

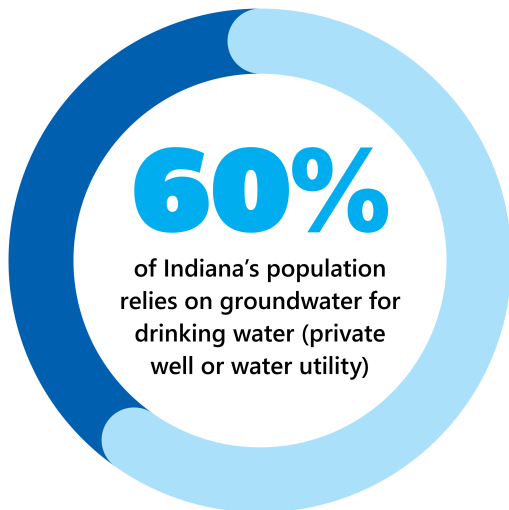
## Background

The Great Lakes Commission (GLC) passed a policy resolution in March 2024 which called upon partners and agencies to engage with the GLC toward a better understanding of the current state of groundwater management in the Great Lakes basin.<sup>1</sup> Then, in December 2024, the GLC received funding from the Joyce Foundation to develop groundwater management summaries for each Great Lakes jurisdiction, building upon previous reports supported by the Joyce Foundation.<sup>2</sup> This report summarizes groundwater management in Indiana, both statewide and within the Great Lakes basin.

## State Agency Authority

The Indiana Department of Natural Resources (DNR) manages groundwater quantity, groundwater availability and ecological impacts, as well as significant water withdrawal registration and permitting.<sup>3</sup> The Indiana Department of Environmental Management (IDEM) has authority over groundwater quality, drinking water

supply, wellhead protection and source water assessment plans, and addressing industrial contamination of water.<sup>4</sup> IDEM also works with the Office of the Indiana State Chemist to manage agricultural contamination of groundwater.<sup>5</sup> Though groundwater quality is not regulated, the Indiana Department of Health provides guidance for siting, constructing, and testing private water wells, and some local health departments require permits for installing new private water wells.<sup>6</sup>



Under Section 14-25-3-4(a), the Indiana DNR has the authority to designate a restricted-use area when “the withdrawal of ground waters exceeds or threatens to exceed natural replenishment.” **Table 1** highlights the state agencies in Indiana which play a role in managing groundwater in the state.

<sup>1</sup> Great Lakes Commission. March 6, 2024. [Understanding Impacts to Great Lakes Agriculture and Water Use Under Changing Climate Conditions.](#)

<sup>2</sup> The Joyce Foundation. [Groundwater Governance in EPA Region 5.](#)

<sup>3</sup> Indiana Department of Natural Resources. [Ground Water & Wells.](#)

<sup>4</sup> Indiana Department of Environmental Management. [Groundwater Monitoring and Source Water Protection.](#)

<sup>5</sup> Office of Indiana State Chemist. [Pesticide.](#)

<sup>6</sup> Indiana Department of Health. [Recommended Standards For Private Water Wells.](#)

Table 1. Indiana state agency authorities on groundwater management priority areas.

Agency	Indiana Dept. of Natural Resources	Indiana Dept. of Environmental Management	Office of the Indiana State Chemist
<b>Groundwater Priority Area</b>	Groundwater withdrawal registration and permitting  Groundwater availability and ecological impacts  Limited well pumping restriction	Drinking water supply  Source water protection  Industrial contamination  Agricultural pesticide and fertilizer contamination	Agricultural pesticide and fertilizer contamination

## Groundwater Science and Knowledge Production

The Indiana DNR has created maps that compile hydrogeologic data, including Groundwater Assessment Maps, per its statutory authority to address water availability, rights, and use. The DNR also keeps a water well database that serves as an inventory and differentiates significant water users. The past three years of site-specific water use data are available for download by county and for the state. An interactive web viewer and the last five years of summarized water use data are also available. A GIS-based map has been added to the Division of Water’s website that shows the locations of Significant Water Withdrawal Facilities (SWWFs) and their associated withdrawal sources (groundwater wells and/or surface water intakes).<sup>7</sup> Users can zoom to a specific county and see the locations of registered SWWFs. The interactive map allows users to click on a facility point to quickly view information regarding the facility, including the owner name, total capacity, and a count of withdrawal sources.

