

A Brief Overview of Indiana's Water Resource Regulations



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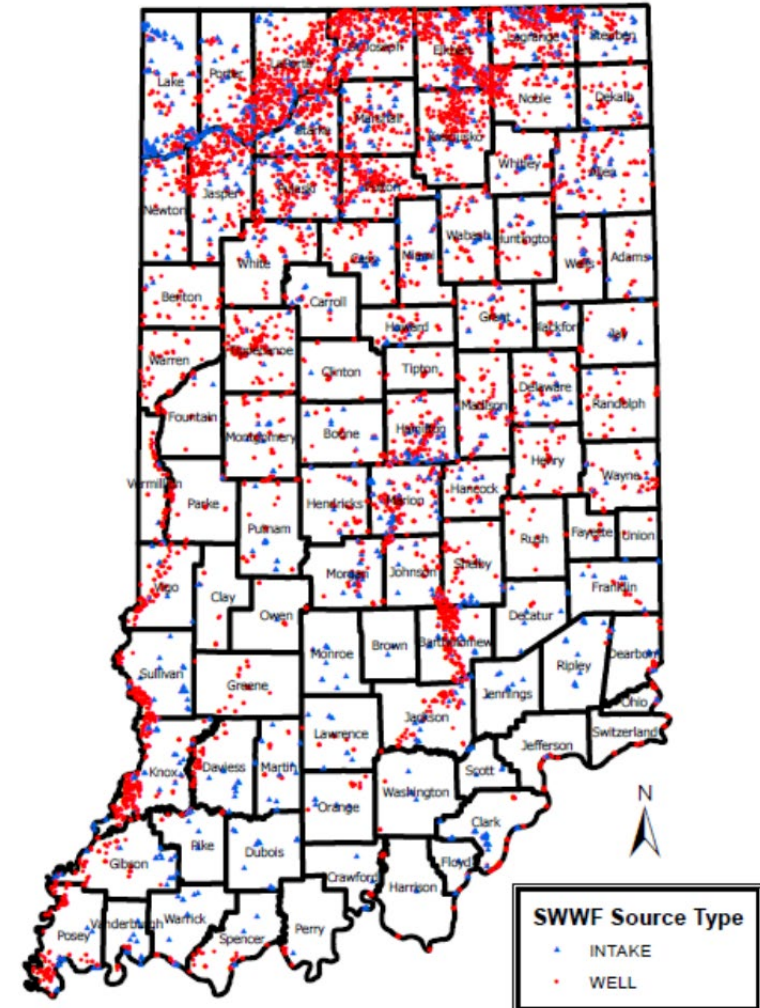
Indiana Water Rights

- Basic legal regime for water use in Indiana is “regulated riparianism”
- Right to use water is ordinarily associated with ownership of land adjacent to water source (common - law approach)
- Water must be put to a “reasonable and beneficial use” and waste of groundwater be prevented
- “Beneficial use” defined as “use of water for any useful and productive purpose and includes domestic, agricultural (including irrigation), industrial, commercial, power generation, energy conversion, public water supply, waste assimilation, navigation, fish and wildlife, and recreational uses

IC 14-25-7: Water Resources Management Act

- Enacted in 1983
- Requires registration of all SWWFs (GW & SW)
- Facility defined as having greater than 100,000 GPD capability
- Capability is aggregate of all wells & intakes
- Annual water use reporting
- Approximately 4,300 SWWFs currently registered

