

1999 DRAFTING REQUEST

Bill

Received: 02/11/2000

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Kevin Shibilski (608) 266-3123

By/Representing: Todd Holschbach

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Establishing an additional criterion for approval of a high capacity well

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 02/14/2000	wjackson 02/14/2000	martykr 02/15/2000	_____	lrb_docadmin 02/15/2000	lrb_docadmin 02/15/2000	

FE Sent For:

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<END>



State Senator Kevin Shibilski

FAX

Date: _____ Total Pages: _____

To: Robin Kite Fax: _____

From: Tadel Holschbach



Message:

Here is the leg. Council
draft of our proposal

High Capacity Wells

WLCS: 0244/2

MCP:DLL;jal:rv;ksm

02/11/2000

1 **AN ACT** *Please convert WLCS* (1) (b) 3., 281.17 (1) (c) 3. and
 2 281.17 (c) *draft to LRS IP* ing an additional criterion for
 3 approval *draft. If possible, please*
get it back to me
 4 *by noon on Monday.* **The people of** *Thanks* **ite and assembly, do enact as**
 5 **SECTION 1** *Bedley* ad:
 6 281.17 (1) or operated to withdraw water
 7 from underground sources for any purpose where the capacity and rate of withdrawal of all
 8 wells on one property is in excess of 100,000 gallons a day without first obtaining the approval
 9 of the department. If s. 281.35 applies to the proposed construction, the application shall
 10 comply with s. 281.35 (5) (a). If the
 11 (b) The department finds that shall review the proposed withdrawal to determine if it
 12 will adversely have any of the following effects:
 13 1. Adversely affect or reduce the availability of water to any public utility in furnishing
 14 water to or for the public or does not.
 15 2. Fail to meet the grounds for approval specified under s. 281.35 (5) (d), if applicable.
 16 (c) If the department determines that the proposed withdrawal will have any of the
 17 effects in par. (b), it shall either withhold its approval or grant a limited approval under which
 18 it imposes such conditions as to location, depth, pumping capacity, rate of flow and ultimate
 19 use so that to assure all of the following:
 20 1. The water supply of any public utility engaged in furnishing water to or for the public
will not be impaired and the.



State of Wisconsin
1999 - 2000 LEGISLATURE
Tues (2/15) (A) Dept. Wa

LRB-4538/1
RCT:/::ch
wjmvr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

- 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) (f) of the statutes; relating to: establishing an additional criterion
- 3 for approval of a high/capacity well.

Analysis
attached

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

- 4 SECTION 1. 281.17 (1) of the statutes is amended to read:
- 5 281.17 (1) (a) No wells shall be constructed, installed or operated to withdraw
- 6 water from underground sources for any purpose where the capacity and rate of
- 7 withdrawal of all wells on one property is in excess of 100,000 gallons a day without
- 8 first obtaining the approval of the department. If s. 281.35 applies to the proposed
- 9 construction, the application shall comply with s. 281.35 (5) (a). If the
- 10 Except as provided in par. (d), (b) The department finds that shall review the proposed withdrawal to
- 11 determine if it will adversely ^{do} have any of the following effects:

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

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

5 (c) ~~If~~ ^{Except as provided in par. (d) ✓} the department determines that the proposed withdrawal will ~~have~~ ^{do} any

6 of the ~~effects~~ ^{things} in par. (b), it shall either withhold its approval or grant a limited
7 approval under which it imposes such conditions as to location, depth, pumping

8 capacity, rate of flow and ultimate use ~~so that to assure~~ ^{plain stat will ensure} all of the following:

9 1. ^{That} the water supply of any public utility engaged in furnishing water to or for
10 the public will not be impaired and the.

11 2. ^{That} the withdrawal will conform to the requirements of s. 281.35, if applicable.

12 (c) ~~(d)~~ The department shall require each person issued an approval under this
13 subsection to report that person's volume and rate of withdrawal, as defined under
14 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
15 s. 281.35 (1) (L), if any, in the form and at the times specified by the department.

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

18 **SECTION 2.** 281.17 (1) (b) 3. [✓] of the statutes is created to read:
19 281.17 (1) (b) 3. Affect waters of the state ^{in a way that will} so as to have an adverse effect on
20 scarce resources such as high-quality spawning areas or habitat for fish, rare
21 wetland types or habitat for threatened or endangered species.

22 **SECTION 3.** 281.17 (1) (c) 3. [✓] of the statutes is created to read:
23 281.17 (1) (c) 3. ^{That} the withdrawal will have no adverse effect on scarce resources.

24 **SECTION 4.** 281.17 (1) ^{(d) ✓} of the statutes is created to read:

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4538/lins
RCT.....

Analysis

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 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.

for any ~~purpose other than~~ ^{non} agricultural purpose

**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: 02/15/2000

To: Senator Shibilski

Relating to LRB drafting number: LRB-4538

Topic

Establishing an additional criterion for approval of a high capacity well

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