

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/14/13

# A Bill

HOUSE BILL 2088

5 By: Representative Gillam  
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## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE  
9 ALLOCATION OF WATER; TO AMEND THE RESERVED USES OF  
10 WATER BEFORE ALLOCATION; TO PROVIDE FOR THE PRIORITY  
11 OF USES IN ALLOCATING WATER; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING THE  
15 ALLOCATION OF WATER; TO AMEND THE  
16 RESERVED USES OF WATER BEFORE ALLOCATION;  
17 AND TO PROVIDE FOR THE PRIORITY OF USES  
18 IN ALLOCATING WATER.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 *SECTION 1. Arkansas Code § 15-22-217 is amended to read as follows:*  
25 *15-22-217. Allocation during shortages.*

26 *(a)(1) ~~Whenever~~ If a shortage of water in ~~any a~~ a stream or part ~~thereof~~*  
27 *of a stream exists to the extent that there is not sufficient water in the*  
28 *stream to meet the requirements of all water needs, on its own initiative or*  
29 *on the petition of ~~any a~~ a person affected by the shortage of water and after*  
30 *notice and hearing, the Arkansas Natural Resources Commission may allocate*  
31 *the available water from the stream among the uses of water affected by the*  
32 *shortage of water in a manner that each of the needs affected by the shortage*  
33 *of water may obtain an equitable portion of the available water.*

34 *(2)(A) Subject to the preferences and reserved uses stated in*  
35 *this section, if the commission allocates water under subdivision (a)(1) of*  
36 *this section, the commission shall give preference for water uses and types*



1 of water diversions as stated in this subdivision (a)(2).

2 (B) The commission shall allocate water for water uses in  
3 the following order of priority:

4 (i) Agriculture;

5 (ii) Industry;

6 (iii) Minimum streamflow;

7 (iv) Hydropower; and

8 (v) Recreation.

9 (b) In allocating water ~~in such a case~~ under this section, the  
10 commission may consider the use that each person involved is to make of the  
11 water allocated to that person.

12 (c) In making ~~such~~ allocations of water under this section, reasonable  
13 preferences shall be given to different uses, in the following order of  
14 preference:

15 (1) Sustaining life;

16 (2) Maintaining health; and

17 (3) Increasing wealth.

18 (d) Water needs shall include domestic and municipal water supply  
19 needs, agricultural and industrial water needs, and navigational,  
20 recreational, fish and wildlife, and other ecological needs.

21 (e) The following priorities shall be reserved ~~prior to~~ before  
22 allocation under this section:

23 (1) Domestic and municipal domestic; and

24 ~~(2) Minimum streamflow; and~~

25 ~~(3)~~ (2) Federal water rights.

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27 /s/Gillam  
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30 **APPROVED: 04/02/2013**  
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