

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1378*

Short Title: Water Transfer Prohibited.

(Public)

Sponsors: Senators Tally, Block, Cochran; Barker, Conder, Daniel, Daughtry, Kaplan, Martin of Pitt, Parnell, Plyler, Raynor, Sherron, Smith, Soles, Swain, and Ward.

Referred to: Environment and Natural Resources.

May 24, 1990

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A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MORATORIUM ON THE TRANSFER OF WATERS.

The General Assembly of North Carolina enacts:

Section 1. Except as provided in Section 2 of this act and notwithstanding the provisions of G.S. 153A-285, G.S. 153A-287, or any other provision of law, no entity whether public or private, or whether acting separately or jointly may divert any of the waters of this State, as defined in G.S. 143-212(6), from any named river to another nor institute any proceeding in the nature of eminent domain to acquire water, water rights, or lands having water rights attached thereto for a use that will result in waters of this State being diverted from one named river to another.

Sec. 2. The prohibition in Section 1 of this act does not affect the following:

- (1) The diversion of waters from one named river to another where the actual diversion of waters lawfully began before the effective date of this act;
- (2) The diversion of waters from one named river to another if the diversion is authorized under a certificate or permit issued before the effective date of this act by the Environmental Management Commission as provided by G.S. 153A-285 and G.S. 162A-7, provided the diversion does not exceed the level authorized by the certificate or permit as issued before the effective date.
- (3) The diversion of waters from one named river to another if the diversion was included in the plans for a federal reservoir project that

1 received congressional approval before the effective date of this act
2 but was not constructed before the effective date of this act.

3 This act may not be construed to reflect legislative approval or disapproval of
4 any transfer exempted herein.

5 Sec. 3. This act is effective upon ratification and shall expire July 1, 1991.