MISSISSIPPI LEGISLATURE

By: Representative Rotenberry

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 585

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

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

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

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

(2) If the application is refused the board shall so notify the applicant, and it shall be unlawful for such applicant to take
any steps toward the use of any such water, so long as the refusal shall continue in force. Any person who proceeds to use water, without approval of the board being first obtained, may be enjoined by the commission or by any court of competent jurisdiction.

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