



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0409/1
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**SENATE SUBSTITUTE AMENDMENT 4,
TO SENATE BILL 239**

March 15, 2016 - Offered by Senators LASSA, SHILLING, RISSER, ERPENBACH, MILLER,
VINEHOUT, HARRIS DODD, RINGHAND, CARPENTER, WIRCH, HANSEN and BEWLEY.

1 **AN ACT** *to amend* 281.34 (2); and *to create* 20.370 (4) (cd) and 281.34 (2g) of the
2 statutes; **relating to:** repair, replacement, and transfer of an approved high
3 capacity well and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources before constructing or operating a high capacity well, which 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.

This substitute amendment provides that no additional approval is needed for the owner of an approved high capacity well to repair or maintain the well. The owner may not repair or maintain the well if doing so would be inconsistent with the standards or conditions of the existing high capacity well approval, and the standards and conditions of the approval continue to apply after the owner repairs or maintains the well.

The substitute amendment also requires DNR to give priority to processing applications to 1) transfer a high capacity well approval to a person who is related by blood, marriage, or adoption to the owner of the well, and 2) replace an approved

high capacity well if the purpose of the replacement is to remedy or prevent contamination.

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

1 **SECTION 1.** 20.370 (4) (cd) of the statutes is created to read:

2 20.370 (4) (cd) *Groundwater quantity administration - high capacity well*
3 *applications.* From the general fund, a sum sufficient for staff salaries to review and
4 process applications for high capacity well approvals under s. 281.34.

5 **SECTION 2.** 281.34 (2) of the statutes is amended to read:

6 281.34 (2) APPROVAL REQUIRED FOR HIGH CAPACITY WELLS. ~~An~~ Except as provided
7 in sub. (2g), an owner shall apply to the department for approval before construction
8 of a high capacity well begins. ~~No~~ Except as provided in sub. (2g), no person may
9 construct or withdraw water from a high capacity well without the approval of the
10 department under this section or under s. 281.17 (1), 2001 stats. An owner applying
11 for approval under this subsection shall pay a fee of \$500.

12 **SECTION 3.** 281.34 (2g) of the statutes is created to read:

13 281.34 (2g) REPAIR, REPLACEMENT, AND TRANSFER OF OWNERSHIP OF AN APPROVED
14 HIGH CAPACITY WELL. (a) If an existing high capacity well has been approved under
15 this section or under s. 281.17 (1), 2001 stats., the owner of that well may repair and
16 maintain the well without obtaining an additional approval under this section.
17 Except as provided in sub. (7), the standards or conditions of the existing high
18 capacity well approval continue to apply after an owner repairs or maintains the
19 well. An owner of a well may not repair or maintain the well if doing so would be
20 inconsistent with the standards or conditions of the existing high capacity well
21 approval.

1 (b) The department shall give priority to processing applications to transfer the
2 approval of an existing high capacity well that has been approved under this section
3 or under s. 281.17 (1), 2001 stats., concurrent with transferring the land on which
4 the approved high capacity well is located, if the person to whom the land and
5 approval are transferred is related by blood, marriage, or adoption to the owner of
6 the approved high capacity well.

7 (c) Subject to par. (b), the department shall give priority to processing
8 applications to construct a new high capacity well to replace an existing high
9 capacity well that has been approved under this section or under s. 281.17 (1), 2001
10 stats., if the purpose of the replacement is to remedy or prevent contamination.

11 (END)