

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 852

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32705 and 32708 (MCL 324.32705 and 324.32708),
as amended by 2003 PA 148, and by adding section 32708a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32705. ~~—(1) Subject to subsection (2), a person who makes~~
2 ~~a withdrawal shall register with the department on a form provided~~
3 ~~by the department if, during the calendar year in which the~~
4 ~~withdrawal occurs, any of the following apply:~~
5 ~~— (a) The person owns an industrial or processing facility that~~
6 ~~has the capacity to withdraw over 100,000 gallons of water per day~~
7 ~~average in any consecutive 30 day period from the waters of the~~
8 ~~Great Lakes basin.~~
9 ~~— (b) The person owns an irrigation facility that has the~~

1 ~~capacity to withdraw over 100,000 gallons of water per day average~~
2 ~~in any consecutive 30 day period from the waters of the Great Lakes~~
3 ~~basin.~~

4 ~~—— (c) Beginning 1 year after the effective date of the~~
5 ~~amendatory act that added this subdivision, the person owns a farm~~
6 ~~that has the capacity to withdraw over 100,000 gallons of water per~~
7 ~~day average in any consecutive 30 day period from the waters of the~~
8 ~~Great Lakes basin.~~

9 ~~—— (2) The owner of a farm who registers under section 32708 is~~
10 ~~not required to register under subsection (1).~~

11 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE OWNER OF
12 REAL PROPERTY WHO HAS THE CAPACITY ON THAT PROPERTY TO MAKE A LARGE
13 QUANTITY WITHDRAWAL FROM THE WATERS OF THIS STATE SHALL REGISTER
14 WITH THE DEPARTMENT PRIOR TO BEGINNING THAT WITHDRAWAL.

15 (2) THE FOLLOWING PERSONS ARE NOT REQUIRED TO REGISTER UNDER
16 THIS SECTION:

17 (A) A PERSON WHO HAS PREVIOUSLY REGISTERED FOR THAT PROPERTY
18 UNDER THIS PART, UNLESS THAT REGISTRANT DEVELOPS NEW OR INCREASED
19 WITHDRAWAL CAPACITY ON THE PROPERTY OF AN ADDITIONAL 100,000
20 GALLONS OF WATER PER DAY FROM THE WATERS OF THE STATE.

21 (B) A COMMUNITY SUPPLY OWNED BY A POLITICAL SUBDIVISION THAT
22 HOLDS A PERMIT UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL
23 325.1001 TO 325.1023.

24 (C) A PERSON HOLDING A PERMIT UNDER SECTION 32723.

25 (D) THE OWNER OF A NONCOMMERCIAL WELL ON RESIDENTIAL PROPERTY.

26 (3) THE FOLLOWING PERSONS SHALL REGISTER UNDER THIS SECTION
27 BUT MAY REGISTER AFTER BEGINNING THE WITHDRAWAL BUT BEFORE 90 DAYS

1 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
2 SECTION:

3 (A) A PERSON WHO WAS DEVELOPING NEW OR INCREASED WITHDRAWAL
4 CAPACITY ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
5 THIS SECTION.

6 (B) A PERSON WHO WAS NOT REQUIRED TO REGISTER UNDER THIS PART
7 PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
8 SECTION.

9 (4) SUBSECTION (1) DOES NOT LIMIT A PROPERTY OWNER'S ABILITY
10 TO WITHDRAW WATER FROM A TEST WELL PRIOR TO REGISTRATION IF THE
11 TEST WELL IS CONSTRUCTED IN ASSOCIATION WITH THE DEVELOPMENT OF NEW
12 OR INCREASED WITHDRAWAL CAPACITY AND USED ONLY TO EVALUATE THE
13 DEVELOPMENT OF NEW OR INCREASED WITHDRAWAL CAPACITY.

14 (5) A REGISTRATION UNDER THIS SECTION BY THE OWNER OF A FARM
15 IN WHICH THE WITHDRAWAL IS INTENDED FOR AN AGRICULTURAL PURPOSE,
16 INCLUDING IRRIGATION FOR AN AGRICULTURAL PURPOSE, SHALL BE
17 SUBMITTED TO THE DEPARTMENT OF AGRICULTURE INSTEAD OF THE
18 DEPARTMENT.

19 (6) A REGISTRATION SUBMITTED UNDER THIS SECTION SHALL BE ON A
20 FORM PROVIDED BY THE DEPARTMENT OR THE DEPARTMENT OF AGRICULTURE,
21 AS APPROPRIATE.

22 (7) ~~(3)~~ In calculating the total amount of an existing or
23 proposed withdrawal for the purpose of this section, a person shall
24 combine all separate withdrawals that the person makes or proposes
25 to make, whether or not these withdrawals are for a single purpose
26 or are for related but separate purposes.

