



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1446/1
MCP:kjf

2015 SENATE BILL 239

August 26, 2015 - Introduced by Senators GUDEX, MARKLEIN, WANGGAARD and MOULTON, cosponsored by Representatives NERISON, T. LARSON, TITTL, VORPAGEL, QUINN, BALLWEG, R. BROOKS, BERNIER, SPIROS, MACCO, KREMER, JACQUE, THIESFELDT, MURTHA and JARCHOW. Referred to Committee on Agriculture, Small Business, and Tourism.

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.

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. No additional fee is required for any of these actions, but the owner of the existing approved high capacity well must notify DNR of any replacement, reconstruction, or transfer. 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.

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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.

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

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1 existing high capacity well, and will be constructed in accordance with department
2 standards that apply to the construction of new high capacity wells on the date that
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) 2.,
9 3., or 4. on 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 **SECTION 4. Initial applicability.**

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

20 (END)