

SECOND REGULAR SESSION

SENATE BILL NO. 604

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3188S.011

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Section A. Section 256.400, RSMo, is repealed and two new sections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

256.400. As used in sections 71.287, RSMo, and 256.400 to [256.430]
2 **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
2 user shall unduly interfere with the reasonable and customary
3 irrigation activities of a farming operation that has registered under**

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

4 section 256.410 as a major water user. If such a withdrawal or
5 diversion occurs within the Southeast Missouri Regional Water District
6 created under 256.643, the attorney general or the party or parties
7 affected may file an action for an injunction.

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Unofficial

Bill

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