

Modified Alabama Water Resources Act Concepts

Water Use Reporting / Data Collection

- ▶ Determine Appropriate Reporting Thresholds
 - Currently, only users withdrawing more than 100,000 gpd must submit a Declaration of Beneficial Use (“DBU”), obtain a Certificate of Use, and file water use reports. This threshold may or may not capture a sufficient level of water usage in the state to properly assess and plan for the use of water resources. OWR could undertake a study to determine the optimal daily use reporting threshold and appropriate alternatives (which might include gallons per month or gallons per year).
- ▶ Timing of DBU Submittal
 - Users could be required to submit DBU and obtain certificate prior to commencement of construction. This could help improve planning and insure that any controversies over the right to withdraw water are resolved prior to substantial facility investment.
- ▶ Modify Current DBU Forms to Improve Data
 - Currently, DBUs only include general information on withdrawal location, estimated annual withdrawal, and type of water use (e.g. manufacturing, cooling, sale, etc.). OWR could modify its forms to obtain additional information such as current average consumptive use and projected annual average demand (for example, expected/planned use in 5 year increments out to 25 years). This might improve information for long-range planning purposes and documentation of expected growth.
- ▶ Accelerated Reporting
 - Currently, certificated users must report monthly usage at the end of each year. Users could be required to file usage reports on a monthly basis through some type of on-line reporting mechanism. This could enhance OWR’s planning and drought response capabilities.

Water Use Minimization, Conservation, and Restriction

- ▶ Use Minimization Plans
 - Large water users could be required to submit a some type of use minimization plan with the DBU that would contain measures the user would implement throughout the year to minimize consumptive uses.

- ▶ Drought Conservation Plans
 - All users could be required to submit a drought conservation plan with the DBU that would contain measures the user would implement during drought periods. Conservation plans could include graduated response measures with implementation of specific measures based on the severity of the drought. (For certain priority uses such as agricultural irrigation, drought conservation plans might even call for increased use during drought periods to the extent made possible by conservation measures on other uses).
- ▶ Streamline Process for Conducting Critical Use Studies and Designation of Capacity Stress Areas
 - Currently, OWR may conduct a critical use study only upon approval of 13 of 19 members of the Water Resources Commission. This requirement could be eliminated altogether or relaxed to require only a simple majority of a quorum. This change could provide more flexibility for OWR to proceed with critical use studies based on known or suspected water supply problems.
 - Currently, designation of capacity stress areas and adoption of use restrictions in such areas requires approval of 13 of 19 members of the Water Resources Commission. Relaxation of this requirement to a simple majority or a majority of a quorum could enhance OWR's flexibility to respond in a timely manner to water supply problems.

III. Drought Planning and Response

- ▶ OWR could develop a state drought plan and establish priorities for water usage during drought periods.
- ▶ OWR could be granted emergency powers to require temporary implementation of conservation measures in areas affected by a drought that are contained in the individual drought conservation plans. If additional measures are needed to respond to a given drought situation, the Governor could be granted authority to implement such measures.

IV. Special Waters

- ▶ OWR could be granted authority to adopt minimum instream flow requirements for free-flowing waters designated as a Wild and Scenic River, an Outstanding National Resource Water, or an Outstanding Alabama Water.

NOTE: This paper contains discussion concepts for modifying Alabama's current Water Resources Act and is not intended as an endorsement of any particular concept.