

## Chapter NR 850

### WATER USE FEES

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**NR 850.01 Purpose.** The purpose of this chapter is to implement s. 281.346 (12), Stats., by establishing annual fees for water withdrawals from the Great Lakes basin of more than 50,000,000 gallons per year and by specifying procedures for assessing and collecting the fee specified in s. 281.346 (12) (a), Stats.

**Note:** Section 281.346 (12) (a), Stats., provides that “A person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period shall pay to the department an annual fee of \$125, except that the department may promulgate a rule specifying a different amount.”

**History:** CR 10-061: cr. Register December 2010 No. 660, eff. 1-1-11.

**NR 850.02 Applicability.** This chapter applies to any person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period, and to persons who withdraw more than 50,000,000 gallons of water per year from the waters of the state within the Great Lakes basin using a water supply system or systems on one property, or using a public water supply.

**History:** CR 10-061: cr. Register December 2010 No. 660, eff. 1-1-11.

**NR 850.03 Definitions.** In this chapter:

(1) “Department” means the department of natural resources.

(2) “Great Lakes basin” has the meaning specified in s. 281.346 (1) (je), Stats.

**Note:** Section 281.346 (1) (je), Stats., defines “Great Lakes basin” to mean “the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Quebec, within the jurisdiction of the parties.”

(3) “One property” has the meaning specified in s. NR 812.07 (68).

**Note:** Section NR 812.07 (68), Wisc. Adm. Code, defines “one property” to mean “all contiguous land controlled by one owner, lessee, or any other person having a possessory interest. Lands under single ownership bisected by highways or railroad right-of-ways are considered contiguous.”

(4) “Person” has the meaning specified in s. 281.346 (1) (nm), Stats.

**Note:** Section 281.346 (1) (nm), Stats., defines “person” to mean “an individual or other entity, including a government or a nongovernmental organization, including any scientific, professional, business, nonprofit, or public interest organization or association that is neither affiliated with nor under the direction of a government.”

(5) “Public water supply” has the meaning specified in s. 281.346 (1) (pm), Stats.

**Note:** Section 281.346 (1) (pm), Stats., defines “public water supply” to mean “water distributed to the public through a physically connected system of treatment, storage, and distribution facilities that serve a group of largely residential customers and that may also serve industrial, commercial, and other institutional customers.”

(6) “Small business” has the meaning specified in s. 227.114 (1), Stats.

**Note:** Section 227.114 (1), Stats., defines “small business” to mean “a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross sales of less than \$5,000,000.”

(7) “Water supply system,” has the meaning specified in s. 281.346 (1) (wp), Stats.

**Note:** Section 281.346 (1) (wp), Stats., defines “water supply system, when not preceded by ‘public’”, to mean “one of the following: 1. Except as provided in subd. 2., the equipment handling water from the point of intake of the water to the first point at which the water is used. 2. For a system for providing a public water supply, the equipment from the point of intake of the water to the first point at which the water is distributed.”

(8) “Waters of the state” has the meaning specified in s. 281.01 (18), Stats.

**Note:** Section 281.01 (18), Stats., defines “Waters of the state” to include “those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.”

(9) “Withdraw” has the meaning specified in s. 281.346 (1) (y), Stats.

**Note:** Section 281.346 (1) (y), Stats., defines “withdraw” to mean “to take water from surface water or groundwater”.

**History:** CR 10-061: cr. Register December 2010 No. 660, eff. 1-1-11.

**NR 850.04 Fees.** (1) A person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30-day period shall pay to the department a fee of \$125, which covers all water supply systems on one property, or a single public water supply.

(2) In addition to the fee specified in sub. (1), unless exempted under sub. (3), any person who withdraws more than 50,000,000 gallons of water per year from the waters of the state within the Great Lakes basin using a water supply system or systems on one property, or a public water supply, shall pay a fee in accordance with the schedule of fees in this subsection. The schedule is as follows, with the stated fee in each clause applied to the total amount of water withdrawn, as applicable:

(a) \$1.50 per 1,000,000 gallons for amounts withdrawn in excess of 50,000,000 gallons but not more than 100,000,000 gallons per year;

(b) \$2 per 1,000,000 gallons for amounts withdrawn in excess of 100,000,000 gallons but not more than 150,000,000 gallons per year;

(c) \$2.50 per 1,000,000 gallons for amounts withdrawn in excess of 150,000,000 gallons but not more than 200,000,000 gallons per year;

(d) \$3 per 1,000,000 gallons for amounts withdrawn in excess of 200,000,000 gallons but not more than 250,000,000 gallons per year;

(e) \$3.50 per 1,000,000 gallons for amounts withdrawn in excess of 250,000,000 gallons but not more than 300,000,000 gallons per year;

(f) \$4 per 1,000,000 gallons for amounts withdrawn in excess of 300,000,000 gallons but not more than 350,000,000 gallons per year;

(g) \$4.50 per 1,000,000 gallons for amounts withdrawn in excess of 350,000,000 gallons but not more than 400,000,000 gallons per year;

(h) \$5 per 1,000,000 gallons for amounts withdrawn in excess of 400,000,000 gallons but not more than 450,000,000 gallons per year;

(i) \$5.50 per 1,000,000 gallons for amounts withdrawn in excess of 450,000,000 gallons but not more than 500,000,000 gallons per year;

(j) \$6 per 1,000,000 gallons for amounts withdrawn in excess of 500,000,000 gallons per year.

(3) No fee is required for a project involving the withdrawal of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the department.

(4) The fee specified in sub. (2) shall not exceed \$9,500 per year for one property or for a single public water supply, except that the fee per property for a small business shall not exceed \$1,000 per year.

(5) The fees specified in this section are assessed on a calendar year basis and shall be paid by June 30<sup>th</sup> of the following calendar year.

**History:** CR 10-061: cr. Register December 2010 No. 660, eff. 1-1-11.