



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2046/1  
MCP:wlj

## 2015 ASSEMBLY BILL 327

September 3, 2015 - Introduced by Representatives A. OTT, BALLWEG, BERNIER, E. BROOKS, EDMING, KREMER, KRUG, T. LARSON, LOUDENBECK, MURSAU, RIPP and THIESFELDT, cosponsored by Senators LASEE and OLSEN. 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.

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### *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, 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. 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. 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. The bill also provides that an existing residential well or fire protection well is not included in the 100,000 gallon-per-day threshold when determining whether a new well to be constructed on the same property is a high capacity well.

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

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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.

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*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:

11          281.34 (1) (em) “Residential well” means a well used primarily to provide water  
12 to a single-family or multifamily residence that is located on the same property as  
13 the well.

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

15          281.344 (4s) (dm) *Requiring individual permit.* The department may require  
16 a person who is making or proposes to make a withdrawal that averages 100,000  
17 gallons per day or more in any 30-day period, but that does not equal at least  
18 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit

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1 under sub. (5) if the withdrawal is located in a groundwater protection area, as  
2 defined in s. 281.34 (1) ~~(a)~~ (am), or a groundwater management area designated  
3 under s. 281.34 (9).

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

5 281.346 **(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 7.** 281.346 (12) (a) of the statutes is amended to read:

13 281.346 **(12)** (a) ~~A Subject to par. (am),~~ a person who has a water supply system  
14 with the capacity to make a withdrawal from the waters of the state averaging  
15 100,000 gallons per day or more in any 30-day period shall pay to the department  
16 an annual fee of \$125, except that the department may promulgate a rule specifying  
17 a different amount and except that, notwithstanding the department's rule-making  
18 authority, no person is required to pay more than \$1,000 per year under this  
19 paragraph.

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

21 281.346 **(12)** (am) The following are not considered in determining the capacity  
22 of a water supply system for the purposes of par. (a):

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

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

