



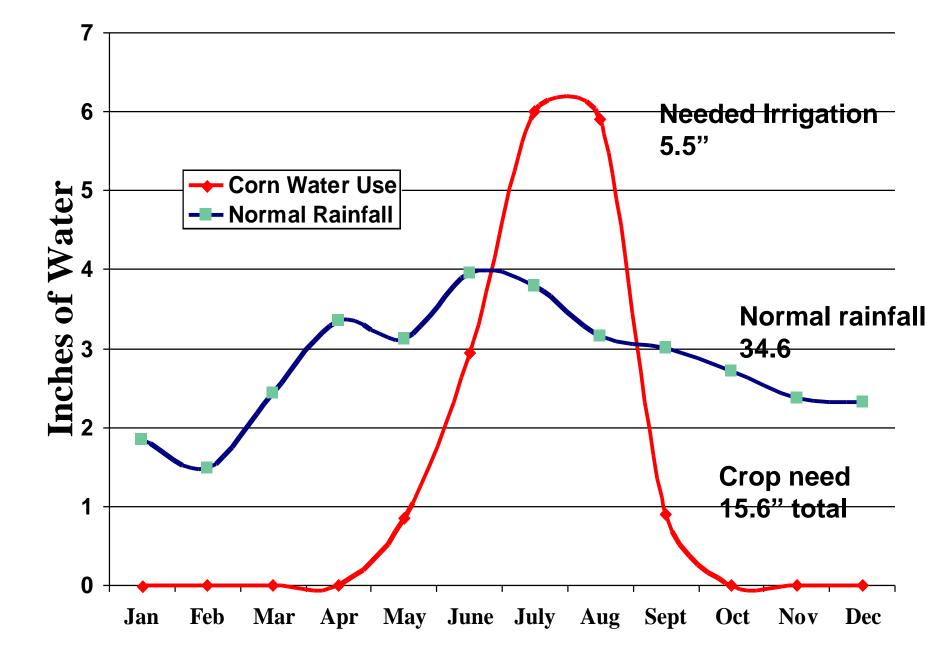
Michigan Water Use Requirements 2011 Update

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www.msu.edu/stjoseph

- then hit the Irrigation button



Prior Appropriation

West of Mississippi

- first in use, first in right
- allows transfer of water rights

Riparian Doctrine

East of Mississippi

- based on Common Law
- handed down from British law
- legal "doctrines"
- interpreted by the courts
 - sets precedents
- may be modified by legislative action

Riparian Doctrine

- From ancient public trust doctrine
- Tidelands held by the king for the benefit of all English subjects
- Navigable lakes and streams held in trust for benefit of the people of the state
- Riparian rights subservient to state's public trust authority

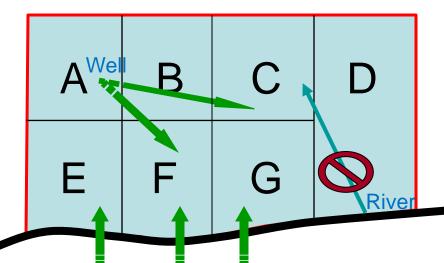
A riparian may not...

- Sell or give away those rights
 - Example: drawing water to irrigate non-riparian lots
 - Ground water rights are not the same....
- Diminish rights of other riparian owners
 - Example: excessively lowering lake level through irrigation



Riparian Doctrine, Severance Rule

- Once a parcel has been subdivided, the parcels no longer retaining waters edge loose their Riparian Rights.
- Once rights are lost they may not be regained (reattachment of subdivided parcels does not reestablish their water rights)
- Complaint must be brought to court by a Riparian that can show
- a loss due to another.
- Commonly violated, but one of the easy ways to get injunction against a neighbor.



Large volume water users have a legal responsibility for neighboring wells

Where neighboring wells were negatively impacted courts have forced large volume water users to improve the affected well to regain its function.

PA 177

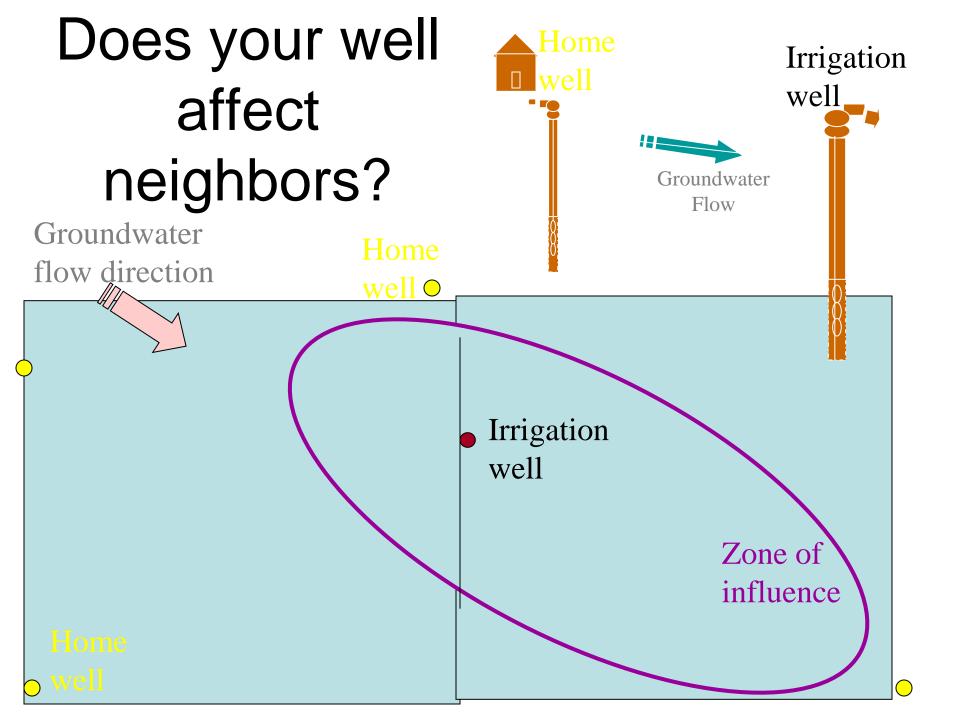
Repealed December 2009 due to lack of funding

Act 177 allowed owner of a "small quantity well" to file a complaint with MDEQ (or MDA) if well:

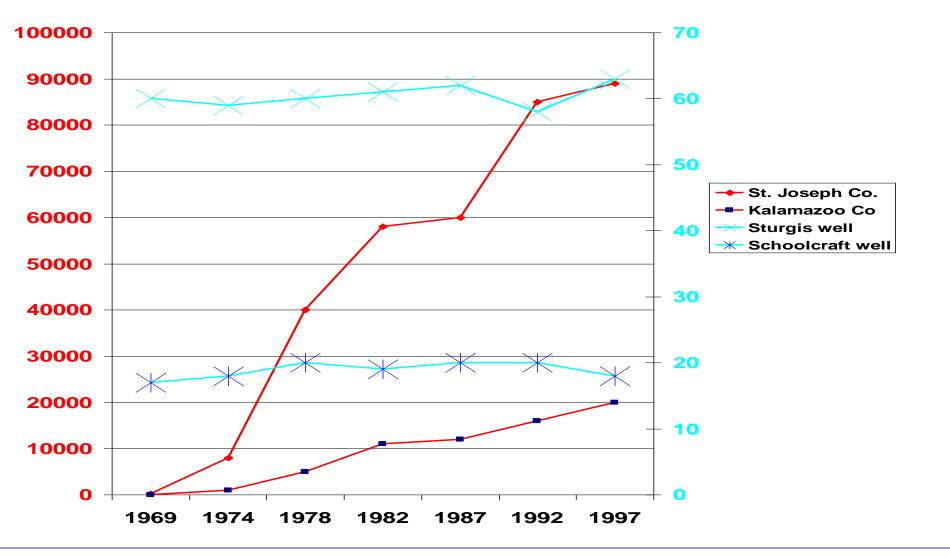
- · Failed to furnish normal water supply
- Failed to provide potable water

