

Bulk Sale and Transfer of Water

Why is this legislation needed?

The intention of this proposed policy to ensure Minnesota's water resources are available for current and future generations of Minnesotans. In 2019, a preliminary proposal to appropriate groundwater for the purpose of bulk water sale and transfer to arid portions of the United States generated concern over whether Minnesota's water laws are adequate to ensure a sustainable water supply for future generations of Minnesotans. Relatedly, the proposal to sell raw water in bulk represents a potential privatization of a public trust resource that is concerning, regardless of whether the water is sold to customers in- or out-of-state.

Local communities and members of the state legislature have expressed interest in additional protections to ensure sustainable groundwater supplies for future generations of Minnesotans.

Major program elements

The overall intention of this proposed policy is to ensure Minnesota's water resources are available for future generations of Minnesotans, while recognizing the limitations of state authority under the Interstate Commerce Clause of the US Constitution. The current restrictions on the use of the Mt. Simon aquifer apply to the seven county metro area however, the need to protect the aquifer extend throughout its geographic extent. The DNR's proposed statutory change would explicitly identify groundwater as a public trust resource to be managed in the public interest and put geographic restrictions on the appropriation of water for bulk transport or sale. These geographic restrictions would apply to public water systems, but our proposed language would allow water sharing agreements with nearby communities. Current provisions governing water appropriation for onsite uses or processing into a value-added product would not be modified.

Fiscal impacts

This proposal does not have a fiscal impact.

Statute Proposal

MN DNR Water Policy

Sec 1. Amends 103G.255 to include groundwater as a public asset to be managed for the benefit of the public.

Sec 2. Amends 103G.271 to update language pertaining to the Mt. Simon-Hinckley aquifer.

Sec 3. Amends 103G.271 to include a new sub-division regulating the bulk transport or sale of water.

For more information contact:

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