

This Document can be made available in alternative formats upon request

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.

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

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

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

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

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

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

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

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