

DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

Report on Act 135 Surface Water Withdrawals Registration and Reporting

Year: 2025

Date reported: February 10, 2025

Authorizing statute: 10 V.S.A. § 1045

Committees: House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and Senate Committees on Natural Resources and Energy and on Agriculture

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Executive Summary

This is the third annual report submitted pursuant to 10 V.S.A. § 1045, which requires the Secretary of Natural Resources, after consultation with the Secretary of Agriculture, Food and Markets, to provide the data submitted to the Secretary pursuant to 10 V.S.A. § 1042 (a) and (b), the Surface Water Withdrawal Registration and Reporting Program, and data submitted to the Secretary of Agriculture, Food, and Markets under 6 V.S.A. § 4927, Agricultural Surface Water Withdrawal Reporting. Act 135 took effect on July 1, 2022 and required any person withdrawing 10,000 gallons or more within a 24-hour period or 150,000 gallons or more of surface water over any 30-day period for farming (as defined in 6 V.S.A. § 4802) to file a report with the Secretary of Agriculture, Food and Markets by January 15, 2023. Additionally, the Act required other surface water users withdrawing water at the same volumes to register their water withdrawal with the Secretary of Natural Resources beginning January 1, 2023, and report total water withdrawn the following year.

In the second year of the Department of Environmental Conservation (Department) Surface Water Withdrawal Registration and Reporting Program, 31 registrations were received for 31 water withdrawals. Seven registered withdrawals were determined not to be withdrawals of surface water (as defined in 10 V.S.A. § 1002(20)) and were removed. The most common uses reported for the registered withdrawals were for golf course irrigation, industrial and snowmaking.

The Agency of Agriculture, Food and Markets received reports from four farms as part of the Agricultural Surface Water Withdrawal Reporting Program. The most common uses reported for the water withdrawals was crop irrigation.

Key Takeaways

- A total of 31 entities registered 31 surface water withdrawals with the Department of Environmental Conservation in 2024. Seven registrations were withdrawn as it was determined not to be withdrawing surface water but were bypassing water past a project site. Of the remaining 24 registrations, 21 reports were received withdrawing a total of 306 million gallons of surface water.
- The Agricultural Surface Water Withdrawal Reporting Program administered by the Agency of Agriculture, Foods, and Markets received surface water withdrawal reports from four farms which reported a total 8.3 million gallons of water withdrawn.
- In 2024, the hydrologic conditions of Vermont during the summer varied by region with the southern part of the state being dryer than normal while the northern part of the state experienced flooding. The dry condition persisted in the southern part of the state into the fall and expanded north with greater than 75 percent of the State reported to be abnormally dry to moderate drought conditions by early November.
- There continues to be a need for outreach to surface water users about the requirements of both the Surface Water Registration and Reporting Program and the Agricultural Surface Water Reporting Program to ensure surface water users understand applicable water withdrawals must be reported annually. Additionally, technical assistance remains a priority to assist surface water users to ensure accurate data is correctly reported.

Discussion

The Department of Environmental Conservation's Surface Water Registration and Reporting Program began on January 1, 2023, as required by Act 135. During the second year of the Program, 31 registrations were received and are outlined in Table 1. Surface water users were able to register their water withdrawal via an online form. Registrants are required to provide the location of each water withdrawal and impacted surface water, frequency and rate of each withdrawal in gallons per minute, a description of the use or uses of the water to be withdrawn, the capacity of the withdrawal system, and a schedule for the withdrawal. Of the 31 registered withdrawals, seven were determined not to be withdrawing water from a surface water as defined by the Act because they were pumping water a short distance to bypass a project site. Of the remaining registrations, 24 surface water withdrawal reports were received totaling 306 million gallons, with three registrants reporting withdrawal of no surface water during 2024.

A summary of agricultural surface water withdrawal reports filed with the Secretary of the Agriculture, Food, and Markets, pursuant to 6 V.S.A. § 4927 for 2023, are provided in Table 2. A total of four farms filed water withdrawal reports for five withdrawals, reporting total withdrawals of 8.3 million gallons for irrigation and frost protection purposes.

There was significant regional variation in the hydrologic conditions experienced in Vermont during 2024 with widespread abnormally dry to moderate drought conditions persisting in southern Vermont during the summer months while the northern part of the state experienced widespread flooding. However, by the fall over 75 percent of the State was experiencing abnormally dry to moderate drought conditions which still persist across the State. Environmental conditions can have a substantial effect on the quantity of water withdrawn, especially for sectors whose water use is closely tied to the amount of precipitation received. The data for facilities that reported in both 2023 and 2024 typically show an increase in water withdrawn in 2024 for most facilities but does vary based on the use and the region.

For the upcoming year, outreach, education, and technical assistance will remain a priority for the Department to ensure that surface water users are aware of the requirement and that data being collected and reported is accurate. Additionally, the Department will prioritize reaching out to water users who registered or reported in previous years to remind them of the annual requirement. Additionally, the Department will increase its effort to reach water users who may not be aware of the new registration and reporting requirements for surface water withdrawals.

Table 1. Summary of Surface Water Withdrawal Registration and Reports filed with the Department of Environmental Conservation for January 1 – December 31, 2024.

