

11

12

13

State of Misconsin 2013 - 2014 LEGISLATURE



SENATE AMENDMENT 4, TO SENATE BILL 302

January 29, 2014 - Offered by Senator Kedzie.

1	At the locations indicated, amend the bill as follows:
2	1. Page 1, line 6: after "approvals" insert "and nuisance actions for certain
3	groundwater withdrawals".
4	2. Page 3, line 24: delete "65 business" and substitute "120".
5	3. Page 4, line 5: delete "65 business" and substitute "120".
6	4. Page 8, line 7: after that line insert:
7	"Section 19m. 281.945 of the statutes is created to read:
8	281.945 Nuisance actions. (1) A groundwater withdrawal may constitute
9	a nuisance if all of the following apply:
10	(a) The groundwater is withdrawn by a person who possesses the land from

which the groundwater is withdrawn or by a person who is authorized by the

possessor of land to withdraw groundwater from the land.

(b) The groundwater is withdrawn for a beneficial purpose.

1

2

3

4

5

6

(c) The groundwater withdrawal lowers the water table or reduces artesian
pressure resulting in interference with the use of another person's groundwater and
unreasonable harm to that person.

(2) An action for nuisance under sub. (1) for a groundwater withdrawal is subject to s. 823.08 if the groundwater is withdrawn for an agricultural practice, as defined in s. 823.08 (2) (a), or for an agricultural use, as defined in s. 823.08 (2) (b).".

7 (END)