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A Brief Overview of Indiana's Water Resource Regulation Programs



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Discussion Topics

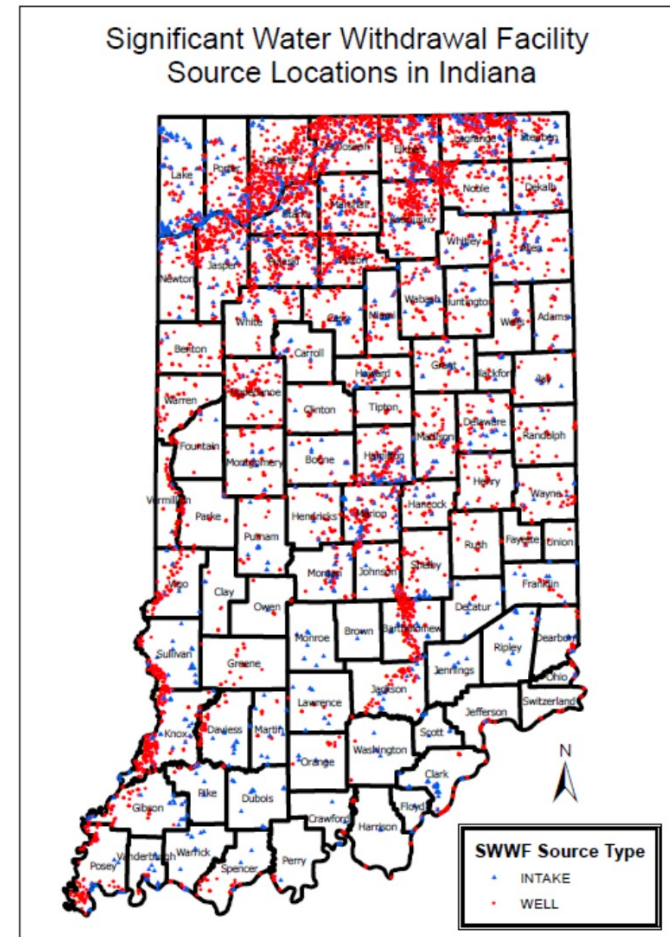
- ***Water Resource Management*** (IC 14-25-7)
- ***Water Rights: Ground Water*** (IC 14-25-3)
- ***Emergency Regulation of Ground Water Rights***
(IC 14-25-4; Rule 312 IAC 12)
- ***Emergency Regulation of Surface Water Rights***
(IC 14-25-5; Rule 312 IAC 11.5)
- ***Great Lakes – St. Lawrence River Basin Water Resources Compact***
(IC 14-25-15; Rule 312 IAC 6.2)

