

Title 15. Natural Resources and Economic Development
Chapter I. Arkansas Natural Resources Commission, Department of
Agriculture
Subchapter B. Water
Part 21. Protection and Management of Groundwater

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Enabling and pertinent legislation. Ark. Code Ann. §15-20-201 et seq., Arkansas Natural Resources Commission. Ark. Code Ann. §15-22-201 et seq., Allocation and Use, Generally. Ark. Code Ann. §15-22-301 et seq., Determination of Water Use Requirements. Ark. Code Ann. §15-22-501 et seq., Water Development Projects Generally. Ark. Code Ann. §15-22-901 et seq., Arkansas Groundwater Protection and Management Act."

Subpart 1. General Provisions

15 CAR § 21-101. Purpose.

The purpose of this part is to establish a comprehensive groundwater protection program that encourages the conservation of groundwater while protecting the beneficial use of the aquifer for future generations.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-102. Definitions.

The following definitions shall apply to this part:

(1)(A) "Abandoned water well" means a well whose use has been permanently discontinued.

(B) Any well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of obtaining groundwater is impractical;

(2) "Administrative Procedure Act" means the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(3) "Aquifer" means a permeable, water-bearing stratum of:

(A) Rock;

(B) Sand; or

(C) Gravel;

(4) "Arkansas Water Plan" means the comprehensive program developed by the Arkansas Natural Resources Commission for the orderly development and management of the state's water and related land resources;

(5) "Beneficial use" means the use of water in such quantity as is economical and efficient and which use is for a purpose and in a manner that is:

(A) Reasonable;

(B) Not wasteful; and

(C) Compatible with the public interest;

(6) "Commission" means the Arkansas Natural Resources Commission as defined in Arkansas Code § 15-20-201 et seq.;

(7) "Conservation district" means a district created under the Conservation Districts Law, Arkansas Code § 14-125-101 et seq.;

(8) "Critical groundwater area" means an area judged by the Arkansas Natural Resources Commission to have significant groundwater depletion and/or degradation as defined in Arkansas Code § 15-22-503;

(9) "Director" means the Director of the Arkansas Natural Resources Commission as defined in Arkansas Code § 15-20-201 et seq.;

(10) "District" means conservation district or regional water district;

(11) "Domestic use" means the use of water for ordinary household purposes including:

(A) Human consumption;

(B) Washing;

(C) The watering of domestic:

- (i) Livestock;
- (ii) Poultry; and
- (iii) Animals; and

(D) The watering of home gardens for consumption by the household;

(12) "Formation" means a distinctive, mappable layer or series of layers of:

- (A) Rock;
- (B) Clay;
- (C) Silt;
- (D) Sand; or
- (E) Gravel;

(13) "Groundwater" means water beneath the surface of the ground;

(14) "Person" means any:

- (A) Natural person;
- (B) Partnership;
- (C) Firm;
- (D) Association;
- (E) Cooperative;
- (F) Municipality;
- (G) County;
- (H) Public or private corporation; and
- (I) Federal, state, or local governmental agency;

(15) "Regional water district" means a regional water distribution district created under The Regional Water Distribution District Act, Arkansas Code § 14-116-101 et seq.;

(16) "Safe yield of groundwater" means the amount of water that can be withdrawn from an aquifer on a continuing basis without causing serious depletion effects;

(17) "Sustaining aquifer" means any aquifer, excluding the state's alluvial aquifers, that is used as a significant source for water supply including, but not limited

to the Cockfield, Sparta, Memphis, Cane River, Cariszzo, Wilcox, Nacatoch, Roubidoux, and Gunter aquifers;

(18) "Water right" means the authority or permission issued by the Arkansas Natural Resources Commission under this part to use groundwater within a critical groundwater area;

(19) "Water year" means a twelve-month period beginning on October 1 of any year and ending the next September 30; and

(20)(A) "Well" means any hole dug, drilled, or otherwise constructed in the ground for the purpose of withdrawing groundwater.

