

By: Representative Rotenberry

To: Conservation and Water Resources

HOUSE BILL NO. 385

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, 2005.