



1. How does the Attorney General's opinion (OAG) change how I obtain a high capacity well approval?

The application process will remain the same. However, in light of the findings of the OAG, the DNR must limit the scope of its review of proposed high capacity wells to that which is specifically authorized in statutes and rules, and may not include conditions in approvals unless explicitly required by law. By changing the scope of the DNR's review, it is anticipated that the time needed to conduct reviews and issue approvals will be substantially reduced.

2. What process will the DNR use when reviewing high capacity well applications?

The DNR will review and condition high capacity wells using the same approach applied prior to the 2011 *Lake Beulah* Supreme Court decision. The criteria are specifically defined in code or statute and require all of the following:

- ✓ if the proposed high capacity well falls within a groundwater protection area, may significantly impact a spring with a flow of at least one cubic foot per second, or may result in water loss of more than 95 percent. Any approval will include conditions to ensure the well does not result in significant adverse environmental impacts and may require preparation of an environmental impact statement.
- ✓ if DNR determines that a proposed high capacity well may impair the water supply of a public utility well (defined by rule to mean the proposed high capacity well system may result in 10 or more feet of drawdown after 30 days to a public water system), DNR may deny approval or condition the approval by restricting the location, depth, pumping capacity or rate of flow and ultimate use so that the supply of water for any public utility will not be impaired.
- ✓ the proposed well must meet well construction requirements outlined in NR 812.
- ✓ the proposed well's location, construction and pump installation must not degrade safe drinking water, the groundwater resource or impact public safety.

3. I have already submitted a high capacity well application to the DNR.

a. How will it be reviewed?

All pending high capacity well applications will be reviewed in accordance with the standards explicitly defined in statute or code, specifically Wisconsin Statute secs. 281.34 and 281.35 and Wisconsin Administrative Code chs. NR 812 and 820.

b. When can I expect a decision?

In most cases, applications should be reviewed within 65 business days.

4. How will the DNR handle high capacity approvals that have been issued since the passage of Act 21 (June 8, 2011)?

A review of approvals issued since June 8, 2011 will be considered on a case by case basis if the owner of a high capacity well approval contacts the DNR. Individuals may contact the DNR's Water Use Program (DNRHICAPAPPLICATIONS@wisconsin.gov) if they believe their approval may be affected by the OAG.

5. Does the AG opinion change anything with respect to well construction?

No. Well drillers must still follow [Wisconsin Administrative Code ch. NR 812](#) (Well Construction and Pump Installation) and any specific requirements identified within the DNR's high capacity well approval document.

6. Do I still need a high capacity well approval?

Yes. If the proposed well together with all other wells on the same property has a capacity of more than 100,000 gallons per day you are required to apply for a high capacity well approval. Application information can be found at <http://dnr.wi.gov/topic/wells/HighCapacity.html>. All other well construction requirements, water use fees and reporting requirements are unchanged. The [associated figure](#) describes the review criteria and process that the DNR will follow.