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

Water Resource Management; IC 14-25-7

- 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



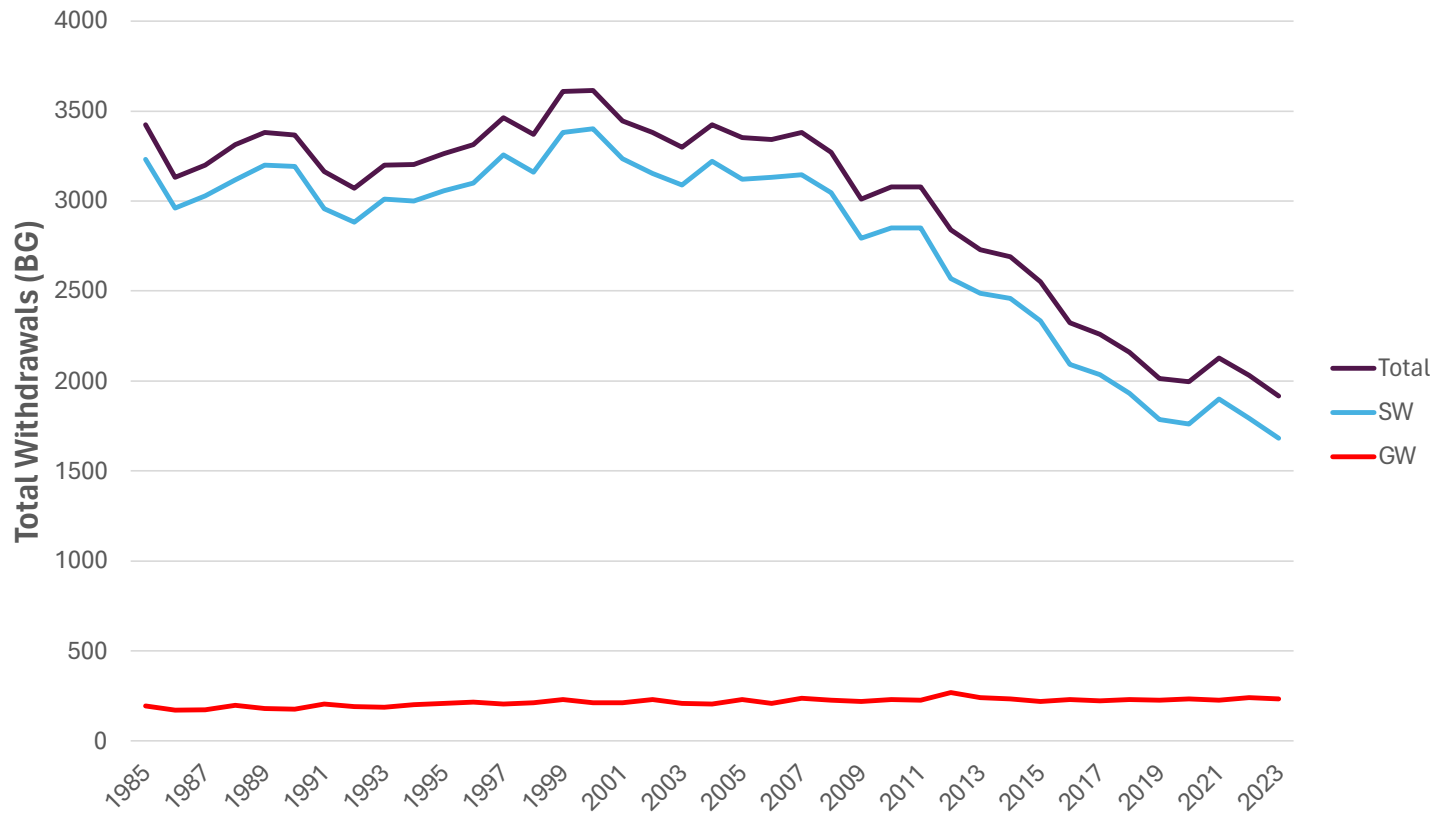
2023 Indiana Registered SWWFs

Water Use Code	Number of Facilities	Number of Wells	Number of Intakes
EP	88	251	81
IN	384	675	293
IR	2893	4014	776
MI	136	221	47
PS	739	2252	60
RU	59	153	10
TOTAL	4299	7566	1267