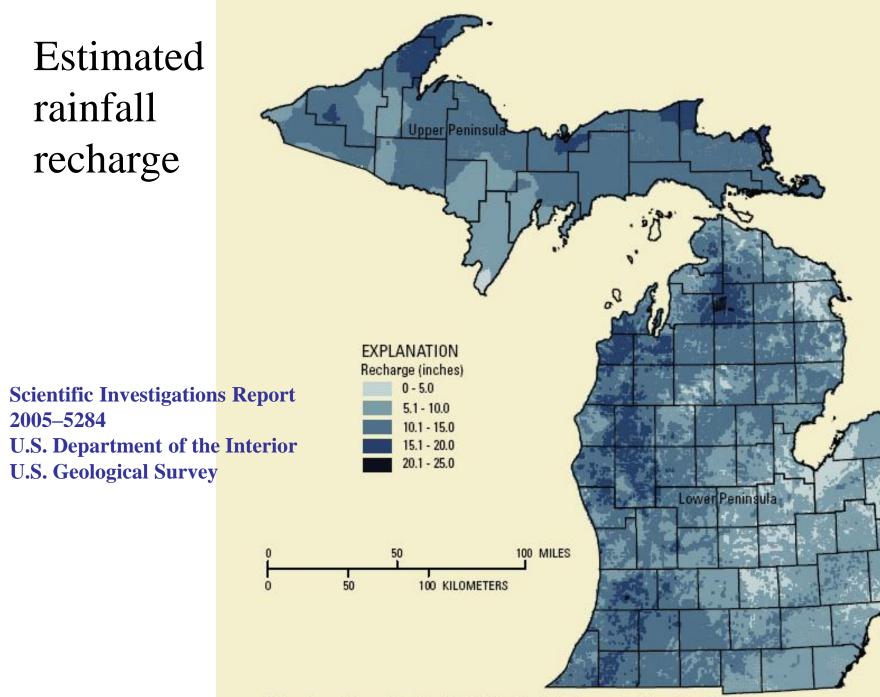


Complainant must have had a credible reason to believe that the problem is caused by a HIGH CAPACITY WELL



Thirty Years of Increasing Irrigation Have Not Impacted Municipal Water Well Depths





State and county boundaries from the Michigan Center for Geographic Information, 2003

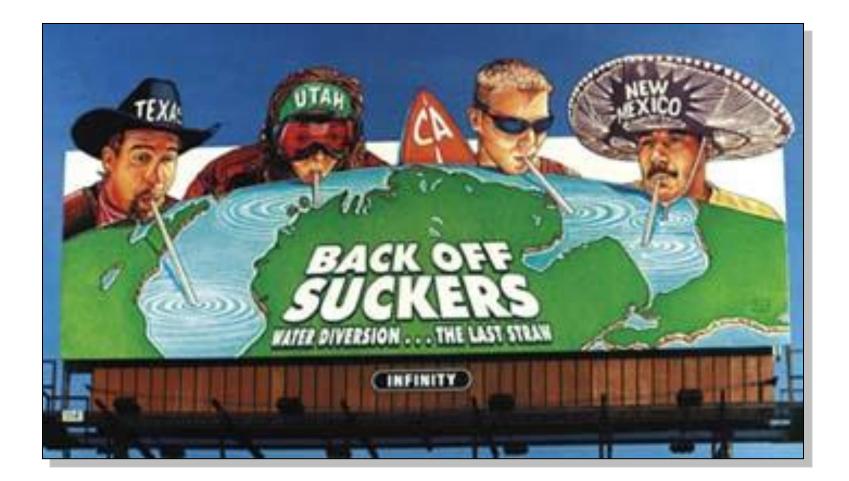
Irrigation assets of Michiana

- Over 600,000 irrigated acre within 2 ½ hour drive of the intersection of US-131 and I 80/90
- Largest pool of irrigated ground east of Mississippi.
- Closest pool of irrigated land to the USA major population centers.
- Sustainable annual recharge is greater than irrigation use.
- Centered on excellent transportation and utility resources.

Future of Irrigation in Michiana

- Higher transport cost increase interest in moving vegetable/food production back to Midwest.
- Higher input cost increase the desire to reduce risk.
- Michiana has a renewable source of water and only need supplemental irrigation to assure yields and quality
- Expect expansion in vegetable, seed production and other specialty crops.

Irrigated land is most often sandy loams that provide improvement for both planting and harvesting options while reducing drought risk.



Great Lakes Charter and Annex Agreements -The Great Lakes States/Provinces chance to show they can manage water use and deserve the right to control the Great Lake's water resources.

Water Use Reporting 2006 Requirements -PA 33 -34

- Require permits for new uses over 2 million gallons per day.
- Sets a performance standard for Large scale water users. (> 70 gallon/minute) and reporting
 no adverse resource impact"
- Where agriculture fits:

> 100,000 gal. a day < 2 million gal. per day.</p>
Need to <u>register</u> and <u>report</u>, no permit required

Permit Threshold - 2 mg/d 30 day average, common distribution system

100,000 gal./day = 70 gal./min. capacity - report

- 1 million gal./day = 700 gal./min. capacity
- 2 million gal./day = 1400 gal./min. capacity permit

30 day average example:

1400 gal./min. capacity at 50% use = 700 gal./min. capacity

Baseline capacities for pre-2006 withdrawal where establish by the 2006 reporting

2006 WA Required under Part 3 Due by April 2, 2007. Failur KEEP A C	to \$1,000. ESD-W P.O. Bo	an Department of Agriculture Vater Use Reporting xx 30017 1, MI 48909	Alichigan		
1. FARM INFORMATION: Farm Name:	Mana	ager/Owner:		·	
Mailing Address 2. Pump Information: Please complete the for Additional sheets as Ne	0500.00%			Atic Water supplies. C	State Zip Code
A. PUMP ID, LOCATION, AND CAPACITY Pump ID:	B. WATER Groundwater Source Surface Water	Pond Supplied by Well	Static Water Level: Location: Lat 	ftin. Date Tak	Acres Acres Only for Well ANNUAL Total:
County	C-1. WATER USES	C-2 WATED	44	Lon	
Township: Rated Capacity: Gal/Min If a Well, is well log attached? Yes No	Crop Acres	s Crop Or Other Use	Acres	- Crop <u>94ireq</u> Or Other Use	tonly s

2011 reports due April 1,2012 New online reporting system available <u>soon</u> at: <u>www.michigan.gov/mdard/waterusereporting</u> Paper version of 2011 reporting form will be posted soon.

