

1999 SENATE BILL 414

February 23, 2000 – Introduced by Senators SHIBILSKI, BURKE, COWLES, JAUCH, SCHULTZ, BRESKE, RISSER and ERPENBACH, cosponsored by Representatives HAHN, BLACK, TOWNSEND, BOCK, MUSSER, MEYERHOFER, MILLER, PLOUFF, LA FAVE and JOHNSRUD. Referred to Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT** *to amend* 281.17 (1); and *to create* 281.17 (1) (b) 3., 281.17 (1) (c) 3. and
 2 281.17 (1) (d) of the statutes; **relating to:** establishing an additional criterion
 3 for approval of a high-capacity well.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from constructing or operating on one property one or more wells 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 for any nonagricultural purpose will affect waters of the state in a way that will have an adverse effect on scarce resources such as high-quality spawning areas or habitat for fish, rare wetland types or habitat for threatened or endangered species, DNR must disapprove the withdrawal or condition its approval so that the withdrawal will have no adverse effect on scarce resources.

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:

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

2 281.17 (1) (a) No wells shall be constructed, installed or operated to withdraw
3 water from underground sources for any purpose where the capacity and rate of
4 withdrawal of all wells on one property is in excess of 100,000 gallons a day without
5 first obtaining the approval of the department. If s. 281.35 applies to the proposed
6 construction, the application shall comply with s. 281.35 (5) (a). ~~If the~~

7 (b) Except as provided in par. (d), the department finds that shall review the
8 proposed withdrawal to determine if it will adversely do any of the following:

9 1. Adversely affect or reduce the availability of water to any public utility in
10 furnishing water to or for the public ~~or does not.~~

11 2. Fail to meet the grounds for approval specified under s. 281.35 (5) (d), if
12 applicable.

13 (c) Except as provided in par. (d), if the department determines that the
14 proposed withdrawal will do any of the things in par. (b), it shall either withhold its
15 approval or grant a limited approval under which it imposes such conditions as to
16 location, depth, pumping capacity, rate of flow and ultimate use so that will ensure
17 all of the following:

18 1. That the water supply of any public utility engaged in furnishing water to
19 or for the public will not be impaired ~~and the.~~

20 2. That the withdrawal will conform to the requirements of s. 281.35, if
21 applicable.

22 (e) The department shall require each person issued an approval under this
23 subsection to report that person's volume and rate of withdrawal, as defined under
24 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
25 s. 281.35 (1) (L), if any, in the form and at the times specified by the department.

