

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

**S.F. No. 3355**

(SENATE AUTHORS: JENSEN and Draheim)

DATE  
02/20/2020

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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 natural resources; modifying requirements for water diversions and  
1.3 consumptive use; amending Minnesota Statutes 2018, section 103G.265,  
1.4 subdivisions 2, 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 103G.265, subdivision 2, is amended to read:

1.7 Subd. 2. **Diversion greater than ~~2,000,000~~ 1,000,000 gallons per day.** A water-use  
1.8 permit or a plan that requires a permit or the commissioner's approval, involving a diversion  
1.9 of waters of the state of more than ~~2,000,000~~ 1,000,000 gallons per day average in a 30-day  
1.10 period, to a place outside of this state or from the basin of origin within this state may not  
1.11 be granted or approved until ~~a determination is made by:~~

1.12 (1) the commissioner determines that the water remaining in the basin of origin will be  
1.13 adequate to meet the basin's water resources needs during the specified life of the diversion  
1.14 project and, for groundwater, the diversion meets the applicable standards under section  
1.15 103G.287, subdivision 5; and

1.16 (2) the legislature approves the diversion.

1.17 Sec. 2. Minnesota Statutes 2018, section 103G.265, subdivision 3, is amended to read:

1.18 Subd. 3. **Consumptive use of more than ~~2,000,000~~ 1,000,000 gallons per day.** (a)  
1.19 Except as provided in paragraph (b), a water-use permit or a plan that requires a permit or  
1.20 the commissioner's approval, involving a consumptive use of more than ~~2,000,000~~ 1,000,000  
1.21 gallons per day average in a 30-day period, may not be granted or approved until a  
1.22 ~~determination is made by:~~

2.1 (1) the commissioner determines that the water remaining in the basin of origin will be  
2.2 adequate to meet the basin's water resources needs during the specified life of the  
2.3 consumptive use and, for groundwater, the consumptive use meets the applicable standards  
2.4 under section 103G.287, subdivision 5; and

2.5 (2) the legislature approves the consumptive use.

2.6 (b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive  
2.7 use in excess of 1,000,000 gallons per day average in a 30-day period for:

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

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

2.11 (3) construction and mine land dewatering;

2.12 (4) pollution abatement or remediation; or

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