

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2941 Artesian or flowing well; certain condition deemed nuisance; abatement; damages; unreasonable or unnecessary waste; order or judgment; reopening.

Sec. 2941. (1) Any artesian or flowing well, the water of which is unnecessarily allowed to run to waste in an unreasonable manner to the depletion or lowering of the head or reservoir thereof to the detriment or damage of other wells supplied from the same head or reservoir, is a nuisance, and its owner and the owner of the land on which it is situated are subject to all the actions for abatement and damages in favor of the person or persons injured, as provided by law for other nuisances or tortious acts.

(2) Where any well is supplied by a head, reservoir, stratum, or vein or by percolating waters common to other springs or wells, and the owner thereof or his lessee or licensee puts its waters to a use unreasonable or unnecessary, in view of the condition and situation of the land on which it is situated, and through such unreasonable or unnecessary use, lowers or depletes the head, pressure, or supply of water of any spring or well dependent on the same head, vein, or stratum, to the detriment or injury of the owner or any person entitled to the use thereof, the well so unreasonably and unnecessarily used, is a nuisance, and its owner and the owner of the land on which it is situated are subject to all the actions for abatement and damages in favor of the person or persons injured, as provided by law for other nuisances or tortious acts.

(3) Where any order or judgment is rendered under this section, declaring any well a nuisance because of the waste or unreasonable use of its waters and directing the abatement thereof, such order or judgment shall specify in some practicable manner the daily amount or volume of water that may be used or allowed to flow therefrom without violating such order or judgment, and specify such reasonable time as to the court shall seem just within which the provisions thereof shall be carried into effect. Any such order or judgment may be reopened at any time after entry on the question of reasonable use on a proper showing of change of circumstances or other equitable reason therefor.

History: 1961, Act 236, Eff. Jan. 1, 1963.