Indiana has a collaborative Voluntary Monitoring Program (VMP) coordinated by the Division of Water of the DNR (DOW-DNR) and the USGS Ohio-Kentucky-Indiana (USGS-OKI) that collects groundwater data for both short- and long-term applications.<sup>8</sup> The VMP currently consists of more than 60 observation wells and is authorized and funded by state legislation, which directs the DOW-DNR to cooperate with the USGS-OKI to develop, expand and maintain a network of groundwater monitoring wells.

The Indiana Water Balance Network compiles 15 Indiana Geological and Water Survey (IGWS) monitoring stations that collect hydrologic data, including groundwater levels, to track long-term hydrologic cycle trends.<sup>9</sup>

## Legislation and Regulations

Indiana water law comes from both case law and statutes. Indiana’s use of Absolute Dominion – or English Rule – was most recently affirmed in *Wiggins v. Brazil Coal & Clay Corp.* (1983).<sup>10</sup> In *Wiggins*, the Indiana Supreme Court rejected the Restatement Rule, reasoning that “[g]roundwater is part of the land in which it is present and belongs to the owner of that land.” According to Absolute Dominion, where a person uses or disposes of

<sup>7</sup> Indiana Department of Natural Resources. [Significant Water Withdrawal Facilities.](#)

<sup>8</sup> Indiana Department of Natural Resources. [Groundwater Monitoring Program.](#)

<sup>9</sup> Indiana Geological and Water Survey. [Indiana Water Balance Network.](#)

<sup>10</sup> Water Systems Council. (2016). [Who Owns the Water?](#)

percolating groundwater for a beneficial purpose, damage that results to another is not actionable unless the damage is deliberate or gratuitous. Indiana legislation moderates this rule by imposing a beneficial use requirement for surface water and groundwater. Indiana Code § 14-25-7-2 defines “Beneficial use” as: [T]he use of water for any useful and productive purpose.

The owner of a significant water withdrawal facility must register the facility with the Indiana DNR (IN Code § 14-25-7). A permit is required for withdrawals in excess of 100,000 gallons per day within a restricted-use area. Indiana Code § 14-25-4 provides protection for the owner of a “nonsignificant or significant groundwater withdrawal facility” against the pumping impacts of a “significant ground water withdrawal facility” that has substantially lowered groundwater levels and caused the nonsignificant or significant facility to no longer provide its normal supply of water.

The public trust doctrine<sup>11</sup> does not appear in the Indiana Constitution; however, it is recognized by Indiana statutory law. Indiana Code § 14–26-2-5(c) states that the “natural resources and the natural scenic beauty of Indiana are a public right.” Indiana Code § 13-11-2-137 includes groundwater in the definition of “natural resources.” It is yet to be determined whether the public trust doctrine applies to groundwater in the state.

## Great Lakes Basin Water Resource Management

In February 2008, the Indiana General Assembly codified the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact) in Indiana Code § 14-25-15. The legislation enacted the terms of the Compact verbatim. The statute designates the governor as the administrator of the Compact (IN Code § 14-25-15-5).

Indiana has also implemented the water conservation and efficiency provisions of the Compact. The State of Indiana’s program is consistent with, and fully supports, the goals and objectives of the Compact, including promoting the efficiency of use and reducing losses and waste of water in the basin and retaining the quantity of surface water and groundwater in the Basin.

Per the Compact, its party states commit to the development of a collaborative strategy to guide the collection and application of scientific information to support the “improved understanding of the role of groundwater in basin water resources management.”