Baseline Capacity – 2006 one time opportunity

- "Baseline Capacity" Rated capacity of the system as of February 28, 2006, reported as pump capacity in gal/min.
- Water withdrawal prior to February 2006 are granted a rebuttable presumption of no "adverse resource impact."
- Expansion > 70 gpm constitutes a new withdrawal

Baseline Capacity –one time opportunity repeated in 2008

New vs. Old Water Withdrawals

Old water withdrawal have a rebuttable presumption of no "adverse resource impact"

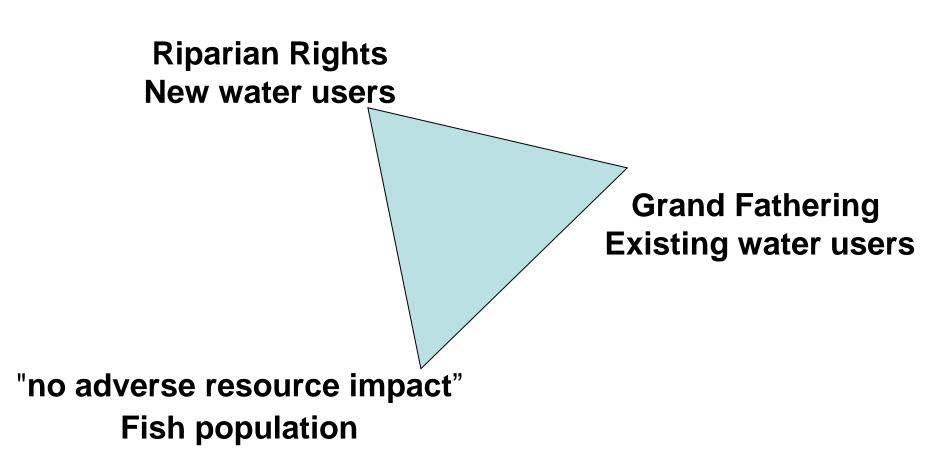
- Withdrawal must be established prior to February 28th of 2006
- Properly registered and have reported
- Not expanded by > 70 gpm

New water withdrawals

- Must meet the no "adverse resource impact" standard
- Compete for the water available with old withdrawal, fire, municipal and clean-up water uses.

(Water users committees)

Can the three way balance?



Requirements that Large Capacity Withdrawals (LCW) not cause an Adverse Resource Impact (ARI)

Date	2/28/2006	2/28/2008	7/9/2008	2/1/2009	7/9/2009
ARI standard:	narrative	narrative	narrative	quantitative	quantitative
Presumed no ARI:	1320 feet away from Trout Stream	1320 feet away from Trout Stream	1320 feet away from all streams	1320 feet away from all streams	Zone A or B in WWAT
	> 150 feet deep	> 150 feet deep	> 150 feet deep	> 150 feet deep	DEQ site specific review
Applies to:	Trout Streams	all streams	all streams	all streams	all streams

Narrative: Shall not functionally impair a stream's ability to support characteristic fish populations.

Quantitative: Withdrawal limited to percent reduction of Index Flow as specified in legislation (max 25%).

Water Quantity Needed

- Irrigation water replaces the plant water use (removed from soil)
- Water use is directly correlated to light interception
- 50% light interception results in about 50% of the maximum water use
- Maximum water use mid-July early August, full light interception, highest temperatures and brightest days.

Evapotranspiration (ET) =

- fn (net radiation) +
- fn (temperature) +
- fn (wind speed) + fn (air humidity)

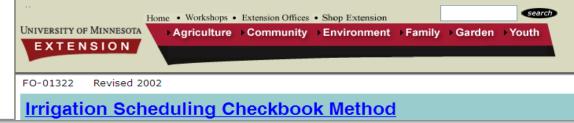


Table 2. Average water use for CORN in inches/day

	Week after emergence																	
Temperature F	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
50-59 60-69 70-79 80-89 90-99	.01 .02 .03 .03 .04	.02 .03 .04 .05 .06	.03 .04 .05 .07 .08	.04 .06 .07 .09 .11	.05 .08 .10 .13 .15	.06 .09 .12 .15 .18	.08 .11 .15 .18 .21	.09 .12 .16 .20 .24	.09 .13 .17 .22 .26	.10 .15 .19 .24 .28	.10 .14 .19 .23 .27	.10 .14 .18 .22 .26	.09 .13 .17 .21 .25	.07 .11 .14 .17 .20	.06 .09 .11 .14 .17	.05 .07 .09 .11 .13	.04 .06 .07 .09 .11	.03 .04 .05 .06 .07
Corn growth stages		↑ 3 leaf	ı	•	↑ 8 leaf	1	•	↑ 1 st tassel	↑ silk		∱ blister kernel		•	↑ early dent	∱ dent	·		

Table 3. Average water use for SOYBEANS in inches/day

	Week after emergence																
Temperature F	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
50-59 60-69 70-79 80-89 90-99	.02 .02 .03 .04 .05	.02 .03 .05 .06 .07	.04 .05 .07 .10 .11	.04 .07 .09 .13 .14	.06 .09 .12 .16 .17	.07 .10 .13 .19 .20	.08 .11 .15 .20 .22	.09 .13 .17 .21 .25	.09 .13 .18 .22 .26	.09 .13 .18 .22 .26	.09 .13 .17 .21 .25	.08 .11 .15 .18 .22	.07 .10 .13 .16 .19	.05 .08 .10 .13 .16	.05 .07 .09 .11 .13	.03 .04 .05 .06 .08	.02 .02 .03 .03 .05
Soybean T growth stages 3 rd trifoliate							↑ 1 st flower	fu flov			↑ upper od fillin		ye	Î 1st ellow p	od	I	

Converting acre inches to gallons for trickle irrigation

- Calculate the % of area covered by the plant (% of area you intend to water / plant)
- One acre = 43,560 sq.ft.
- One acre inch = 27,154 gallons

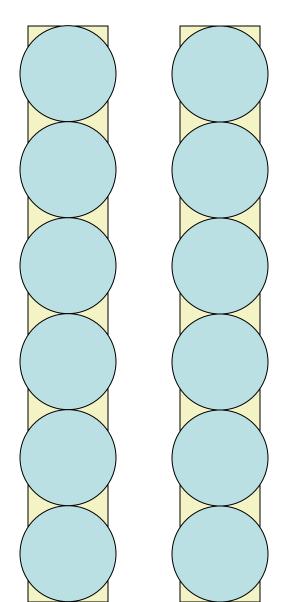
Example:

The plants you are watering have a diameter of 6.5 ft.

6.5 ft. x 6.5 ft. = 42 sq.ft. roughly 1/1000 of an acre 26 to 27 gallon / tree = 1" of irrigation

(include uncontrolled grass or weed area that is watered in plant area)

```
example
1/1000 of an acre, 27 gal = 1" application
10' x 4.3' 100' x 0.4'
20' x 2.2' 6.5' x 6.5'
```



Three factor reducing effective water application

2. Lack of system uniformity5-35% loss in effectiveness

180 Sprinkler 160 140 120 th end Can Volume (ml) 100 80 60 Catch Can Volume (ml) 40 20 0 200 400 600 1200 800 1000 1400 1600 Distance from Pivot (ft)

3. Evaporative loss to the air
Minimal loss in our humid area
0 - 6%
Estimated 4-6% loss in Nebraska

Catch Can Volume (ml)

1. Irrigation Runoff

(comparing irrigation application rate to soil infiltration rate) 0 -30 % loss



Quantity Needed

- Maximum water use for most crops is .27 .32 in./day
- 3 gal/minute/acre pump capacity = 1"/week
- 5 gal/minute/acre pump capacity = .25 in./day
- 7 gal/minute/acre pump capacity =.33 in./day, 1"every 3 days
- 500 gal/minute pump can provide 1" every 4 days on 100 acres

Calculating drought capacity

- Crop ET. was 0.30 in./day
- Available water capacity of **0<u>3.0 in.</u>** (AWC)
- Irrigation system can apply 0.20 in./day.
- Started irrigating when the AWC was **1.0 in.** down
- <u>3.0 in.</u> (AWC) <u>1.0 in.</u> = 2.0 in. available capacity
- 2.0 in. available capacity / 0.10 daily deficit = 20 days
- 20 days of drought capacity.

