

**YAZOO MISSISSIPPI DELTA JOINT WATER MANAGEMENT DISTRICT
RULE REGARDING PROMULGATION OF PROCEDURES FOR
ACCEPTING, REVIEWING, AND RECOMMENDING ACTION ON
APPLICATIONS FOR PERMITS TO DIVERT OR WITHDRAW FOR
BENEFICIAL USE THE PUBLIC WATERS OF THE STATE OF MISSISSIPPI**

Adoption Date: September 30, 2019

Effective Date: October 31, 2019

Title 33: Rivers and Waters

**Part 502: Authority and Procedures for Accepting, Reviewing, and Recommending
Action on Applications for Permits to Divert or Withdraw for Beneficial Use
the Public Waters of the State of Mississippi**

Introduction. These regulations and procedures are adopted and promulgated by the Board of Commissioners of the Yazoo Mississippi Delta Joint Water Management District pursuant to the authority granted by and in conformity with the provisions of Section 51-8-27, Mississippi Code of 1972, as amended, and in relation to the Mississippi Environmental Quality Permit Board's delegation of authority to the Yazoo Mississippi Delta Joint Water Management District to receive, investigate, and make recommendations to the Permit Board for water diversion and withdrawal permits, pursuant to Section 51-3-15(2)(f), Mississippi Code of 1972, as amended.

Further, these regulations and procedures are adopted and promulgated by the Board of Commissioners of the Yazoo Mississippi Delta Joint Water Management District pursuant to the powers vested in it by Section 51-8-29, Mississippi Code of 1972, as amended, including those powers "necessary and requisite for the accomplishment of the purpose for which such district is created" and the empowerment "to do all acts necessary, proper or convenient in the exercise of the powers granted under such sections" of Title 51, Chapter 8 of the Mississippi Code of 1972.

Source: *Miss. Code Ann. §51-8-27*

**Part 502 Chapter 1: Procedures for Accepting, Reviewing, and Recommending Action on
Applications for Permits to Divert or Withdraw for Beneficial Use the
Public Waters of the State of Mississippi**

Introduction. By delegation of authority from the Mississippi Environmental Quality Permit Board to the Yazoo Mississippi Delta Joint Water Management District pursuant to Section 51-3-15(2)(f), Mississippi Code of 1972, as amended, the Yazoo Mississippi Delta Joint Water Management District has the authority to receive, investigate, and make recommendations regarding applications for permits for agricultural water diversions and withdrawals from applicants located within the 17-county area covered by the Yazoo Mississippi Delta Joint Water

Management District. The provisions of this chapter apply to applications for new permits for diversions or withdrawals for beneficial use of public waters of the State of Mississippi, renewals or modifications of such permits, permit applications for replacement wells, and permit applications for stand-by wells.

In order to participate in a sound, effective permit program essential for the Mississippi Delta to maintain adequate water supplies to sustain agriculture, aquaculture, and wildlife habitat, the Board of Commissioners for the Yazoo Mississippi Delta Joint Water Management District adopts and promulgates the following internal permitting procedures for accepting, reviewing, and recommending water diversion and withdrawal permits.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.1 Accepting Permit Applications. Upon receipt of a permit application to divert surface water or withdraw groundwater, staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program will review the permit application and ensure that it is complete, insofar as it contains all information requested and required by the terms of the application, and signed by the appropriate signatories. In the event that the permit applicant fails to provide a fully complete application with appropriate signatures, those staff members may contact the applicant for the needed information to correct minor errors or omissions, or may return the incomplete application to the applicant to address the deficiencies.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.2 Complete Applications.

- (a) Upon determining that a permit application for a new permit for the diversion of surface water or withdrawal of groundwater includes the required information and signatures, staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program will mail the applicant a prepared notice of intent to use waters of the state along with instructions for publishing the notice. The applicant shall publish the notice of intent one time in a newspaper of general circulation in the county in which the proposed well/diversion point will be located. The applicant must pay the expense of the publication and must direct the newspaper to forward a proof of publication to the Yazoo Mississippi Delta Joint Water Management District permitting program. Upon receipt of the proof of publication by the Yazoo Mississippi Delta Joint Water Management District permitting program, the application will be considered complete.
- (b) An application for renewal or modification of a permit for diversion or withdrawal for beneficial use of public waters of the State of Mississippi, a replacement well, or a stand-by well shall be deemed complete when such staff members determine that it contains all information requested and required by the terms of the application, and signed by the appropriate signatories.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.3 Recommendation on Completed Applications. After determining that the application process is complete pursuant to Rule 1.2 herein, staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program will proceed on those applications as follows:

