



ARKANSAS NATURAL RESOURCES COMMISSION

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WATER-USE REGISTRATION PROGRAM

Act 81 of 1957 as amended, empowers the Arkansas Natural Resources Commission (the Commission) to register the use of all surface water. Act 1051 of 1985, requires the registering of all non-domestic ground water use with the Commission. Act 154 of 1991, provides the Commission the authority to develop a comprehensive ground water protection program, designate critical ground water areas, cost-share on installation of water conservation practices, establish ground water rights within critical areas, establish fees for ground and surface water withdrawals, develop an education/information program, and delegate management powers to regional water districts and conservation districts.

Act 81 requires all diverters of surface water (streams, lakes, rivers, etc.) to register their diversion of surface water by quantity, location, type of use and name of user on an annual basis with the Commission, except withdrawals of less than one acre-foot (325,851 gals.) a year, diffused surface water, or those natural lakes or ponds in exclusive ownership of one person (Although, if that lake or pond is fed by or refilled by a well or another surface water source that source may need to be registered.). The Commission is required to furnish each registrant a Certificate of Registration. The Commission utilizes these registrations for the allocation of water and as a basis for determining the state's overall usage and water needs for inclusion in the Arkansas Water Plan.

Act 1051 requires all users of ground water (wells and natural springs) to register their withdrawal of ground water, excluding water withdrawn from individual household wells used exclusively for domestic use and wells having a maximum potential flow rate of less than 50,000 gallons a day. The quantity, location, type of use and name of user must be registered on an annual basis with the Commission. The Commission utilizes these registrations to help establish a comprehensive ground water protection program.

Act 154 requires all users of surface and ground water be assessed an annual water use fee in the amount of \$10 per registered-surface water diversion and \$10 per registered ground water withdrawal, which are payable at the time of water use reporting, (October 1 through March 1). Fees collected will be utilized for cost-share on water conservation practices, administration, and information/education programs.

Act 154 also requires a regulatory program. The requirement of a water right for the utilization of a well applies only to critical ground water areas in which the Commission has declared the regulatory program to be in effect. The regulatory program and issuance of water rights are limited to critical areas only. Critical ground water areas designation will be effective after public hearings are held describing the proposed action, the reasons therefore, and the recommended boundaries. These public hearings will be held in every affected county. There will be no limitations on ground water pumpage unless an affordable alternative exists. Existing wells will be exempt from the regulatory program under the "grandfather clause" or this act. Exemptions from the regulatory program may also be granted if an individual can demonstrate a 20% reduction in ground water use or an implemented conversion plan. Water rights are transferable to replacement wells. Within one year of the establishment of the regulatory authority, newly constructed wells will be issued a water right for the amount requested.

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