

Senators Tarver of the 22nd, Jackson of the 24th and Powell of the 23rd offered the following amendment:

1 *Amend the Senate Natural Resources and the Environment Committee substitute to HB 1226*  
 2 *by inserting before Section 3-4 the following:*

3 **SECTION 3-3B.**

4 Said chapter is further amended by adding new subsections in Code Section 12-5-522,  
 5 relating to a policy statement for comprehensive state-wide water management planning,  
 6 guiding principles, and requirements of plans, to read as follows:

7 "(c.1)(1) As used in this subsection, the term:

8 (A) 'Donor basin' means a river basin from which a withdrawal or diversion of water  
 9 occurs in an interbasin transfer.

10 (B) 'Interbasin transfer' means a withdrawal or diversion of water from one river basin  
 11 followed by use or return of some or all of that water to a different river basin.

12 (C) 'Intrabasin transfer' means a withdrawal or diversion of water from a point within  
 13 a subbasin within a river basin, followed by the use and discharge of some portion of  
 14 that water into a second subbasin within the same river basin.

15 (D) 'Raw water interbasin transfer' means an interbasin transfer of untreated water for  
 16 treatment, use, and disposal in the receiving basin.

17 (E) 'Receiving basin' means a river basin to which all or a portion of water from  
 18 another river basin is diverted and returned in an interbasin transfer.

19 (2) Subject to the provisions of this chapter, interbasin transfers may be permitted to  
 20 meet water needs in areas facing limitations on their water resources, as indicated when  
 21 the forecasted consumption of water from a specific source approaches the defined  
 22 consumptive use assessment, as long as the transfer does not unreasonably foreclose  
 23 opportunities for water use in the donor basin.

24 (3) Interbasin transfers of water that occur in connection with mining, conveying,  
 25 processing, sale, or shipment of minerals or other products transported for further  
 26 processing or sale shall be exempt from limitations on interbasin transfers provided by  
 27 this subsection.

28 (4) Interbasin transfers of raw water shall not be permitted until consumptive use  
 29 assessments have been completed for the affected water sources and water development  
 30 and conservation plans which identify the need for such transfers have been completed  
 31 for the affected water planning regions.

1 (5) In evaluating a permit application for a new interbasin transfer, the director shall  
2 review and consider:

3 (A) Donor basin considerations, including but not limited to:

4 (i) The quantity of the proposed withdrawal and the stream flow of the donor basin,  
5 with special consideration for dry years and low-flow conditions;

6 (ii) The current and reasonably foreseeable future water needs of the donor basin,  
7 with special consideration for dry years and low-flow conditions;

8 (iii) Protection of water quality in the donor basin, with special consideration for dry  
9 years and low-flow conditions;

10 (iv) Any offsetting increases in flow in the donor basin that may be arranged through  
11 permit conditions;

12 (v) The number of downstream river miles from which water will be diverted as a  
13 result of the transfer; and

14 (vi) The connection between surface water and ground water in the donor basin, and  
15 the effect of the proposed transfer on either or both;

16 (B) Receiving basin considerations, including but not limited to:

17 (i) Determination of whether or not the applicant's proposed use is reasonable,  
18 including consideration of whether the applicant has implemented water conservation  
19 practices and achieved reasonable water conservation goals;

20 (ii) Assessment of the waste-water treatment capacity of the receiving basin;

21 (iii) The supply of water presently available to the receiving basin as well as the  
22 estimates of overall current water demand and the reasonable foreseeable future water  
23 needs of the receiving basin;

24 (iv) The beneficial impact of any proposed transfer and the demonstrated capability  
25 of the applicant to effectively implement its responsibilities under the requested  
26 permit;

27 (v) The impact of the proposed transfer on water conservation;

28 (vi) The applicant's efforts to explore all reasonable options for use of reclaimed  
29 water and recycling of available resources to meet the needs of the receiving basin;  
30 and

31 (vii) Assessment of the adequacy of treatment capacity and current water quality  
32 conditions; and

33 (C) Considerations affecting both basins, including but not limited to:

34 (i) The economic feasibility, cost effectiveness, and environmental effects of the  
35 proposed transfer in relation to alternative sources of water supply;

36 (ii) The cumulative effects of the current and proposed interbasin transfers in each  
37 basin;

1 (iii) The requirements of the state and federal agencies with authority related to water  
2 resources;

3 (iv) The availability of water for responding to emergencies, including but not limited  
4 to drought, in the donor basin and the receiving basin;

5 (v) The effects, whether beneficial or detrimental, on offstream and instream uses;

6 (vi) The quantity, quality, location, and timing of water returned to the donor basin,  
7 receiving basin, and basins downstream;

8 (vii) Effects on interstate water use;

9 (viii) The cumulative effect on the donor basin and the receiving basin of any water  
10 transfer or consumptive use that is authorized or forecasted; and

11 (ix) Such other factors as are reasonably necessary to carry out the purposes of this  
12 chapter.

13 (c.2)(1) Subject to the provisions of this chapter, intrabasin transfers may continue to be  
14 undertaken to meet such practical water needs as are necessary for a water provider to  
15 meet the reasonable needs of users within its service area. If a new intrabasin transfer is  
16 to cross the jurisdictional boundaries of more than four counties, it shall not be permitted  
17 until consumptive use assessments have been completed for the affected water sources  
18 and water development and conservation plans which identify the need for such transfers  
19 have been completed for the affected water planning regions.

20 (2) Intrabasin transfers of water that occur in connection with mining, conveying,  
21 processing, sale, or shipment of minerals or other products transported for further  
22 processing or sale shall continue to be permitted."