1999 ASSEMBLY BILL 775

February 17, 2000 – Introduced by Representative Black, cosponsored by Senator Shibilski. Referred to Committee on Environment.

1 AN ACT *to amend* 281.17 (1) of the statutes; **relating to:** approvals for high-capacity wells.

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 (high–capacity well withdrawal) without the approval of the department of natural resources (DNR). If DNR finds that the proposed withdrawal will adversely affect the water supply of 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 will adversely affect public rights in navigable waters, DNR must disapprove the withdrawal or condition its approval so that public rights in navigable waters will be protected.

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:

SECTION 1. 281.17 (1) of the statutes is amended to read:

ASSEMBLY BILL 775

281.17 (1) No wells shall be constructed, installed or operated to withdraw water from underground sources for any purpose where the capacity and rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day without first obtaining the approval of the department. If s. 281.35 applies to the proposed construction, the application shall comply with s. 281.35 (5) (a). If the department finds that the proposed withdrawal will adversely affect or reduce the availability of water to any public utility in furnishing water to or for the public, adversely affect <u>public rights in navigable waters</u> or does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable, it shall either withhold its approval or grant a limited approval under which it imposes such conditions as to location, depth, pumping capacity, rate of flow and ultimate use so that the water supply of any public utility engaged in furnishing water to or for the public will not be impaired, public rights in navigable waters will be protected and the withdrawal will conform to the requirements of s. 281.35, if applicable. The department shall require each person issued an approval under this subsection to report that person's volume and rate of withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times specified by the department. The department may issue general or special orders it considers necessary to ensure prompt and effective administration of this subsection.

21

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20