27 (8) THE DEPARTMENT SHALL AGGREGATE INFORMATION RECEIVED BY THE

1 **STATE RELATED TO LARGE QUANTITY WITHDRAWAL CAPACITIES WITHIN THE**
 2 **STATE AND REPORTED LARGE QUANTITY WITHDRAWALS IN THE STATE.**

3 Sec. 32708. (1) ~~Beginning 1 year after the effective date of~~
 4 ~~the 2003 amendatory act that amended this section, the~~ **THE** owner
 5 of a farm ~~described in section 32705(1)(c)~~ **THAT IS REGISTERED**
 6 **UNDER THIS PART** who makes a withdrawal for an agricultural purpose,
 7 including irrigation for an agricultural purpose, may ~~register the~~
 8 ~~farm address and~~ report the water use on the farm by annually
 9 submitting to the department of agriculture a water use
 10 conservation plan. **CONSERVATION PLANS SHALL BE SUBMITTED BY APRIL 1**
 11 **OF EACH YEAR.** The water use conservation plan shall include, but
 12 need not be limited to, all of the following information:

13 (a) The amount and rate of water withdrawn on an annual and
 14 monthly basis in either gallons or acre inches.

15 (b) The type of crop irrigated, if applicable.

16 (c) The acreage of each irrigated crop, if applicable.

17 (d) The source or sources of the water supply.

18 **(E) IF THE SOURCE OF THE WATER WITHDRAWN IS GROUNDWATER, THE**
 19 **LOCATION OF THE WELL OR WELLS IN LATITUDE AND LONGITUDE, WITH THE**
 20 **ACCURACY OF THE REPORTED LOCATION DATA TO WITHIN 25 FEET.**

21 **(F)** ~~(e)~~ If the water withdrawn is not used entirely for
 22 irrigation, the use or uses of the water withdrawn.

23 **(G)** ~~(f)~~ If the source of water withdrawn is groundwater, the
 24 static water level of the aquifer or aquifers, **IF PRACTICABLE.**

25 **(H)** ~~(g)~~ Applicable water conservation practices and an
 26 implementation plan for those practices.

27 **(I) AT THE DISCRETION OF THE REGISTRANT, THE BASELINE CAPACITY**

1 OF THE WITHDRAWAL BASED UPON SYSTEM CAPACITY AND A DESCRIPTION OF
2 THE SYSTEM CAPACITY. IF THE REGISTRANT CHOOSES TO REPORT THE
3 BASELINE CAPACITY UNDER THIS SUBDIVISION, THAT INFORMATION SHALL BE
4 INCLUDED IN THE NEXT REPORT SUBMITTED BY THE REGISTRANT AFTER THE
5 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION.
6 INFORMATION REPORTED UNDER THIS SUBDIVISION NEEDS ONLY TO BE
7 REPORTED TO THE DEPARTMENT OF AGRICULTURE ON 1 OCCASION.

8 (2) The department and the department of agriculture in
9 consultation with Michigan state university shall validate and use
10 a formula or model to estimate the consumptive use of withdrawals
11 made for agricultural purposes consistent with the objectives of
12 section 32707.

13 ~~(3) The department of agriculture shall use water use~~
14 ~~conservation plan information received under subsection (1) to~~
15 ~~determine an estimate of water use and consumptive use data for~~
16 ~~each township in the state. The department of agriculture shall~~
17 ~~forward the township water use and consumptive use data to the~~
18 ~~department~~ SUBJECT TO SUBSECTION (4), INFORMATION PROVIDED TO THE
19 DEPARTMENT OF AGRICULTURE UNDER SUBSECTION (1) (A), (D), AND (E)
20 SHALL BE FORWARDED TO THE DEPARTMENT for inclusion in the statewide
21 groundwater inventory and map prepared under section 32802.

22 (4) INFORMATION PROVIDED UNDER SUBSECTION (1) (A), (E), AND (I)
23 IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
24 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY
25 THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, OR THE DEPARTMENT OF
26 NATURAL RESOURCES UNLESS THE DEPARTMENT DETERMINES THAT THE
27 WITHDRAWAL IS CAUSING AN ADVERSE RESOURCE IMPACT.

Senate Bill No. 852 (H-3) as amended February 9, 2006

1 SEC. 32708A. (1) WITHIN 12 MONTHS AFTER THE EFFECTIVE DATE OF
2 THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH WATER USER'S
3 SECTOR SHALL BEGIN DESIGNING GUIDELINES FOR GENERALLY ACCEPTED
4 WATER MANAGEMENT PRACTICES OR ENVIRONMENTALLY SOUND AND
5 ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES WITHIN THAT
6 SECTOR. WITHIN 24 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
7 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL REVIEW AND REPORT
8 TO THE APPROPRIATE STANDING COMMITTEES OF THE LEGISLATURE ON
9 WHETHER OR NOT THERE ARE REASONABLY DETAILED CRITERIA FOR ASSISTING
10 A FACILITY IN DETERMINING WHETHER WATER IS BEING USED IN AN
11 EFFICIENT MANNER. SUCH GUIDELINES MAY BE ADOPTED BY AN ESTABLISHED
12 STATEWIDE PROFESSIONAL OR TRADE ASSOCIATION REPRESENTING THAT
13 SECTOR.

14 (2) COMPLIANCE WITH GENERALLY ACCEPTED WATER MANAGEMENT
15 PRACTICES OR ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER
16 CONSERVATION MEASURES DOES NOT AUTHORIZE A WATER WITHDRAWAL THAT IS
17 OTHERWISE PROHIBITED BY LAW.

18 Enacting section 1. This amendatory act does not take effect
19 unless all of the following bills of the 93rd Legislature are
20 enacted into law:

- 21 [
22 (a)] Senate Bill No. 850.
23 [(b)] Senate Bill No. 851.
24 [(c)] Senate Bill No. 854.
25 [(d)] Senate Bill No. 857.