Can you Irrigate every hour you want ?





Limited Water Supply Irrigation Management

- Diversify the crops sharing the water supply between high and low water use.
- Stagger planting date to stagger peak water need times.
- Plant part of irrigated area to a sacrifice crop to neglect during extended drought.
- Start irrigating early to bank water ahead.
- Stagger forage crop cutting dates to avoid simultaneous peak use.

Michigan's Water Withdrawal Assessment Tool - Windows Internet Explorer

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Michigan's Water Withdrawal Assessment Tool

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The Water Withdrawal Assessment Tool (WWAT) is designed to estimate the likely impawithdrawal on nearby streams and rivers. Use of the WWAT is required of anyone propnew or increased large quantity withdrawal (over 70 gallons per minute) from the water including all groundwater and surface water sources, prior to beginning the withdrawa

You must use the WWAT to determine if a proposed withdrawal is likely to cause an Ad Impact, and to register the withdrawal. The results page provides a quick link to submir registration. A registration is valid for 18 months; the withdrawal capacity must be instant 18 months or the registration becomes void.

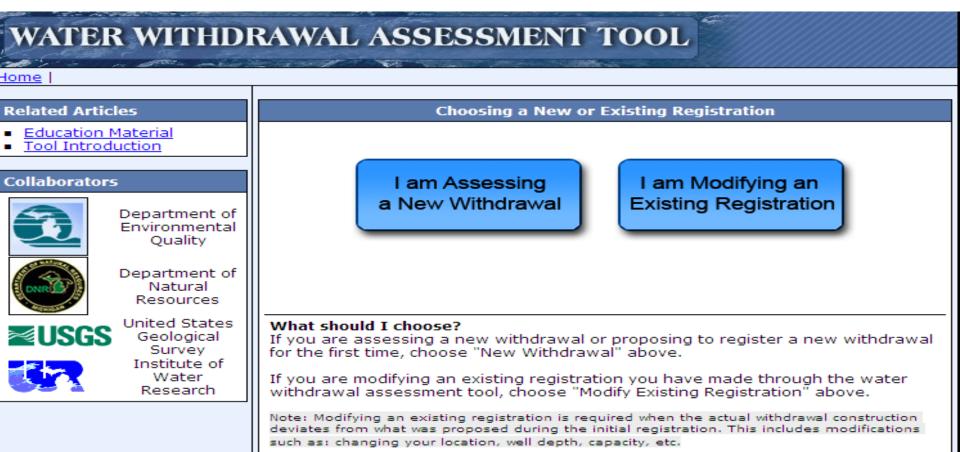
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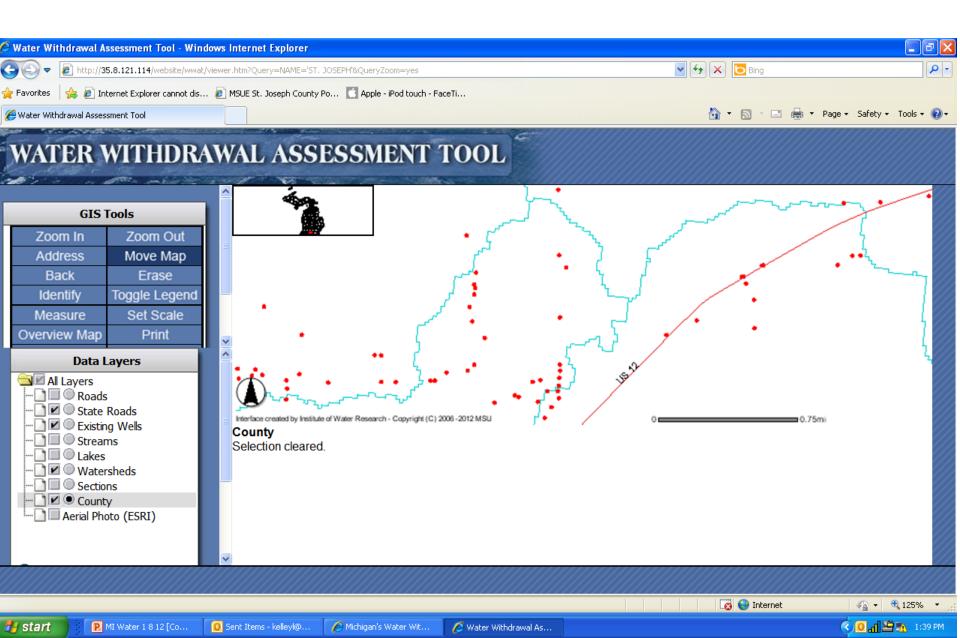
- Educational Material
- Provide Feedback
- Help Center
- Requesting Notification
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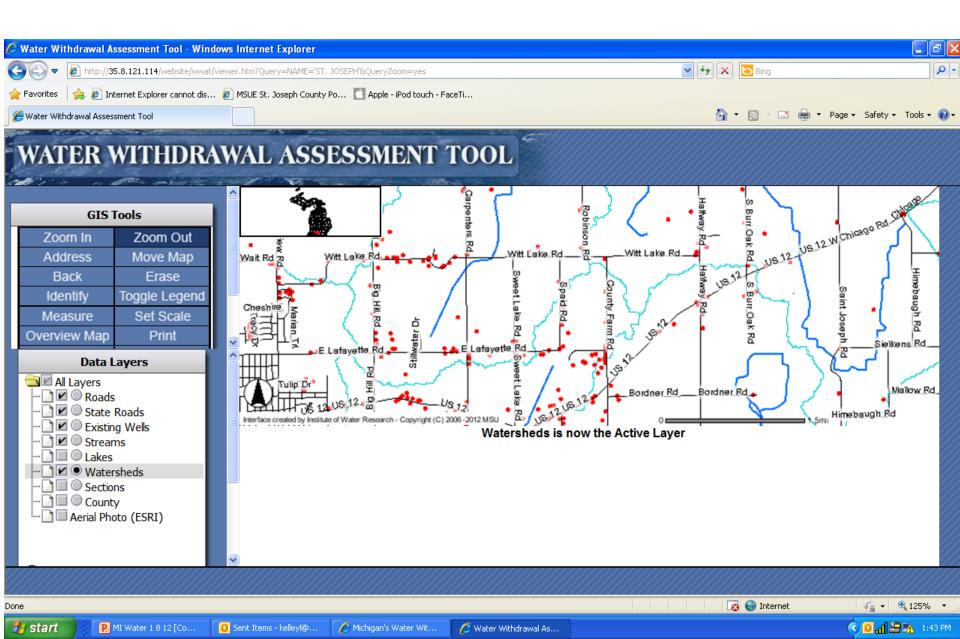
Registration of New Withdrawals

