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By: Delegates Franchot, Hixson, Heller, Shriver, Billings, Cryor, and Hubbard

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

ΔN	Δ ()	concerning
7 11 1	1101	concerning

2 Environment - Water Appropriation or Use Permits

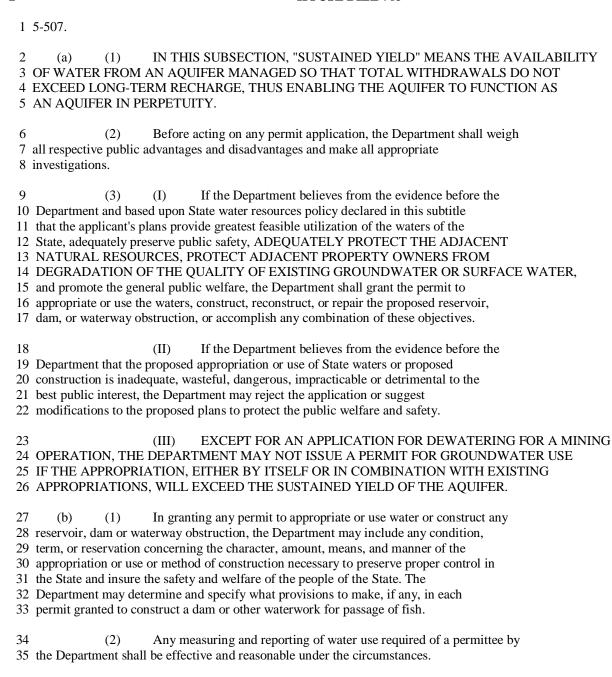
- 3 FOR the purpose of altering a certain policy of the State concerning the appropriation
- 4 or use of certain waters; altering certain requirements for the issuance of certain
- 5 appropriation or use permits; providing a certain exception; requiring the
- 6 Department of the Environment to place certain requirements and conditions on
- 7 the issuance of certain water appropriation permits; defining certain terms; and
- 8 generally relating to water appropriation or use permits.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Environment
- 11 Section 5-501(a) and 5-507
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume and 1998 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

16 Article - Environment

17 5-501.

- 18 (a) In order to conserve, protect, and use water resources of the State in
- 19 accordance with the best interests of the people of Maryland, it is the policy of the
- 20 State to control, so far as feasible, appropriation or use of surface waters and
- 21 groundwaters of the State AND TO PROTECT ADJOINING USERS AND PROTECT THE
- 22 NATURAL RESOURCES OF THE STATE FROM UNREASONABLE IMPACTS. Also, it is
- 23 State policy to promote public safety and [welfare] WELFARE, and control and
- 24 supervise, so far as is feasible, construction, reconstruction, and repair of dams,
- 25 reservoirs, and other waterworks in any waters of the State.

36



Any regulations concerning measuring and reporting of agricultural

37 water use or determination of aquifer or stream flow characteristics prior to issuance 38 of a water appropriation permit for an agricultural water use shall be adopted by the

39 Department with the advice and consent of the Secretary of Agriculture.

HOUSE BILL 765

- 1 (4) (I) IN THIS PARAGRAPH, "POTENTIOMETRIC SURFACE" MEANS A 2 LEVEL TO WHICH WATER WILL RISE IN A TIGHTLY CASED WELL DRILLED INTO A 3 CONFINED AQUIFER.
- 4 (II) EXCEPT FOR AN APPLICANT FOR A WATER APPROPRIATION
- 5 PERMIT FOR AN AGRICULTURAL WATER USE, IF AN APPLICANT INTENDS TO
- 6 APPROPRIATE GROUNDWATER IN UNPRECEDENTED QUANTITIES FOR PURPOSES
- 7 NOT COMMON TO A LOCALITY AND THE APPROPRIATION WOULD CAUSE HARM TO
- 8 OTHER USERS BY LOWERING THE WATER TABLE OR POTENTIOMETRIC SURFACE TO
- 9 A LEVEL WHICH WOULD RENDER OTHER USERS' WELLS INADEOUATE FOR THEIR
- 10 INTENDED USE, THE DEPARTMENT SHALL:
- 11 1. REQUIRE THE APPLICANT TO PERFORM AN ALTERNATIVE
- 12 WATER SOURCE ANALYSIS; AND
- 13 2. WITHIN AN IMPACT AREA DESIGNATED BY THE
- 14 DEPARTMENT, CONDITION THE ISSUANCE OF THE PERMIT ON PAYMENT BY THE
- 15 PERMITTEE OF THE COST OF IMPROVING ADVERSELY AFFECTED NEIGHBORING
- 16 FACILITIES OR OTHER MITIGATION OF THE IMPACT ON NEARBY USERS.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 18 October 1, 1999.