. 281.34 (1) (a) (am), or a groundwater management area designated
16 under s. 281.34 (9).

17 **SECTION 7.** 281.346 (12) (a) of the statutes is amended to read:

18 281.346 (12) (a) A Subject to par. (am), a person who has a water supply system
19 with the capacity to make a withdrawal from the waters of the state averaging
20 100,000 gallons per day or more in any 30-day period shall pay to the department
21 an annual fee of \$125, except that the department may promulgate a rule specifying
22 a different amount and except that, notwithstanding the department's rule-making
23 authority, no person is required to pay more than \$1,000 per year under this
24 paragraph.

25 **SECTION 8.** 281.346 (12) (am) of the statutes is created to read:

1 281.346 (12) (am) The following are not considered in determining the capacity
2 of a water supply system for the purposes of par. (a):

3 1. The capacity of a well used to provide water to a single family or multifamily
4 residence on the same property as the well.

5 2. The capacity of a well used primarily for fire protection purposes.

(END)

6
Insert 4-5

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2188/P2ins
RCT.....

1 **Insert 4-5**

2 **SECTION 1. Effective date.**

3 (1) This act takes effect on the first day of the 7th month beginning after
4 publication.

Tradewell, Becky

From: Ruby, Erin
Sent: Thursday, October 31, 2013 11:33 AM
To: Tradewell, Becky
Cc: jeff@assocmgmtservices.com
Subject: LRB 2188/P2

Becky,

It looks like we've finally settled on a direction for LRB 2188/P2.

As a result, we should only need two minor changes.

- **Page 2, line 3:** add "primarily" between "used" and "for".
- **Page 2, line 11:** add "primarily" between "used" and "to".

With those changes, I think we're ready to convert this to a /1.

.Thank you!
Erin

Erin Ruby

*Office of State Representative Al Ott
3rd Assembly District
608.266.5831
erin.ruby@legis.wi.gov*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2188/P2
RCT:eev:ph

Monday 11/4

fmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repeal

1 AN ACT *to repeal* 281.34 (1) (a); *to amend* 281.34 (1) (b), 281.344 (4s) (dm),
2 281.346 (4s) (dm) and 281.346 (12) (a); and *to create* 281.34 (1) (ae), 281.34 (1)
3 (em) and 281.346 (12) (am) of the statutes; **relating to:** approval, reporting,
4 and fee requirements for certain wells.

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) and pay a \$500 fee before constructing a high capacity well. In some cases, before approving a proposed high capacity well, DNR must ensure that the well will not have a significant adverse effect on certain springs or surface water bodies. The law also requires the owner of a high capacity well to submit an annual report on the amount of water pumped. Under current law, a high capacity well is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day. Current law requires a person who wishes to construct a well that is not a high capacity well to notify DNR and pay a \$50 fee.

* primarily
This bill provides that a well of any capacity used primarily for fire protection purposes or used to provide water to a single family or multifamily residence located on the same property as the well is not a high capacity well and that an existing residential well or fire protection well is not considered in determining whether a new well to be constructed on the same property is a high capacity well.

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Current law requires a person with a water system with the capacity to withdraw more than 100,000 gallons of water per day from surface water or groundwater to pay a \$125 annual fee to DNR. This bill provides that the capacity of a well used for fire protection purposes or to provide water to a single family or multifamily residence located on the same property as the well is not considered in determining whether a person is required to pay the \$125 annual fee.

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22 a different amount and except that, notwithstanding the department's rule-making
23 authority, no person is required to pay more than \$1,000 per year under this
24 paragraph.

25 **SECTION 8.** 281.346 (12) (am) of the statutes is created to read:

Parisi, Lori

From: Ruby, Erin
Sent: Tuesday, February 04, 2014 11:19 AM
To: LRB.Legal
Subject: Draft Review: LRB -2188/1 Topic: Applicability of high capacity well requirements

Please Jacket LRB -2188/1 for the ASSEMBLY.