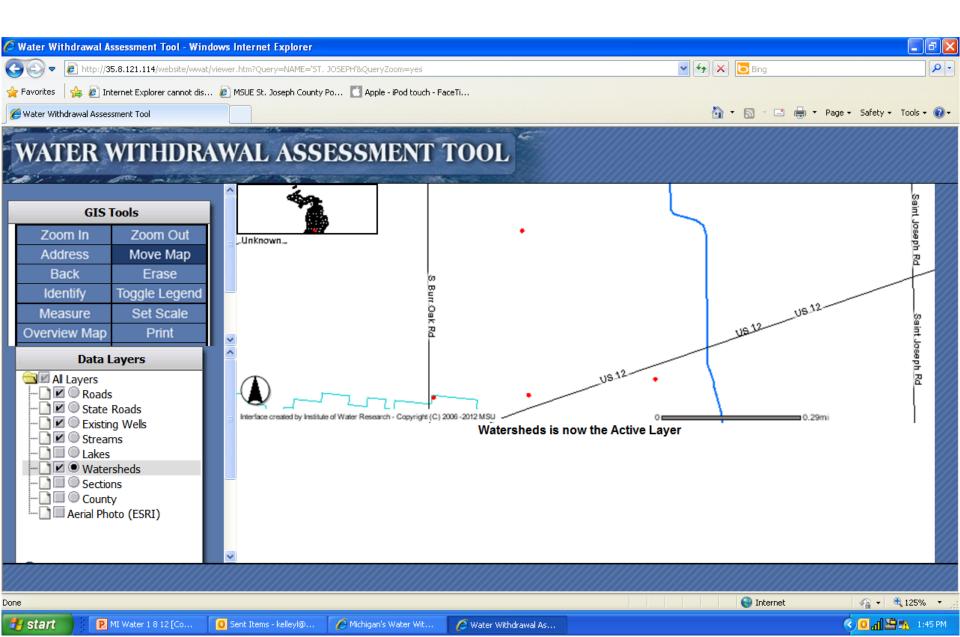
 Proposed withdrawal registered through MIWWAT tool after July 8, 2009 should use the "Modify" button of the MIWWAT to complete an as built registration.

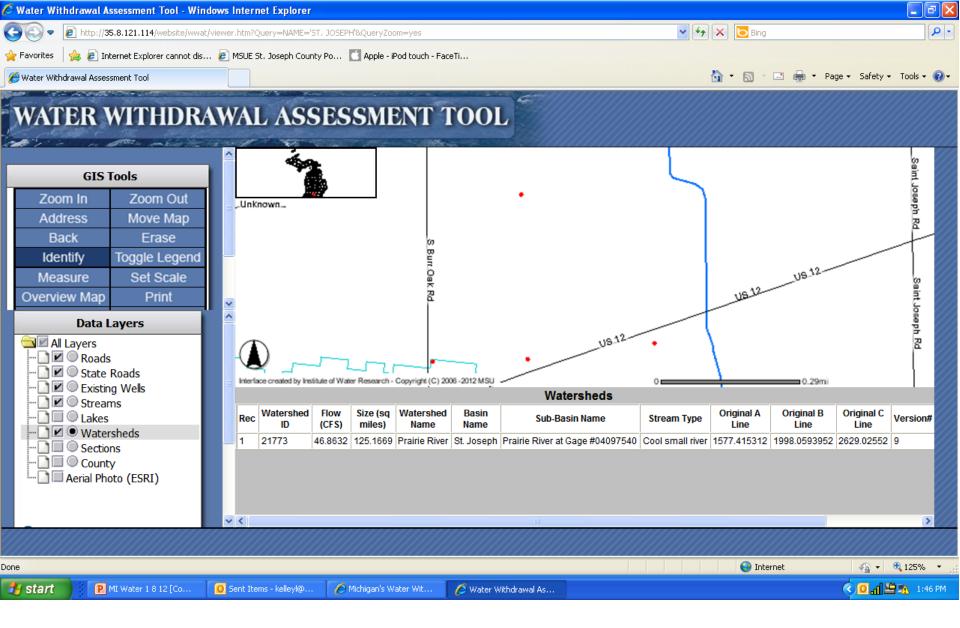


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Resources United States Geological Survey Institute of Water Research	Locate by County To select the county where the water withdrawal will occur, click the map or choose from the drop down menu. Sanilac Find County		
	Locate by Latitute and Longitude		
	Enter the latitude and longitude coordinates at or near the withdrawal location. Please input data correctly in order to ensure system accuracy.	Decimal Degrees Degree Minute Second Latitude(Y): Longitude(X): Find Point Clear	
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	Watersheds													
Rec	Watershed ID	Flow (CFS)	Size (sq miles)	Watershed Name	Basin Name	Sub-Basin Name	Stream Type	Original A Line	Original B Line	Original C Line	Version#	Current A Line	Current B Line	Current C Line
1	21773	46.8632	125.1669	Prairie River	St. Joseph	Prairie River at Gage #04097540	Cool small river	1577.415312	1998.0593952	2629.02552	9	409	1381	2839

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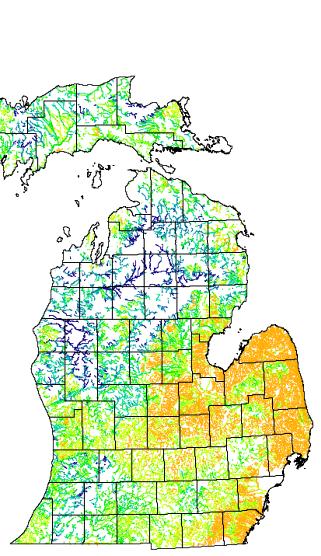
Watersheds												
Sub-Basin Name	Stream Type	Original A Line	Original B Line	Original C Line	Version#	Current A Line	Current B Line					
Prairie River at Gage #04097540	Cool small river	1577.415312	1998.0593952	2629.02552	9	409	1381	2839				

Estimate of stream flow

Major Factors Used

- Drainage Basin Size
- Land Use Forest Cover
- Geology and Soils
- ➢ Region
- Uncertainty in statistics

Under or over estimates flow ?



" No Adverse Resource Impact" standard

- Defined by changes in the fish population.
- Estimated the removal at base flow (low summer flow) that may result in fish population changes.
- Late additions created a 25% (12 ½% for designated trout stream) maximum allocation named the "C cut off"

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MIWWAT Output

- All new withdrawals >70 gpm require a MIWWAT registration.
- Green or yellow MIWWAT registrations proceed



- Orange, red or yellow cool stream (trout) require a site specific review
- If the site specific review yields a "NO" then a Water Users Committee can be formed for the water shed.

Michigan's Water Withdrawal Assessment Process for Planning and Watershed Management

• Water users committees

- All persons making LQWs within a watershed are encouraged to establish a water users committee to evaluate the status of current water resources, water use, and trends in water use within the watershed and to assist in long-term water resources planning.
- A water users committee may be composed of all registrants, permit holders, and *local government officials* within the watershed.