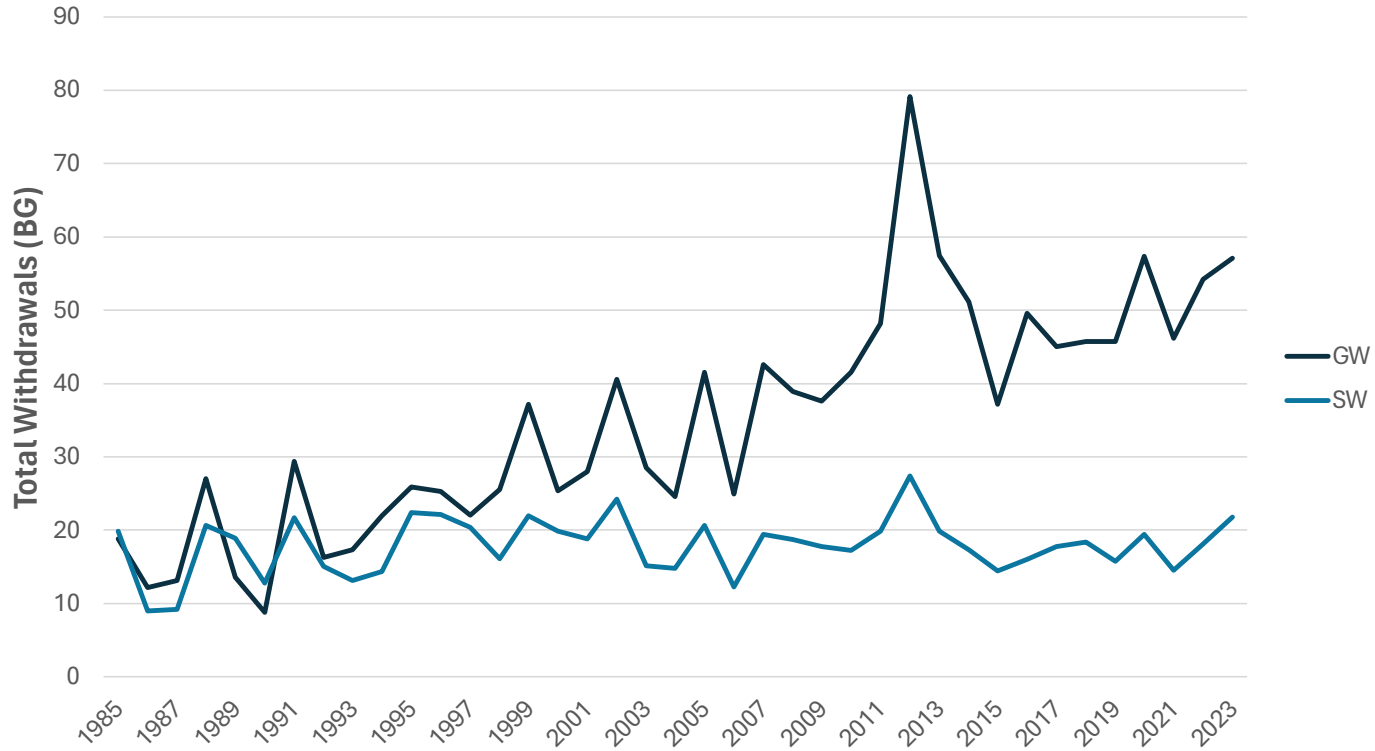
2023 State Totals

	Withdrawals (BG)	Capacity (MGD)	Withdrawals vs Capacity	Current Number
Surface Intakes	1682	16069	28.7%	1267
Wells	234	6294	10.2%	7566
TOTAL	1916	22363	23.5%	8833
Facilities				4299

Total Annual Withdrawals 1985-2023



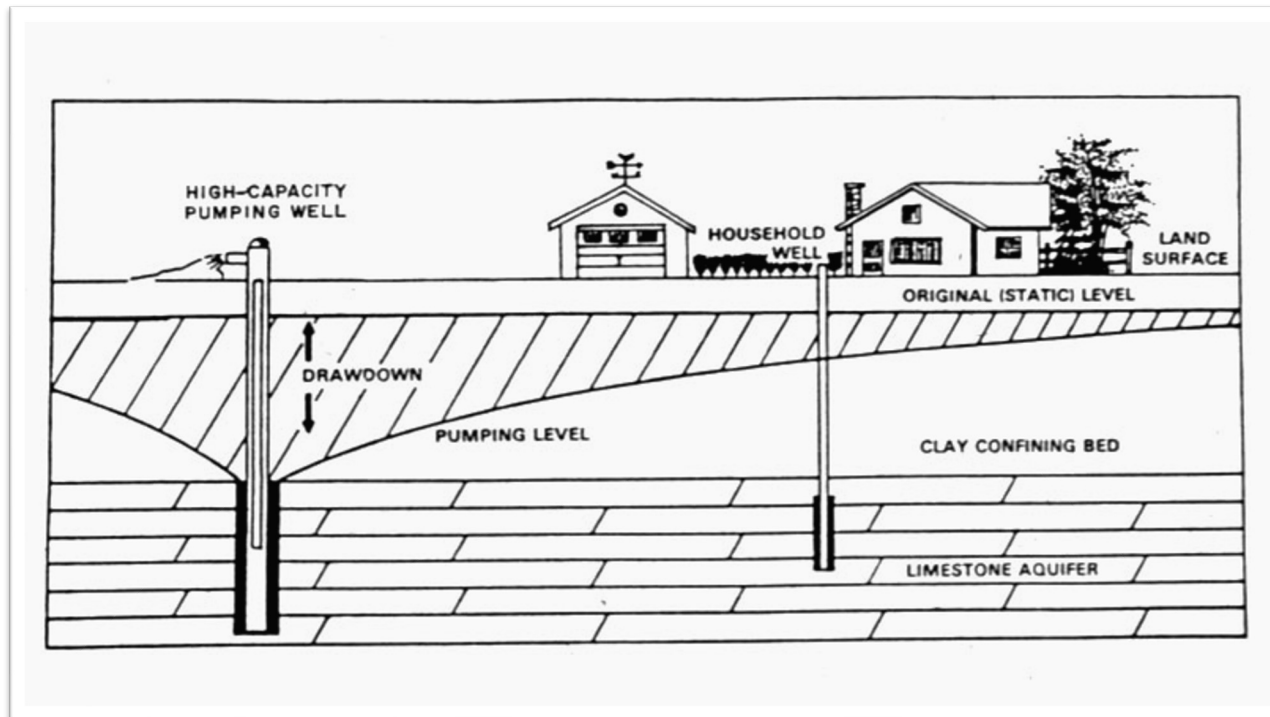
Irrigation Ground and Surface Water Withdrawals 1985-2023



