



1997 ASSEMBLY BILL 317

April 24, 1997 - Introduced by Representatives FREESE, GRONEMUS, SYKORA, MUSSEY, HASENOHRL, M. LEHMAN, BAUMGART, AINSWORTH, F. LASEE, GROTHMAN, ALBERS, OWENS, ZUKOWSKI, SKINDRUD and SERATTI, cosponsored by Senators SHIBILSKI, SCHULTZ, PLACHE and BRESKE. Referred to Committee on Rural Affairs.

1 **AN ACT** *to renumber and amend* 281.17 (1); and *to create* 281.17 (1) (a) of the
2 statutes; **relating to:** the effect of certain water withdrawals on commercial
3 agriculture operations.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from constructing or operating one or more wells on one property that withdraw a total of more than 100,000 gallons of water a day without approval by the department of natural resources (DNR). If DNR finds that the proposed withdrawal will adversely affect a public water utility, DNR must disapprove the withdrawal or condition its approval so that the water supply of the public water utility will not be impaired.

This bill provides that, if DNR finds that a proposed high-capacity well withdrawal, other than a proposal by a public water utility, will adversely affect a commercial agriculture operation, DNR must disapprove the withdrawal or condition its approval so that the commercial agriculture operation will not be adversely affected.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 317**SECTION 1**

1 **SECTION 1.** 281.17 (1) of the statutes is renumbered 281.17 (1) (b) and amended
2 to read:

3 281.17 (1) (b) No wells shall be constructed, installed or operated to withdraw
4 water from underground sources for any purpose where the capacity and rate of
5 withdrawal of all wells on one property is in excess of 100,000 gallons a day without
6 first obtaining the approval of the department.

7 (c) If s. 281.35 applies to the proposed construction, the application for approval
8 under this subsection shall comply with s. 281.35 (5) (a).

9 (d) If the department finds that ~~the~~ a proposed withdrawal will adversely affect
10 or reduce the availability of water to any public utility in furnishing water to or for
11 the public or does not meet the grounds for approval specified under s. 281.35 (5) (d),
12 if applicable, it shall either withhold its approval or grant a limited approval under
13 which it imposes such conditions as to location, depth, pumping capacity, rate of flow
14 and ultimate use so that the water supply of any public utility engaged in furnishing
15 water to or for the public will not be impaired and the withdrawal will conform to the
16 requirements of s. 281.35, if applicable. If the department finds that a proposed
17 withdrawal, other than a proposed withdrawal by a public utility engaged in
18 furnishing water to or for the public, will adversely affect a commercial agriculture
19 operation, the department shall either withhold its approval or grant a limited
20 approval under which it imposes conditions as to location, depth, pumping capacity,
21 rate of flow and ultimate use so that the commercial agriculture operation will not
22 be adversely affected.

23 (e) The department shall require each person issued an approval under this
24 subsection to report that person's volume and rate of withdrawal, as defined under

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1 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
2 s. 281.35 (1) (L), if any, in the form and at the times specified by the department.

3 (f) The department may issue general or special orders it considers necessary
4 to ensure prompt and effective administration of this subsection.

5 **SECTION 2.** 281.17 (1) (a) of the statutes is created to read:

6 281.17 (1) (a) In this subsection, "agriculture" has the meaning given in s. 93.01
7 (1b).

8 (END)