

1 Senators Meyer von Bremen of the 12th and Hooks of the 14th offered the following  
2 amendment:

3 Amend the Senate Natural Resources and the Environment Committee substitute to HB 1615  
4 by inserting after "District;" on line 13 of page 1 the following:

5 "to change certain provisions relating to permits for withdrawal, diversion, or impoundment  
6 of surface waters and monitoring, recording, and reporting of water withdrawal; to change  
7 certain provisions relating to permits for farm uses, notice of transfer or modification in use  
8 or capacity, nonuse, suspension or modification, priority uses, reporting and measuring  
9 water withdrawals, and effect on existing common or statutory law; to change certain  
10 provisions relating to orders of the director of the Environmental Protection Division of the  
11 Department of Natural Resources relative to the Flint River Drought Protection Act;".

12 By inserting between Sections 1 and 2 the following:

13 **"SECTION 1A.**

14 Said title is further amended by striking paragraph (3) of subsection (a) of Code Section  
15 12-5-31, relating to permits for withdrawal, diversion, or impoundment of surface waters and  
16 monitoring, recording, and reporting of water withdrawal, and inserting in lieu thereof the  
17 following:

18 '(3) Notwithstanding any other provision of this Code section to the contrary, a permit  
19 for the withdrawal or diversion of surface waters for farm uses shall be issued by the  
20 director to any person when the applicant submits an application which provides  
21 reasonable proof that the applicant's farm use of surface waters occurred prior to July 1,  
22 1988, and when any such application is submitted prior to July 1, 1991. If submitted prior  
23 to July 1, 1991, an application for a permit to be issued based upon farm uses of surface  
24 waters occurring prior to July 1, 1988, shall be granted for the withdrawal or diversion  
25 of surface waters at a rate of withdrawal or diversion equal to the greater of the operating  
26 capacity in place for withdrawal or diversion on July 1, 1988, or, when measured in  
27 gallons per day on a monthly average for a calendar year, the greatest withdrawal or  
28 diversion capacity during the five-year period immediately preceding July 1, 1988. If  
29 submitted after July 1, 1991, or, regardless of when submitted, if it is based upon a  
30 withdrawal or diversion of surface waters for farm uses occurring or proposed to occur  
31 on or after July 1, 1988, an application shall be subject to evaluation and classification  
32 pursuant to subsections (e), (f), and (g) of this Code section, but a permit based upon such  
33 evaluation and classification ~~shall~~ may be issued to ensure the applicant's right to a

1 reasonable use of such surface waters. Any permit issued pursuant to this paragraph shall  
2 be conditioned upon the requirement that the permittee shall provide, on forms prescribed  
3 by the director, information relating to a general description of the lands and number of  
4 acres subject to irrigation and the permit; a description of the general type of irrigation  
5 system used; the source of withdrawal water such as river, stream, or impoundment; and  
6 pump information, including rated capacity, pump location, and power information.  
7 Permits issued under this paragraph shall have no term and may be transferred or  
8 assigned to subsequent owners of the lands which are the subject of such permit;  
9 provided, however, that the division shall receive written notice of any such transfer or  
10 assignment. Any modification in the use or capacity conditions contained in the permit  
11 or in the lands which are the subject of such permit shall require the permittee to submit  
12 an application for review and approval by the director consistent with this Code section.  
13 Nothing in this paragraph shall be construed as a repeal or modification of Code Section  
14 12-5-46."

15 By inserting between Sections 2 and 3 the following:

16 **"SECTION 2A.**

17 Said title is further amended by striking subsection (a) of Code Section 12-5-105, relating  
18 to permits for farm uses, notice of transfer or modification in use or capacity, nonuse,  
19 suspension or modification, priority uses, reporting and measuring water withdrawals, and  
20 effect on existing common or statutory law, and inserting in lieu thereof the following:

21 '(a) Notwithstanding any provisions of Code Section 12-5-95, 12-5-96, or 12-5-97 to the  
22 contrary, a permit to withdraw, obtain, or utilize ground waters for farm uses, as that term  
23 is defined by paragraph (5.1) of Code Section 12-5-92, shall be issued by the director to  
24 any person when the applicant submits an application which provides reasonable proof that  
25 the applicant's farm use of ground water occurred prior to July 1, 1988, and when such  
26 application is submitted prior to July 1, 1991. If submitted prior to July 1, 1991, an  
27 application for a permit to be issued based upon farm uses of ground water occurring prior  
28 to July 1, 1988, shall be granted for the withdrawal of ground water at a rate of withdrawal  
29 equal to the greater of the operating capacity in place for withdrawal on July 1, 1988, or,  
30 when measured in gallons per day on a monthly average for a calendar year, the greatest  
31 withdrawal capacity during the five-year period immediately preceding July 1, 1988. If  
32 submitted after July 1, 1991, or, regardless of when submitted, if it is based upon a  
33 withdrawal of ground water for farm uses occurring or proposed to occur on or after July  
34 1, 1988, an application shall be subject to evaluation and classification pursuant to Code  
35 Sections 12-5-96 and 12-5-97, but a permit based upon such evaluation and classification  
36 ~~shall~~ may be issued to ensure the applicant's right to a reasonable use of such ground water.

1 Any permit issued pursuant to this Code section shall be further conditioned upon the  
2 requirement that the permittee shall provide, on forms prescribed by the director,  
3 information relating to a general description of the lands and number of acres subject to  
4 irrigation and the permit; the name and address of the permittee; a description of the  
5 general type of irrigation system used; well construction; and pump information, including  
6 rated capacity, pump setting depth, and power information."

7 By inserting between Sections 5 and 6 the following:

8 **"SECTION 5A.**

9 Said title is further amended in Code Section 12-5-547, relating to orders of the director of  
10 the Environmental Protection Division of the Department of Natural Resources relative to  
11 the Flint River Drought Protection Act, by designating the existing provisions as subsection  
12 (a) thereof and adding a new subsection to read as follows:

13 '(b) Nothing in this article, Part 2 of Article 3 of this chapter, or any other provision of  
14 this chapter shall authorize the imposition of a moratorium on the issuance of  
15 ground-water withdrawal permits for farm uses in the affected area. Any such  
16 moratorium previously imposed and in effect on the effective date of this subsection is  
17 hereby terminated."