

**Great Lakes-St. Lawrence River Water Resources Regional Body
Great Lakes-St. Lawrence River Basin Water Resources Council**

RESOLUTION NO. 2015-2

ADOPTING JOINT DECLARATION OF FINDING

For the Water Management Program Review and
Water Conservation and Efficiency Program Review
State of Indiana

I. BACKGROUND AND PURPOSE

The Compact

A. The Great Lakes-St. Lawrence River Basin Water Resources Compact (“Compact”) is by, between and among the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin and the Commonwealth of Pennsylvania, and was effective on December 8, 2008.

B. Section 3.4 of the Compact requires each Party State to submit a report to the Great Lakes-St. Lawrence River Basin Water Resources Council (“Compact Council”) and the Great Lakes-St. Lawrence River Water Resources Regional Body (“Regional Body”) on actions taken by that State to meet the provisions of the Agreement and Compact regarding that Party State’s Water management and conservation and efficiency programs.

C. Following the Compact Council’s review of such reports in cooperation with the Provinces pursuant to Section 3.4 of the Compact, the Council shall determine whether that State’s programs: (1) meet or exceed the provisions of the Compact; or (2) do not meet the provisions of the Compact and, if not, what options may exist to assist the jurisdiction in meeting the provisions of the Compact.

D. Section 4.2 of the Compact requires the Compact Council to adopt Basin-wide conservation and efficiency objectives, which were adopted by the Compact Council on December 8, 2008. Section 4.2.2 of the Compact requires each Party State to develop its own water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and develop and implement a water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party State’s goals and objectives.

The Agreement

E. The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (“Agreement”) is by, between and among the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin, the Commonwealth of Pennsylvania, the Province of Ontario, and the Government of Québec, and certain provisions of the Agreement began to more fully come into force on March 8, 2015.

F. Article 300 of the Agreement requires each Party State and Province to submit a report to the Regional Body on actions taken by the State or Province to meet the provisions of the Agreement regarding that State's or Province's Water management and conservation and efficiency programs.

G. Following the Regional Body's review of such reports pursuant to Article 300 of the Agreement, the Regional Body shall determine if that State or Province's programs: (1) meet or exceed the provisions of the Agreement; (2) do not meet the provisions of the Agreement; or (3) would meet the provisions of the Agreement if certain modifications were made and what options may exist to assist the jurisdiction in meeting the provisions of the Agreement.

H. Because Article 300 of the Agreement came into force as of March 8, 2015, the first report will be due March 8, 2016 and the five-year report will be due March 8, 2021. Therefore, all such reports submitted prior to March 8, 2016, as well as the Declaration Of Finding issued thereon, are recognized as voluntary, and the submission of such reports and the issuance of Declaration Of Finding shall not be interpreted to indicate that Article 300 of the Agreement requires such reports at this time.

I. Article 304, Paragraph 1 of the Agreement requires the Regional Body to identify Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency programs by December 13, 2007, which were adopted by the Regional Body on December 13, 2007. Article 304, Paragraph 2 of the Agreement requires each Party State and Province to develop its own water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and develop and implement a water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party State's or Province's goals and objectives.

II. SUBMISSIONS BY STATE OF INDIANA

A. To the Compact Council. The Compact Council has received the State of Indiana's report on its Water management and conservation and efficiency programs under the Compact, which is attached to this Resolution as Attachment A.

B. To the Regional Body. The Regional Body has received the State of Indiana's voluntary report on its Water management and conservation and efficiency programs under the Agreement, which is attached to this Resolution as Attachment A.

III. DECLARATION OF FINDING

Upon review of the submissions of the State of Indiana, the terms of the Compact and the Agreement, the Compact Council and Regional Body find as follows:

A. Based on the report submitted by the State of Indiana, the Water Management Program presented by the State of Indiana meets or exceeds the current requirements of the Compact and the Agreement.

- B. Based on the report submitted by the State of Indiana, the Water Conservation and Efficiency Program presented by the State of Indiana meets or exceeds the current requirements of the Compact and the Agreement.

