

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/14/13
A Bill

HOUSE BILL 2088

By: Representative Gillam

For An Act To Be Entitled

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

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE ALLOCATION OF WATER; TO AMEND THE RESERVED USES OF WATER BEFORE ALLOCATION; AND TO PROVIDE FOR THE PRIORITY OF USES IN ALLOCATING WATER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code § 15-22-217 is amended to read as follows:
15-22-217. Allocation during shortages.*

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

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



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

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

(i) Agriculture;

(ii) Industry;

(iii) Minimum streamflow;

(iv) Hydropower; and

(v) Recreation.

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

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

(1) Sustaining life;

(2) Maintaining health; and

(3) Increasing wealth.

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

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

(1) Domestic and municipal domestic; and

~~(2) Minimum streamflow; and~~

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

/s/Gillam