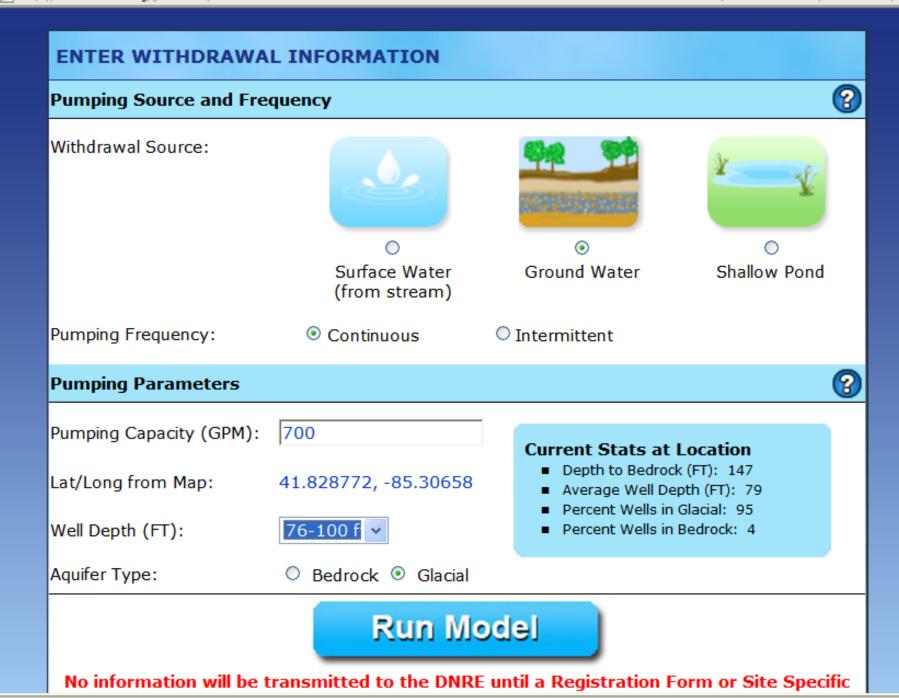
Michigan's Water Withdrawal Assessment Process for Planning and Watershed Management

Regulatory "teeth" - Civil Actions

- Effective Oct. 7, 2008, the MDEQ may request the AG to commence a civil action for a violation under this part, including falsifying a record submitted under this part.
- The court of jurisdiction may restrain the violation and require compliance. It may also impose a civil fine:
 - For a person who knowingly causes an ARI with a LQW, a civil fine of not more than \$10,000.00 per day of violation.
 - For all other violations of this part, a civil fine of not more than \$1,000.00.
 - In addition, the AG may file suit to recover the full value of the costs of surveillance and enforcement by the state resulting from the violation.

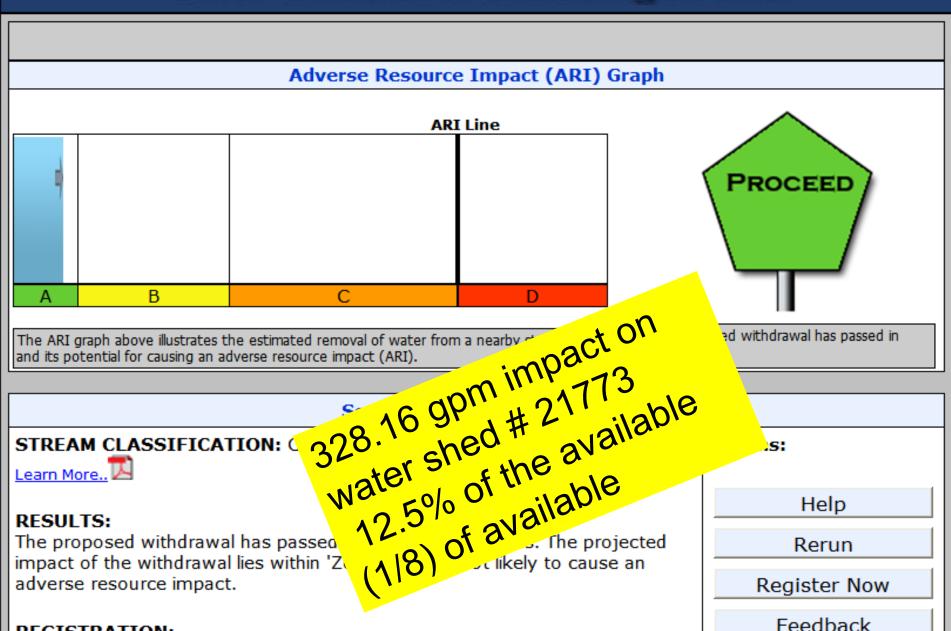
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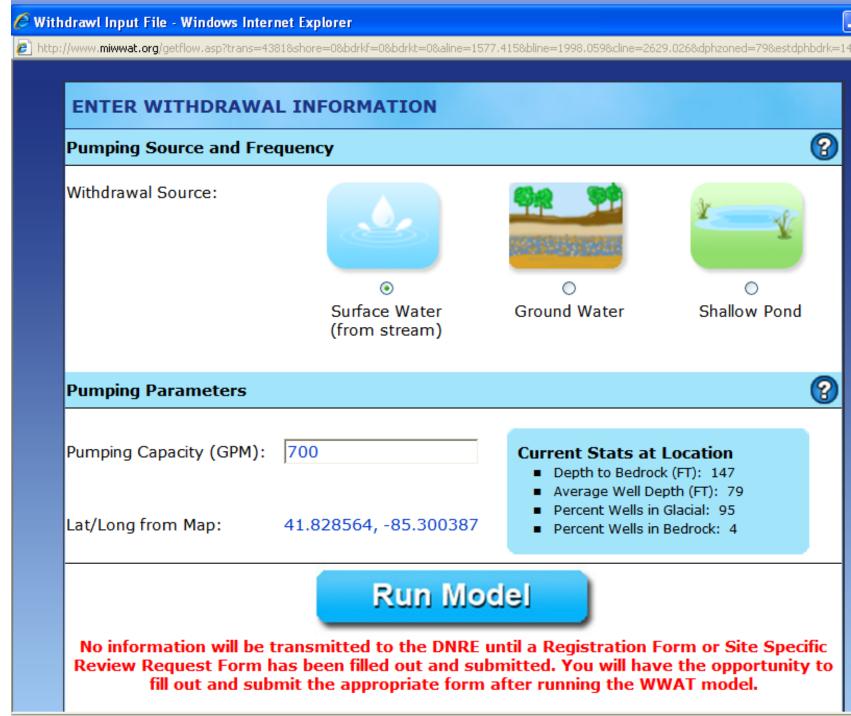