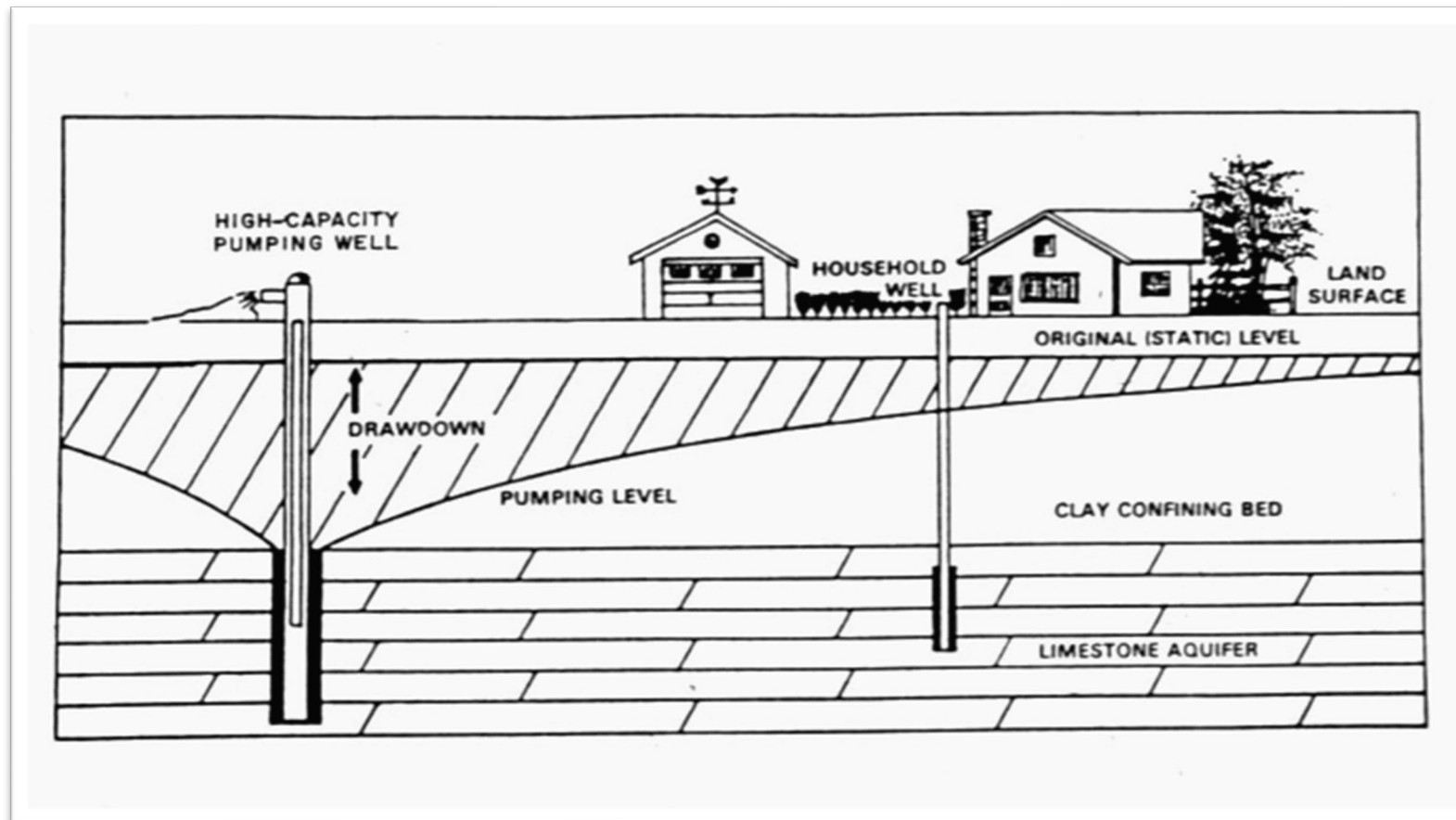
Significant Water Withdrawal Facility Source Locations in Indiana



Indiana Code 14-25-3:

- Provides for DNR designation of “Restricted Use Areas” by rule or order where the withdrawal of groundwater exceeds or threatens to exceed natural replenishment.
- Person may not withdraw groundwater quantity for new withdrawal in excess of 100,000 GPD, or withdrawal greater than 100,000 GPD in addition to the quantity being used at the time of Restricted Use Area Designation, unless allowed by permit from DNR.
- Permit may consider effects on 1) Future water supplies in area; 2) Use of water; 3) Impacts on present users; 4) Future natural replenishment; 5) Future groundwater demands; and 6) How additional withdrawals impact health and best interests of the public.

Indiana Code 14-25-4: Emergency Regulation of Groundwater Rights



Indiana Code 14-25-4

- Provides for “Timely and Reasonable Compensation” to owners of small capacity wells affected by high-capacity groundwater pumping.
- Provides for restrictions on high-capacity groundwater pumping under certain conditions.

