

FIRST REGULAR SESSION

HOUSE BILL NO. 545

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIEHL.

1739H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 256.410, RSMo, and to enact in lieu thereof one new section relating to Missouri water, with a penalty provision.

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

Section A. Section 256.410, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 256.410, to read as follows:

256.410. 1. No major water user shall withdraw or divert water from any water source without filing an official registration document with the division. The registration document shall set forth:

- (1) The name and mailing address of the applicant;
- (2) The name, if any, and location of the water source;
- (3) The type of water source (such as well, lake or stream);
- (4) The point in the water source from which it is proposed to withdraw or divert the water;
- (5) The name, location, and acreage of the lands or other application to which such water is to be diverted;
- (6) The location and description of the water well, canal, tunnel or pipes and other works or equipment through which the water is to be withdrawn or diverted;
- (7) The amount in gallons of water withdrawn or diverted on an average day of operation, and the number of days and the months during the preceding year, when water was diverted;
- (8) The total amount in gallons withdrawn or diverted during the preceding year, and the periods of time when such diversion is scheduled during the current year.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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19 The foregoing requirements of this subsection shall not apply to water being pumped from
20 mines and quarries and such water user shall only be required to set forth the quantity pumped
21 from the mine and quarry at each point where it is pumped to the point to discharge and only
22 the name of the stream into which any of the discharge is permitted to flow.

23 2. Withdrawal or diversion of water by major users may continue during the first
24 calendar year after September 28, 1983, or after the initial date of their operation, at which
25 time a registration document must be filed. The filing period shall extend from January first
26 through March thirty-first. Withdrawal or diversion may continue during the filing period.
27 Location data shall be given in terms of section, township and range.

28 **3. Except as provided in this subsection, all information obtained by the division**
29 **from the filed registration document shall remain confidential and shall not be released**
30 **by the division to the public or disclosed in response to any request, including a records**
31 **request under chapter 610. However, the division may disclose in the aggregate for each**
32 **county the number of major water users and the amount of water used. Additionally,**
33 **the division may disclose information obtained from the document in response to a**
34 **subpoena or a court order, but in doing so the division shall not disclose more**
35 **information than is necessary to comply with the subpoena or order. Any employee of**
36 **the division who purposely or knowingly discloses confidential information in violation**
37 **of this subsection shall be subject to disciplinary action by the division and is guilty of a**
38 **class A misdemeanor.**

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