

## SS SCS SB 82 -- WATER RESOURCES

This bill prohibits any person from exporting water resources outside the State unless the person holds a water exportation permit issued by the Department of Natural Resources, subject to certain specified exemptions.

The Director of the Department must review each water exportation permit application and all supporting documents to ensure the required conditions, specified in the bill, have been met prior to accepting a water exportation permit application for public comment and review by the State Soil and Water Districts Commission. In the event of a conflict between water uses outside the State and the needs of the State, the Director and the Commission must prioritize the needs of the State.

Within 120 days after receipt of a complete application, the Director must determine whether the applicant complied with the requirements for a permit. After making such a determination, the Director must hold a 30-day public comment period regarding the determination. Within 60 days after the comment period, the Director must recommend approval or denial of the permit and submit the recommendation and public comments to the Commission. The Commission must make the final decision as to the approval or denial of the permit, as specified in the bill.

To renew a valid water exportation permit, an applicant must file a renewal application with the Department, as required in the bill. The process for reviewing the renewal application is described in the bill. In the absence of an appeal, the decision of the Commission must be final.

The permit will be in effect for three years from the date of issuance and the permit holder will annually report the water use volumes, withdrawal rates, and end use to the Department. The report will be made available to the public on the Department's website. The water exportation permit application must include all water exportation requested by the applicant. An applicant can include multiple water withdrawals for export from various locations within one water exportation permit application.

A major water user can request the Department to reevaluate any existing water exportation permit using the criteria specified in the bill. The Department must create a mechanism for a major water user to submit a request for reevaluation of the permit and must provide the major water user with the Director's findings within 120 days of the request for reevaluation.

A person is not precluded from bringing any claim to defend the person's water rights. A permit will not serve as a defense to any claim brought against a water permit holder for the infringement of water rights. In addition, any person harmed by the issuance of a permit can bring action to enforce the provisions of the bill.

If the Attorney General receives a complaint for violations of the provisions of the bill, or at the request of the Department, the Attorney General must bring an injunctive action or other appropriate action. A suit can be brought in Cole County or any county where the defendant's principal place of business is located or where the withdrawal of water occurred. Any member of the commission deemed to have violated the provisions of the bill must forfeit his or her office upon such findings of a violation.

Whenever a state of emergency is declared by the Governor in any part of the State based on drought conditions, the Department must reevaluate any existing water exportation permit.

These provisions are similar to HB 1295 (2025) and SB 29 (2025).