

HOUSE BILL No. 4991

June 27, 2007, Introduced by Reps. Gaffney, Meadows, Alma Smith, Bauer, Leland, Hammel, Vagnozzi, Bieda, Condino, Hammon, Polidori, Kathleen Law, Hopgood, Miller, David Law, Warren, LeBlanc, Coulouris, Farrah, Johnson, Donigan, Melton and Constan and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 32708 (MCL 324.32708), as amended by 2006 PA
35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32708. (1) ~~The owner of~~ **EXCEPT AS PROVIDED IN SUBSECTION**
2 **(2), IF** a farm that is registered under this part ~~who makes a~~ **HAS**
3 **THE CAPACITY TO MAKE A LARGE QUANTITY** withdrawal for an
4 agricultural purpose, including irrigation for an agricultural
5 purpose, **THE OWNER OF THE FARM** may report the water use on the farm
6 by annually submitting to the department of agriculture a water use
7 conservation plan. Conservation plans shall be submitted by April 1
8 of each year. The water use conservation plan shall include, but

1 need not be limited to, all of the following information:

2 (a) The amount and rate of water withdrawn on an annual and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

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

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

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

7 (e) If the source of the water withdrawn is groundwater, the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

10 (f) If the water withdrawn is not used entirely for
11 irrigation, the use or uses of the water withdrawn.

12 (g) If the source of water withdrawn is groundwater, the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

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

16 (i) At the discretion of the registrant, the baseline capacity
17 of the withdrawal based upon system capacity and a description of
18 the system capacity. If the registrant chooses to report the
19 baseline capacity under this subdivision, that information shall be
20 included in the next report submitted by the registrant after ~~the~~
21 ~~effective date of the amendatory act that added this subdivision~~
22 **FEBRUARY 8, 2006**. Information reported under this subdivision needs
23 only to be reported to the department of agriculture on 1 occasion.

24 **(2) THIS SECTION DOES NOT APPLY TO A LARGE CAFO AS DEFINED IN**
25 **SECTION 8603. A LARGE CAFO REQUIRED TO REGISTER UNDER SECTION 32705**
26 **SHALL FILE A REPORT ANNUALLY IN COMPLIANCE WITH SECTION 32707.**

27 (3) ~~(2)~~The department and the department of agriculture in

1 consultation with Michigan state university shall validate and use
2 a formula or model to estimate the consumptive use of withdrawals
3 made for agricultural purposes consistent with the objectives of
4 section 32707.

5 (4) ~~(3)~~—Subject to subsection ~~(4)~~—(5), information provided to
6 the department of agriculture under subsection (1)(a), (d), and (e)
7 shall be forwarded to the department for inclusion in the statewide
8 groundwater inventory and map prepared under section 32802.

9 (5) ~~(4)~~—Information provided under subsection (1)(a), (e), and
10 (i) is exempt from disclosure under the freedom of information act,
11 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by
12 the department, the department of agriculture, or the department of
13 natural resources unless the department determines that the
14 withdrawal is causing an adverse resource impact.

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 94th Legislature are
17 enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. 4983(request no.
19 03918'07).

20 (b) Senate Bill No. ____ or House Bill No. 4984(request no.
21 03919'07).

22 (c) Senate Bill No. ____ or House Bill No. 4985(request no.
23 03920'07).

24 (d) Senate Bill No. ____ or House Bill No. 4986(request no.
25 03921'07).

26 (e) Senate Bill No. ____ or House Bill No. 4987(request no.
27 03922'07).

1 (f) Senate Bill No.____ or House Bill No. 4988(request no.
2 03923'07).

3 (g) Senate Bill No.____ or House Bill No. 4989(request no.
4 03924'07).

5 (h) Senate Bill No.____ or House Bill No. 4990(request no.
6 03925'07).