(B) For the purpose of this part, a well also must have a potential flow rate of fifty thousand gallons per day (50,000 gpd) or greater.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-103. Powers of the commission.

(a) The Arkansas Natural Resources Commission shall have all powers necessary to:

(1) Enforce the Arkansas Groundwater Protection and Management Act, Arkansas Code § 15-22-901 et seq.; and

(2) Accomplish its purpose of establishing a comprehensive groundwater protection program to conserve groundwater and to protect water quality.

(b) These include the following powers:

(1) **Promulgation of rules.** The commission is authorized to adopt rules for:

(A) Groundwater classification and aquifer use;

(B) Well spacing;

(C) Issuance of groundwater rights within critical groundwater areas; and

(D) Assessment of fees;

(2) **Delegation of authority.** The commission may delegate:

(A) Any and all powers to the Director of the Arkansas Natural Resources Commission or his or her designee or designees; and

(B) Powers to qualified districts within a critical groundwater area; and

(3) **Implementation and enforcement.** To implement and enforce the Arkansas Groundwater Protection and Management Act, Arkansas Code § 15-22-901 et seq., the commission is authorized to:

(A) Provide technical assistance and establish guidelines for the designated districts;

(B) Resolve disputes between, approve regulations of, and hear appeals from decisions of designated districts;

(C) Enter upon property to:

(i) Conduct studies or investigations; or

(ii) Enforce the Arkansas Groundwater Protection and Management Act, Arkansas Code § 15-22-901 et seq.;

(D) Issue orders to implement or enforce any of the provisions of this legislation in times of an emergency;

(E) Issue subpoenas to witnesses to require attendance, testimony, and/or production of documents in any proceeding before the commission;

(F) Administer oaths to witnesses in any hearing, investigation, or proceeding before the commission; and

(G) Provide qualified persons with cost-share assistance from the Arkansas Water Development Fund for up to forty percent (40%) of the cost of installation of approved conservation and development practices.

Authority. Arkansas Code § 15-22-904.

Subpart 2. Groundwater Use Registration

15 CAR § 21-201. Requirement to register.

(a) All persons who withdraw groundwater, except as hereinafter exempted, shall report the withdrawal no later than March 1 for the prior water year.

(b) The reports shall be made:

- (1) On forms provided by the Arkansas Natural Resources Commission; and
- (2) To the commission.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-202. Exemptions.

The following withdrawals are exempt from the requirement of reporting:

- (1) Water withdrawn from individual household wells used exclusively for domestic use; and
- (2) Water withdrawn from wells having a maximum potential flow rate of less than fifty thousand gallons per day (50,000 gpd).

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-203. Report content.

The reports shall contain information requested on the attached (or revised) forms:

- (1) For water used for agriculture:
 - (A) Number and size of wells;
 - (B) Name, address, and phone number of water user;
 - (C) Type of crops, livestock, poultry, or fish grown;
 - (D) Acreage:
 - (i) Irrigated; and
 - (ii) Aquacultured;
 - (E) Quantity of water used; and
 - (F) Location:
 - (i) Of the wells (including real estate tax bill parcel number); and
 - (ii) Of the water use;
- (2) For water used for other than agriculture:
 - (A) Number, size, and location of wells;
 - (B) Name, address, and phone number of water user;

- (C) Use made of the water; and
- (D) Quantity of water used;
- (3) Other information deemed necessary by the Arkansas Natural Resources Commission; and
- (4) Name of water well contractor for new or replacement well.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-204. Report no change in water use or no use of water.

- (a) After the initial registration report, persons whose water use remains unchanged from the prior water year need only report "no change" in water use.
- (b) In the event that no water is withdrawn during any water year and the person has registered withdrawal in prior years, the person must submit a registration form showing no withdrawal to maintain his or her priority position.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-205. Review of form.

The Director of the Arkansas Natural Resources Commission shall:

- (1) Annually review the form used in obtaining the information required in registering withdrawals of groundwater; and
- (2) Alter or amend such form as necessary to comply with laws of the State of Arkansas and rules of the Arkansas Natural Resources Commission.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-206. Failure to register.

