

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 381

4
5 By: Senator Scott
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For An Act To Be Entitled

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9 "AN ACT TO AMEND THE ARKANSAS GROUNDWATER MANAGEMENT
10 AND PROTECTION ACT; TO DESIGNATE SUSTAINING AQUIFERS;
11 TO REMOVE LIMITATIONS IN SUSTAINING AQUIFERS; AND FOR
12 OTHER PURPOSES."

Subtitle

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15 "AMENDMENTS TO THE GROUND WATER
16 PROTECTION AND MANAGEMENT ACT."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 15-22-903 is amended to read as follows:

22 "15-22-903. Definitions.

23 Unless the context clearly requires otherwise, the following definitions
24 shall apply:

25 (1) 'Administrative Procedure Act' means the Arkansas
26 Administrative Procedure Act, § 25-15-201 et seq.;

27 (2) 'Aquifer' means a permeable, water-bearing stratum of rock,
28 sand, or gravel;

29 (3) 'Beneficial use' means the use of water in such quantity as
30 is economical and efficient and which use is for a purpose and in a manner
31 which is reasonable, not wasteful, and is compatible with the public interest;

32 (4) 'Commission' means the Arkansas Soil and Water Conservation
33 Commission created under § 15-20-201;

34 (5) 'Conservation district' means conservation districts created
35 under the Conservation Districts Law, § 14-125-101 et seq.;

36 (6) 'Critical groundwater area' is defined in the Arkansas Water

1 Plan developed by the commission under its authority in § 15-22-503;

2 (7) 'District' means conservation district or regional water
3 district;

4 (8) 'Domestic use' means the use of water for ordinary household
5 purposes, including human consumption, washing, the watering of domestic
6 livestock, poultry, and animals, and the watering of home gardens for
7 consumption by the household;

8 (9) 'Groundwater' means water beneath the surface of the ground;

9 (10) 'Person' means any natural person, partnership, firm,
10 association, cooperative, municipality, county, public or private corporation,
11 and state or local governmental agency;

12 (11) 'Regional water district' means a regional water
13 distribution district created under the Regional Water Distribution District
14 Act, § 14-116-101 et seq.;

15 (12) 'Water right' means the authority or permission issued by
16 the commission under this subchapter to use groundwater within a critical
17 groundwater area;

18 (13) 'Water year' means the twelve-month period beginning October
19 1 and ending the next September 30; ~~and~~

20 (14) 'Well' means any hole dug, drilled, or otherwise constructed
21 in the ground, for the purpose of withdrawing groundwater. For the purpose of
22 this subchapter, a well also must have a potential flow rate of fifty thousand
23 (50,000) gallons per day or greater; and

24 (15) 'Sustaining Aquifer' means any aquifers contained in the
25 following geologic units: the Cockfield formation, the Sparta Sand, the
26 Memphis Sand, the Cane River Formation, the Carrizo Sand, the Wilcox Group,
27 the Nacatoch Sand, the Tokio Formation, the Trinity Group, the Bigfork Chert,
28 the Roubidoux Formation, and the Gunter Sand Member (Van Buren Formation)."

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30 SECTION 2. The limitations contained in Arkansas Code §15-22-905 (1)
31 and (2) shall not apply to wells utilizing a sustaining aquifer.

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33 SECTION 3. Arkansas Code 15-22-909(b) is amended to read as follows:

34 "(b) There ~~Except for wells utilizing a sustaining aquifer, there will~~
35 be no reduction or limitation for a period of four (4) years of the withdrawal
36 of groundwater from wells constructed during the first year following

1 initiation of the regulatory authority as provided under subsection (a) of
2 this section and for which a water right is issued under the provisions of
3 Arkansas Code §15-22-910(a)(2).”

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5 SECTION 4. Arkansas Code 15-22-910(a)(2) is amended to read as follows:

6 “(2) For new wells constructed in other than a sustaining aquifer
7 during the first year of initiation of the regulatory authority as provided
8 under §15-22-909, the commission shall, upon application, issue to an
9 applicant within the critical water use area, a water right equal to the
10 quantity of water requested to be withdrawn for beneficial use.”

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12 SECTION 5. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 6. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 7. All laws and parts of laws in conflict with this act are
23 hereby repealed.