

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 H3/26/03

A Bill

HOUSE BILL 2505

5 By: Representative Bradford
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS GROUNDWATER PROTECTION
10 AND MANAGEMENT ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO AMEND ARKANSAS GROUNDWATER
13 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) Beginning with the water year commencing October 1, 2004, require
22 that the annual water use reports required by § 15-22-215.
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24 SECTION 2. Arkansas Code § 15-22-905 is amended to read as follows:
25 15-22-905. Powers of commission - Limitations.

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

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



1 agricultural irrigation for which a water right is grandfathered under the
2 provisions of § 15-22-910(a)(1) unless alternative surface supplies are
3 available;

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

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

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

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

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

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

24 (5) Replacement wells:

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

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

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

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

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/s/ Bradford