



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2015 Assembly Bill 327	Assembly Amendment 1
<i>Memo published:</i> December 17, 2015	
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2015 Assembly Bill 327 relates to the regulation of certain residential and fire protection wells.

CURRENT LAW

Current law treats high capacity wells differently from other wells. Current law defines “high capacity well” to mean 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.]

Current law requires DNR approval before any person may construct or withdraw 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. 2015 Assembly Bill 327

Assembly Bill 327 exempts certain residential and fire protection wells from regulations applicable to high capacity wells. Specifically, the bill 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 is used primarily to provide water to a single-family or multifamily residence that is located on the same property as the well.
- A “fire protection well,” defined to mean a well that is used primarily for fire protection purposes.

Under the bill, 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.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 modifies the definition of “residential well,” created under the bill, 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.

BILL HISTORY

Representative Al Ott offered Assembly Amendment 1 to Assembly Bill 327 on October 22, 2015. On December 15, 2015, the Assembly Committee on Environment and Forestry voted to recommend adoption of the amendment on a vote of Ayes, 12; Noes, 0. On the same day, the committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 9; Noes, 3.

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