Water Rights: Ground Water; IC 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.

Emergency Regulation of Ground Water Rights; IC 14-25-4



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.

Timely and Reasonable Compensation

Timely and reasonable compensation consists of and is limited to the following:

- 1) The immediate temporary provision at the prior point of use of an adequate supply of potable water.
- 2) Reimbursement of expenses reasonably incurred to obtain a temporary supply of water and/or provide timely and reasonable compensation as provided in (3)(A) and (3)(B).

Timely and Reasonable Compensation

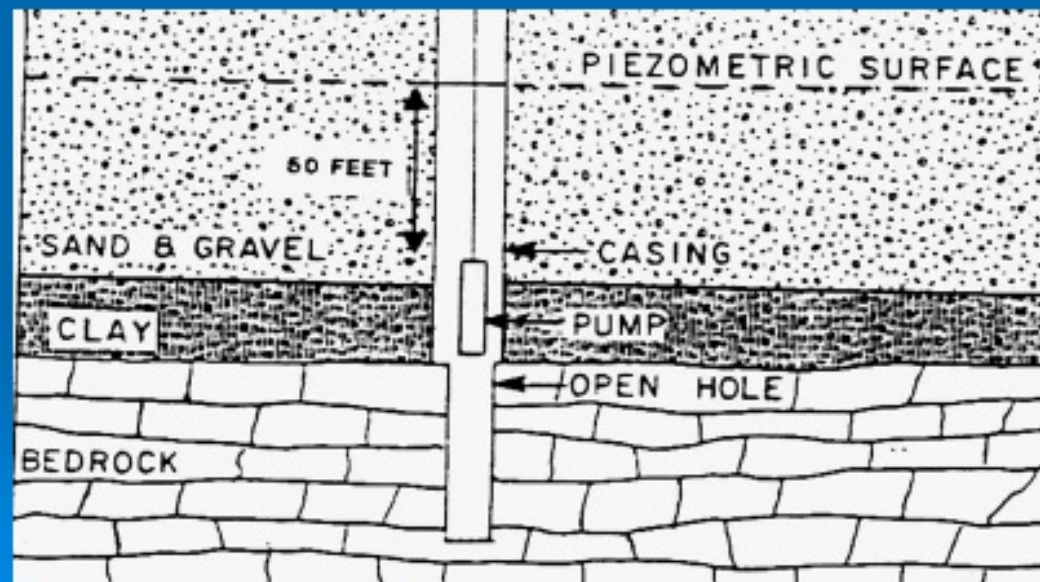
3) Either:

- (A) the restoration of the affected nonsignificant groundwater withdrawal facility to the facility's relative capability;
- (B) the permanent provision at the point of use of an alternative potable supply of equal quantity; or
- (C) the permanent restriction or scheduling of the groundwater withdrawals of the significant groundwater withdrawal facility so that the affected water well continues to produce:
 - (i) the well's normal supply of water; or
 - (ii) the normal supply of potable water if the well normally furnishes potable water

Minimum Drawdown Requirements for Small Capacity Wells:

Unconsolidated Aquifers: 20 Feet

Bedrock Aquifers: 50 Feet



Restriction of Groundwater Withdrawals

The director may restrict the quantity of groundwater that may be extracted from a significant groundwater withdrawal facility upon the declaration of a groundwater emergency if:

- (1) The facility is reasonably believed to have caused the failure of the complainant's water well; and
- (2) The immediate temporary provision of an adequate supply of water is not carried out; or
- (3) There is reasonable belief that continued groundwater withdrawals from the facility will exceed the recharge capability of the groundwater resource of the area.

