

installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility.

(7) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth.

(8) If the requested appropriation or use of waters of the State is for [a] AN AVERAGE ANNUAL quantity of WATER USE OF LESS THAN 10,000 gallons or less per day.

~~(9) -- IF THE REQUESTED APPROPRIATION OR USE OF WATERS OF THE STATE IS FOR AN AGRICULTURAL USE IN EFFECT PRIOR TO JULY 17, 1993.~~

(e) The Department shall provide periodic written notice of applications to the Department for waterway construction permits for which the public hearing requirement may be waived under subsection (d) of this section to any interested person who may request this notice.

(F) THE DEPARTMENT SHALL WAIVE NOTICE REQUIREMENTS AND THE HOLDING OF A PUBLIC HEARING IF THE REQUESTED APPROPRIATION OR USE OF WATERS OF THE STATE IS FOR AN AGRICULTURAL USE IN EFFECT PRIOR TO JULY 1, 1993.

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(b) (1) In granting any permit to appropriate or use water, or construct any reservoir, dam or waterway obstruction, the Department may include any condition, term, or reservation concerning the character, amount, means and manner of the appropriation or use or method of construction necessary to preserve proper control in the State and insure the safety and welfare of the people of the State. The Department may determine and specify what provisions to make, if any, in each permit granted to construct a dam or other waterwork for passage of fish.

(2) ANY MEASURING AND REPORTING OF WATER USE REQUIRED OF A PERMITTEE BY THE DEPARTMENT SHALL BE EFFECTIVE AND REASONABLE UNDER THE CIRCUMSTANCES.

(3) ANY REGULATIONS CONCERNING MEASURING AND REPORTING OF AGRICULTURAL WATER USE OR DETERMINATION OF AQUIFER OR STREAM FLOW CHARACTERISTICS PRIOR TO ISSUANCE OF A WATER APPROPRIATION PERMIT FOR AN AGRICULTURAL WATER USE SHALL BE ADOPTED BY THE DEPARTMENT WITH THE ADVICE AND CONSENT OF THE SECRETARY OF AGRICULTURE.

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