

By: Representative Rotenberry

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 585

1 AN ACT TO AMEND SECTION 51-3-35, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT PUBLIC NOTICE SHALL NOT AUTOMATICALLY BE REQUIRED FOR  
3 THE REISSUANCE OF A WATER USE PERMIT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 51-3-35, Mississippi Code of 1972, is  
6 amended as follows:

7 51-3-35. (1) Upon approval of the application the board  
8 shall notify the applicant to that effect and issue a permit  
9 authorizing him to take all steps required to apply the water to  
10 the approved and proposed beneficial use. An application may be  
11 approved for a less amount of water than that requested if, in the  
12 opinion of the board, the approval of the full amount requested  
13 would interfere with a vested right or is against public interest.  
14 An applicant shall be entitled to proceed with construction and  
15 with the use of water in accordance with the approval and such  
16 limitations as may be prescribed by the board. No initial  
17 application shall be approved until the substance thereof shall  
18 have been published by the applicant in a newspaper having general  
19 circulation in the county wherein the point of diversion or  
20 withdrawal exists, at least ten (10) days before approval of such  
21 application. The Permit Board may require public notice for any  
22 other permit action affecting a water use permit, such as renewal,  
23 modification or transfer. The Permit Board may require a public  
24 hearing on any action requested of the board pursuant to Section  
25 49-17-29.

26 (2) If the application is refused the board shall so notify  
27 the applicant, and it shall be unlawful for such applicant to take



28 any steps toward the use of any such water, so long as the refusal  
29 shall continue in force. Any person who proceeds to use water,  
30 without approval of the board being first obtained, may be  
31 enjoined by the commission or by any court of competent  
32 jurisdiction.

33       **SECTION 2.** This act shall take effect and be in force from  
34 and after July 1, 2003.