*Adopted and approved on December 3, 2015 by
the Great Lakes-St. Lawrence River Water Resources Regional Body and
the Great Lakes—St. Lawrence River Basin Water Resources Council*

ATTACHMENT A

Water Management Program Review
State of Indiana
December 8, 2014

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Water Management Program Review
December 8, 2014

The State of Indiana submits the following Five Year Water Management Program Review to the Region Body and Compact Council pursuant to the requirements in the Agreement Article 300 and Section 3.4 of the Great Lakes-St. Lawrence River Basin Water Resources Compact. The State of Indiana believes its measures for the management and regulation of new or increased withdrawals and consumptive uses within the Great Lakes Basin are consistent with the Decision Making Standard set forth in Section 4.11 of Indiana's implementation of the Great Lakes Compact under IC 14-25-15.

1. Lead Agency and Contact Persons

Indiana Department of Natural Resources; Chris Smith, Deputy Director, IDNR.

2. Water Management Program Implementing Laws, Rules, Regulations and Policies

The following statutory provisions, Rules and Policies will be applicable to the Water Management Program in the State of Indiana:

- Great Lakes-St. Lawrence River Basin Water Resources Compact (IC 14-25-15)
The State of Indiana's implementation of the Interstate agreement on the use of water resources in the Great Lakes-St Lawrence River Basin.
[\[www.in.gov/dnr/water/5216.htm\]](http://www.in.gov/dnr/water/5216.htm)

- Rule 312 IAC 6.2: Assists with the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact (IC 14-25-15) for the registration and permitting of water withdrawal facilities; a voluntary conservation and efficiency program for water withdrawal facilities; and mandatory conservation and efficiency programs for new and increased withdrawals, diversions and consumptive uses. Rule 312 IAC 6.2 is applicable to the Water Management and Regulation provisions set forth in Article 4 of the Compact. [\[www.in.gov/legislative/iac/title312.html\]](http://www.in.gov/legislative/iac/title312.html)

- Water Resource Management Act (IC 14-25-7): Section 13 requires that an inventory of the water resource in Indiana be conducted and 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 for transfers; 6) Other assessment and information considered necessary to properly define water resource availability. Section 14 Allows for the determination and establishment of minimum flows of streams and minimum level of ground water in aquifers. Section 15 requires that every person who owns a significant water withdrawal

facility (SWWF) shall register it within three (3) months after the facility is completed. A "significant water withdrawal facility" is defined in the act to mean "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". Owners of a SWWF must also report annual water use within three (3) months after the end of each calendar year. Approved methods of measuring the amount of water withdrawn by a SWWF are specified in the Nonrule Policy Document Information Bulletin #40. Water withdrawals from temporary construction dewatering operations must also be reported in accordance with IC 14-25-7. IC 14-25-7 is applicable to the Water Management and Regulation provisions set forth in Sections 4.1 and 4.2 of the Compact. [www.in.gov/dnr/water/2453.htm]

- Sale of Water (IC 14-25-2, Rule 312 IAC 6.3): Conservation planning required in application for the sale of water from reservoir financed fully or in part by the State. IC 14-25-2 and 312 IAC 6.3 are applicable to the Water Management and Regulation provisions set forth in Section 4.2 of the Compact. [www.in.gov/dnr/water/2453.htm]
- Emergency Regulation of Ground Water Rights (IC 14-25-4; Rule 312 IAC 12): Owners of small capacity water wells are protected against the impacts of high capacity ground-water pumpage if it substantially lowers water levels, resulting in the failure of a small capacity well. Restrictions of high capacity pumping can occur when it is believed that discharge exceeds the recharge capability of the source aquifer. IC 14-25-4 and 312 IAC 12 are applicable to the Water Management and Regulation provisions set forth in Section 4.1 of the Compact. [www.in.gov/dnr/water/4849.htm]
- Emergency Regulation of Surface Water Rights (IC 14-25-5; Rule 312 IAC 11.5): Freshwater lake owners are protected against the impacts of high capacity pumping if it substantially lowers the level of the freshwater lake, resulting in significant environmental harm to the lake or adjacent property. Restriction of high capacity pumping can be required in order to restore lake level. IC 14-25-5 and 312 IAC 11.5 are applicable to the Water Management and Regulation provisions set forth in Section 4.1 of the Compact. [www.in.gov/dnr/water/4840.htm]
- Water Well Drillers and Pump Installer Licensing (IC 25-39; Rule 312 IAC 13): Requires licensing of water well drillers and water well pump installers and the submittal of water well records providing information regarding geology and ground water availability. Water well records are made available to the public on the IDNR, Division of Water webpage. IC 25-39 and 312 IAC 13 are applicable to the Water Management and Regulation provisions set forth in Section 4.1 of the Compact. [www.in.gov/dnr/water/6110.htm]

