

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/26/2015 Received By: mpfotenh  
Wanted: Today Same as LRB:  
For: Richard Gudex (608) 266-5300 By/Representing: Lance Burri  
May Contact: Larry Konopaki Drafter: mpfotenh  
Subject: Environment - water quality Addl. Drafters: btradewe

Extra Copies:

Submit via email: YES  
Requester's email: Sen.Gudex@legis.wisconsin.gov  
Carbon copy (CC) to: Mary.Pfotenhauer@legis.wisconsin.gov  
becky.tradewell@legis.wisconsin.gov  
robin.kite@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

No review or new approval needed for reconstructing, replacing, or transferring existing approved high capacity well

---

**Instructions:**

See attached.

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**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>
/?	mpfotenh 1/27/2015			_____			
/P1	mpfotenh 1/28/2015	kfollett 1/28/2015	jfrantze 1/28/2015	_____	lparisi 1/27/2015		State

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/1				_____	mbarman 1/28/2015	lparisi 2/16/2015	State

FE Sent For:

*at  
intro*

<END>

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mbarman  
1/28/2015

State

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"/1" re-submitted  
after minor  
correction

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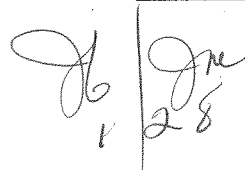
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See attached.

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/?	mpfotenh	1/27 1/15/15		_____	_____		

FE Sent For:

<END>

**Pfotenhauer, Mary**

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**From:** Burri, Lance  
**Sent:** Monday, January 26, 2015 1:42 PM  
**To:** Pfotenhauer, Mary  
**Subject:** RE: High cap well draft

Ah, thanks. I knew I was forgetting something.

Yes, any replacement as long as the well is the same (substantially the same?) as the original well and is within 75 feet of the original, as was included in 2013 SB 302.

And yes, I meant reconstruction, which was also defined in SB 302 and in the rules. We do want to emphasize that owners have to stay within their original permits, though.

Thanks.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

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**From:** Pfotenhauer, Mary  
**Sent:** Monday, January 26, 2015 1:39 PM  
**To:** Burri, Lance  
**Subject:** RE: High cap well draft

Lance:  
Could you please provide two clarifications:  
Do you want this exemption to apply to any replacement well that meets these specifications (same depth, 75 feet, etc), or only "failing" replacement wells?  
Do you want reconstruction of a high capacity well (that is, modifying the original construction, which would be over and above routine maintenance or repair) to be exempt from DNR review?  
Thanks,

Mary Pfotenhauer  
Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 266 – 6778  
[mary.pfotenhauer@legis.wisconsin.gov](mailto:mary.pfotenhauer@legis.wisconsin.gov)

---

**From:** Burri, Lance  
**Sent:** Monday, January 26, 2015 1:30 PM  
**To:** Pfotenhauer, Mary  
**Cc:** Konopacki, Larry; Lakin, Tim  
**Subject:** High cap well draft

Mary, Rick would like a draft regarding transfer, repair, and replacement of high capacity wells:

1. Allow the owner of a high cap well can transfer ownership without triggering DNR review.
2. Allow owners of high-cap wells to perform necessary maintenance of that well without triggering DNR review.
3. Allow owners of high-cap wells to replace a failing well, as long as it is within 75 feet of the original and to substantially the same depth without triggering DNR review.
4. Make clear that the transferred, repaired, or replaced well must comply with the original agreement with the DNR.

We can leave in requirements that owners inform the DNR about these activities, but the DNR should not be able to charge a fee.

Is this enough? Thanks.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300



In 1/27/15  
State of Wisconsin  
2015 - 2016 LEGISLATURE

Due 1/28/15 A.M.  
if possible.

LRB-1446/P1  
MCP:.....  
gf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 AN ACT ...; relating to: replacement, reconstruction, and transfer of an approved  
2 high capacity well.

---

***Analysis by the Legislative Reference Bureau***

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) before constructing or operating a high capacity well, which is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

This bill provides that no additional approval is needed for the owner of an approved high capacity well to repair or maintain the well; to construct a replacement high capacity well of substantially the same depth within a 75-foot radius of the existing high capacity well; to reconstruct the existing high capacity well; or to transfer the approval at the same time as the owner transfers the land on which the approved high capacity well is located. The owner of the existing approved high capacity well must notify DNR of any of these actions, but no additional fee is required. The owner may not take any of these actions if they would be inconsistent with the standards or conditions of the existing high capacity well approval, and the standards and conditions of the approval continue to apply after any of these actions are taken.

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:***

1           **SECTION 1.** 281.34 (1) (em) of the statutes is created to read:

2           281.34 (1) (em) “Reconstruct” means to modify the original construction of a  
3 well, including deepening, lining, installing or replacing a screen, and  
4 underreaming.

5           **SECTION 2.** 281.34 (2) of the statutes is amended to read:

6           281.34 (2) APPROVAL REQUIRED FOR HIGH CAPACITY WELLS. An Except as provided  
7 in sub. (2g), an owner shall apply to the department for approval before construction  
8 of a high capacity well begins. No Except as provided in sub. (2g), no person may  
9 construct or withdraw water from a high capacity well without the approval of the  
10 department under this section or under s. 281.17 (1), 2001 stats. An owner applying  
11 for approval under this subsection shall pay a fee of \$500.

History: 2003 a. 310; 2007 a. 227; 2009 a. 28; 2013 a. 20.

