

Act No. 35
Public Acts of 2006
Approved by the Governor
February 22, 2006
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February 28, 2006
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**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Van Woerkom, Birkholz, Sikkema, Patterson, Gilbert, Brown, Allen, George and Garcia

ENROLLED SENATE BILL No. 852

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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:

Sec. 32705. (1) Except as otherwise provided in this section, the owner of real property who has the capacity on that property to make a large quantity withdrawal from the waters of this state shall register with the department prior to beginning that withdrawal.

(2) The following persons are not required to register under this section:

(a) A person who has previously registered for that property under this part, unless that registrant develops new or increased withdrawal capacity on the property of an additional 100,000 gallons of water per day from the waters of the state.

(b) A community supply owned by a political subdivision that holds a permit under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(c) A person holding a permit under section 32723.

(d) The owner of a noncommercial well on residential property.

(3) The following persons shall register under this section but may register after beginning the withdrawal but before 90 days after the effective date of the amendatory act that added this section:

(a) A person who was developing new or increased withdrawal capacity on the effective date of the amendatory act that added this section.

(b) A person who was not required to register under this part prior to the effective date of the amendatory act that added this section.

(4) Subsection (1) does not limit a property owner's ability to withdraw water from a test well prior to registration if the test well is constructed in association with the development of new or increased withdrawal capacity and used only to evaluate the development of new or increased withdrawal capacity.

(5) A registration under this section by the owner of a farm in which the withdrawal is intended for an agricultural purpose, including irrigation for an agricultural purpose, shall be submitted to the department of agriculture instead of the department.

(6) A registration submitted under this section shall be on a form provided by the department or the department of agriculture, as appropriate.

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

(8) The department shall aggregate information received by the state related to large quantity withdrawal capacities within the state and reported large quantity withdrawals in the state.

Sec. 32708. (1) The owner of a farm that is registered under this part who makes a withdrawal for an agricultural purpose, including irrigation for an agricultural purpose, may report the water use on the farm by annually submitting to the department of agriculture a water use conservation plan. Conservation plans shall be submitted by April 1 of each year. The water use conservation plan shall include, but need not be limited to, all of the following information:

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

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

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

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

(e) If the source of the water withdrawn is groundwater, the location of the well or wells in latitude and longitude, with the accuracy of the reported location data to within 25 feet.

(f) If the water withdrawn is not used entirely for irrigation, the use or uses of the water withdrawn.

(g) If the source of water withdrawn is groundwater, the static water level of the aquifer or aquifers, if practicable.

(h) Applicable water conservation practices and an implementation plan for those practices.

(i) At the discretion of the registrant, the baseline capacity of the withdrawal based upon system capacity and a description of the system capacity. If the registrant chooses to report the baseline capacity under this subdivision, that information shall be included in the next report submitted by the registrant after the effective date of the amendatory act that added this subdivision. Information reported under this subdivision needs only to be reported to the department of agriculture on 1 occasion.

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

(3) Subject to subsection (4), information provided to the department of agriculture under subsection (1)(a), (d), and (e) shall be forwarded to the department for inclusion in the statewide groundwater inventory and map prepared under section 32802.

(4) Information provided under subsection (1)(a), (e), and (i) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the department, the department of agriculture, or the department of natural resources unless the department determines that the withdrawal is causing an adverse resource impact.

Sec. 32708a. (1) Within 12 months after the effective date of the amendatory act that added this section, each water user's sector shall begin designing guidelines for generally accepted water management practices or environmentally sound and economically feasible water conservation measures within that sector. Within 24 months after the effective date of the amendatory act that added this section, the department shall review and report to the appropriate standing committees of the legislature on whether or not there are reasonably detailed criteria for assisting a facility in determining whether water is being used in an efficient manner. Such guidelines may be adopted by an established statewide professional or trade association representing that sector.

(2) Compliance with generally accepted water management practices or environmentally sound and economically feasible water conservation measures does not authorize a water withdrawal that is otherwise prohibited by law.

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

(a) Senate Bill No. 850.

(b) Senate Bill No. 851.

(c) Senate Bill No. 854.

(d) Senate Bill No. 857.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved _____

Governor