

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of House Bill No. 2515**

"AN ACT TO AMEND VARIOUS PROVISIONS OF THE SPARTA AQUIFER CRITICAL  
GROUNDWATER COUNTIES REMEDIATION ACT."

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**Amendment No. 1 to House Bill No. 2515.**

Amend House Bill No. 2515 as engrossed, H3/10/05 (version: 03-10-2005 09:52):

Page 2, delete SECTION 2 in its entirety and substitute the following:

"SECTION 2. Arkansas Code § 15-22-1203 is amended to read as follows:  
15-22-1203. Definitions.

As used in this subchapter:

(1) "Acquire" means to acquire by purchase, lease, devise, gift, or other mode of acquisition and by any method selected by a Sparta Aquifer critical groundwater county conservation board;

(2) "Aquifer water" means water removed from the Sparta Aquifer;

(3) "Commission" means the Arkansas Soil and Water Conservation Commission;

(4) "Conservation fee" means any fee fixed pursuant to this subchapter and levied upon any registered water user or significant water user;

(5) "Construct" means to construct, equip, install or to otherwise develop by any means selected by a board;

(6) "County" means any Arkansas county:

(A) In which at least ninety percent (90%) of the reported groundwater usage from the Sparta Aquifer is for municipal and industrial purposes ~~on the date of the petition~~ as of July 1, 2005; and

(B) Which has been or is found and determined by the commission to be within a critical groundwater area prior to ~~July 1, 1998~~ July 1, 2005, within the meaning of the Arkansas Groundwater Protection and Management Act, § 15-22-901 et seq.;

(7) "Improvement plan" means a plan to carry out the construction and acquisition of water facilities or to provide for the conservation of aquifer water, or both;

(8) "Major water user" means any person that, during any month of the year, averages withdrawal from the Sparta Aquifer of one million (1,000,000) or more gallons of aquifer water per day;

~~(8)~~(9) "Person" means any natural person, firm, association, corporation, trust, partnership, governmental agency, state or political subdivision, county, municipality, or other legal entity;



~~(9)~~(10)(A) "Registered water user" means any person who, whether as an owner, lessee, operator, or otherwise, including a board, operates one (1) or more wells with a minimum potential flow rate of fifty thousand gallons (50,000 gals.) or more of aquifer water per day and is required to register with the commission under § 15-22-302.

(B) The withdrawal of water which is expected to be returned to an aquifer by the user does not cause a person to be a registered water user;

~~(10)~~(11) "Revenues" means revenues derived from any source, including, without limitation, the wholesale or retail sale of water and the conservation fees;

~~(11)~~(12) "Significant water user" means any person who, whether as owner, lessee, operator, or otherwise, including a board, operates one (1) or more wells with a maximum flow rate of less than fifty thousand gallons (50,000 gals.) of aquifer water per day and is determined by the board to be using aquifer water for other than domestic purposes;

~~(12)~~(13) "Sparta Aquifer critical groundwater county conservation board" or "board" means any Sparta Aquifer critical groundwater conservation county board established pursuant to this subchapter; and

~~(13)~~(14) "Water facilities" means any facilities for the withdrawal, storage, transportation, treatment, or distribution of water, together with any properties, real, personal, or mixed, tangible or intangible, related or appropriate thereto."

AND

Page 2, delete line 36, and substitute the following:

~~"(c) In like manner, the board may issues its written findings to the"~~

AND

Page 3, delete line 3, and substitute the following:

~~"conservation fee shall be raised to such a level~~ However, when the board has extended an alternate water source to the property line of a major water user and the major water user does not connect to and begin using the alternate water source, the major water user may be assessed a conservation fee determined by the board, not to exceed ninety-six cents (96¢) per one thousand gallons (1000 gals.) of aquifer water withdrawn, until the major water user connects to and uses the alternate water source."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Taylor

MBM/JGH - 03-28-2005 11:18

MBM372

Secretary