

House Bill 1397

By: Representative Burchett of the 176th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water
2 rights, so as to provide for a list of streams presumed to be navigable; to provide for related
3 matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 8 of Title 44 of the Official Code of Georgia Annotated, relating to water rights, is
7 amended by adding a new Code section to read as follows:

8 "44-8-5.1.

9 The following streams and parts of streams in this state shall be presumed to be navigable
10 streams in any judicial or administrative proceeding where the navigability of any such
11 stream or part of a stream is at issue:

12 (1) Alabaha River downstream from confluence of Hurricane Creek and L. Hurricane
13 Creek;

14 (2) Alapaha River downstream from confluence with Deep Creek upstream of Crystal
15 Lake Road;

16 (3) Alcovy River downstream of Alcovy Trestle Road;

- 17 (4) Altamaha River downstream from confluence of Ocmulgee and Oconee Rivers;
18 (5) Apalachee River downstream of confluence with Jacks Creek above Highway 441;
19 (6) Armuchee Creek downstream of US Highway 27;
20 (7) Big Indian Creek downstream from confluence with Mossy Creek above US
21 Highway 129;
22 (8) Big Satilla Creek downstream from confluence with Colemans Creek above US
23 Highway 84;
24 (9) Brier Creek downstream from confluence with Reedy Creek above GA Highway 88;
25 (10) Broad River downstream of confluence of North Fork and Middle Fork Broad River
26 above Bond Bridge Road;
27 (11) Canoochee River downstream of confluence with 15 Mile Creek above Kennedy
28 Bridge Road;
29 (12) Chattahoochee River downstream of GA Highway 115;
30 (13) Chattooga River (NE) downstream of boundary between Georgia and North
31 Carolina;
32 (14) Chattooga River (NW) downstream of US Highway 27;
33 (15) Chestatee River downstream of confluence with Tesnatee Creek above Copper
34 Mines Road;
35 (16) Conasauga River downstream of the boundary between Georgia and Tennessee;
36 (17) Coosa River downstream of confluence of Oostanaula River and Etowah River;
37 (18) Coosawattee River downstream of confluence of Cartecay River and Ellijay River;
38 (19) Etowah River downstream of GA Highway 9;
39 (20) Flint River downstream of W McIntosh Road;
40 (21) Hudson River downstream of GA Highway 326;
41 (22) Kinchafoonee Creek downstream of confluence with Choctahatchee Creek above
42 GA Highway 45;
43 (23) Line Creek downstream of Line Creek Road;

- 44 (24) Little Ocmulgee River downstream of GA Highway 134;
45 (25) Little Ohoopsee River in its entirety;
46 (27) Little River (Sinclair) downstream of GA Highway 16;
47 (28) Little River (Withlacoochee) downstream of Kinard Bridge Landing;
48 (30) Little River (Clarks Hill) downstream of Lumburg Road;
49 (31) Little Satilla River downstream of confluence of Big Satilla Creek and Little Satilla
50 Creek;
51 (32) Little Tallapoosa River downstream of Bowdon Tyus Road;
52 (33) Middle Fork Suwannee River downstream of confluence with Bird Wing Run;
53 (34) Middle Oconee River downstream of Etheridge Road;
54 (35) Muckalee Creek downstream of confluence with Fox Creek above GA Highway
55 195;
56 (36) North Oconee River downstream of Newton Bridge Road;
57 (37) Nottely River upstream of Nottely Lake to boundary between Georgia and North
58 Carolina;
59 (38) Ochlockonee River downstream of GA Highway 188;
60 (39) Ocmulgee River downstream of Lake Jackson to the Altamaha River;
61 (40) Oconee River downstream from confluence of North and Middle Oconee River to
62 the Altamaha River;
63 (41) Ogeechee River downstream of confluence with Little Ogeechee River above
64 Mitchell Road;
65 (42) Ohoopsee River downstream of GA Highway 56;
66 (43) Okapilco Creek downstream of US Highway 84;
67 (44) Oostanaula River downstream of confluence of Conasauga River and Coosawattee
68 River;
69 (45) Pataula Creek downstream of confluence with Hodchodkee Creek above US
70 Highway 82;

- 71 (46) Saint Marys River downstream of confluence with North Prong and South Prong
72 Saint Marys River;
- 73 (47) Salacoa Creek downstream of confluence with Pine Log Creek above Lovebridge
74 Road;
- 75 (48) Satilla River downstream of GA Highway 64;
- 76 (49) Savannah River in its entirety;
- 77 (50) South River downstream of GA Highway 138;
- 78 (51) Spring Creek downstream of confluence with Long Branch above US Highway 27;
- 79 (52) Suwannee River in its entirety;
- 80 (53) Sweetwater Creek downstream of confluence with Olley Creek above Perkinson
81 Mill Road;
- 82 (54) Tallapoosa River downstream of the boundary between Harrison County and
83 Paulding County;
- 84 (55) Tallulah River downstream of Seed Lake to confluence with Chattooga River;
- 85 (56) Tobesofkee Creek downstream of confluence with Rocky Creek above Bond
86 Swamp National Wildlife Refuge boundary;
- 87 (57) Toccoa River downstream of confluence with Cooper Creek;
- 88 (58) Towaliga River downstream of confluence with Little Towaliga River above GA
89 Highway 42;
- 90 (59) Tugaloo River downstream of Tugaloo Lake;
- 91 (60) Turkey Creek downstream of GA Highway 19;
- 92 (61) Upatoi Creek downstream of confluence with Randall Creek above Red Arrow
93 Road;
- 94 (62) Warrior Creek downstream of Ellenton Omega Road;
- 95 (63) Withlacoochee River downstream of GA Highway 37; and
- 96 (64) Yellow River downstream of GA Highway 124."

97

SECTION 2.

98 All laws and parts of laws in conflict with this Act are repealed.