- (a) Any person who fails to timely register groundwater withdrawals as required by law and this part shall, in addition to registration fees, pay reporting fees for late registration as follows:

- (1) Failure to register by March 1, written notice;
- (2) Failure to register by April 1, twenty-five-dollar fee;
- (3) Failure to register by June 30, fifty-dollar fee; and
- (4) Failure to register by September 30, one hundred-dollar fee.

(b) Conservation districts shall not accept late registration without payment of all applicable fees.

(c) Late registration penalties are to be assessed per registrant, not per well.

(d) The Arkansas Natural Resources Commission, by the Director of the Arkansas Natural Resources Commission, may assess fees as provided by Arkansas Code § 15-22-302 if it is determined that a registrant continues to fail to register following September 30.

(e) The maximum annual penalty per registrant is five hundred dollars (\$500) whether for ground or surface water use or both.

(f) The commission will not impose monetary penalties without proof that the late registrant has received notice of the registration requirement.

(g) Pursuant to Arkansas Code § 15-22-911(e)(3), a water right may be cancelled for failure to:

(1) Report water use for two (2) consecutive years under Arkansas Code § 15-22-302; or

(2) Pay the fee as set out in Arkansas Code § 15-22-913 for two (2) consecutive years.

Authority. Arkansas Code §§ 15-22-302, 15-22-904, 15-22-913.

15 CAR § 21-207. Fees.

(a) Assessment.

(1) An annual fee of ten dollars (\$10.00) will be assessed per registered well, payable at the time of water use reporting, no later than March 1 following the reporting water year.

(2) A delinquency in paying annual fees will:

- (A) Constitute failure to register for the prior water year; and
- (B) Be subject to penalties of 15 CAR § 21-206.

(b) **Collection.** The Arkansas Natural Resources Commission may delegate the responsibility for collecting annual fees to:

- (1) The Director of the Arkansas Natural Resources Commission or the director's designee or designees; or
- (2) Qualified petitioning entities.

(c) **Disposition.**

(1) All moneys collected from fees and penalties will be deposited in the Arkansas Water Development Fund to be used pursuant to Arkansas Code § 15-20-207.

(2) Two-thirds (2/3) of such funds shall be used for an information/education program and cost-share assistance for water conservation and development as provided in 15 CAR § 21-104(b)(3)(G).

(3) One-third (1/3) of such funds may be used for the administration of the commission's water management programs.

Authority. Arkansas Code §§ 15-22-904, 15-22-913.

15 CAR § 21-208. Penalties.

At the direction of the Arkansas Natural Resources Commission, the Attorney General shall bring suit against any person violating any provision of this part pursuant to Arkansas Code § 15-22-204.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-209. Appeals.

Any person aggrieved by decisions and actions of the Arkansas Natural Resources Commission under this part may appeal pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 15-22-904.

Subpart 3. Critical Groundwater Areas

15 CAR § 21-301. Designation.

(a)(1) Using all pertinent data, an analysis will be made to determine those areas that have developed, or trends indicate may develop, significant groundwater depletion or degradation.

(2) Designating an area indicates that limitation of withdrawals through the use of water rights may be necessary in order to maximize the present and continued beneficial use of the area's remaining groundwater resources.

(b) Indicators to be used in an analysis leading to a recommendation of a critical groundwater area will consist of, but not be restricted to, the following parameters:

(1) Water quantity.

(A) For water table conditions (unconfined aquifer):

(i) Average declines of one foot (1') or more have occurred annually for a minimum of five (5) years; and/or

(ii) Water levels have been reduced such that fifty percent (50%) or less of the formation is saturated.

