

2001 DRAFTING REQUEST

Bill

Received: 02/23/2001

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Scott Loomis

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:

Condition approval of high capacity well on protecting rights in navigable waters

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>
/?	traderc 02/23/2001	wjackson 02/26/2001		_____			State
/1			jfrantze 02/27/2001	_____	lrb_docadmin 02/27/2001		State
/2	traderc 02/28/2001	wjackson 02/28/2001	jfrantze 02/28/2001	_____	lrb_docadmin 02/28/2001	lrb_docadmin 03/06/2001	
				_____	lrb_docadmin 03/06/2001		

FE Sent For:

↪ At Intro.

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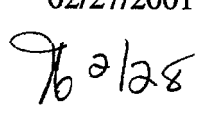
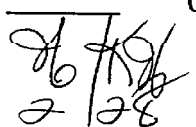
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1?	traderc	1 Wlj 2/26	To 2/26	To K/96 2/27			

FE Sent For:

<END>

2/23/00

I discussed the request with Scott Loomis. Their concern is that there might be other methods of protecting public rights in navigable waters than the ones listed in the current law. They want to allow any method.

0
RIT

B I L L
REQUEST FORM

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

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft:

Johnson

Date: 2-23-01 Person submitting request (name, phone number):

Scott

Persons to contact for questions about this draft (names, phone numbers):

Scott Lomax

Describe the problem, including any helpful examples.

How do you want to solve the problem?

See attachments

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy.

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): 2001 LRB-0210/1

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

Yes No



DuWayne Johnsrud

State Representative

February 23, 2001

Representative Johnsrud; Drafting Request

I would like to introduce legislation that gives DNR the ability to deny a permit for a high capacity well in order to protect public rights in navigable waters. The legislation can be identical to LRB-0210/1 except that I would like to include the attached language that allows the DNR to require mitigation as a permit condition.

Add to LRB-0210/1 on page 2, line 14, after the period:

“The department may impose conditions on its approval that require the person issued the approval to mitigate adverse effects on waters of the state.”



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0210/1
RCT:wlj:km

2001 BILL

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 public rights in navigable waters, DNR must disapprove the high-capacity well 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:

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

SOON

2001 BILL

Note that this is based on the 12

relating to location, depth, pumping capacity, rate of flow and ultimate use

1 AN ACT ^{REGEN} 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.

impose

This bill provides that if DNR finds that a withdrawal by a proposed high-capacity well will adversely affect public rights in navigable waters, DNR must disapprove the high-capacity well or ~~condition its approval so that~~ public rights in navigable waters will be protected.

impose
and kind

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:

that will protect

BILL

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, ~~WAW~~
8 ~~adversely affect public rights in navigable waters~~ or does not meet the grounds for
9 approval specified under s. 281.35 (5) (d), if applicable, it shall either withhold its
10 approval or grant a limited approval under which it imposes such conditions as to
11 location, depth, pumping capacity, rate of flow, and ultimate use so that the water
12 supply of any public utility engaged in furnishing water to or for the public will not
13 be impaired. ~~public rights in navigable waters will be protected~~ and the withdrawal
14 will conform to the requirements of s. 281.35, if applicable. ^{Insert 2-14 ✓} The department shall
15 require each person issued an approval under this subsection to report that person's
16 volume and rate of withdrawal, as defined under s. 281.35 (1) (m), and that person's
17 volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form
18 and at the times specified by the department. The department may issue general or
19 special orders it considers necessary to ensure prompt and effective administration
20 of this subsection.

SECTION 2. Initial applicability.

22 (1) This act first applies to applications for approvals under section 281.17 (1)
23 of the statutes that are submitted on the effective date of this subsection.
24

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2634/lins
RCT:.....

Insert 2-14

NO
47

If the department finds that the proposed withdrawal will adversely affect public rights in navigable waters, it shall either withhold its approval or grant a limited approval under which it imposes conditions that will protect the public rights in navigable waters.

Tradewell, Becky

From: Loomans, Scott 6-3534
Sent: Wednesday, February 28, 2001 8:45 AM
To: Tradewell, Becky
Subject: Requested change to LRB - 2634/1

I just sent over a request for a change to our 2634/1. On page 2, line 14, we'd like to strike "public rights in navigable waters" and replace it with "waters of the state." Also, the same change on line 16.

On the same line, strike "shall" and replace it with "may".

Please let me know if you think this will mess up other parts of the bill. I'm hoping it won't and, if that's true, I would like to send out a co-sponsorship memo this afternoon.

Scott Loomans, office of Representative DuWayne Johnsrud



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2634/2

RCT:wlj

YMR

Today, 1 p.m. if possible

2001 BILL

REGEN

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 impose conditions relating to location, depth, pumping capacity, rate of flow, and ultimate use 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 ~~public rights in navigable waters~~, DNR ~~must~~ disapprove the high-capacity well or impose any kind of conditions that will protect ~~public rights in navigable waters~~.

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:

waters of the state

the waters of the state

may

BILL**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 or
 8 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,
 9 it shall either withhold its approval or grant a limited approval under which it
 10 imposes such conditions as to location, depth, pumping capacity, rate of flow, and
 11 ultimate use so that the water supply of any public utility engaged in furnishing
 12 water to or for the public will not be impaired, and the withdrawal will conform to
 13 the requirements of s. 281.35, if applicable. If the department finds that the proposed
 14 withdrawal will adversely affect public rights in navigable waters, it shall ~~withhold~~ ^{may}
 15 withhold its approval or grant a limited approval under which it imposes conditions
 16 that will protect public rights in navigable waters. The department shall require
 17 each person issued an approval under this subsection to report that person's volume
 18 and rate of withdrawal, as defined under s. 281.35 (1) (m), and that person's volume
 19 and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form and at
 20 the times specified by the department. The department may issue general or special
 21 orders it considers necessary to ensure prompt and effective administration of this
 22 subsection.

SECTION 2. Initial applicability.

the waters of the state



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 28, 2001

MEMORANDUM

To: Representative Johnsrud

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-2634 Condition approval of high capacity well on protecting rights in navigable waters

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~X~~ JACKET FOR ASSEMBLY ^{SL} _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.