

**January / February 2004**

**Agricultural Water Use**

***By: Ted Loudon, Professor, PhD., P.E.***

Water use and water quality issues are increasingly at the forefront in Michigan. Last year the Michigan legislature passed two new laws related to agricultural water use. A task force established by the Michigan Commission of Agriculture developed GAAMPs (Generally Accepted Agriculture and Management Practices) for irrigation water use. On January 20, 2004 Governor Granholm issued a special message to the legislature outlining a wide ranging plan to step up state protection of water resources through regulations on large water withdrawals, a state sanitary code regulating septic systems and issues relating to invasive species, open water disposal, water discharge permits, wetlands protection and a request for federal funding for Great Lakes restoration.

**Two New Statutes**

Public Act 148 of 2003 (MCL 324.327101-324.32803) requires registration and reporting of water use for anyone who has the capacity to withdraw more than 70 gallons per minute (100,000 gallons per day) from either surface water or ground water. The reporting of water use for agricultural users may be in the form of a water use conservation plan submitted to the Department of Agriculture or direct reporting of water use to the Department of Environmental Quality. Reporting to the Michigan Department of Agriculture is at no cost while if one chooses to report to the Department of Environmental Quality, there is a \$100 annual fee. The overall goal is to establish a record of water use in the state by high capacity users to comply with the requirements of the Great Lakes Charter which mandates that the state be able to report water use on a month-to-month basis. Each high capacity user will need to report the amount and rate of water withdrawal on an annual and monthly basis. If the water withdrawal is for irrigation, the producer must report the type of crop irrigated, the acreage of the crop irrigated, the source or sources of the water supply and, if the uses include uses other than irrigation the specific uses of the water. If the source of water is groundwater, annual reporting of the static water level of the aquifer will be required. The data submitted will then be utilized by the Department of Environmental Quality, the Department of Agriculture and Michigan State University to estimate consumptive use of water in the state; that is, to estimate the amount of water that is withdrawn and lost from the Great Lakes Basin due to evaporation, incorporation into products or other processes.

Public Act 177 of 2003 (MCL 324.101-324.90106) provides for aquifer protection and dispute resolution. This bill sets forth procedures to be utilized when there is a conflict between two groundwater users, specifically between a low capacity well such as a domestic well and a high capacity well such as an irrigation well. When an affected well owner has "sufficient evidence to establish a reasonable belief that an interference is caused by a high capacity well", the owner may report it to either the Department of Environmental Quality or the Department of Agriculture. The department with which the report is filed must respond within two working days and conduct an onsite evaluation within five working days. The bill also outlines a process for follow up and resolution. Details of the legislation are available at the Michigan Groundwater Stewardship website (<http://www.kbs.msu.edu/mgsp/>) or the Michigan Legislative homepage at <http://www.michiganlegislature.org>. Query for water use or natural resources.

**The Governor's Message to the Legislature**

The Governor's message to the legislature requests legislation that would require "companies" to assess the impact of large withdrawals and set criteria for high capacity wells and require permits

for withdrawals of more than 700 gallons per minute. These controls are intended to apply only to new or expanded water withdrawals. Existing uses would be grandfathered in. Commenting on the Governor's proposal, Steve Chester, Director of the Department of Environmental Quality, said "there could be agricultural exemptions" but officials are still thinking about specifics in advance of any draft proposal being submitted to the legislature.

It is clear that the requirements for major water users are changing. A MAEAPs Committee (Michigan Agricultural Environmental Assurance Program) has recently been established to enhance communication between agricultural groups on water issues and to foster the development and distribution of educational materials to help keep producers informed and prepared to be in compliance with the new requirements. If you would like to be kept informed of the activities of the MAEAPs Committee, please contact me.

The Water Use Registration Act (P.A. 148) provides for the development of a groundwater conservation council to review the information submitted through the reporting process and develop a report on the state's groundwater resources. The council consists of 13 members with one of those members specifically appointed to represent agricultural interests. Fred Henningsen former MSUE Area Irrigation Agent and County Extension Director in St. Joe County has been appointed to the council to represent agriculture.