(B) For artesian conditions (confined aquifer):

(i) Average declines of one foot (1') or more have occurred annually for a minimum of five (5) years; and/or

(ii) The potentiometric surface is at or below the top of the formation;

(2) **Water quality.** Groundwater quality has been degraded or trends indicate probable future degradation that would render the water unusable for the beneficial uses of the aquifer; and

(3) **Projections/hydrologic boundaries.** Consideration will be given to a safe yield of groundwater pumping strategy for the aquifer including:

(A) The utilization of a groundwater flow model;

(B) The natural hydrologic boundaries of the aquifer; and

(C) Projected water level declines.

(c)(1) A report shall be prepared based on the indicators in subsection (b) of this section as well as specific geologic and hydrologic characteristics of the area judged by Arkansas Natural Resources Commission staff to warrant inclusion.

(2) The report shall contain a map showing:

(A) Recommended boundaries; and

(B) The explanation of proposed action.

(d) A public hearing will then be conducted within each county of the proposed area in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(e) After consideration of all evidence, public comments, and recommendations of commission staff, the commission may issue an order designating the:

(1) Critical groundwater areas; and

(2) Boundaries thereof.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-302. Initiation of regulation.

Regulation in a designated critical groundwater area will be initiated and monitored through the following procedures:

(1) When an aquifer assessment does not indicate satisfactory progress, Arkansas Natural Resources Commission staff will:

(A) Prepare a report detailing the conditions; and

(B) Recommend that regulation be implemented;

(2) Before initiation of regulation of the area, the commission shall describe the:

(A) Proposed action;

(B) Reasons therefore; and

(C) Recommended boundaries, if they differ from the previous critical area designation;

(3) Registered users will be notified of the commission's intent to:
(A) Implement regulation; and
(B) Issue them a water right for allocation of groundwater beginning on a specified date;

(4) After notice is given, a public hearing will be conducted within each county of the area in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(5) After consideration of all evidence, public comments, and recommendations of commission staff, the commission may issue an order implementing regulation of withdrawals within designated critical groundwater areas; and

(6) After an order by the commission implementing regulation, no person shall withdraw groundwater from an existing well or construct a new well within the critical groundwater area without first obtaining a water right.

Authority. Arkansas Code § 15-22-904.

Subpart 4. Issuance of Groundwater Rights

15 CAR § 21-401. Authority.

The Arkansas Natural Resources Commission is authorized by Arkansas Code § 15-22-901 to issue groundwater rights for beneficial uses, giving preference:

- (1) First to sustaining life;
- (2) Then to maintaining health; and
- (3) Finally to increasing wealth.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-402. Regulation.

After the Arkansas Natural Resources Commission determines that regulation is necessary within a critical area, and after it declares that water rights are required for water withdrawal, the following procedures will be observed:

(1) Registered users of groundwater within the critical groundwater area will be individually evaluated for issuance of a water right unless exempted from regulation under 15 CAR § 21-405;

(2)(A) The commission will issue water rights to registered users after review, considering:

(i) Exemption status; or

(ii) Other options under this part.

(B) Reporting and monitoring procedures will be defined and appropriate forms provided;

(3)(A) A periodic review of all wells within the designated critical groundwater area will be conducted by the commission to determine reporting compliance.

(B) Any person using groundwater without having registered or any person deliberately reporting incorrect usage will be charged as provided in 15 CAR §§ 21-206 – 21-208; and

(4) All determinations for the current water year shall have been made by March 1 of the preceding water year.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-403. Grandfathering existing wells.

(a)(1) Within one (1) year of initiation of the regulatory authority, the Arkansas Natural Resources Commission shall, upon application, issue to an applicant within the critical water use area a water right for existing wells equal to the average quantity of water withdrawn for beneficial use over the past three (3) water years.

(2) For wells with reported use levels significantly below normal use levels, prior water year use reports may be used to determine the three-year average above.

(b) For new wells constructed during the first year of initiation of the regulatory authority as provided in 15 CAR § 21-402, the commission shall, upon application, issue to an applicant within the critical water use area, a water right equal to the quantity of water necessary for beneficial use.

(c) Failure to apply within this first year of initiation of regulation of authority shall create a conclusive presumption of abandonment of use.

