

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2505

"AN ACT TO AMEND ARKANSAS GROUNDWATER PROTECTION AND
MANAGEMENT ACT."

Amendment No. 2 to House Bill No. 2505.

Amend House Bill No. 2505 as engrossed, H3/17/03:

Page 1, delete lines 21 through 23 and substitute the following:

"(12) Beginning with the water year commencing October 1, 2004, require that the annual water use reports required by § 15-22-215."

AND

Delete Section 2 of the bill and substitute the following:

"SECTION 2. Arkansas Code § 15-22-905 is amended to read as follows:
15-22-905. Powers of commission - Limitations.

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

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

(B) There shall be no reduction or limitation of the withdrawal of groundwater from existing wells in a sustaining aquifer used for agricultural irrigation for which a water right is grandfathered under the provisions of § 15-22-910(a)(1) unless alternative surface supplies are available;

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

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

(ii) The implementation of a water conservation plan



employing generally accepted water conservation practices approved by the commission.

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

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

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

(5) Replacement wells:

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

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

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

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

The Amendment was read _____
By: Representative Bradford
JDF/CDS - 032020030747
CDS419 _____
Chief Clerk