

IC 14-25-7

Chapter 7. Water Resource Management

IC 14-25-7-1

"Aquifer" defined

Sec. 1. As used in this chapter, "aquifer" means an underground geologic formation that:

- (1) is consolidated or unconsolidated; and
- (2) has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

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

IC 14-25-7-2

"Beneficial use" defined

Sec. 2. As used in this chapter, "beneficial use" means the use of water for any useful and productive purpose. The term includes the following uses:

- (1) Domestic.
- (2) Agricultural, including irrigation.
- (3) Industrial.
- (4) Commercial.
- (5) Power generation.
- (6) Energy conversion.
- (7) Public water supply.
- (8) Waste assimilation.
- (9) Navigation.
- (10) Fish and wildlife.
- (11) Recreational.

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

IC 14-25-7-3

"Ground water" defined

Sec. 3. As used in this chapter, "ground water" means all water occurring beneath the surface of the ground regardless of location and form.

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

IC 14-25-7-4

"Instream use" defined

Sec. 4. As used in this chapter, "instream use" means any use of water that uses surface water in place. The term includes the following uses:

- (1) Commercial and recreational navigation.
- (2) Hydroelectric power generation.
- (3) Waste assimilation.
- (4) Fish and wildlife habitat.
- (5) General recreation.
- (6) The maintenance of environmental and aesthetic values.

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

IC 14-25-7-5**"Person" defined**

Sec. 5. As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision of the state, the United States of America, an agency of the state, a political subdivision of the state or of the United States of America, or a group of such persons acting in concert.

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

IC 14-25-7-6**"Reasonable beneficial use" defined**

Sec. 6. For purposes of this chapter, "reasonable beneficial use" means the use of water for a beneficial use in the quantity and manner that is:

- (1) necessary for economic and efficient utilization; and
- (2) both reasonable and consistent with the public interest.

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

IC 14-25-7-7**"Stream" defined**

Sec. 7. As used in this chapter, "stream" means a natural or an altered river, creek, slough, watercourse, or artificial channel that has:

- (1) definable banks and bed capable of conducting defined runoff;
- (2) visible evidence of the flow or occurrence of water; and
- (3) a watershed greater than one (1) square mile in area.

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

IC 14-25-7-8**"Water resource" defined**

Sec. 8. (a) As used in this chapter, "water resource" means all water:

- (1) on or beneath the surface of the ground; or
 - (2) in the atmosphere.
- (b) The term includes the following:
- (1) Streams.
 - (2) Impoundments.
 - (3) Diffused surface water.
 - (4) Water percolating, standing, or flowing beneath the surface of the ground.
 - (5) All boundary and coastal water within the jurisdiction of the state.

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

IC 14-25-7-9**"Withdrawal use" defined**

Sec. 9. As used in this chapter, "withdrawal use" means any use of water that involves the physical removal of the water from a

ground or surface source, including water from storage in an impoundment.

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

IC 14-25-7-10

Administration of chapter

Sec. 10. (a) The commission shall administer this chapter.

(b) The deputy director for water and resource regulation shall serve as technical secretary to the commission. The deputy director shall perform the duties that are required by this chapter or that the commission directs.

(c) The advisory council established by IC 14-9-6-1 shall serve in an advisory capacity to the commission with respect to the implementation of the commission's powers and duties, including the drafting of rules and development of inventories, assessments, and plans.

(d) For the time that the advisory council is involved in the drafting of rules, the membership of the council shall be augmented as follows:

(1) Two (2) members of the senate, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the speaker of the house of representatives.

These members are entitled to travel expenses and a per diem allowance as determined by the budget agency for members of boards and commissions generally.

(e) The department shall provide professional, technical, and clerical personnel, equipment, supplies, and support services reasonably required to assist the commission in the exercise of the commission's powers and duties under this chapter. The department shall include money for this purpose in the regular operating budget requests of the department.

As added by P.L.1-1995, SEC.18. Amended by P.L.95-2006, SEC.9.

IC 14-25-7-11

Duties of commission

Sec. 11. The commission shall do the following:

(1) Conduct a continuing assessment of the availability of the water resource.

(2) Take and maintain an inventory of significant uses of water withdrawn from the surface or ground.

(3) Plan for the development, conservation, and use of the water resource for beneficial uses.

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

IC 14-25-7-12

Powers of commission

Sec. 12. The commission may do the following:

- (1) Collect and disseminate information relating to the water resource.
- (2) Consult with and advise all users of the water resource as to availability of the water resource and the most practical method of water withdrawal, development, conservation, and use.
- (3) Make the necessary investigations and inspections for proper administration of this chapter.
- (4) Enter at reasonable times with proper notice upon any property other than a dwelling place for the purpose of inspecting and investigating significant water withdrawal facilities or enforcing this chapter.
- (5) Establish, by rule, the criteria for the determination of minimum stream flows and minimum ground water levels.
- (6) When necessary for the proper administration and enforcement of this chapter, require the metering or other reasonable measurement of water withdrawals from significant water withdrawal facilities and the reporting of the metering or measurement to the commission.
- (7) Cooperate with other state and local agencies, other states and their state agencies, and agencies of the United States in water resource development, conservation, and use.
- (8) Accept and administer money from any source to aid in carrying out this chapter.
- (9) Exercise the additional authority necessary to carry out this chapter.