12           **SECTION 3.** 281.34 (2g) of the statutes is created to read:

13           281.34 (2g) REPAIR, REPLACEMENT, RECONSTRUCTION, AND TRANSFER OF OWNERSHIP  
14 OF AN APPROVED HIGH CAPACITY WELL. (a) Except as provided in par. (e), if an existing  
15 high capacity well has been approved under this section or under s. 281.17 (1), 2001  
16 stats., the owner of that well may take any of the following actions without obtaining  
17 an additional approval under this section:

18           1. Repair and maintain the existing high capacity well.

19           2. Construct a new high capacity well to replace the existing high capacity well  
20 if the replacement high capacity well will be drilled to substantially the same depth  
21 as the existing high capacity well, will be located within a 75-foot radius of the  
22 existing high capacity well, and will be constructed in accordance with department  
23 standards that apply to the construction of new high capacity wells on the date that  
24 construction of the replacement high capacity well begins.

1           3. Reconstruct<sup>✓</sup> the existing high capacity well.

2           4. Transfer<sup>✓</sup> the approval, concurrent with transferring the land on which the  
3 approved high capacity well is located, to the person to whom the land is transferred.

4           (b) The department may not impose a fee for any action under par. (a).<sup>✓</sup>

5           (c) The owner shall notify the<sup>✓</sup> department of any action taken under par. (a)<sup>✓</sup> on  
6 a form prescribed by the department.

7           (d) Except as provided in sub. (7)<sup>✓</sup>, the standards or conditions of the existing  
8 high capacity well approval continue to apply after an owner takes any of the actions  
9 under par. (a).<sup>✓</sup>

10          (e) An owner of a well may not take an action under par. (a)<sup>✓</sup> if it would be  
11 inconsistent with the standards or conditions of the existing high capacity well  
12 approval.

13   (END)

D-Not

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1446/P1dn

MCP:.....

Date

Senator Gudex:

Attached is a draft relating to approvals for existing high capacity wells.

Your request was to allow an owner of a high capacity well to take certain actions without triggering DNR review. Under this draft, an owner of a high capacity well that has already been approved under s. 281.34 (or its predecessor statute) may take certain actions without obtaining an additional approval from DNR under s. 281.34. Is this consistent with your intent?

Please let me know if you have any questions or redrafting instructions.

Mary Pfothenauer  
Legislative Attorney  
(608) 266-6778  
mary.pfothenauer@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1446/P1dn  
MCP:kjfrs

January 27, 2015

Senator Gudex:

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Your request was to allow an owner of a high capacity well to take certain actions without triggering DNR review. Under this draft, an owner of a high capacity well that has already been approved under s. 281.34 (or its predecessor statute) may take certain actions without obtaining an additional approval from DNR under s. 281.34. Is this consistent with your intent?

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Legislative Attorney  
(608) 266-6778  
mary.pfothenauer@legis.wisconsin.gov





In 1/28/15 a.m.  
State of Wisconsin  
2015 - 2016 LEGISLATURE

Need ASAP

LRB-1446(P1) → 1  
MCP:kjfrs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

1 AN ACT to amend 281.34 (2); and to create 281.34 (1) (em) and 281.34 (2g) of the  
2 statutes; relating to: replacement, reconstruction, and transfer of an approved  
3 high capacity well.

*No additional fee is required for any of these actions, but the*  
**Analysis by the Legislative Reference Bureau**

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) before constructing or operating a high capacity well, which is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

This bill provides that no additional approval is needed for the owner of an approved high capacity well to repair or maintain the well; to construct a replacement high capacity well of substantially the same depth within a 75-foot radius of the existing high capacity well; to reconstruct the existing high capacity well; or to transfer the approval at the same time as the owner transfers the land on which the approved high capacity well is located. The owner of the existing approved high capacity well must notify DNR of any of these actions, but no additional fee is required. The owner may not take any of these actions if they would be inconsistent with the standards or conditions of the existing high capacity well approval, and the standards and conditions of the approval continue to apply after any of these actions are taken.

reconstruction  
replacement, reconstruction, or transfer

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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3 construction of the replacement high capacity well begins.

4 3. Reconstruct the existing high capacity well.

5 4. Transfer the approval, concurrent with transferring the land on which the  
6 approved high capacity well is located, to the person to whom the land is transferred.

7 (b) The department may not impose a fee for any action under par. (a).

8 (c) The owner shall notify the department of any action taken under par. (a) <sup>2, 3, or 4.</sup> on  
9 a form prescribed by the department.

10 (d) Except as provided in sub. (7), the standards or conditions of the existing  
11 high capacity well approval continue to apply after an owner takes any of the actions  
12 under par. (a).

13 (e) An owner of a well may not take an action under par. (a) if it would be  
14 inconsistent with the standards or conditions of the existing high capacity well  
15 approval.

16 Insert  
3-15 →

(END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1446/P1ins  
MCP:kjfrs

1            **INSERT 3-15**

2            **SECTION 1. Initial applicability.**

3            (1) This act first applies to repair, replacement, and reconstruction of a high  
4 capacity well that begins, or transfers of ownership that occur, on the effective date  
5 of this subsection. ✓

**Parisi, Lori**

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**From:** Burri, Lance  
**Sent:** Monday, February 16, 2015 10:50 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1446/1 Topic: No review or new approval needed for reconstructing, replacing, or transferring existing approved high capacity well

Please Jacket LRB -1446/1 for the SENATE.