

and Dams," be and they are hereby repealed, and Sections 12 (a) and (b) are re-enacted, with amendments, SECTION 12(A) OF ARTICLE 96A OF THE ANNOTATED CODE OF MARYLAND (1964 REPLACEMENT VOLUME AND 1971 SUPPLEMENT), TITLE "WATER RESOURCES," SUBTITLE "APPROPRIATION OF WATERS; RESERVOIRS AND DAMS," BE AND IT IS HEREBY REPEALED AND RE-ENACTED, WITH AMENDMENTS; AND THAT SECTIONS 12(B) AND 12(C) OF THE SAME ARTICLE, CODE, TITLE AND SUBTITLE BE AND THEY ARE HEREBY REPEALED, AND THAT NEW SECTIONS 12(B) AND 12(C) BE AND THEY ARE HEREBY ENACTED IN LIEU THEREOF, TO STAND IN THE PLACE OF THE SECTIONS REPEALED, AND THAT NEW SECTION 12(D) BE AND IT IS HEREBY ADDED TO THE SAME ARTICLE, CODE, TITLE AND SUBTITLE, TO FOLLOW IMMEDIATELY AFTER SECTION 12(C) THEREOF, AND ALL 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 the course, current, or cross section of any stream or body of water, wholly or partly, within this State, without a permit from the Department, in writing, previously obtained, upon written application therefor to said Department. [Nothing in this subsection 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 nontidal swamplands for the propagation of muskrats and other wildlife species; nor shall it apply to drainage systems designed exclusively for the purpose of collection, conveyance, or disposal of storm water.]

[(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 subsection provided. Farm ponds in order to be exempt shall be formed by the construction of an all-earth dam or embankment; 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