



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 874

**Assembly Substitute
Amendment 1 and Assembly
Amendment 1 to Assembly
Substitute Amendment 1**

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2015 ASSEMBLY BILL 874

This bill specifies that a new permit is not required, and no fee may be charged, for the owner of a permitted high capacity well to repair, maintain, replace, or reconstruct a high capacity well, or to transfer a high capacity well to a new owner, subject to certain conditions. The standards and conditions of the original permit generally continue to apply after any of these actions are taken.

ASSEMBLY SUBSTITUTE AMENDMENT 1

This substitute amendment also includes provisions that are similar to those contained in the bill related to repair, maintenance, replacement, reconstruction, or transfer of previously permitted high capacity wells.

In addition, the substitute amendment does all of the following:

- Generally requires the Department of Natural Resources (DNR) to evaluate and model the hydrology of specified watersheds in parts of Adams, Green Lake, Juneau, Marquette, Portage, Waupaca, Waushara, Winnebago, and Wood Counties (DNR may exclude portions of these areas).
- Requires the DNR to make recommendations about any special regulatory or other measures that should be applied to groundwater withdrawals in a study area to prevent or remedy a significant reduction of a navigable stream's or navigable lake's rate of flow or water level below its average seasonal levels.
- Requires the owner of a new high capacity well located in one of these designated study areas, or an owner who replaces, reconstructs, or transfers ownership of a high

capacity well located in a designated study area, to install a water usage meter and provide data on water usage from the meter to the DNR.

- Requires the DNR to expedite and charge no fee for an approval for the construction of a high capacity well by a lake association that will be used solely to provide water to a lake located in a designated study area to assist DNR in evaluating and modeling the hydrology of that area, if DNR makes certain determinations.
- Requires the DNR to develop and administer a financial assistance program to provide grants to lake associations to construct high capacity wells for this purpose.
- Provides that a person who is unreasonably harmed by a lowering of the water table or a reduction in artesian pressure caused by another person's groundwater withdrawal may bring an action for nuisance against the person who withdraws the groundwater, regardless of whether the groundwater is used for a beneficial purpose.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 1 to Assembly Substitute Amendment 1 does all of the following:

- Specifies that the scope of the DNR's study of the areas listed in the substitute amendment include Pleasant Lake in Waushara County and that the purpose of the study is to evaluate the hydrology of navigable waters in the study area.
- Specifies that the DNR may request funding and staff positions from the Joint Committee on Finance to conduct the study under the substitute amendment.
- Requires the DNR to begin its study within one year of the effective date of the bill, and to report its conclusions and recommendations to the Legislature within three years of beginning the study.
- Specifies that the provision in the substitute amendment requiring the DNR to expedite and charge no fee for high capacity well approvals issued to lake associations for limited purposes also applies to lake districts.

BILL HISTORY

Assembly Substitute Amendment 1 was offered by Representative Krug on February 15, 2016. On February 16, 2016, the Assembly Committee on Environment and Forestry voted to recommend adoption of the substitute amendment on a vote of Ayes, 7; Noes, 6, and to recommend passage of the bill, as amended, on a vote of Ayes, 7; Noes 6.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by Representative Nerison and the Assembly adopted both amendments and passed the bill, as amended, on a vote of Ayes, 57; Noes, 35; Paired, 4.

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