- Indiana’s Water Management Policy: Developed by Indiana’s Water Shortage Task Force under IC 14-25-14 (since repealed) declaring that *“Indiana’s water resources are public goods that generate benefits for all citizens of the State. The wise use of water through environmentally sound and economically feasible water management practices is essential to maximize the benefits obtained from water resources and sustain them for future generations. To achieve these goals, Indiana promotes the following:*

- 1) *Public Education and outreach that identifies appropriate water management practices and water conservation methods;*
- 2) *Appropriate water pricing and incentives;*
- 3) *Identification and dissemination of water management practices, such as demand and supply analyses, that will increase water use efficiency;*
- 4) *The application and sharing of available science and research regarding water management, water conservation, and water use efficiency; and*
- 5) *Funding of a water management and water use efficiency program by user fees established by legislative directive.*

The State of Indiana’s Water Management Policy is applicable to the Water Management and Regulation provisions set forth in Section 4.2 of the Compact.

[www.in.gov/dnr/water/3124.htm]

3) Summary Description of the State of Indiana’s Water Management Program Scope and Thresholds

- Reports on the Water Resource Availability in the Great Lakes Basin within the State of Indiana (St. Joseph River Basin-1987; Lake Michigan River Basin-1994; Maumee River Basin-1996) have been completed by the IDNR, Division of Water. The reports were completed in accordance with the Water Resource Management Act (IC 14-25-7) requiring that an inventory of the water resource (ground water and surface water) in Indiana be conducted and 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 for transfers; 6) Other assessment and information considered necessary to properly define water resource availability. Section 14 Allows for the determination and establishment of minimum flows of streams and minimum level of ground water in aquifers. [www.in.gov/dnr/water/2454.htm#basin%20studies]
- Maps of Unconsolidated and Consolidated Aquifer Systems of all counties located within the Great Lakes Basin in Indiana have been completed by the Department of Natural Resource, Division of Water, and are available on the IDNR webpage. [www.in.gov/dnr/water/4302.htm]
- Maps of the Potentiometric Surface of Bedrock and Unconsolidated Aquifers of all counties located in the Great Lakes Basin in Indiana have been completed by

the Department of Natural Resources, Division of Water, and are available on the IDNR webpage. [www.in.gov/dnr/water/7256.htm]

