

S.F. No. 2004, as introduced - 87th Legislative Session (2011-2012) [12-5311]

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

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

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

2.7 ~~(f) Diversions of water from the state for use in other states or regions of the United~~
2.8 ~~States or Canada must be discouraged.~~

2.9 Sec. 2. Minnesota Statutes 2010, section 103G.265, subdivision 2, is amended to read:

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

2.15 (1) a determination is made by the commissioner that the water remaining in the
2.16 basin of origin will be adequate to meet the basin's water resources needs during the
2.17 specified life of the diversion project; and

2.18 (2) approval of the diversion or sale is given by the legislature.

2.19 Sec. 3. Minnesota Statutes 2010, section 103G.265, is amended by adding a
2.20 subdivision to read:

2.21 Subd. 2a. **Legislative approval for diversion or sale.** Legislative approval required
2.22 in subdivision 2, clause (2), shall be based on the following considerations:

2.23 (1) the requested diversion or sale of waters of the state is reasonable;

2.24 (2) the diversion or sale is not contrary to the conservation and use of waters of
2.25 the state; and

2.26 (3) the diversion or sale is not otherwise detrimental to the public welfare.

2.27 Sec. 4. **EFFECTIVE DATE.**

2.28 Sections 1 to 3 are effective the day following final enactment.