Indiana Code 14-25-5: Surface Water Rights



Indiana Code 14-25-5

- Provides protection for owner of “freshwater lake” against SWWF pumping
- “Freshwater lake” defined as being: 1) 10 acres in size; 2) of natural origin; 3) originally constructed to retain water; and 4) existed at least 5 years before SWWF pumping
- DNR must document a significant lowering of the lake level by SWWF
- SWWF facility must be within ½ mile of freshwater lake
- Water level lowering must result in “Significant Environmental Harm” under Rule 312 IAC 11.5

Indiana Code 14-25-15: Great Lakes_St. Lawrence River Basin Water Resources Compact

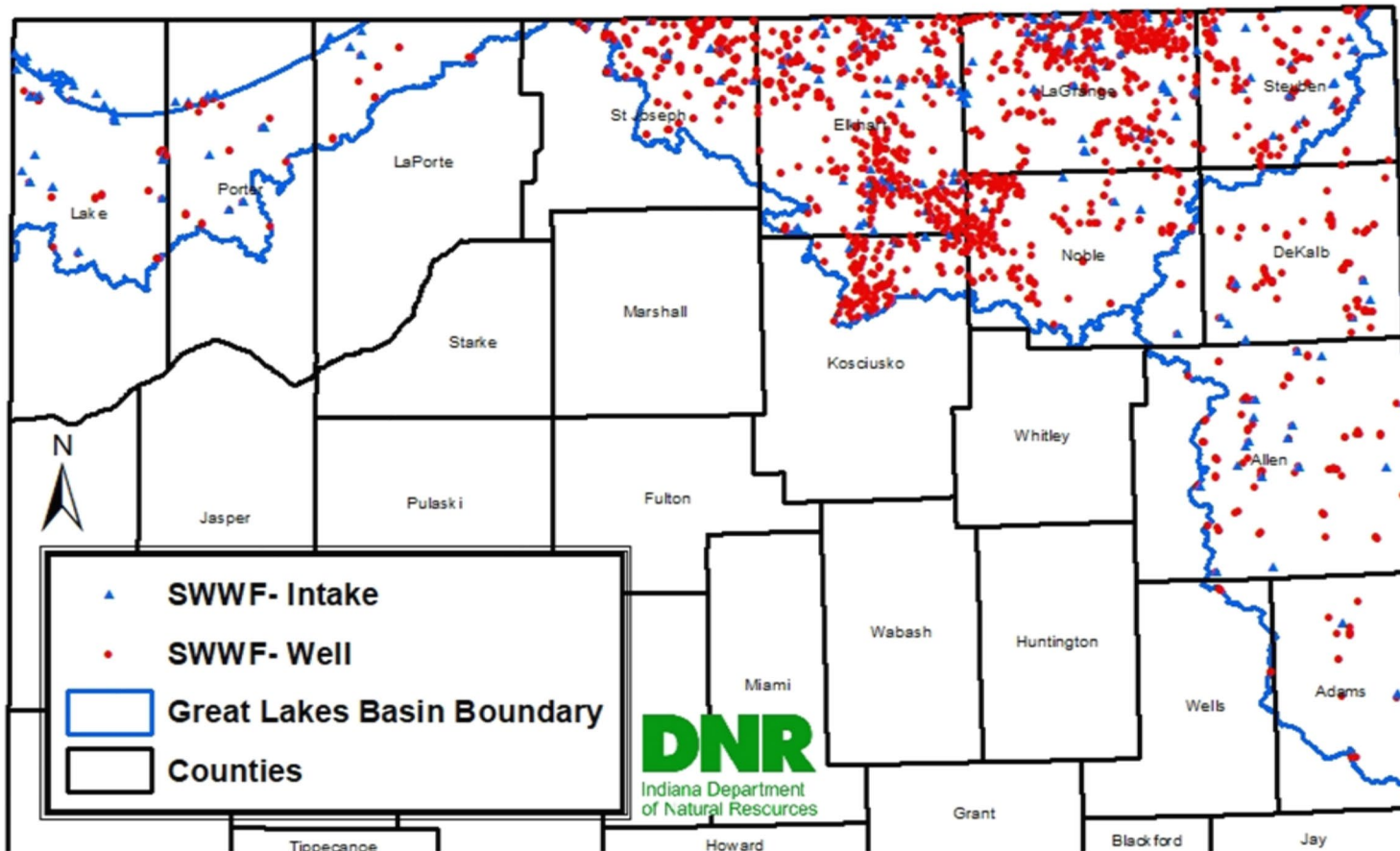


Great Lakes Compact Purposes

(effective consistent water resource management)

- Remove causes of present and future controversies;
- Provide for cooperative planning and action;
- Facilitate consistent water management approach;
- Facilitate data exchange and scientific information base for decision making;
- Prevent significant adverse impacts of water withdrawals and losses;
- Promote interstate and state-provincial comity; and
- Promote adaptive management approach to conservation and management of basin waters.

SWWFs within the Great Lakes Basin in Indiana- January 2022



Thank You!

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Water Rights & Use Section

www.in.gov/dnr/water