



AQUIFER PROTECTION AND DISPUTE RESOLUTION: RIGHTS AND RESPONSIBILITIES

If a small well fails and the owner believes the failure was caused by the use of a large well (a well that extracts more than 100,000 gallons of water per day), the small well owner may complain to the Michigan Department of Agriculture and Rural Development (MDARD) if the large well is agricultural, or to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) if the large well is non-agricultural. The small well owner will complete a [complaint](#) form including:

- The small well owner's name, address, and phone number
- Location of the small well
- A written [assessment](#) by a registered well drilling contractor confirming that the small well's failure was not because of design or equipment failure
- Explanation of why the small well owner believes the large well's use caused the failure, and the dates of failure
- Evidence to establish a reasonable belief that the large well's use caused the failure

If MDARD and EGLE do not find the complaint to be reasonable, they will not investigate. If they receive more than two unreasonable complaints from the small well owner within one year, the small well owner may be ordered to pay the cost of subsequent investigations.

If MDARD and EGLE do find the complaint to be reasonable, they will contact the large-capacity well owner within two business days and begin an on-site investigation within five business days (unless other nearby complaints have been investigated within the past 60 days). The investigation will include:

- Allowing both parties to submit information, such as aquifer performance tests, monitoring well data, documentation of water conservation practices, or other evidence
- Determining whether there is reasonable scientifically based evidence that the large well's use has caused the small well's failure by lowering the groundwater level **beyond** normal seasonal water fluctuations

MDARD and EGLE will:

- Schedule an **optional** informal meeting between the parties
- Propose a remedy; if the parties agree to the remedy, the complaint will be considered resolved

If there is no agreement and MDARD and EGLE find the small well has failed due to the large well's use, they will declare a groundwater dispute. The groundwater dispute order will:

- Be served to the large well owner and the local health department
- Order the large well owner to immediately restore or provide an alternate potable water supply to the small well owner, compensate the small well owner for the cost of the well assessment, and/or restrict the large well owner's use of water

The large well owner may:

- Appeal a groundwater dispute order to the Michigan Commission of Agriculture and Rural Development or to a circuit court within 14 days of receipt



FOR MORE INFORMATION

VISIT:

mfbfoc.com/MDARD-groundwater-dispute-resolution

mfbfoc.com/MDARD-aquifer-protection

CALL:

1-800-662-9278

REACH OUT TO THE GROUNDWATER DISPUTE PROGRAM STAFF:

» For complaints related to agricultural wells:

MICHAEL WOZNIAK

Department of Agriculture and Rural Development

517-285-1752 • WozniakM1@Michigan.gov

» For complaints related to non-agricultural wells:

JIM MILNE

Department of Environment, Great Lakes, and Energy

517-285-3253 • Milnej@Michigan.gov

REVIEW PART 317 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED:

mfbfoc.com/act-451-of-1994