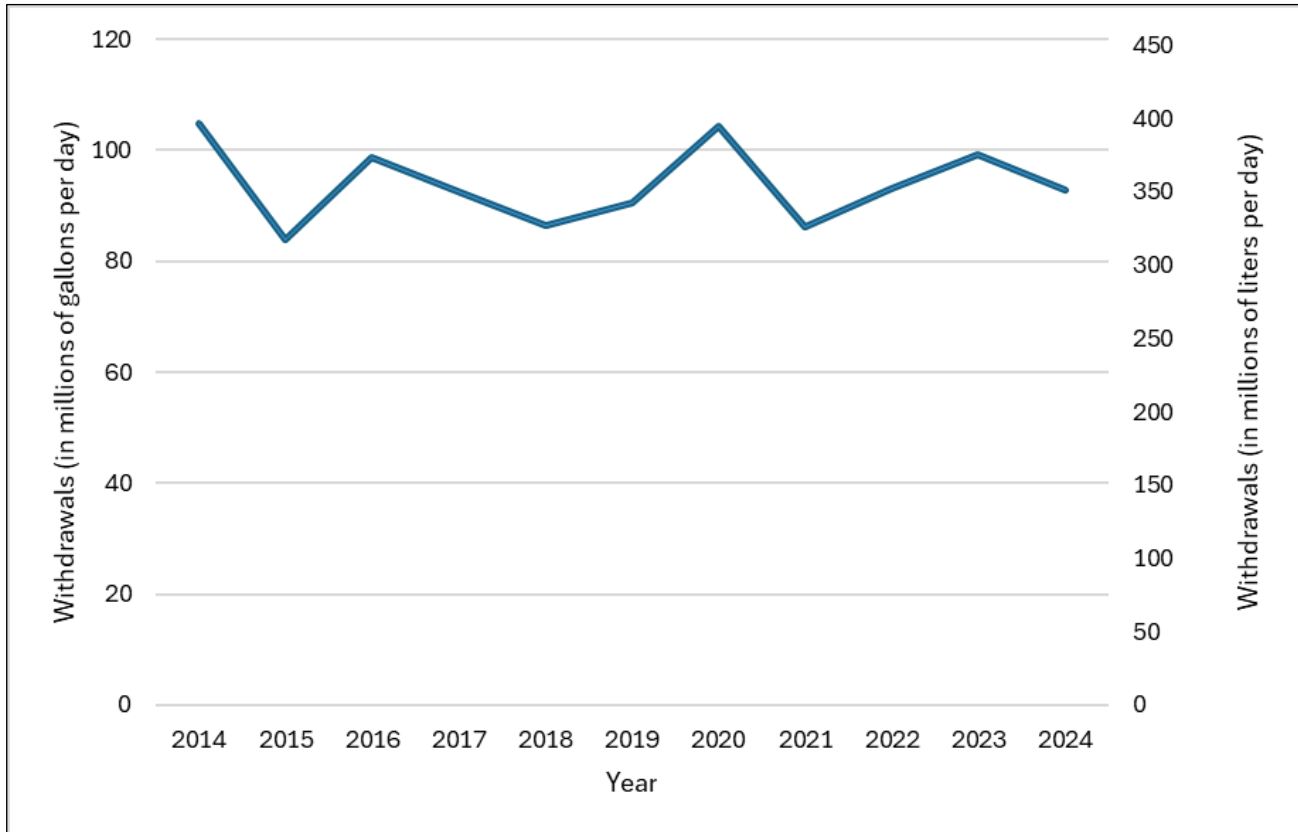
## Great Lakes Basin Groundwater Usage

Indiana’s groundwater withdrawals from the Great Lakes basin have varied in volume between 80 million and 110 million gallons per day over the last decade. This interannual variation is primarily due to changes in water use for irrigation – which heavily relies on groundwater – depending on such factors as weather conditions. See **Figure 1** below to view trends in Indiana’s reported groundwater withdrawals within the Great Lakes basin from each facility withdrawing at least 100,000 gallons per day from 2014 to 2024.

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<sup>11</sup> National Sea Grant Law Center. [Overview of the Public Trust Doctrine.](#)

Figure 1. Indiana Great Lakes Basin Groundwater Withdrawals from 2014-2024.<sup>12</sup>



## Statewide Definitions

**Groundwater:** "Ground water" or "subterranean water", for purposes of IN Code 14-25 through IN Code 14-29, except as provided in subsection (b), means all water that fills the natural openings under the earth's surface.

**High-capacity facility:** any well or surface water intake, or combination of wells and intakes, capable of pumping at least 100,000 gallons/day, regardless of how much water is actually pumped.

<sup>12</sup> As reported to the [Great Lakes Regional Water Use Database](#).