Emergency Regulation of Surface Water Rights; IC 14-25-5



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

Great Lakes_St. Lawrence River Basin Water Resources Compact; IC 14-25-15



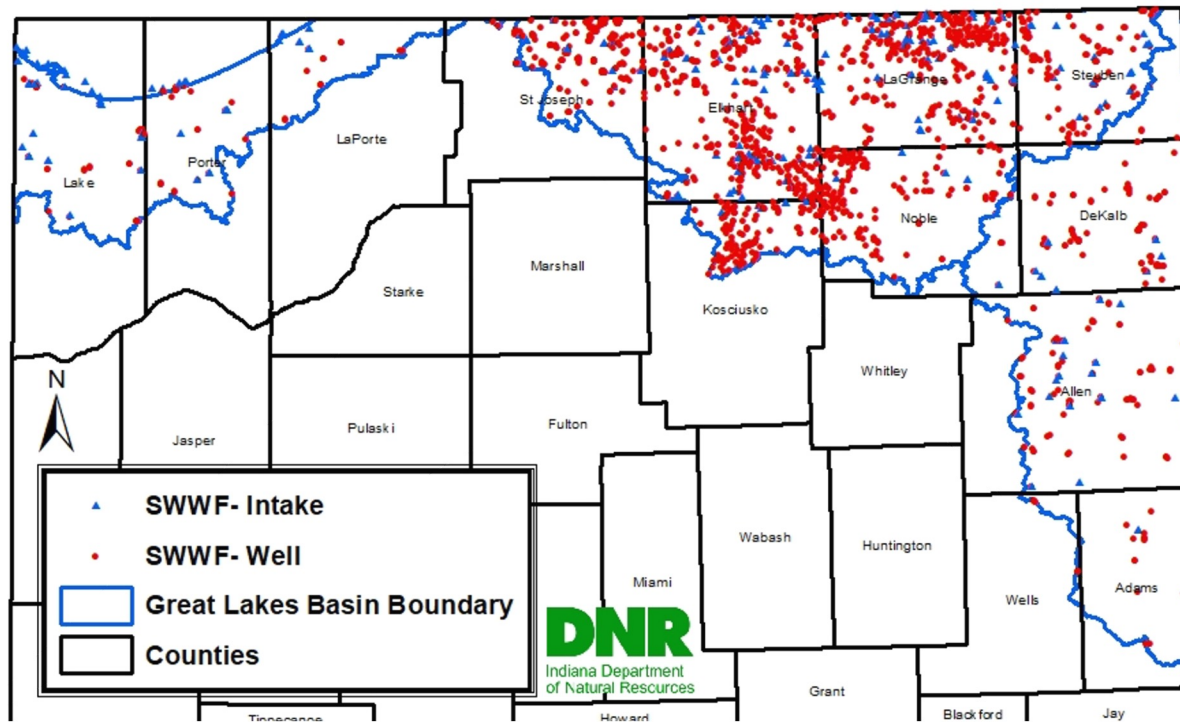
Great Lakes Compact Purposes

- Provide for cooperative planning and action;
- Facilitate consistent water management approach;
- Remove causes of present and future controversies;
- 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.

Great Lakes Basin Compact Implementation

- All new or increased diversions are prohibited except as provided for in the Compact
- Exceptions to the prohibition of diversions for straddling communities, straddling counties and intra-basin transfers
- Permit from DNR required for withdrawals (90-day average) greater than:
 - 1) 5 MGD from Lake Michigan
 - 2) 1 MGD from other GW and SW source
 - 3) 100,000 GPD from salmonid stream

SWWFs within the Great Lakes Basin in Indiana- January 2022



2023 GLB Registered SWWFs

Water Use Code	Number of Facilities	Number of Wells	Number of Intakes
EP	15	38	7
IN	88	168	44
IR	754	902	165
MI	57	96	10
PS	142	386	12
RU	10	27	1
TOTAL	1066	1617	239

2023 GLB Totals

	Withdrawals (BG)	Capacity (MGD)	Withdrawals vs Capacity	Current Number
Surface Intakes	430	6630	17.7%	239
Wells	37	1368	7.5%	1617
TOTAL	467	7998	16%	1856
Facilities				1066



Thank You!

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Division of Water

Water Rights & Use Section

www.in.gov/dnr/water