

priation of Waters; Reservoirs and Dams", to change the definition of farm and other ponds for which permits are required to be obtained from the Department of Water Resources for purposes of construction or repair, and to specify the requirements for construction of farm and other ponds.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 12 (b) and (c) of Article 96A of the Annotated Code of Maryland (1964 Replacement Volume), title "Water Resources", sub-title "Appropriation of Waters; Reservoirs and Dams", be and that they are hereby repealed and re-enacted, with amendments, to read as follows :*

12.

(a) From and after January 1, 1934, it shall be unlawful for the State or any agency thereof, any person or persons, partnership, association, private or public corporation, county, municipality or other political subdivision of the State, to construct, reconstruct or repair any reservoir, dam or waterway obstruction; or to make or construct, or permit to be made or constructed, any change therein or addition thereto; or to make, or permit to be made, any change in, addition to, or repair of, any existing waterway obstruction; or in any manner to change or diminish the course, current, or cross-section of any stream or body of water, wholly or partly, within this State, except the tidal waters, without a permit from the Department [of Geology, Mines and Water Resources], in writing, previously obtained, upon written application therefor to said Department. Nothing in this sub-section shall be construed to apply to any dam or obstruction which is ten feet or less in height above the elevation of the stream bed or waterway, nor shall it apply to any reservoir with a storage capacity of less than one million gallons, nor shall it apply to any reservoir to be designed, constructed and operated as a waste stabilization lagoon under permit of the State Department of Health, nor shall it apply to any structure for the impounding of water, less than four feet in depth, over tidal and non-tidal swamp lands for the propagation of muskrats and other wildlife species.

(b) Nothing in this section shall be construed to extend to or affect in any way "farm ponds" constructed for purposes of soil-conservation, propagation of fish, watering of stock, *recreation*, and fire protection, except as in this sub-section provided. Farm ponds in order to be exempt shall be formed by the construction of an all-earth dam or embankment; [with an all-earth spillway; the possible depth of water at the spillway level of the dam or embankment shall not exceed nine (9) feet; the water surface area at the spillway level shall not exceed 60,000 square feet; the drainage area contributory to or diverted to the pond shall not exceed 100 acres; the] *there shall be an all-earth spillway and/or a drop-inlet, pipe or other form of mechanical spillway; mechanical spillways will not be required when the watershed above the reservoir is less than five (5) acres and there is no base flow; the normal water surface area of the pond at the crest elevation of the lowest spillway shall not exceed five (5) acres; the normal depth of water shall not exceed nine (9) feet measured upward from the original stream bed to the crest elevation of the lowest spillway except that excavation for additional water capacity is permitted to any depth at any location in the pond other than within*