



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 177
[2015 Senate Bill 243]

**Approval, Reporting, and Fee
Requirements for Certain Wells**

BACKGROUND AND PRIOR LAW

Wisconsin law treats high capacity wells¹ differently from other wells. Under prior law, retained by the Act, a person must obtain approval from the Department of Natural Resources (DNR) before constructing a high capacity well or withdrawing water from a high capacity well. An owner must apply to the DNR for such an approval and pay a \$500 application fee. [s. 281.34 (2), Stats.]

After they are approved, high capacity wells are subject to certain ongoing requirements. For example, high capacity well owners must record and report annual pumpage data. In addition, high capacity well owners are subject to an annual \$125 water use fee and additional fees applicable to withdrawals made within the Great Lakes basin. [ss. NR 820.13 and 850.04, Wis. Adm. Code.]

Wells that are not high capacity wells are not subject to DNR approval. Instead, an owner of a well that is not high capacity must notify the DNR of the location of the well before construction of the well begins, and the owner must also pay a one-time fee of \$50 and a processing fee of \$.50 cents. [s. 281.34 (3), Stats.] An owner of a well that is not a high capacity well is not subject to the annual pumpage reporting requirements or ongoing fees described above.

¹ “High capacity well” means a well that, together with all other wells on the same property, has a capacity to withdraw more than 100,000 gallons of water per day. [s. 281.34 (1) (b), Stats.]

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

2015 WISCONSIN ACT 177

2015 Wisconsin Act 177 exempts certain residential and fire protection wells from regulations applicable to high capacity wells. Specifically, the Act exempts the following two types of wells from the definition of “high capacity well” for purposes of those regulations:

- A “residential well,” defined to mean a well that has a capacity of 100,000 gallons per day or less and that is used primarily to provide water to a single-family or multifamily residence.
- A “fire protection well,” defined to mean a well that is used primarily for fire protection purposes.

Under the Act, regardless of the capacity of other wells on the same property, those two types of wells would be subject to the notification requirement, described above, rather than DNR approval, and they would not be subject to requirements for annual pumpage reports or water use fees that generally apply to high capacity wells.

Effective date: The Act takes effect on October 1, 2016.

Prepared by: Anna Henning, Senior Staff Attorney

March 28, 2016

AH:mcm;ty