

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31703 Duties of director or director of department of agriculture and rural development in groundwater dispute.

Sec. 31703.

(1) The director or the director of the department of agriculture and rural development, as appropriate, shall, by order, declare a groundwater dispute if an investigation of a complaint discloses all of the following, based upon reasonable scientifically based evidence, and within a reasonable amount of time the director or the director of the department of agriculture and rural development, as appropriate, is unable to resolve the complaint:

(a) That the small-quantity well has failed to furnish the well's normal supply of water or failed to furnish potable water.

(b) That the small-quantity well and the well's equipment were functioning properly at the time of the failure. The determination under this subdivision shall be made based upon an assessment from a well drilling contractor that is provided by the owner of the small-quantity well.

(c) That the failure of the small-quantity well was caused by the lowering of the groundwater level in the area.

(d) That the lowering of the groundwater level exceeds normal seasonal water level fluctuations and substantially impairs continued use of the groundwater resource in the area.

(e) That the lowering of the groundwater level was caused by at least 1 high-capacity well.

(f) That the owner of the small-quantity well did not unreasonably reject a remedy proposed by the director or the director of the department of agriculture and rural development under section 31702(5).

(2) In addition to the authority under subsection (1) to declare a groundwater dispute, if the director or the director of the department of agriculture and rural development, as appropriate, has clear and convincing scientifically based evidence that indicates that continued groundwater withdrawals from a high-capacity well will exceed the recharge capability of the groundwater resource of the area, the director or the director of the department of agriculture and rural development, as appropriate, by order, may declare a groundwater dispute.

(3) The director or the director of the department of agriculture and rural development, as appropriate, may amend or terminate an order declaring a groundwater dispute at any time. Prior to amending an order declaring a groundwater dispute regarding an agricultural well under this subsection, the director of the department of agriculture and rural development shall schedule an informal meeting and provide notice of the informal meeting in the manner provided under section 31702a.

History: Add. 2012, Act 602, Imd. Eff. Jan. 9, 2013 ;-- Am. 2013, Act 86, Imd. Eff. June 28, 2013

Compiler's Notes: Former MCL 324.31703, which pertained to declaration of groundwater dispute by order of director, was repealed by Act 176 of 2009, Imd. Eff. Dec. 15, 2009.

Popular Name: Act 451

Popular Name: NREPA