

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

8-802.

(a) Every person is required to obtain a permit from the Department to appropriate or use, or begin to construct any plant, building, or structure which may appropriate or use any waters of the State, whether surface or underground. The permit is obtained upon written application to the Department. The applicant shall provide the Department with satisfactory proof that issuing the permit will not violate the State's water quality standards or jeopardize its natural resources.

[(b) Except for devices that use aquifers for domestic heating or cooling, this section does not apply to use of water for domestic and farming purposes, use of water for an approved water supply of any municipality if the use was in effect on July 1, 1969, or to any particular use in existence on January 1, 1934, if that use has not been abandoned.]

(B) THIS SECTION DOES NOT APPLY TO USE OF WATER FOR:

(1) DOMESTIC PURPOSES OTHER THAN FOR HEATING AND COOLING;

(2) AGRICULTURAL PURPOSES, IF THE AVERAGE ANNUAL WATER USE IS LESS THAN 10,000 GALLONS PER DAY, EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION.

(C) (1) THE DEPARTMENT SHALL ISSUE A PERMIT TO A PERSON USING WATER PRIOR TO JULY 1, 1988 FOR AGRICULTURAL PURPOSES UPON WRITTEN APPLICATION TO THE DEPARTMENT.

(2) A PERSON USING LESS THAN AN ANNUAL AVERAGE OF 10,000 GALLONS OF WATER PER DAY FOR AGRICULTURAL PURPOSES MAY APPLY FOR A PERMIT TO APPROPRIATE OR USE WATERS OF THE STATE.

(D) WHEN THE DEPARTMENT DETERMINES THAT A WATER SUPPLY EMERGENCY EXISTS AND AVAILABLE WATER SUPPLIES ARE INADEQUATE IN AN AREA TO MEET THE NEEDS OF ALL PERSONS WHO HAVE PERMITS UNDER THIS SUBTITLE, THE FOLLOWING USES SHALL HAVE PRIORITY FOR APPROPRIATION OR USE OF WATER IN THE ORDER LISTED:

(1) DOMESTIC AND MUNICIPAL USES FOR SANITATION, DRINKING WATER, AND PUBLIC HEALTH AND SAFETY;

(2) AGRICULTURAL USES INCLUDING THE PROCESSING OF AGRICULTURAL PRODUCTS; AND

(3) ALL OTHER USES.