

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/17/03

A Bill

HOUSE BILL 2505

5 By: Representative Bradford
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS GROUNDWATER PROTECTION
9 AND MANAGEMENT ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO AMEND ARKANSAS GROUNDWATER
12 PROTECTION AND MANAGEMENT ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 15-22-904 is amended to add an additional
20 subdivision to read as follows:

21 (12) Require that the annual water use reports required by § 15-22-215
22 and 15-22-302 be accurate and submitted to the commission under penalty of
23 perjury.
24

25 SECTION 2. Arkansas Code § 15-22-905 is amended to read as follows:

26 15-22-905. Powers of commission – Limitations.

27 The following provisions shall limit the Arkansas Soil and Water
28 Conservation Commission's powers under this subchapter:

29 ~~(1)(A) There will be no reduction or limitation of the withdrawal of~~
30 ~~groundwater from existing wells in an alluvial aquifer for which a water~~
31 ~~right is grandfathered under the provisions of § 15-22-910(a)(1) unless~~
32 ~~alternative surface supplies are available or can be made available at a cost~~
33 ~~to the person no greater than the operating cost of the person's wells within~~
34 ~~the critical area, including depreciation costs over the life of the well.~~

35 ~~(B) There shall be no reduction or limitation of the withdrawal~~
36 ~~of groundwater from existing wells in a sustaining aquifer for which a water~~



1 ~~right is grandfathered under the provisions of § 15-22-910(a)(1) unless~~
2 ~~alternative surface supplies are available;~~

3 ~~(2)(1)(A)~~ In an alluvial aquifer, there will be no reduction or
4 limitation of the withdrawal of groundwater from wells for which a water
5 right has been issued under § 15-22-910 and for which the person holding the
6 right can demonstrate:

7 (i) A reduction of twenty percent (20%) of his or her use
8 of groundwater by either institution of water conservation measures or
9 conversion to surface supplies. The demonstrated reduction must be based on
10 the use reported in water year 1986 or later; or

11 (ii) The implementation of a water conservation plan
12 employing generally accepted water conservation practices approved by the
13 commission.

14 (B) In sustaining aquifers, the Arkansas Soil and Water
15 Conservation Commission may consider voluntary reductions, water use
16 efficiencies, and implementation of water conservation measures in
17 determining limitations or reduction of withdrawals;

18 ~~(3)(2)~~ There will be no regulation of the withdrawal of groundwater
19 from existing or proposed wells which have a maximum potential flow rate of
20 less than fifty thousand (50,000) gallons per day;

21 ~~(4)(3)~~ There shall be no regulation of the withdrawals of groundwater
22 from individual household wells used exclusively for domestic use;

23 ~~(5)(4)~~ Replacement wells:

24 (A)(i) The owner of an existing well may construct a replacement
25 well after abandoning the existing well.

26 (ii) To transfer a water right to a replacement well the
27 owner need only submit to the commission notice of construction of a
28 replacement well stating the location and ownership of the original and
29 replacement wells and other relevant information required by the commission.

30 (B) The original well must be converted to a nonregulated use or
31 plugged in the manner prescribed by the commission; and

32 ~~(6)(5)~~ Marketers of bottled water, public utility electric generating
33 plants, and public water supply systems shall at no time be restricted in the
34 place of use of groundwater.

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36 /s/ Bradford