

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 1110**

(SENATE AUTHORS: RUUD and Duckworth)

DATE  
02/17/2021

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Environment and Natural Resources Policy and Legacy Finance

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.