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

IC 14-25-7-13

Inventory of water resources; plans and recommendations

Sec. 13. (a) As used in this section, "surplus water" means that water found to exceed:

- (1) existing uses; and
- (2) reasonably foreseeable needs;

in the watershed of origin.

(b) The commission shall make and maintain an inventory of the water resource of Indiana. The inventory must include an assessment of the following:

- (1) The capabilities of streams to support instream and withdrawal uses and of aquifers to support withdrawal uses.
 - (2) Low stream flow characteristics.
 - (3) Existing uses and projections of beneficial use requirements.
 - (4) The potential in watersheds for managing flood water for beneficial uses.
 - (5) Potential sources and amounts of surplus water available for transfers.
 - (6) Other assessment and information considered necessary to properly define water resource availability.
- (c) The commission shall maintain, on a continuing basis and with

opportunity for participation and consultation with all interested persons, plans and recommendations for the development, conservation, and use of the water resource to best serve the needs of the people of Indiana for beneficial uses.

(d) The commission shall prepare a compilation and mapping of all community public water supplies in Indiana that serve at least five hundred (500) customers. The commission shall update the compilation and mapping at least one (1) time every five (5) years. The commission may use funds from the water resources development fund established by IC 14-25-2-4 to prepare compilations and mappings under this subsection. The compilations and mappings prepared under this subsection must include the following information:

- (1) The location of water sources for community public water supplies.
- (2) The location of treatment facilities used to treat raw water before the water is distributed to community public water supply customers.
- (3) The extent of water mains in territories served by community public water supplies.
- (4) The population served by community public water supplies.
- (5) The total amount of water produced by community public water supplies for the most recent calendar year.

As added by P.L.1-1995, SEC.18. Amended by P.L.184-1995, SEC.2.

IC 14-25-7-14

Minimum flows of streams; minimum levels of ground water

Sec. 14. (a) Subject to subsection (c), the commission may determine and establish the minimum flows of streams, taking into account the varying low flow characteristics of the streams of Indiana and the importance of instream and withdrawal uses, including established water quality standards and public water supply needs.

(b) The established minimum flows of streams:

- (1) are those naturally occurring, as determined by the commission; and
- (2) may be calculated to reflect seasonal and regional variations.

(c) For boundary water, the commission may develop mutually agreeable minimum flows of streams in cooperation with the boundary state.

(d) The commission may determine and establish the minimum level of ground water in aquifers below which further withdrawals would be significantly harmful to the water resource of the area.

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

IC 14-25-7-15

Significant water withdrawal facilities; registration; report to the commissioner; waiver

Sec. 15. (a) As used in this section, "significant water withdrawal

facility" means the water withdrawal facilities of a person that, in the aggregate from all sources and by all methods, has the capability of withdrawing more than one hundred thousand (100,000) gallons of ground water, surface water, or ground and surface water combined in one (1) day. Subject to subsection (b), the term does not include:

- (1) water withdrawal facilities that function as part of the operation or construction of a landfill; or
- (2) water withdrawal facilities located in or on an off-stream impoundment that is principally supplied by a significant water withdrawal facility.

(b) A water withdrawal facility referred to in subsection (a)(1) or (a)(2) located in the basin (as defined in section 1.2 of IC 14-25-15-1) is subject to the registration requirement of section 4.1.3 of IC 14-25-15-1.

(c) Every person who has a significant water withdrawal facility shall register the facility with the commission on forms provided by the commission that contain the following:

- (1) The name and legal address of the registrant.
- (2) The source of water supply.
- (3) The total capability of the water withdrawal facility.
- (4) The total withdrawal capability per day and the amount from each source.
- (5) The use to be made of the water, the place of use, and the place of discharge.
- (6) The geographic location of the supply source.
- (7) The date of registration.
- (8) Other information specified by rule.

(d) A significant water withdrawal facility must be registered within three (3) months after the facility is completed.

(e) The owner of a registered significant water withdrawal facility shall, within three (3) months after the end of each year, make a verified report to the commission on forms to be provided by the commission of the amounts of water withdrawn during the year.

(f) Under rules adopted by the commission, the department may waive the requirement of the information set forth in subsections (c) and (e) with respect to a temporary significant water withdrawal facility.

As added by P.L.1-1995, SEC.18. Amended by P.L.123-1996, SEC.17; P.L.4-2008, SEC.4.

IC 14-25-7-16

Duties of natural resources study committee

Sec. 16. The natural resources study committee created by IC 2-5-5-1 shall do the following:

- (1) Oversee the water resource management program of this chapter and the needs of the people of Indiana.
- (2) Report the findings and recommendations in an electronic format under IC 5-14-6 to the general assembly through the legislative council.

As added by P.L.1-1995, SEC.18. Amended by P.L.28-2004,

SEC.131.

IC 14-25-7-17

Violations

Sec. 17. A person who violates section 15 of this chapter commits a Class B infraction. A separate infraction is committed each day a violation occurs.

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