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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1491**

02/22/2021 Authored by Hansen, R., and Huot

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to waters; modifying provisions for managing water and issuing permits
1.3 to appropriate water; amending Minnesota Statutes 2020, sections 103G.255;
1.4 103G.271, subdivision 4a, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 103G.255, is amended to read:

1.7 **103G.255 ALLOCATING AND CONTROLLING WATERS OF THE STATE.**

1.8 Both surface water and groundwater are public assets managed by the state for the benefit
1.9 of the public. Based on this paramount consideration, the commissioner shall administer:

1.10 (1) the use, allocation, and control of waters of the state;

1.11 (2) the establishment, maintenance, and control of lake levels and water storage reservoirs;

1.12 and

1.13 (3) the determination of the ordinary high-water level of waters of the state.

1.14 Sec. 2. Minnesota Statutes 2020, section 103G.271, subdivision 4a, is amended to read:

1.15 Subd. 4a. **Mt. Simon-Hinckley aquifer.** ~~(a)~~ The commissioner may not issue new
1.16 water-use permits that will appropriate water from the Mt. Simon-Hinckley aquifer in a
1.17 metropolitan county, as defined in section 473.121, subdivision 4, unless the appropriation
1.18 is for potable water use, there are no feasible or practical alternatives to this source, and a
1.19 water conservation plan is incorporated with the permit.

~~(b) The commissioner shall terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems in a metropolitan county, as defined in section 473.121, subdivision 4, by December 31, 1992.~~

Sec. 3. Minnesota Statutes 2020, section 103G.271, is amended by adding a subdivision to read:

Subd. 4b. **Bulk transport or sale.** (a) To maintain the supply of drinking water for future generations and except as provided under paragraph (b), the commissioner may not issue a new water-use permit to appropriate water in excess of one million gallons per year for bulk transport or sale of water for consumptive use to a location more than 50 miles from the point of the proposed appropriation.

(b) Paragraph (a) does not apply to a water-use permit for a public water supply, as defined under section 144.382, subdivision 4, issued to a local unit of government, rural water district established under chapter 116A, or tribal unit of government if:

(1) the use is solely for the public water supply;

(2) the local unit of government, rural water district established under chapter 116A, or tribal unit of government has a property interest at the point of the appropriation;

(3) the communities that will use the water are located within 100 miles of the point of appropriation; and

(4) the requirements in sections 103G.265, 103G.285, and 103G.287 are met.