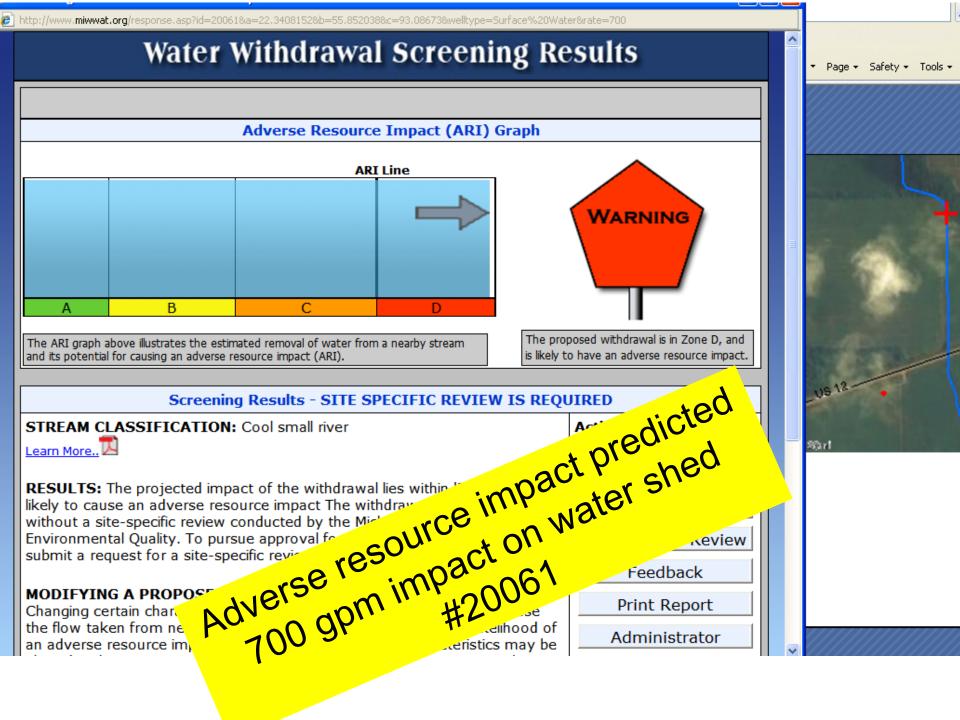
esponse.asp?count=13&id=21773,19923,20038,20152,20781,20814,20815,20944,21009,21710,21913,21961,21975&estrm=328.159908666552,35.3625174991901,2

Water Withdrawal Screening Results

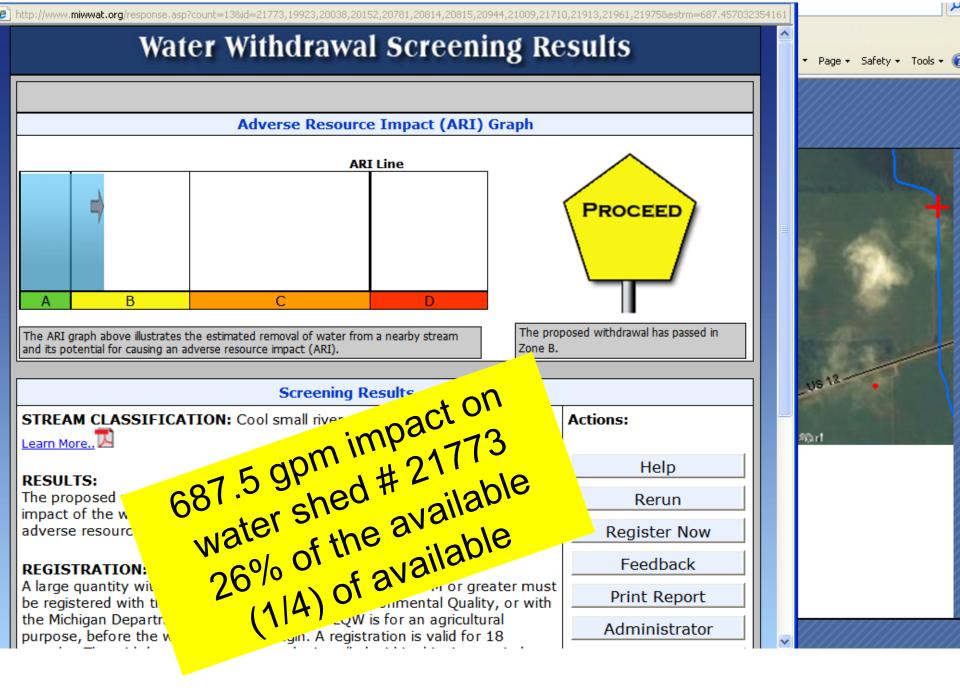


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Registration					Yes			
Are you the ov	e you the owner or an authorized representative of the property where this withdrawal will be located?							
	Receiving Agency Is the proposed withdrawal for an agricultural purpose*?							
is the propose	d withdrawai	for an agric	uiturai purpo	DSE*?	○ No			
forage and sod o	*Agricultural purpose includes the commercial production, harvest, and storage of farm products, such as grain and feed crops, forage and sod crops, dairy and livestock, poultry, fruit and vegetables, fish, and nursery stock. Facilities that only process agricultural products, and landscaping businesses that do not raise their own horticultural stock, are not considered for agricultural purposes.							
Facility Owne	r Contact In	ormation						
First Name:	Lyndon							
Last Name:	Kelley							
Facility Name:	J&L Farms							
Address:	000000 Burr	Oak						
City:	Burr Oak							
State:	Michigan	*						
Zip:	49032							
Phone:	269-535-034	3 i	.e. 517-123	-1414				
E-mail:	kelleyl@msu.	edu						
Withdrawal Information								
	normation							
County:		St. Joseph	*					
Primary Purpose of Use: Irrigation								
Discharge (receiving entity) none (name/description of discharge location)								









How much of the Prairie River Watershed could be

irrigated?



Direct withdrawals 2629 gpm/5 gpm =526 acres 0.66% of the total

> Ground water withdrawals Assuming 25% impact 2629 gpm/5 gpm=526 526 acres x 4=2100 acres 2.6% of the total

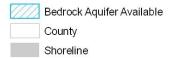
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Prairie River at Gage #04097540	Cool small river	1577.415312	1998.059395 <mark>2</mark>	2629.02552	9	409	1381	2839

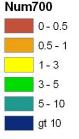
Max number of 700 gmp direct withdrawals per watershed Does not account for any new withdrawals since 2006 Also does not account for WWAT registrations

Will Michigan's new water policy negatively impact Agriculture and industrial opportunities?

Legend

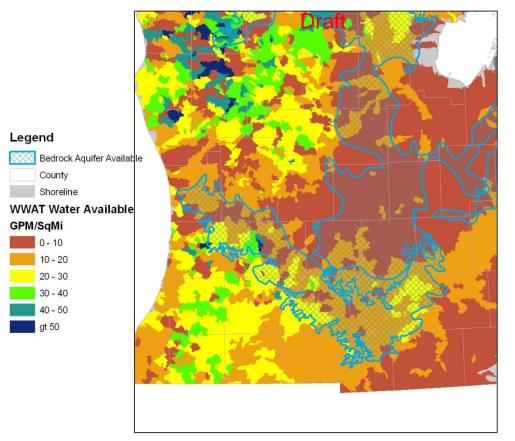


Number 700 gpm



Note: Bedrock aquifers are present in some areas of the State - however some do not support large capacity wells. More detailed data can be found at gwmap.rsgis.msu.edu

Irrigation requires at least four 700 gpm withdrawal / sq. mile Watershed range in size from 6 -98 sq. miles WWAT water available (GPM/sq mi) Does not account for any new withdrawals since 2006 Also does not account for WWAT registrations



Note: Bedrock aquifers are present in some areas of the State - however some do not support large capacity wells. More detailed data can be found at gwmap.rsgis.msu.edu Most of Michigan's irrigate land falls in the 10 to 40 GPM/SqMi. averaging 25 GPM/SqMi.

2800 gpm is required to irrigate a square mile supplying an E.T. of .23"/day

25 GPM/SqMi. / 2800 =0.89%

Roughly only 1% of the area could be supported for irrigation directly from the stream by MIWWAT calculation.

Roughly only 2% of the area could be supported for irrigation if all new withdrawal where strategically placed wells.

