§ 15-1504. Water withdrawals for agricultural purposes.

1. Applicability.

a. This section applies to withdrawals of water for agricultural purposes that have been registered with the department pursuant to the requirements of title sixteen of this article or reported to the department pursuant to the requirements of title thirty-three of this article on or before February fifteenth, two thousand twelve.

b. All persons making a withdrawal of water for agricultural purposes shall annually register or report the withdrawal to the department under the provisions of this section by March thirty-first of each year.

2. When used in this section:

a. "Great Lakes basin" shall mean the watershed of the Great Lakes and the St. Lawrence River, upstream from Trois-Rivieres, Quebec, consisting in New York state of the Lake Erie-Niagara River, Lake Ontario minor tributaries, Genesee River, Seneca-Oneida-Oswego River, Black River, St. Lawrence River and Lake Champlain drainage basins.

b. "Great Lakes water" shall mean the water contained in the watershed, including the lakes and rivers, of the Great Lakes basin.

3. Registration of water withdrawals in the Great Lakes basin.

a. All persons withdrawing Great Lakes water for agricultural purposes in excess of an average of one hundred thousand gallons per day in any consecutive thirty-day period shall annually register such withdrawal with the department.

b. Each registration shall be on a form and contain such information as may be prescribed by the department and consist of a statement of and supporting documentation which shall include but not be limited to the following:

(1) The place and source of the proposed or existing withdrawal;

(2) The location of any discharge or return flow;

(3) The location and nature of the proposed or existing water use;

(4) The actual or estimated average annual and monthly volumes and rates of withdrawal; and

(5) The actual or estimated average annual and monthly volumes and rates of water loss from the withdrawal.

c. In calculating the total amount of an existing or proposed withdrawal for the purpose of determining the applicability of this subdivision, a person shall combine all separate withdrawals which the person makes or proposes to make, whether or not such withdrawals are for a single agricultural purpose or are for related but separate agricultural purposes.

d. Registrations shall be valid for a period of one year.

e. A registration may be transferred by submitting a notice of transfer to the department prior to the date of a transfer or change of ownership of a water withdrawal system associated with a registered withdrawal.

f. The department may cooperate with state soil and water conservation districts for the preparation and distribution of informational materials to persons who withdraw water for agricultural purposes, regarding the purposes, benefits and requirements of this section, and which may also provide information on complying with the registration program and on any general or applicable methods for calculating or estimating water withdrawals or water loss.

4. Water withdrawal reporting.

a. Any person who withdraws water for agricultural purposes in excess of an average of one hundred thousand gallons per day in any consecutive thirty-day period shall annually report to the department. The report shall be made on a form and contain such information as may be prescribed by the department and shall be based on the water withdrawals for the previous calendar year, and shall include but not be limited to:

(1) the water source, the location of the water source and the source capacity if known;

(2) the amount of water withdrawn for the reporting period, including the average or peak withdrawals for intervals specified by the department;

(3) a description of the use of the water withdrawn; and

(4) estimated amounts of water to be returned, if any, the locations of such returns and the method of such returns.

b. The following water withdrawals are exempt from the reporting requirements of this subdivision:

(1) a withdrawal registered with the department under subdivision three of this section;

(2) a withdrawal permitted pursuant to section 15-1501 of this title;

(3) a withdrawal reported to the department under any program that requires the reporting of substantially similar data, including withdrawals regulated by the Susquehanna River Basin Commission and the Delaware River Basin Commission;

(4) a withdrawal permitted under section 15-1527 of this title;

(5) closed loop, standing column, or similar non-extractive geothermal heat pumps; and

(6) reclaimed wastewater withdrawn for reuse.

5. Withdrawals of water for agricultural purposes registered or reported to the department under the requirements of this section shall be deemed to be in compliance with the requirements of title sixteen and title thirty-three of this article, as applicable.