(d) Water rights issued under this section shall be exempt from the public notice requirements.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-404. New groundwater rights application.

(a) An application for a water right permit shall be:

- (1) On a form furnished by the Arkansas Natural Resources Commission; and
- (2) Filed with the commission.

(b) The applicant shall disclose:

- (1) Name, address, and phone number of water user;
- (2) Number, location, and size of proposed wells (including real estate tax bill parcel number);
- (3) The quantity of water to be withdrawn for direct use;
- (4) The quantity of water to be stored away from the point of withdrawal;
- (5) The total amount of water to be withdrawn;
- (6) The proposed time or times of withdrawal;
- (7)(A) The purpose for which the water is to be withdrawn.
 - (B) Water used for agriculture:
 - (i) Crops, livestock, poultry, or fish type grown;
 - (ii) Acreage or number:
 - (a) Irrigated;
 - (b) Aquacultured; and
 - (c) Livestock or poultry;

- (iii) Quantity of water to be used; and
- (iv) Attached maps clearly depicting:
 - (a) An accurate description of property with houses, impoundments, and lands irrigated; and
 - (b) The location of the wells.
- (C) Water used for all other purposes:
 - (i) Proposed use made of the water;
 - (ii) Proposed quantity of water to be used; and
 - (iii) Attached maps clearly depicting the:
 - (a) Location of use; and
 - (b) Location of the wells (including real estate tax bill parcel number);
- (8) The proposed conservation plan; and
- (9) A description of the availability of alternative water supplies.
- (c) Upon receipt of the application, the commission shall publish a notice of application for water rights in a newspaper with statewide circulation.
- (d) The commission may, in considering an application for water rights:
 - (1) Grant the application;
 - (2) Deny the application; or
 - (3) Grant the application subject to necessary reductions or conditions.
- (e) Persons who are or might be affected by issuance may request a hearing before the commission concerning the application within fifteen (15) days of publication of notice.
- (f) Water rights issued under this section shall be subject to review and modification by the commission.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-405. Exceptions.

The following are exceptions to the Arkansas Natural Resources Commission's powers in critical groundwater areas:

(1) There will be no reduction or limitation of the withdrawal of groundwater from existing wells in an alluvial aquifer for which a water right is grandfathered under the provisions of 15 CAR § 21-403(a) 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;

(2) There shall be no reduction or limitation of the withdrawal of groundwater from existing wells in a sustaining aquifer for which a water right is grandfathered under the provisions of 15 CAR § 21-403 unless alternative surface supplies are available;

(3) There will be no reduction or limitation for a period of four (4) years of the withdrawal of groundwater from an existing well or a well constructed during the first year following initiation of the regulatory authority and for which a water right is issued under the provisions of 15 CAR § 21-403;

(4) There will be no reduction or limitation of the withdrawal of groundwater from wells for which a water right has been issued under 15 CAR § 21-403 and for which the person holding the right can demonstrate:

(A)(i) A reduction of twenty percent (20%) of his or her use of groundwater by either:

(a) Institution of water conservation measures; or

(b) Conversion to surface supplies.

(ii) The demonstrated reduction must be based on the use reported in water year 1986 or later; or

(B) The implementation of a water conservation plan employing generally accepted water conservation practices approved by the commission regardless of the date of implementation;

(5) 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 gallons per day (50,000 gpd);

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

(7) 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:

(a) The location and ownership of the original and replacement wells; and

(b) Other relevant information required by the commission; and

(B) The original well must be:

(i) Converted to a nonregulated use; or

(ii) Abandoned in the manner prescribed by the Arkansas Water Well Construction Commission under Section 15.2 Arkansas Water Well Construction Code Rules and Regulations (Revised July 1988);

(8) Marketers of bottled water and public water supply systems shall at no time be restricted in the place of use of groundwater; and

(9) New wells constructed during the first year of initiation of regulatory authority:

(A) The commission shall, upon application, issue to the applicant within the critical water use area a water right equal to the quantity of water requested to be withdrawn for beneficial use; and

(B) There will be no reduction or limitation for a period of four (4) years of the withdrawal of groundwater from wells constructed during the first year following initiation of the regulatory authority as provided under 15 CAR § 21-303 and for which a water right is issued under the provisions of subdivision (7) of this section.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-406. Cancellation.