- Indiana's Water Shortage Plan (updated in 2009 by Water Shortage Task Force) provides an effective and systematic plan to assess and manage the State's water resources during a water shortage or potential water shortage to respond, to the maximum extent practicable, to the needs of its water users while protecting its environment. [www.in.gov/dnr/water/3124.htm]
- Significant Water Withdrawal Facilities (SWWF) shall be registered within three (3) months after the facility is completed in accordance with IC 14-25-7. Owners of a SWWF must also report annual water use within three (3) months after the end of each calendar year. Approved methods of measuring the amount of water withdrawn by a SWWF are specified in the Nonrule Policy Document Information Bulletin #40. Water withdrawals from temporary construction dewatering operations must also be reported. Water use data, identified as ground water or surface water, is reported in the following categories:
 - Agricultural and Irrigation (IR)—Crop and golf course irrigation, farm field drainage, agricultural services, etc;
 - Industry (IN)—Process water, cooling water, mineral extraction (except coal), quarry dewatering, waste assimilation;
 - Public Supply (PS)—Public water supply, drinking water and sanitary facilities;
 - Energy Production (EP)—Power generation, cooling water, coal mining, geothermal, oil recovery;
 - Rural Use (RU)—Watering of livestock, barn facilities, fisheries, etc.; and
 - Miscellaneous (MI)—Fire protection, amusement parks, construction dewatering, dust control, pollution abatement, hydrostatic testing, recreational field drainage, etc.[www.in.gov/dnr/water/4847.htm]
- In accordance with Section 7 of Indiana's implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact (14-25-15), a person must obtain a permit from the IDNR for a daily withdrawal in excess of any of the following, calculated on average over any 90 day period: 1) five million (5,000,000) gallons from Lake Michigan surface water; 2) one hundred thousand (100,000) gallons from a salmonid stream; or 3) one million (1,000,000) gallons from any other surface water or groundwater source. Section 8 of the statute provides an exemption from the permit requirements if a withdrawal does not exceed the amount of baseline status determination.
- Rule 312 IAC 6.2 assists with the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact (IC 14-25-15) for the registration and permitting of water withdrawal facilities; a voluntary conservation and efficiency program for water withdrawal facilities; and

conservation and efficiency programs required as part of permit application for new and increased withdrawals an exception to the prohibition on diversions for a straddling community, a community within a straddling county, and an intra-basin transfer; and the regulation of consumptive uses.

4) Application of the Decision Making and Exception Standards for Withdrawals, Consumptive Uses and Diversions

- Rule 312 IAC 6 assists with the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact (IC 14-25-15) for the registration and permitting of water withdrawal facilities; a voluntary conservation and efficiency program for water withdrawal facilities; and mandatory conservation and efficiency programs for new and increased withdrawals; an exception to the prohibition on diversions for a straddling community, a community within a straddling county, and an intra-basin transfer; and the regulation of consumptive uses. Provisions of 312 IAC 6.2 provide for compliance to the Decision Making and Exception Standards specified for new or increased withdrawals and consumptive uses under the Compact.
- Section 15 of IC 14-25-7 requires that every person who owns a significant water withdrawal facility (SWWF) shall register it within three (3) months after the facility is completed. A "significant water withdrawal facility" is defined in the act to mean "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". Owners of a SWWF must also report annual water use within three (3) months after the end of each calendar year. Previous three years of reported SWWF annual water use available for review at www.in.gov/dnr/water/4841.htm.

5) Overview of the State of Indiana's Reporting and Database of Withdrawals, Consumptive Uses and Diversions

Annual reports of withdrawals are required from each SWWF in accordance with Indiana Code 14-25-7-15. The IDNR provides hard copy report forms to each facility previously reporting by hard copy, and provides email notification to facilities previously submitting data electronically. Annual water use data must be submitted by March 31st of the following year. Approved methods of measuring withdrawals are specified in the attached NRC Bulletin #40. Upon receipt by hard copy or electronic submittal, annual water use reports are reviewed for accuracy and subsequently entered into a database. Digital data is reviewed by edit reports and corrections are made when necessary. Previous three years of reported SWWF annual water use available for review at www.in.gov/dnr/water/4841.htm.

6) State of Indiana's Initiatives to Support an Improved Scientific Understanding of the Waters of the Great Lakes Basin

- Maps of Unconsolidated and Consolidated Aquifer Systems of all counties located within the Great Lakes Basin in Indiana have been completed by the IDNR, Division of Water, and are available on the Division of Water's webpage at www.in.gov/dnr/water/4302.htm.
- Maps of the Potentiometric Surface of Bedrock and Unconsolidated Aquifers of all counties located in the Great Lakes Basin in Indiana have been completed by the Department of Natural Resources, Division of Water, and are available on the IDNR webpage at www.in.gov/dnr/water/7256.htm.
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