

Dear Counties/ANR Educators:

This is a very important news release for all farmers in your area. They need to report their water use by April 2, 2007. Please place in area news papers and get the word out. Thank you.

Lyndon Kelley

Protect Your Water Rights by Reporting

Lyndon Kelley, Extension Irrigation Educator for MSU Extension and Purdue Extension wants you to know how important it is that you report your water use for 2006. The deadline is quickly approaching – April 1, 2007 and the information you report is very important for your use of water in the future. Legislation passed early in 2006 changed how the State controls large volume water use. Although few if any agricultural water users will need a permit, Part 327 of 451 establishes no “adverse resource impact” as the standard that all large capacity water users must meet for withdraws constructed after February 2006. Withdraws constructed prior to February 2006 that have been properly registered and reported their usage are presumed not to have an “adverse resource impact” and have the advantage of being, more or less grandfathered.

Reporting before April 1, 2007 is essential to maintain your pre-February 2006 withdrawal advantage. The 2006 report allow producers to provide their systems baseline capacity. Expanding system capacity by more than 70 gallons/min beyond the baseline capacity constitutes a new water withdrawal.

Baseline Capacity: Producers have a one-time option to report, as part of their 2006 water use report, the available capacity of the system “Baseline Capacity” or “Rated Capacity.” Available capacity of the system would be reported as pump capacity in gal/min. along with pump and system description compatible with the well log. Baseline capacity applies to both wells and surface water withdrawals.

The Baseline Capacity is the reported system capacity used or developed to make a withdrawal on Feb. 28, 2006. If a large capacity water user does not report a "Baseline Capacity," the highest annual amount of water withdrawn as reported for 2004 or 2005 will be used as the baseline capacity. Note that since few producers run pumps continuously, most water users have available system capacities far greater than any of the recent year’s water use reports.

Establishing a baseline capacity is important since P.A. 33 provides a statement that existing water users are granted a reputable presumption of no "adverse resource impact.” No adverse resource impact is the standard that all large capacity water users must meet within P.A. 33 structure. The reputable presumption of no adverse resource impact puts the burden of proof on those challenging a registered large capacity water user’s water use.

Other changes to Michigan's Agricultural Water Use Reporting system:

Registration of new withdraws prior to use: Withdraws established after February 28, 2006 are required to register with the Michigan Department of Environmental Quality prior to first use. Registration forms are available from the MDA website.

Agriculture water use reporting to MDA only: The rarely used option of reporting to MDEQ was removed in P.A. 33 leaving Michigan Department of Agriculture as the only reporting option for agricultural producers.

Groundwater withdraw location by latitude/longitude: Starting with the 2006 report, large scale water users will need to provide the latitude/longitude for the groundwater withdrawal location. This information may be provided by handheld GPS units or the groundwater mapping website (<http://gwmap.rsgis.msu.edu>). Providing the latitude/longitude location of withdrawal will allow mapping and analysis of effect on groundwater and stream base flow by withdraws in the watershed basin.

Reporting of static water level is no longer required: Static water level reporting was moved from a requirement to report.

If you need assistance with water use reporting contact your local MSU Extension Office or Lyndon Kelley at (269) 467-5511.