Year	Registration Number	Registration Name	Total Withdrawals	Description of Use	Surface Water	Rate (Gallons per Minute)	Total Water Withdrawn (Gallons)	Notes
2024	1024-100	Crown point country club	1	001 - Irrigation- golf	001 - Storm water pond on the 18th hole	001 - 200	6,853,320	
2024	1032-100	Bellows Falls Country Club	1	001 - Irrigation- golf	001 - Pond	001 - 250	5,856,594	
2024	1036-100	Woodstock Country Club	1	001 - Irrigation- golf	001 - Kedron Brook	001 - 800	17,834,000	
2024	1037-100	Soundview Holdings Vermont LLC	1	001 - Other	001 - Sacketts Brook	001 - 165	3,983,495	Facility closed in March 2024
2024	1040-100	Middlebury Snowbowl Snowmaking	1	001 - Snowmaking	001 - Snow making pond	001 - 700	11,908,061	
2024	1041-100	BRIDGE REPLACEMENT TOWN OF DORSET	1	001 - construction purpose	001 - Gulf Brook	001 - 42		No water withdrawn only bypassed during the project.
2024	1042-100	IMPROVEMENT BRIDGE REPLACEMENT TOWN OF MANCHESTER	1	001 - construction purpose	001 - Batten kill river	001 - 49		No water withdrawn only bypassed during the project.
2024	1043-100	IMPROVEMENT BRIDGE TOWN OF SHAFTSBURY	1	001 - construction purpose	001 - cold spring brook	001 - 49		No water withdrawn only bypassed during the project.
2024	1044-100	BRIDGE REPLACEMENT TOWN OF WALLINGFORD	1	001 - construction purpose	001 - unnamed stream	001 - 49		No water withdrawn only bypassed during the project.
2024	1045-100	LUDLOW VILLAGE BO 1443(52) C03157	1	001 - construction purpose	001 - black river	001 - 98		No water withdrawn only bypassed during the project.
2024	1046-100	MT. TABOR VTRY(35) & WALLINGFORD VTRY(39) C03148	1	001 - construction purpose	001 - otter creak	001 - 98		No water withdrawn only bypassed during the project.
2024	1047-100	MT. TABOR VTRY(35) & WALLINGFORD VTRY(39) C03148	1	001 - construction purpose	001 - mill brook	001 - 98		No water withdrawn only bypassed during the project.
2024	1025-101	Cobble Creek Nursery LLC	2	001 - Irrigation- farm as defined in section 10 VSA 6001 (22)	001 - Lewis Creek	001 - 60	819,200	
2024	1006-101	Columbia Forest Products	1	001 - Industrial use (cooling)	001 - lake	001 - 100	2,219,666	
2024	1017-101	Newport Country Club	1	001 - Irrigation- golf	001 - Lake Memphremagog	001 - 260	2,067,000	
2024	1051-100	Northfield-Montpelier RT12 and MSH	1	001 - construction purpose	001 - Dog River	001 - 30		
2024	1002-101	Ekwanok Country Club	1	001 - Irrigation- golf	001 - Lake Davis	001 - 500	4,844,000	
2024	1003-101	Ryegate Associates	1	001 - Industrial use (cooling)	001 - Connecticut River	001 - 183	107,143,105	
2024	1029-101	Mad River Glen	1	001 - Snowmaking	001 - Brook	001 - 450	7,856,958	
2024	1020-101	Ralph Myhre Golf Course	1	001 - Irrigation- golf	001 - Otter Creek	001 - 300	4,176,000	
2024	1019-101	Fox Run Golf Club	1	001 - Irrigation- golf	001 - Black River	001 - 100	12,061,307	
2024	1039-101	Saskadena Six Snowmaking	1	001 - Snowmaking	001 - Bamard Brook	001 - 800	22,164,322	
2024	1014-101	Williston Golf Club	1	001 - Irrigation- golf	001 - pond on golf course	001 - 300	5,258,466	
2024	1035-101	WESTROCK CONVERTING LLC	1	001 - Other	001 - Missisquoi River	001 - 200	82,096,920	
2024	1060-100	Cambridge-Johnson STP 2925(1)	1	001 - construction purpose	001 - Lamoille River	001 - 300	2,569,000	
2024	1022-101	Woodstock Nordic Snowmaking Test	1	001 - Snowmaking	001 - Golf Course Pond	001 - 27	0	Did not withdraw water
2024	1062-100	J Hutchins Inc	1	001 - construction purpose	001 - Molly Falls Pond	001 - 75	734,000	
2024	1016-101	Rutland Country Club	1	001 - Irrigation- golf	001 - East Creek	001 - 200	2,928,489	
2024	1064-100	Arlington pond Fill	1	001 - landscape or domestic use (hydroseeding/pool filling)	001 - tributary to battenkill	001 - 30	60,000	
2024	1030-101	Jay Peak Golf Course	1	001 - Irrigation- golf	001 - Pond	001 - 500	2,886,911	
2024	1066-100	Rikert Outdoor Center	1	001 - Snowmaking	001 - Johnson Pond	001 - 250		

Table 2. Summary of the Surface Water Reports filed with the Secretary of Agriculture, Food, and Markets for the period of January 1 – December 31, 2024.

Surface Water User Name	Discription of Use	Total Withdrawals	Surface Water	Rate (Gallons per Minute)	Total Water Withdrawn (gallons)
Lewis Creek Farm	Irrigation	1	Lewis Creek	001 - 430 gpr	469,472
Berry Creek Farm	Irrigation	1	Mill Brook	001-400 gpm	122,000
Dutton Berry Farm	Frost Protection/Irrigation	2	West River 01	NA	3,590,000
			West River 02		3,885,000
S. Mazza Farm, Inc.	Frost Protecton/Irrigation	1	NA	001 - 630 gpr	279,010