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

CHAPTER 305-7-9
GENERAL PROVISIONS OF THE ALABAMA WATER USE REPORTING PROGRAM

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305-7-9-.01 Application.

The Act mandates that the Commission adopt rules and regulations governing Declarations of Beneficial Use and Certificates of Use. The Act makes water use reporting a condition of maintaining Certificates of Use. Chapters 305-7-9 through 305-7-12 of these Rules prescribe the rules, regulations and procedures for Declarations of Beneficial Use, Certificates of Use, and water use reporting and shall hereafter be known as the "Water Use Reporting Program."
Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §§9-10B-2, 9-10B-16, 9-10B-19.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-9-.02 Definitions.

The definitions set out in the Act are incorporated by reference as a part of the Water Use Reporting Program. The following words and phrases, unless a different meaning is plainly required by the context of these Rules or the Act, shall have the following meanings:

(1) "Applicant" is defined as any person, who is required by the Act to file, or any person filing, a Declaration of Beneficial Use to withdraw or divert waters of the state.

(2) "Divert" or "Diversion' is defined as the capacity to withdraw, use or consume waters of the state.

(3) "Withdrawal facility" is defined as any individual or series of pipes, devices or means at a location which diverts waters of the state from a source.

Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §9-10-19.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-9-.03 Review of Forms.

The Division Chief of the Office of Water Resources shall prescribe and the Commission approve the forms necessary to obtain the information required by the Water Use Reporting Program and shall alter or amend such forms as necessary.
Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §§9-1OB-8, 9-lOB-l9.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-9-.04 Right of Entry.

Authorized agents, representatives, or designees of the Office of Water Resources, may enter upon any private or public property after giving notice to the owner, occupant, custodian or agent of said property, for the purpose of determining compliance with the Act or these Rules.
Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §§9-lOB-5, 9-lOB-l9.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-9-.05 Penalties.

Any person violating any provision of the Act or these Rules shall be subject to penalties as provided by the Act. Penalties provided by the Act shall be in addition to other penalties or equitable relief which may be granted by any court of competent Jurisdiction.
Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §§9-1OB-5, 9-lOB-l9.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.

305-7-9-.06 Appeals.

Any person aggrieved by any administrative action by the Office of Water Resources or the Division Chief may appeal such action pursuant to Chapter 305-7-7 of these Rules.
Author: Walter B. Stevenson, Jr.
Statutory Authority: Code of Ala. 1975, §9-lOB-18.
History: Filed: October 20, 1993; Adopted: December 9, 1993; Effective: February 22, 1994.