

1999 DRAFTING REQUEST

Bill

Received: **02/11/2000**

Received **By : traderc**

Wanted: **Soon**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: **traderc**

May Contact:

Ah. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Add a condition on issuance of approvals for certain wells

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 02/11/2000	wjackson 02/11/2000	jfrantze 02/14/2000	_____	lrb_docadmin 02/14/2000	lrb_docadminState 02/15/2000	

FE Sent For:

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2/17/00

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1/?	traderc	1 WLj 2/11	2/11	Self 2/14			

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<END>

1 **AN ACT** *to amend* 28 1.17 (1) of the statutes; **relating to:** approvals for high-capacity
2 wells.

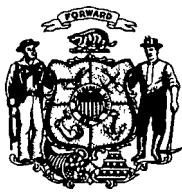
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 28 1.17 (1) of the statutes is amended to read:

4 28 1.17 (1) No wells shall be constructed; installed or operated to withdraw water from
5 underground sources for any purpose where **the capacity** and rate of withdrawal of all wells
6 on one property is in excess of 100,000 gallons a day without first obtaining the approval of
7 the department. Ifs. 28 1.35 applies to the proposed construction, the application shall comply
8 with s. 281.35 (5) (a). If the department finds that the proposed withdrawal will adversely
9 affect or reduce the availability of water to any public utility in furnishing water to or for the
10 public, adversely affect public rights in navigable waters or does not meet the grounds for
11 approval specified under s. 281.35 (5) (d), if applicable, it shall either withhold its approval
12 or grant a limited approval under which it imposes such conditions as to location, depth,
13 pumping capacity, rate of flow and ultimate use so that the water supply of any public utility
14 engaged in furnishing water to or for the public will not be impaired, public rights in navigable
15 waters will be protected and the withdrawal will conform to the requirements of s. 28 1.35, if
16 applicable. The department shall require each person issued an approval under this subsection
17 to report that person's volume and rate of withdrawal, as defined under s. 28 1.35 (1) (m), and
18 that person's volume and rate of water loss, as defined under s. 28 1.35 (1) (L), if any, in the
19 form and at the times specified by the department. The department may issue general or

1 special orders it considers necessary to ensure prompt and effective administration of this
2 subsection.

3 (END)



SOON (into editing 2/11)

RCT: /:.....
WLF

1999 BILL

Gen Cat

1 AN ACT...; 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:

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

3 281.17 (1) No wells shall be constructed, installed or operated to withdraw

4 water from underground sources for any purpose where the capacity and rate of

BILL**SECTION 1**

1 withdrawal of all wells on one property is in excess of 100,000 gallons a day without
2 first obtaining the approval of the department. Ifs. 281.35 applies to the proposed
3 construction, the application shall comply with s. 281.35 (5) (a). If the department
4 finds that the proposed withdrawal will adversely affect or reduce the availability of
5 water to any public utility in furnishing water to or for the public, adversely affect
6 public rights in navigable waters or does not meet the grounds for approval specified
7 under s. 281.35 (5) (d), if applicable, it shall either withhold its approval or grant a
8 limited approval under which it imposes such conditions as to location, depth,
9 pumping capacity, rate of flow and ultimate use so that the water supply of any public
10 utility engaged in furnishing water to or for the public will not be impaired, public
11 rights in navigable waters will be protected and the withdrawal will conform to the
12 requirements of s. 281.35, if applicable. The department shall require each person
13 issued an approval under this subsection to report that person's volume and rate of
14 withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of
15 water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times
16 specified by the department. The department may issue general or special orders it
17 considers necessary to ensure prompt and effective administration of this
18 subsection.

19 History: 1995 a. 227 ss. 380, 384, 387, 389, 392, 418, 420, 1995 a. 378 s. 43; 1997 a. 27, 35.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 02/14/2000

To: Representative Black

Relating to LRB drafting number: LRB-4536

Topic

Add a condition on issuance of approvals for certain wells

Subject(s)

Environment - water quality



1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290