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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3412

02/12/2024 Authored by Fischer, Curran and Hemmingsen-Jaeger
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 environment; modifying water appropriation allocation priorities;
1.3 amending Minnesota Statutes 2022, section 103G.261.

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;

1.10 (i) domestic water supply, excluding industrial and commercial uses of municipal water
1.11 supply, and;

1.12 (ii) use at hospitals and nursing homes;

1.13 (iii) use at schools, child care facilities, colleges, and universities; and

1.14 (iv) use for power production that meets the contingency planning provisions of section
1.15 103G.285, subdivision 6;

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

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

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

2.3 (5) fifth priority, uses, other than agricultural irrigation, processing of agricultural
2.4 products, and power production, involving consumption in excess of 10,000 gallons per
2.5 day; and

2.6 (6) sixth priority, nonessential uses.

2.7 (b) For the purposes of this section, "consumption" means water withdrawn from a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

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

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

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