

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 604
95TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, February 1, 2010, with recommendation that the Senate Committee Substitute do pass.

3188S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 256.400, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 256.400 and 256.433, to read as follows:

256.400. As used in sections 71.287, RSMo, and 256.400 to [256.430] **256.433**, unless the context clearly indicates otherwise, the following terms mean:

- 3 (1) "Department", the department of natural resources;
- 4 (2) "Director", the director of the department of natural resources;
- 5 (3) "Division", the division of geology and land survey of the department
6 of natural resources;
- 7 (4) "Major water user", any person, firm, corporation or the state of
8 Missouri, its agencies or corporations and any other political subdivision of this
9 state, their agencies or corporations, with a water source and equipment
10 necessary to withdraw or divert one hundred thousand gallons or more per day
11 from any stream, river, lake, well, spring or other water source;
- 12 (5) "State geologist", the director of the division of geology and land survey
13 of the department of natural resources;
- 14 (6) "Water source", any stream, river, lake, well, spring or other water
15 source.

256.433. No withdrawal or diversion of water by a major water user shall unduly interfere with the reasonable and customary

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 irrigation activities of a farming operation that has registered under
4 section 256.410 as a major water user within the Southeast Missouri
5 Regional Water District created under 256.643. If such a withdrawal or
6 diversion occurs, the attorney general or the party or parties affected
7 may file an action for an injunction, however, in no case shall an
8 injunction be issued if the injunction would be detrimental to public
9 health or safety.

✓
Unofficial

Bill

Copy