



2013 ASSEMBLY BILL 830

February 28, 2014 - Introduced by Representatives A. OTT, BROOKS, T. LARSON, MURPHY, MURTHA and THIESFELDT. Referred to Committee on Environment and Forestry.

1 **AN ACT** *to renumber* 281.34 (1) (a); *to amend* 281.34 (1) (b), 281.344 (4s) (dm),
2 281.346 (4s) (dm) and 281.346 (12) (a); and *to create* 281.34 (1) (ae), 281.34 (1)
3 (em) and 281.346 (12) (am) of the statutes; **relating to:** approval, reporting,
4 and fee requirements for certain wells.

Analysis by the Legislative Reference Bureau

Current law requires a person to obtain approval from the Department of Natural Resources (DNR) and pay a \$500 fee before constructing a high capacity well. In some cases, before approving a proposed high capacity well, DNR must ensure that the well will not have a significant adverse effect on certain springs or surface water bodies. The law also requires the owner of a high capacity well to submit an annual report on the amount of water pumped. Under current law, a high capacity well 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. Current law requires a person who wishes to construct a well that is not a high capacity well to notify DNR and pay a \$50 fee.

This bill provides that a well of any capacity used primarily for fire protection purposes or used primarily to provide water to a single family or multifamily residence located on the same property as the well is not a high capacity well and that an existing residential well or fire protection well is not considered in determining whether a new well to be constructed on the same property is a high capacity well.

Under current law, for example, if a property owner has an irrigation well with a capacity of 90,000 gallons per day and the property owner wants to add another

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well with a capacity of more than 10,000 gallons per day for any purpose, the property owner must pay a \$500 fee and get approval from DNR before constructing the new well and must make an annual pumping report. Under the bill, on the other hand, if a property owner has an irrigation well with a capacity of 90,000 gallons per day and wants to add a well with a capacity of over 10,000 gallons per day to provide water to a residence located on the same property or for fire protection purposes, the property owner is not required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report. Also under the bill, if all of the wells on a property are residential wells, the property owner may add another well of any capacity to serve a residence located on the same property without being required to obtain DNR approval, pay the \$500 fee, or make an annual pumping report.

Current law requires a person with a water system with the capacity to withdraw more than 100,000 gallons of water per day from surface water or groundwater to pay a \$125 annual fee to DNR. This bill provides that the capacity of a well used primarily for fire protection purposes or to provide water to a single family or multifamily residence located on the same property as the well is not considered in determining whether a person is required to pay the \$125 annual fee.

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) (a) of the statutes is renumbered 281.34 (1) (am).

2 **SECTION 2.** 281.34 (1) (ae) of the statutes is created to read:

3 281.34 (1) (ae) “Fire protection well” means a well used primarily for fire
4 protection purposes.

5 **SECTION 3.** 281.34 (1) (b) of the statutes is amended to read:

6 281.34 (1) (b) “High capacity well” means a well, except for a residential well
7 or fire protection well, that, together with all other wells on the same property, except
8 for residential wells and fire protection wells, has a capacity of more than 100,000
9 gallons per day.

10 **SECTION 4.** 281.34 (1) (em) of the statutes is created to read:

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1 281.34 (1) (em) “Residential well” means a well used primarily to provide water
2 to a single family or multifamily residence that is located on the same property as
3 the well.

4 **SECTION 5.** 281.344 (4s) (dm) of the statutes is amended to read:

5 281.344 (4s) (dm) *Requiring individual permit.* The department may require
6 a person who is making or proposes to make a withdrawal that averages 100,000
7 gallons per day or more in any 30-day period, but that does not equal at least
8 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
9 under sub. (5) if the withdrawal is located in a groundwater protection area, as
10 defined in s. 281.34 (1) (a) (am), or a groundwater management area designated
11 under s. 281.34 (9).

12 **SECTION 6.** 281.346 (4s) (dm) of the statutes is amended to read:

13 281.346 (4s) (dm) *Requiring individual permit.* The department may require
14 a person who is making or proposes to make a withdrawal that averages 100,000
15 gallons per day or more in any 30-day period, but that does not equal at least
16 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
17 under sub. (5) if the withdrawal is located in a groundwater protection area, as
18 defined in s. 281.34 (1) (a) (am), or a groundwater management area designated
19 under s. 281.34 (9).

20 **SECTION 7.** 281.346 (12) (a) of the statutes is amended to read:

21 281.346 (12) (a) A Subject to par. (am), a person who has a water supply system
22 with the capacity to make a withdrawal from the waters of the state averaging
23 100,000 gallons per day or more in any 30-day period shall pay to the department
24 an annual fee of \$125, except that the department may promulgate a rule specifying
25 a different amount and except that, notwithstanding the department’s rule-making

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1 authority, no person is required to pay more than \$1,000 per year under this
2 paragraph.

3 **SECTION 8.** 281.346 (12) (am) of the statutes is created to read:

4 281.346 **(12)** (am) The following are not considered in determining the capacity
5 of a water supply system for the purposes of par. (a):

6 1. The capacity of a well used primarily to provide water to a single family or
7 multifamily residence on the same property as the well.

8 2. The capacity of a well used primarily for fire protection purposes.

9 **SECTION 9. Effective date.**

10 (1) This act takes effect on the first day of the 7th month beginning after
11 publication.

12 (END)