

may be required to provide, at its expense, an alternate water supply or other mitigating measures.

(g) *Effective date.* This section shall be effective six months after the effective date set forth in § 803.1(e), except for projects previously reviewed and approved by the commission under the general authority of section 3.10 of the compact. Commission authority shall continue over such previously approved projects.

(h) *Hydroelectric projects.* Hydroelectric projects, except to the extent that such projects constitute a withdrawal, shall be exempt from the requirements of this section; provided, however, that nothing in this paragraph shall be construed as exempting hydroelectric projects from review and approval under any other category of project requiring review and approval as set forth in §§ 803.4 and 803.5.

2. Parts 804 and 805 are added to read as follows:

## **PART 804—SPECIAL REGULATIONS AND STANDARDS**

### **Subpart A—Water Withdrawal Registration** Sec.

- 804.1 Requirement.
- 804.2 Time limits.
- 804.3 Administrative agreements.
- 804.4 Effective date.
- 804.5 Definitions.

### **Subpart B—Water Conservation Requirements**

- 804.20 Requirement.
- 804.21 Effective date.
- 804.22 Definitions.

**Authority:** Secs. 3.4(2) and (9), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 *et seq.*

### **Subpart A—Water Withdrawal Registration**

#### **§ 804.1 Requirement.**

In addition to any other requirements of commission regulations, and subject to the consent of the affected signatory state to this requirement, all persons withdrawing or diverting in excess of an average of 10,000 gpd for any consecutive thirty-day period, from surface or ground-water sources, as defined in Part 803 of this chapter, shall register the amount of this withdrawal with the commission and provide such other information as requested on forms prescribed by the commission.

#### **§ 804.2 Time limits.**

(a) Except for agricultural water use projects, all registration forms shall be submitted within one year after May 11, 1995, or within six months of their initiation, whichever is later; provided, however, that nothing in this section shall limit the responsibility of an

applicant to apply for and obtain an approval as may be required under part 803 of this chapter. All registered withdrawals shall re-register with the commission within five years of their initial registration, and at five-year intervals thereafter, unless sooner discontinued.

(b) Sponsors of existing agricultural water use projects (i.e. projects coming into existence prior to March 31, 1997) withdrawing or diverting in excess of an average of 10,000 gpd for any consecutive 30-day period from a surface or ground-water source shall register their use no later than March 31, 1997. Thereafter, the sponsors of new projects proposing to withdraw or divert in excess of 10,000 gpd for any consecutive 30-day period from a surface or ground-water source shall be registered prior to project initiation.

#### **§ 804.3 Administrative agreements.**

The commission may complete appropriate administrative agreements or informal arrangements to carry out this registration requirement through the offices of signatory agencies. Forms developed by the commission shall apprise registrants of any such agreements or arrangements and provide appropriate instructions to complete and submit the form. Permits issued by a signatory party agency shall be considered a registration with the commission if issued pursuant to an agreement of understanding with the commission specifically providing therefor.

#### **§ 804.4 Effective date.**

This subpart shall be effective on May 11, 1995 and shall apply to all present and future withdrawals or diversions irrespective of when such withdrawals or diversions were initiated.

#### **§ 804.5 Definitions.**

Terms used in this subpart shall be defined as set forth in § 803.3 of this chapter.

### **Subpart B—Water Conservation Requirements**

#### **§ 804.20 Requirement.**

Any project sponsor whose project is subject to commission approval under this part or part 803 of this chapter proposing to withdraw water either directly or indirectly (through another user) from surface or ground-water sources or both shall comply with the following requirements:

(a) *Public water suppliers.* As circumstances warrant, the public water supplier shall:

(1) Reduce distribution system losses to a level not exceeding 20 percent of the gross withdrawal.

(2) Install meters for all users.

(3) Establish a program of water conservation that will:

(i) Require installation of water conservation devices, as applicable, by all classes of users;

(ii) Prepare and distribute literature to customers describing available water conservation techniques;

(iii) Implement a water pricing structure which encourages conservation; and

(iv) Encourage water reuse.

(b) *Industrial water users.* Industrial users shall:

(1) Designate a company representative to manage plant water use.

(2) Install meters or other suitable devices or utilize acceptable flow measuring methods for accurate determination of water use by various parts of the company operation.

(3) Install flow control devices which match the needs of the equipment being used for production.

(4) Evaluate and utilize applicable recirculation and reuse practices.

(c) *Agricultural and other irrigation.* Water users for irrigation purposes shall utilize irrigation systems properly designed for the user's respective soil characteristics, topography and vegetation.

#### **§ 804.21 Effective date.**

Notwithstanding the effective date for other portions of this part, this subpart shall apply to all surface and ground-water withdrawals initiated on or after January 11, 1979.

#### **§ 804.22 Definitions.**

Terms used in this subpart shall be defined as set forth in § 803.3 of this chapter.

## **PART 805—HEARINGS/ ENFORCEMENT ACTIONS**

### **Subpart A—Conduct of Hearing**

Sec.

- 805.1 Public hearings.
- 805.2 Adjudicatory hearing.
- 805.3 Consolidation of hearing.
- 805.4 Joint hearings.
- 805.5 Transcript.
- 805.6 Continuance.
- 805.7 Effective date.
- 805.8 Definitions.

### **Subpart B—Enforcement Actions and Settlements**

- 805.20 Scope of subpart.
- 805.21 Notice to possible violators.
- 805.22 The record for decision-making.
- 805.23 Adjudicatory hearings/alleged violations.