- (a) For completed applications for new diversions or withdrawals where no public comments were received during the public comment period and such applications are consistent with the current permitting rules, regulations, and policies and the Yazoo Mississippi Delta Joint Water Management District Water Management Plan, the Yazoo Mississippi Delta Joint Water Management District Permitting Director is authorized to submit a recommendation for permit issuance to the Mississippi Environmental Quality Permit Board within ten (10) working days from the date the application is considered complete. If an application is not consistent with the permitting rules, regulations, or policies or the YMD Water Management Plan, the Yazoo Mississippi Delta Joint Water Management District Permitting Director shall place such permit or permits on the agenda for the next subsequent Yazoo Mississippi Delta Joint Water Management District Board of Commissioners meeting. Each commissioner in attendance shall be provided a copy of the permit application and a statement explaining such inconsistencies. Following action by the Yazoo Mississippi Delta Joint Water Management District Board of Commissioners, the Permitting Director shall submit a recommendation consistent with the Board's action to the Mississippi Environmental Quality Permit Board.
- (b) For completed applications for new diversions or withdrawals where a public comment or comments were received and the Mississippi Department of Environmental Quality has provided the Yazoo Mississippi Delta Joint Water Management District a copy of the comment or comments and all responses, the Yazoo Mississippi Delta Joint Water Management District Permitting Director shall place such permit or permits on the agenda for the next subsequent Yazoo Mississippi Delta Joint Water Management District Board of Commissioners meeting. Each commissioner in attendance shall be provided a copy of the permit application, the public comment or comments, and all responses. Following action by the Yazoo Mississippi Delta Joint Water Management District Board of Commissioners, the Permitting Director shall submit a recommendation consistent with the Board's action to the Mississippi Environmental Quality Permit Board.
- (c) For completed applications for renewal or modification of a permit for diversion or withdrawal for beneficial use of public waters of the State of Mississippi, a replacement well, or a stand-by well, the Yazoo Mississippi Delta Joint Water Management District Permitting Director is authorized to submit a recommendation for permit issuance to the Mississippi Environmental Quality Permit Board within ten (10) working days from the

date the application is considered complete, if the applications are consistent with the current permitting rules, regulations, and policies and the YMD Water Management Plan. If an application is not consistent with the current permitting rules, regulations, or policies or the YMD Water Management Plan, the Yazoo Mississippi Delta Joint Water Management District Permitting Director shall place such permit or permits on the agenda for the next subsequent Yazoo Mississippi Delta Joint Water Management District Board of Commissioners meeting. Each commissioner in attendance shall be provided a copy of the permit application and a statement explaining such inconsistencies. Following action by the Yazoo Mississippi Delta Joint Water Management District Board of Commissioners, the Permitting Director shall submit a recommendation consistent with the Board's action to the Environmental Quality Permit Board.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.4 Board Ratification of Staff Recommendations. The Board of Commissioners of the Yazoo Mississippi Delta Joint Water Management District shall act on the permit application recommendations for issuance provided by the Yazoo Mississippi Delta Joint Water Management District Permitting Director pursuant to Rule 1.3(a) and (c).

- (a) The Board of Commissioners of the Yazoo Mississippi Delta Joint Water Management District will review and ratify recommendations for permit issuance to the Mississippi Environmental Quality Permit Board made by the Permitting Director. Such review and ratification will occur at each monthly meeting of the Board of Commissioners immediately following the date the recommendation for permit issuance was submitted by the Permitting Director to the Mississippi Environmental Quality Permit Board.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.5 Electronic Submission of Permit Application Materials. Once an application is completed, the staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program will ensure that all application information and documentation has been entered, scanned, and uploaded to the Mississippi Water Information System.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.6 Paper Submission of Permit Application Materials. Originals of all application materials and documents will be submitted to the Mississippi Department of Environmental Quality by the staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program after such materials and documents have been submitted electronically pursuant to the terms of Rule 1.5 herein. Such submission will occur on a weekly basis.

Source: *Miss. Code Ann. §51-8-27*

Rule 1.7 Permit Application Fees. For each permit application, except applications for permit modifications, the staff members within the Yazoo Mississippi Delta Joint Water Management District permitting program shall collect the associated application fee, as required by the Mississippi Department of Environmental Quality. The Yazoo Mississippi Delta Joint Water Management District staff will mail a check for the collected application fees to the Mississippi Department of Environmental Quality on a monthly basis.

Source: *Miss. Code Ann. §51-8-27*