$\begin{array}{c} LRB-0645/1 \\ RNK:jld:rs \end{array}$

2007 ASSEMBLY BILL 117

February 22, 2007 – Introduced by Representatives Albers, Molepske, Townsend, A. Ott, Mursau and Hahn, cosponsored by Senators S. Fitzgerald, Lassa and Olsen. Referred to Committee on Agriculture.

AN ACT to create 31.045 (3) of the statutes; relating to: requiring certain approvals for the construction, enlargement, or modification of a dam that affects the water level of a drain.

Analysis by the Legislative Reference Bureau

Under current law, drainage boards govern drainage districts that operate drains for agricultural lands owned by two or more persons. An individual landowner may also install a drain on not more than 80 acres of agricultural lands if the landowner presents a petition to the drainage board or, if there is no drainage board in the county, to the appropriate town supervisors and if the drainage board or town supervisors, after a hearing, order that the drain be constructed.

Current law also provides that a person may not construct, operate, or maintain a dam without a permit issued from the Department of Natural Resources. This bill specifies that a person who obtains a permit to construct, enlarge, or modify a dam may not construct, enlarge, or modify the dam unless the person first obtains written approvals from certain persons if the activity for which the permit was issued will change the water level of a drain passing through or along agricultural lands and if the change in that water level will cause a change to the benefits accruing to the agricultural lands. The approvals, if required, must be obtained from every owner

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of agricultural land through or along which the drain passes if benefits accrue to that agricultural land from the drain.

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

Section 1. 31.045 (3) of the statutes is created to read:

- 31.045 (3) (a) A person who obtains a permit under this chapter to construct, enlarge, or modify a dam may not construct, enlarge, or modify the dam unless the person first obtains written approvals from the persons specified under par. (b) if all of the following apply:
- 1. The activity for which the permit was issued will change the water level of a drain in a drainage district organized under ch. 88 or the water level of a drain that is constructed under an order issued under s. 88.94.
- 2. The change in the water level of the drain will cause a change to the benefits accruing to agricultural lands through or along which the drain passes.
- (b) A person who is required to obtain written approval under par. (a) shall obtain that approval from every owner of agricultural land through or along which the drain specified under par. (a) passes if benefits accrue to that agricultural land from the drain.

15 (END)