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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1538

02/09/2023 Authored by Heintzeman and Robbins

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 water; modifying water appropriation allocation priorities; amending  
1.3 Minnesota Statutes 2022, sections 103G.261; 103G.291, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2022, section 103G.261, is amended to read:

1.6 **103G.261 WATER ALLOCATION PRIORITIES.**

1.7 (a) The commissioner shall adopt rules for allocation of waters based on the following  
1.8 priorities for the consumptive appropriation and use of water:

1.9 (1) first priority, domestic water supply, excluding industrial and commercial uses of  
1.10 municipal water supply, and use for power production that meets the contingency planning  
1.11 provisions of section 103G.285, subdivision 6;

1.12 (2) second priority, a use of water that involves consumption of less than 10,000 gallons  
1.13 of water per day;

1.14 (3) third priority, agricultural irrigation, and processing of agricultural products involving  
1.15 consumption in excess of 10,000 gallons per day;

1.16 (4) fourth priority, power production in excess of the use provided for in the contingency  
1.17 plan developed under section 103G.285, subdivision 6;

1.18 (5) fifth priority, uses, other than agricultural irrigation, processing of agricultural  
1.19 products, and power production, involving consumption in excess of 10,000 gallons per  
1.20 day; ~~and~~

2.1 (6) sixth priority, irrigation by commercial entities that implement best management  
2.2 practices as part of a water conservation plan approved by the commissioner; and

2.3 (7) seventh priority, nonessential uses.

2.4 (b) For the purposes of this section, "consumption" means water withdrawn from a  
2.5 supply that is lost for immediate further use in the area.

2.6 (c) Appropriation and use of surface water from streams during periods of flood flows  
2.7 and high water levels must be encouraged subject to consideration of the purposes for use,  
2.8 quantities to be used, and the number of persons appropriating water.

2.9 (d) Appropriation and use of surface water from lakes of less than 500 acres in surface  
2.10 area must be discouraged.

2.11 (e) The treatment and reuse of water for nonconsumptive uses shall be encouraged.

2.12 Sec. 2. Minnesota Statutes 2022, section 103G.291, subdivision 1, is amended to read:

2.13 Subdivision 1. **Declaration and conservation.** (a) If the governor determines and  
2.14 declares by executive order that there is a critical water deficiency, public water supply  
2.15 authorities appropriating water must adopt and enforce water conservation restrictions within  
2.16 their jurisdiction that are consistent with rules adopted by the commissioner.

2.17 (b) The restrictions must limit lawn sprinkling, vehicle washing, ~~golf course and park~~  
2.18 irrigation, and other nonessential uses, and have appropriate penalties for failure to comply  
2.19 with the restrictions.