

2001 ASSEMBLY BILL 221

March 20, 2001 - Introduced by Representatives BLACK, WOOD, GUNDERSON, J. LEHMAN, HUBER, TURNER, PLOUFF, RICHARDS, BOCK, LA FAVE, POCAN, MILLER, BERCEAU and BOYLE, cosponsored by Senators GEORGE and RISSER. Referred to Committee on Environment.

1 AN ACT *to amend* 281.17 (1) of the statutes; **relating to:** approvals for
2 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) without the approval of the department of natural resources (DNR). If DNR finds that a proposed withdrawal will adversely affect the water supply of a public water utility, DNR must disapprove the high-capacity well 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 withdrawal by a proposed high-capacity well will adversely affect the waters of the state, DNR must disapprove the high-capacity well or condition its approval so that the waters of the state 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:

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

ASSEMBLY BILL 221**SECTION 1**

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

SECTION 2. Initial applicability.

21 (1) This act first applies to applications for approvals under section 281.17 (1)
22 of the statutes that are submitted on the effective date of this subsection.
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(END)