

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1100**

03/04/2013 Authored by Wagenius and Winkler

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

1.1 A bill for an act  
1.2 relating to environment; modifying water supply management; modifying  
1.3 environmental assessment worksheet requirements related to water use;  
1.4 amending Minnesota Statutes 2012, sections 103G.265, subdivisions 2, 3;  
1.5 103G.287, subdivision 5; 116D.04, by adding a subdivision.  
1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 103G.265, subdivision 2, is amended to  
1.8 read:

1.9 Subd. 2. **Diversion greater than 2,000,000 gallons per day.** A water use permit  
1.10 or a plan that requires a permit or the commissioner's approval, involving a diversion of  
1.11 waters of the state of more than 2,000,000 gallons per day average in a 30-day period,  
1.12 to a place outside of this state or from the basin of origin within this state may not be  
1.13 granted or approved until:

1.14 (1) a determination is made by the commissioner that the ~~water remaining in the~~  
1.15 ~~basin of origin will be adequate to meet the basin's water resources needs during the~~  
1.16 ~~specified life of the diversion project~~ diversion is sustainable and meets the applicable  
1.17 standards under section 103G.287, subdivision 5; and

1.18 (2) approval of the diversion is given by the legislature.

1.19 Sec. 2. Minnesota Statutes 2012, section 103G.265, subdivision 3, is amended to read:

1.20 Subd. 3. **Consumptive use of more than 2,000,000 gallons per day.** ~~(a) Except~~  
1.21 ~~as provided in paragraph (b),~~ A water use permit or a plan that requires a permit or the  
1.22 commissioner's approval, involving a consumptive use of more than 2,000,000 gallons per  
1.23 day average in a 30-day period, may not be granted or approved until:

(1) a determination is made by the commissioner that the ~~water remaining in the basin of origin will be adequate to meet the basin's water resources needs during the specified life of the~~ consumptive use is sustainable and meets the applicable standards under section 103G.287, subdivision 5; and

(2) approval of the consumptive use is given by the legislature.

~~(b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive use in excess of 2,000,000 gallons per day average in a 30-day period for:~~

~~(1) a domestic water supply, excluding industrial and commercial uses of a municipal water supply;~~

~~(2) agricultural irrigation and processing of agricultural products;~~

~~(3) construction and mine land dewatering;~~

~~(4) pollution abatement or remediation; and~~

~~(5) fish and wildlife enhancement projects using surface water sources.~~

Sec. 3. Minnesota Statutes 2012, section 103G.287, subdivision 5, is amended to read:

Subd. 5. **Interference with other wells Sustainability standard.** The commissioner may issue water use permits for appropriation from groundwater only if the commissioner determines that the groundwater use is sustainable to supply the needs of future generations and the proposed use will not harm ecosystems, degrade water, or reduce water levels beyond the reach of public water supply and private domestic wells constructed according to Minnesota Rules, chapter 4725.

Sec. 4. Minnesota Statutes 2012, section 116D.04, is amended by adding a subdivision to read:

Subd. 16. **Groundwater; environmental assessment worksheets.** The board shall require that an environmental assessment worksheet for a proposed action that has the potential to require a water appropriation permit from the commissioner of natural resources include an assessment of the water resources available for appropriation. The assessment shall identify all sources of water that may be used for the proposed action and assess whether the proposed water use will meet the applicable sustainability standards under section 103G.287, subdivision 5.