

By: Representative Ford

To: Conservation and  
Water Resources

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTION 51-3-3, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND FROM JULY 1, 1999, TO JULY 1, 2000, THE REPEALER DATE ON  
3 THE PROVISION THAT DEFINES THE "ESTABLISHED MINIMUM FLOW" AS  
4 APPLIED TO THE SURFACE WATERS OF THE STATE BY THE COMMISSION ON  
5 ENVIRONMENTAL QUALITY; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 51-3-3, Mississippi Code of 1972, is  
8 amended as follows:

9 51-3-3. The following words and phrases, for the purposes of  
10 this chapter, shall have the meanings respectively ascribed to  
11 them in this section unless the context clearly indicates a  
12 different meaning:

13 (a) "Person" means the state or other agency or  
14 institution thereof, any municipality, political subdivision,  
15 public or private corporation, individual, partnership,  
16 association or other entity, and includes any officer or governing  
17 or managing body of any municipality, political subdivision,  
18 public or private corporation or the United States, or any officer  
19 or employee thereof.

20 (b) "Surface water" means that water occurring on the  
21 surface of the ground.

22 (c) "Domestic uses" means the use of water for ordinary  
23 household purposes, the watering of farm livestock, poultry and  
24 domestic animals and the irrigation of home gardens and lawns.

25 (d) "Municipal use" means the use of water by a  
26 municipal government and the inhabitants thereof, primarily to  
27 promote the life, safety, health, comfort and business pursuits of

28 the inhabitants. It does not include the irrigation of crops  
29 within the corporate boundaries.

30 (e) "Beneficial use" means the application of water to  
31 a useful purpose as determined by the commission, but excluding  
32 waste of water.

33 (f) "Permittee" means the person who obtains a permit  
34 from the board authorizing him to take possession by diversion or  
35 otherwise and to use and apply an allotted quantity of water for a  
36 designated beneficial use and who makes actual use of the water  
37 for such purpose, or his successor.

38 (g) "Permitted use" means:

39 (1) The use of a specific amount of water at a  
40 specific time and at a specific place, authorized and allotted by  
41 the board for a designated beneficial purpose within the specific  
42 limits as to quantity, time, place and rate of diversion and  
43 withdrawal.

44 (2) The right to the use of water as specified in  
45 the permit, subject to the provisions of Section 51-3-5, including  
46 the construction of waterworks or other related facilities.

47 (h) "Watercourse" means any natural lake, river, creek,  
48 cut, or other natural body of fresh water or channel having  
49 definite banks and bed with visible evidence of the flow or  
50 occurrence of water, except such lakes without outlet to which  
51 only one (1) landowner is riparian.

52 (i) "Established minimum flow" means the minimum flow  
53 for a given stream at a given point thereon as determined and  
54 established by the commission when reasonably required for the  
55 purposes of this chapter. "Minimum flow" is the average  
56 streamflow rate over seven (7) consecutive days that may be  
57 expected to be reached as an annual minimum no more frequently  
58 than one (1) year in ten (10) years (7Q10), or any other  
59 streamflow rate that the commission may determine and establish  
60 using generally accepted scientific methodologies considering  
61 biological, hydrological and hydraulic factors. In selecting a  
62 generally accepted scientific methodology, the commission shall  
63 consult with and shall consider recommendations from the  
64 Department of Wildlife, Fisheries and Parks. In determining and

65 establishing the minimum streamflow rates, the commission shall  
66 give consideration to consumptive and nonconsumptive water uses,  
67 including, but not limited to, agricultural, industrial, municipal  
68 and domestic uses, assimilative waste capacity, recreation,  
69 navigation, fish and wildlife resources and other ecologic values,  
70 estuarine resources, aquifer recharge and aesthetics. This  
71 paragraph shall repeal on July 1, 2000.

72 (j) "Established average minimum lake levels" means the  
73 average minimum lake levels for a given lake as determined and  
74 established by the commission when reasonably required for the  
75 purposes of this chapter. The "average minimum lake level" is  
76 that level which shall not be expected to be reached as an average  
77 annual minimum no more frequently than one (1) year in ten (10)  
78 years, or such other minimum lake level that the commission may  
79 determine and establish using generally accepted scientific  
80 methodologies considering biological, hydrological and hydraulic  
81 factors. In selecting a generally accepted scientific  
82 methodology, the commission shall consult with and shall consider  
83 recommendations from the Department of Wildlife, Fisheries and  
84 Parks.

85 (k) "Board" means the Permit Board as created by  
86 Section 49-17-28.

87 (l) "Commission" means the Commission on Environmental  
88 Quality.

89 (m) "Mining of aquifer" means the withdrawal of  
90 groundwater from hydrologically connected water-bearing formations  
91 in a manner in excess of the standards established by the  
92 commission.

93 (n) "Groundwater" means that water occurring beneath  
94 the surface of the ground.

95 SECTION 2. This act shall take effect and be in force from  
96 and after June 30, 1999.