

ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS
OFFICE OF WATER RESOURCES
AND
ALABAMA WATER RESOURCES COMMISSION
ADMINISTRATIVE CODE

CHAPTER 305-7-11
CERTIFICATES OF USE

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305-7-11-.01 Content Of Certificates Of Use.

(1) Certificates of Use shall acknowledge the:

- (a) estimated amount, in gallons, of waters of the state that is used on an average daily basis;
- (b) estimated maximum capacity, in gallons, of waters of the state that could potentially be withdrawn or diverted within any single day;
- (c) duration of the Certificate of Use; and
- (d) frequency of water use reporting.

(2) Each Certificate of Use shall contain the following statement:

"THIS CERTIFICATE OF USE SHALL NOT CONFER OR MODIFY ANY PERMANENT INTERESTS OR RIGHTS IN THE HOLDER THEREOF TO THE CONTINUED USE OF THE WATERS OF THE STATE OF ALABAMA."

Author: Walter B. Stevenson, Jr.

Statutory Authority: Code of Ala. 1975, §9-10B-20.

History: Filed: October 20, 1993, Adopted: December 9, 1993;
Effective: February 22, 1994.

305-7-11-.02 Duration Of Certificates Of Use.

Certificates of Use shall be issued for a period of not less than five (5) years and not more than ten (10) years at the discretion

of the Division Chief of the Office of Water Resources or as otherwise provided by the Act.

Author: Walter B. Stevenson, Jr.

Statutory Authority: Code of Ala. 1975, §§9-10B-19, 9-10B-20.

History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-11-.03 Modification Of Certificates Of Use.

(1) Any holder of a Certificate of Use may apply to the Office of Water Resources, on forms prescribed by the Division Chief of the Office of Water Resources, to modify, transfer, consign, convey, or terminate, a Certificate of Use.

(2) Upon noticing discrepancies either between the Declaration of Beneficial Use or Certificate of Use and subsequent water use reports, the Office of Water Resources may order a modification to the Declaration of Beneficial Use. Prior to any such order, the Office of Water Resources shall notify the holder of the Certificate of Use of the discrepancy and the need to modify the Declaration of Beneficial Use and offer the holder a meeting with the Division Chief.

Author: Walter B. Stevenson, Jr.

Statutory Authority: Code of Ala. 1975, §§9-10B-19, 9-10B-20.

History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-11-.04 Renewal Of Certificates Of Use.

Applications to renew an existing Certificate of Use shall be filed on forms prescribed by the Division Chief of the Office of Water Resources at any time not more than one hundred eighty (180) days nor less than ninety (90) days prior to the expiration of the existing Certificate of Use. All renewals will be processed, as provided by these Rules, in the same manner as the original Declaration of Beneficial Use. Notice of the expiration of a Certificate of Use shall be provided by the Office of Water Resources to a holder of a Certificate of Use not less than one hundred eighty (180) days prior to the expiration of the Certificate. Notice shall be sent to the last known address provided by the holder of the Certificate.

Author: Walter B. Stevenson, Jr.

Statutory Authority: Code of Ala. 1975, §§9-10B-19, 9-10B-20.

History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-11-.05 Termination Of Certificates Of Use.

Violations of the provisions of the Act, or as hereafter amended, these Rules, or as hereafter amended, or the terms and conditions as set forth in the Certificate of Use, shall be a basis for determining suspension, revocation, termination or modification of any Certificate of Use by the Office of Water Resources. No suspension, revocation, termination or modification of a Certificate of Use will be effective until the holder of the Certificate of Use has been offered a meeting with the Division Chief to discuss the proposed suspension, revocation, termination or modification. The suspension, revocation, termination or modification of any Certificate of Use shall be deemed an administrative action of the Office of Water Resources and shall entitle the holder to an appeal of such administrative action as provided by Chapter 305-7-7 of these Rules.

Author: Walter B. Stevenson, Jr.

Statutory Authority: Code of Ala. 1975, §§9-10B-5, 9-10B-19, 9-10B-20.

History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.