

By: Senator(s) Dearing

To: Environment Prot,  
Cons and Water Res

SENATE BILL NO. 2282

1 AN ACT TO AMEND SECTION 51-3-3, MISSISSIPPI CODE OF 1972, TO  
2 REMOVE THE REPEALER ON THE DEFINITION OF "ESTABLISHED MINIMUM  
3 FLOW"; AND FOR RELATED PURPOSES.

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

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

7 51-3-3. The following words and phrases, for the purposes of  
8 this chapter, shall have the meanings respectively ascribed to  
9 them in this section unless the context clearly indicates a  
10 different meaning:

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

18 (b) "Surface water" means that water occurring on the  
19 surface of the ground.

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

23 (d) "Municipal use" means the use of water by a  
24 municipal government and the inhabitants thereof, primarily to  
25 promote the life, safety, health, comfort and business pursuits of  
26 the inhabitants. It does not include the irrigation of crops

27 within the corporate boundaries.

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

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

36 (g) "Permitted use" means:

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

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

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

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

64 nonconsumptive water uses, including, but not limited to,  
65 agricultural, industrial, municipal and domestic uses,  
66 assimilative waste capacity, recreation, navigation, fish and  
67 wildlife resources and other ecologic values, estuarine resources,  
68 aquifer recharge and aesthetics. \* \* \*

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

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

84 (l) "Commission" means the Commission on Environmental  
85 Quality.

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

90 (n) "Groundwater" means that water occurring beneath  
91 the surface of the ground.

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93 SECTION 2. This act shall take effect and be in force from  
94 and after its passage.