

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 *As Engrossed: H3/17/03 H3/26/03 H4/3/03 S4/9/03 S4/15/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

HOUSE BILL 2505

4
5 By: Representative Bradford

For An Act To Be Entitled

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

Subtitle

13 AN ACT TO AMEND ARKANSAS GROUNDWATER
14 PROTECTION AND MANAGEMENT ACT.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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 submitted pursuant to § 15-22-215 and § 15-
23 22-302 be accurate and submitted to the commission under penalty of perjury.

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 used for agricultural*
31 *irrigation for which a water right is grandfathered under the provisions of §*
32 *15-22-910(a)(1) unless alternative surface supplies are available or can be*
33 *made available at a cost to the person no greater than the operating cost of*
34 *the person's wells within the critical area, including depreciation costs*
35 *over the life of the well.*

36 (B) *There shall be no reduction or limitation of the withdrawal*



1 of groundwater from existing wells in a sustaining aquifer used for
2 agricultural irrigation for which a water right is grandfathered under the
3 provisions of § 15-22-910(a)(1) unless alternative surface supplies are
4 available;

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

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

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

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

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

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

25 (5) Replacement wells:

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

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

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

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

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/s/ Bradford