

IC 14-25

ARTICLE 25. WATER RIGHTS AND RESOURCES

IC 14-25-1

Chapter 1. Water Rights; Surface Water

IC 14-25-1-1

Legislative findings regarding use of surface waters

Sec. 1. The general welfare of the people of Indiana requires that:

- (1) surface water resources of Indiana be put to beneficial uses to the fullest extent;
- (2) the use of water for nonbeneficial uses be prevented; and
- (3) public and private money for the promotion and expansion of the beneficial uses of surface water resources be invested to the end that the best interests and welfare of the people of Indiana will be served.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-2

Waters declared natural resource

Sec. 2. (a) Water in a natural stream, natural lake, or another natural body of water in Indiana that may be applied to a useful and beneficial purpose is declared to be:

- (1) a natural resource and public water of Indiana; and
- (2) subject to control and regulation for the public welfare as determined by the general assembly.

(b) Diffused surface water flowing vagrantly over the surface of the ground is not considered to be public water. The owner of the land on which the water falls, pools, or flows has the right to use the water.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-3

Riparian rights to water for domestic purposes

Sec. 3. (a) The owner of land contiguous to or encompassing a public watercourse may use water from the public watercourse in the quantity necessary to satisfy the owner's needs for domestic purposes, including the following:

- (1) Water for household purposes.
- (2) Drinking water for livestock, poultry, and domestic animals.

(b) The use of water for domestic purposes has priority and is superior to all other uses.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-4

Impoundment of excess waters

Sec. 4. (a) This section applies to land contiguous to or encompassing a public watercourse.

(b) The:

- (1) owner or group of owners of the land; or

(2) person, firm, limited liability company, corporation, unit of government, or association for irrigation or other purposes owning the land;

may impound the water behind a dam in the natural stream bed or on the owner's land or by pumping or diverting the water from a stream or lake to a reservoir when the flow in the stream or the level of the lake exceeds existing reasonable uses at the time of the impoundment.

(c) An obstruction placed across a natural stream must include an outlet facility for release of water that the owner is not entitled to use under this chapter. The owner shall operate the outlet in accordance with this section.

(d) Action by an owner or a group of owners under this section must be approved by the commission before the action is taken.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-5

Use of increased flowage of waters due to release from impoundment

Sec. 5. (a) A public utility, a person, a firm, a limited liability company, a corporation, a unit of government, or an association for irrigation or other purposes that creates additional stream volumes by releases from impoundments built and financed by the entity for the entity's purpose may use the increased flowage at all times. The amount of increased flowage shall be determined by well recognized engineering computations.

(b) Riparian owners do not have rights in increased flowage beyond normal stream flow.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-6

Standards of measurement

Sec. 6. (a) The standard units for the measurement of the flow of water are a cubic foot per second and a gallon per minute.

(b) The standard units for the measurement of stored water are an acre-foot and a gallon.

(c) The standards and methods for the measurement of the volume of water flow that are either used or approved by the United States Geological Survey in cooperation with the various departments of the state and federal governments shall be accepted as prima facie reliable.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-7

Diversion of floodwaters

Sec. 7. (a) Upon approval of the commission and subject to subsection (b), any person, whether or not the owner of land contiguous to or encompassing a watercourse, may divert the flood water of a watercourse for any useful purpose, including the purpose of storage.

(b) A diversion under this section may not cause injury to landowners or the users of water in the watershed of the watercourse from which the flood flow is diverted.

(c) This section does not limit:

- (1) any rights granted under section 4 of this chapter or under IC 13-2-1-3(2) (before its repeal); or
- (2) any other legal right existing on March 12, 1959, to divert and store water.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-8

Mediation of disputes

Sec. 8. (a) Whenever a dispute arises between the users of surface water in a watershed area, any party to the dispute may request that the commission mediate the dispute. Any party to the dispute may institute mediation proceedings by filing a written request with the commission setting out all the facts relevant to the dispute and requesting a mediation of the dispute.

(b) Upon receipt of a request for mediation, the commission shall conduct a hearing for the consideration of the facts involved in the dispute. The commission shall notify all interested parties to the dispute concerning the time and place of the hearing.

(c) In the mediation of the dispute, the commission may do the following:

- (1) Conduct a survey of the water supply in the watershed involved in the dispute.
- (2) Attempt to add additional sources of water for users in the watershed.

(d) A recommendation of the commission in a mediation proceeding:

- (1) is not binding upon the parties to the dispute; and
- (2) does not preclude or defeat a remedy that the parties to the dispute have to a court of law.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-9

Reports to commission regarding volume of water used

Sec. 9. A person who uses ground water or surface water shall, when requested by the commission, report to the commission the volume of water used by the person in a specific period. The commission may, in the commission's rules, prescribe the method of making the reports.

As added by P.L.1-1995, SEC.18.

IC 14-25-1-10

Public policy regarding regulation of public waters

Sec. 10. The policy that surface waters of Indiana are declared to be public waters and subject to regulation by the general assembly is the accepted policy of the state. Users of surface waters who:

- (1) institute withdrawal of water for artificial uses from a

natural stream, natural lake, or other natural body of water; or
(2) increase artificial uses;
are subject to regulation of the uses or increased uses that are enacted
into law by the general assembly.
As added by P.L.1-1995, SEC.18.

IC 14-25-1-11

Findings; requirements for diversion of water outside the basin; rules

Sec. 11. (a) The general assembly finds that a diversion of water out of the basin, unless conducted under the Great Lakes—St. Lawrence River Basin Water Resources Compact, will impair or destroy the Great Lakes. The general assembly further finds that the regulation of a diversion of water from the basin is consistent with the mandate of the Preamble to and Article 14, Section 1 of the Constitution of the State of Indiana, the United States Constitution, and the federal legislation according to which Indiana was granted statehood.

(b) Water may not be diverted outside the basin from that part of the basin within Indiana unless the diversion is:

(1) approved by the governor of each Great Lakes state under 42 U.S.C. 1962d-20 (Water Resources Development Act); or

(2) conducted:

(A) after the effective date of; and

(B) in accordance with the requirements of;

the Great Lakes—St. Lawrence River Basin Water Resources Compact.

(c) The commission shall adopt rules necessary to implement this section.

As added by P.L.1-1995, SEC.18. Amended by P.L.71-2004, SEC.2; P.L.4-2008, SEC.3.