

# Mississippi Minimum Flow Law

## § 51-3-3. Definitions.

The following words and phrases, for the purposes of this chapter, shall have the meanings respectively ascribed to them in this section unless the context clearly indicates a different meaning:

(a) "Person" means the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, public or private corporation or the United States, or any officer or employee thereof.

(b) "Surface water" means that water occurring on the surface of the ground.

(c) "Domestic uses" means the use of water for ordinary household purposes, the watering of farm livestock, poultry and domestic animals and the irrigation of home gardens and lawns.

(d) "Municipal use" means the use of water by a municipal government and the inhabitants thereof, primarily to promote the life, safety, health, comfort and business pursuits of the inhabitants. It does not include the irrigation of crops within the corporate boundaries.

(e) "Beneficial use" means the application of water to a useful purpose as determined by the commission, but excluding waste of water.

(f) "Permittee" means the person who obtains a permit from the board authorizing him to take possession by diversion or otherwise and to use and apply an allotted quantity of water for a designated beneficial use and who makes actual use of the water for such purpose, or his successor.

(g) "Permitted use" means:

(1) The use of a specific amount of water at a specific time and at a specific place, authorized and allotted by the board for a designated beneficial purpose within the specific limits as to quantity, time, place and rate of diversion and withdrawal.

(2) The right to the use of water as specified in the permit, subject to the provisions of Section 51-3-5, including the construction of waterworks or other related facilities.

(h) "Watercourse" means any natural lake, river, creek, cut, or other natural body of fresh water or channel having definite banks and bed with visible evidence of the flow or occurrence of water, except such lakes without outlet to which only one (1) landowner is riparian.

(i) "Established minimum flow" means the minimum flow for a given stream at a given point thereon as determined and established by the commission when reasonably required for the purposes of this chapter. "Minimum flow" is the average streamflow rate over seven (7) consecutive days that may be expected to be reached as an annual minimum no more frequently than one (1) year in ten (10) years (7Q10), or any other streamflow rate that the commission may determine and establish using generally accepted scientific methodologies considering biological, hydrological and hydraulic factors. In selecting a generally accepted scientific methodology, the commission shall consult with and shall consider recommendations from the Department of Wildlife, Fisheries and Parks. In determining and establishing the minimum streamflow rates, the commission shall give consideration to consumptive and

nonconsumptive water uses, including, but not limited to, agricultural, industrial, municipal and domestic uses, assimilative waste capacity, recreation, navigation, fish and wildlife resources and other ecologic values, estuarine resources, aquifer recharge and aesthetics.

(j) "Established average minimum lake levels" means the average minimum lake levels for a given lake as determined and established by the commission when reasonably required for the purposes of this chapter. The "average minimum lake level" is that level which shall not be expected to be reached as an average annual minimum no more frequently than one (1) year in ten (10) years, or such other minimum lake level that the commission may determine and establish using generally accepted scientific methodologies considering biological, hydrological and hydraulic factors. In selecting a generally accepted scientific methodology, the commission shall consult with and shall consider recommendations from the Department of Wildlife, Fisheries and Parks.

(k) "Board" means the Permit Board as created by Section 49-17-28.

(l) "Commission" means the Commission on Environmental Quality.

(m) "Mining of aquifer" means the withdrawal of groundwater from hydrologically connected water-bearing formations in a manner in excess of the standards established by the commission.

(n) "Groundwater" means that water occurring beneath the surface of the ground.

**Sources:** Codes, 1942, § 5956-02; Laws, 1956, ch. 167, 2; Laws, 1958, ch. 196, § 1; Laws, 1985, ch. 459, § 2; Laws, 1994, ch. 653, § 2; Laws, 1999, ch. 386, § 1, eff from and after June 30, 1999.