4% of the area could be supported for irrigation by use of Site Specific Review system – "Safety factor"

•DNRE may add addition available water as part of the Site Specific review process. •Bed Rock aquifers maybe an additional source in some areas. If data used by MIWWAT is correct the index flow would be completely depleted in many heavily irrigated Michigan Counties

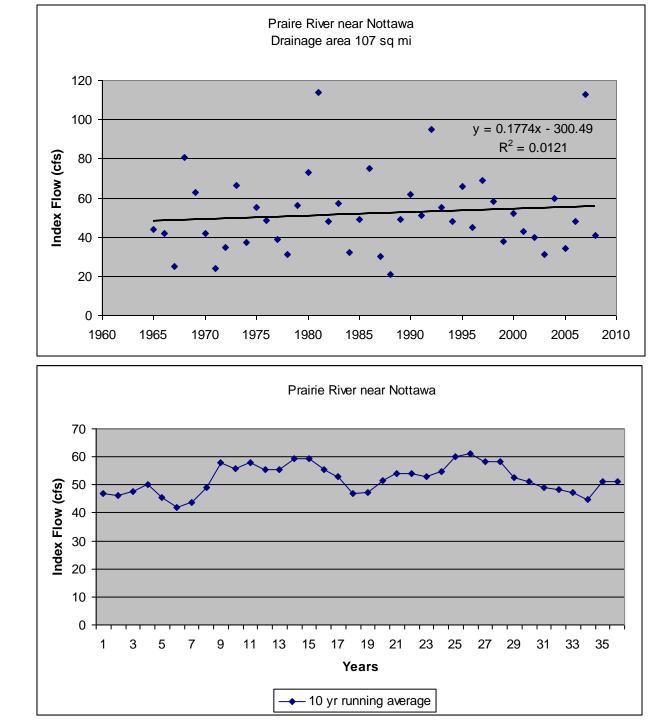
County	Irrigated	Total acres	% of
	Acres		county
St Joseph	104,000	325,120	32
Montcalm	47,000	455,680	10
Branch	39,300	323,840	12
Kalamazoo	29,600	362,880	8
Cass	25,400	312,320	8
Van Buren	23,900	388,480	6
Berrien	19,200	371,200	5
Allegan	15,300	530,560	3
Ottawa	13,500	360,960	4
Calhoun	10,400	453,760	2
Tuscola	5,800	522,240	1

452,000 Michigan irrigated acres Michigan Ag Census 2002

11 Counties = 73.8 % of total Michigan Irrigation

Summarized from 2002 Agricultural Census

Many Irrigated areas have experienced a 25% expansion since 2002



The Prairie River watershed has went from no irrigation in the 1960's to one of the most heavily irrigated watersheds in Michigan in 2009.

Can you find the corresponding reduction in flow?

Are deeper irrigation wells drawing from a Regional aquifer?

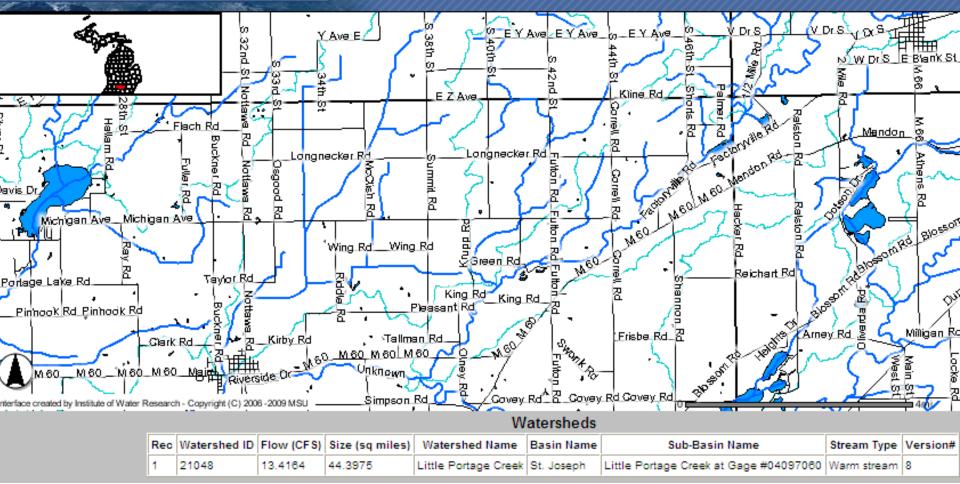
Michigan's Water Legislation Water Withdrawal Assessment Process

Rapid Assessment Screening Process	Site Specific Evaluations by DNRE and Local Alerting Process	DNRE ARI User Committee Activated
179	55	1

Note: The diagram above does not necessarily depict the A,B,C,D zones of the online screening tool, but generalize their context and illustrate categories of increasing risk

http://www.miwwat.org/

AL ASSESSMENT TOOL

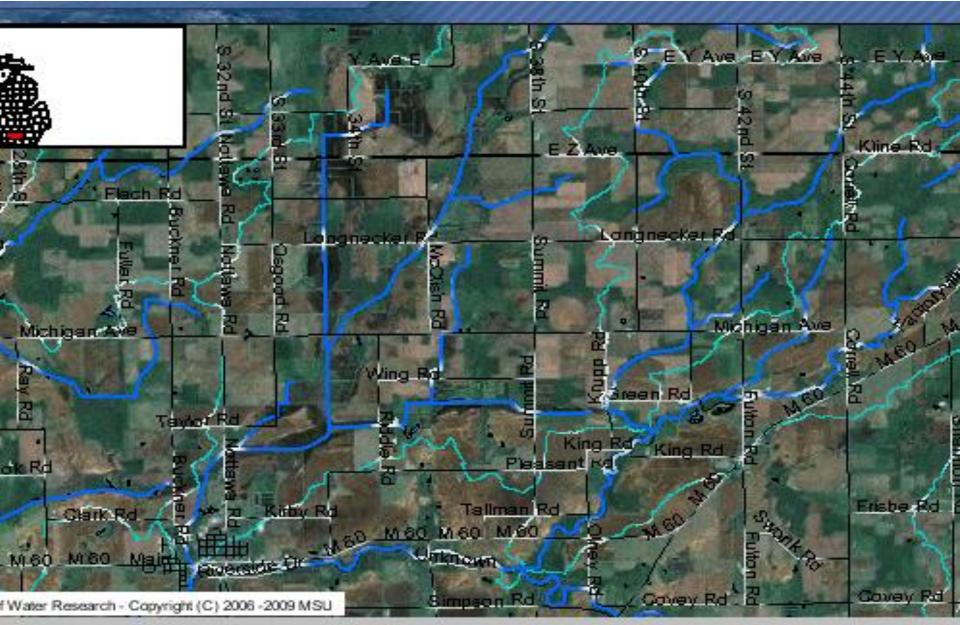


- Little Portage Creek, 44.4 sq. Miles = 28416 acres
- 13.4 CFS = 6000 gpm
- 25% available for pumping = 1500gpm
- 1500gpm / 5gpm / acre = 300 acre of irrigation
- 300 acre / 28,416 acres = 1% of acre could be irrigated

directly from the stream

About 7000 acres are irrigated presently 7000 / 300 = 23X

Little Portage Creek



Example: New Vegetable Processing Plant

- 25,000 acres of green beans
- 4 ton average yield = 100,000 ton
- Estimated 3,000 gpm capacity for plant use
- 25,000 acres on a two year rotation = 50,000 irrigated acres.
- 50,000 irrigated acres X 6 gpm = 300,000 gpm



Processing Plant use is only about 1% of total water need