Water rights may be cancelled for the following reasons:

(1)(A) If water is used for a purpose other than that for which the water right was issued.

(B) A water user may apply for and may be granted an appropriate change in the use of water;

(2) For nonuse or failure to put the water to a reasonable beneficial use within a reasonable period of time following the issuance of the water right, if nonuse is for a reason other than:

(A) Implementation of conservation measures;

(B) Crop rotation;

(C) Conversion to surface water sources; or

(D) Climatic conditions; and

(3) For failure to:

(A) Report water use for two (2) consecutive years under Arkansas Code § 15-22-302; or

(B) Failure to pay the fee as set out in 15 CAR § 21-207 for two (2) consecutive years.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-407. Limitations.

The Arkansas Natural Resources Commission shall limit water rights in the following manner:

(1) **Duration.** In determining time limitations for water rights, the commission shall consider the time required to amortize the water user's investment as well as the cost and useful life of the facility;

(2) **Quantity.** The commission may limit annual withdrawals;

(3) **Precedence.**

(A) In the event two (2) or more competing applications specifying the same priority are made, preference shall be given to a renewal application over an initial application.

(B) On all renewal applications, consideration shall be given to a reasonable beneficial use;

(4) **Off-tract use of water.**

(A) The allocated water may be used only on the described realty, except as:

(i) Provided in 15 CAR § 21-405(6); or

(ii) The commission authorizes in times of emergency.

(B) Upon application, a water right recipient acquiring or leasing additional contiguous or noncontiguous realty shall be entitled to an amended water right so as to encompass such realty;

(5) **Water rights run with the land.** A water right may not be conveyed or otherwise marketed or transferred separate from the realty described in the water right; and

(6) **Automatic transferal.** Water rights shall be an incident of surface ownership of the realty and shall, upon notice to the commission, be transferred to the new owner.

Authority. Arkansas Code § 15-22-904.

Subpart 5. Comprehensive Groundwater Protection Program

15 CAR § 21-501. Assessment and monitoring — Critical groundwater area assessment.

After a critical groundwater area has been designated by the Arkansas Natural Resources Commission, a biennial assessment of the aquifer shall be made by the commission staff to:

- (1) Determine water quality trends; and
- (2) Progress toward a safe yield condition of the aquifer.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-502. Classification of groundwater.

[Reserved]

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-503. Establishment of criteria and standards.

[Reserved]

Authority. Arkansas Code § 15-22-904.

Subpart 6. Establishment of an Education/Information Program for Water Conservation

15 CAR § 21-601. Water conservation education and information program — Generally.

The Arkansas Natural Resources Commission is authorized to develop and implement an education/information program to encourage water conservation by increasing the public's awareness of the need for and techniques available for conservation.

Authority. Arkansas Code § 15-22-904.

15 CAR § 21-602. Components.

The program shall include the following components as a minimum:

- (1) Technology transfer;

- (2) Training;
- (3) Technical assistance;
- (4) Research; and
- (5) Demonstration projects.

Authority. Arkansas Code § 15-22-904.

Subpart 7. Metering of Certain Withdrawals

15 CAR § 21-701. Metering.

(a) Any well constructed after September 30, 2001, to withdraw groundwater from a sustaining aquifer shall be equipped with a properly functioning water measuring or metering device acceptable to the Arkansas Natural Resources Commission.

(b) After September 30, 2006, any well withdrawing groundwater from a sustaining aquifer shall be equipped with a properly functioning water measuring or metering device acceptable to the commission.

(c) Data gathered by the metering device shall be used when completing annual water use reports.

Authority. Arkansas Code § 15-22-904.