



# Appendix C

## MINNESOTA DEPARTMENT OF NATURAL RESOURCES DIVISION OF WATERS MINNESOTA RULES RELATED TO WATER APPROPRIATION PERMITS

### **6115.0610 PURPOSE AND STATUTORY AUTHORITY.**

These parts set forth minimum standards and criteria pertaining to the regulation, conservation, and allocation of the water resources of the state, including the review, issuance, and denial of water appropriation applications and the modification, suspension, or termination of existing permits.

### **6115.0660 APPLICATION FOR PERMIT.**

Subpart 3. Information required.

E. Statement of justification supporting the reasonableness and practicality of use with respect to adequacy of the water source, amounts of use, and purposes, including available facts on:

- (1) hydrology and hydraulics of the water sources involved, including for surface waters the applicant's analysis of the effect of proposed withdrawals on levels and flows and anticipated impacts, if any, on instream flow or lake level conditions to the extent that such facts are not already available to the commissioner;
- (2) proposed pumping schedule including rates, times, and duration;
- (3) amounts of water to be appropriated on a maximum daily, monthly, and annual basis;
- (4) means, methods, and techniques of appropriation;
- (5) alternative sources of water or methods which were considered, to attain the appropriation objective and why the particular alternative proposed in the application was selected.

F. Information on any water storage facilities and capabilities and any proposed reuse and conservation practices.

### **6115.0670 COMMISSIONER'S ACTIONS ON PERMIT APPLICATIONS.**

Subpart 2. Review and analysis of data. Review and analysis of data:

A. The commissioner shall consider the following factors, as applicable;

- (1) the location and nature of the area involved and the type of appropriation and its impact on the availability, distribution, and condition of water and related land resources in the area involved;
- (2) the hydrology and hydraulics of the water resources involved and the capability of the resources, to sustain the proposed appropriation based on existing and probable future use;



- (3) the probable effects on the environment including anticipated changes in the resources, unavoidable detrimental effects and alternatives to the proposed appropriation;
- (4) the relationship, consistency, and compliance with existing federal, state, and local laws, rules, legal requirements, and water management plans;
- (5) the public health, safety, and welfare served or impacted by the proposed appropriation;
- (6) the quantity, quality, and timing of any waters returned after use and the impact on the receiving waters involved;
- (7) the efficiency of use and intended application of water conservation practices;
- (8) the comments of local and regional units of government, federal and state agencies, private persons, and other affected or interested parties;
- (9) the adequacy of state water resources availability when diversions of any waters of the state to any place outside of the state are proposed;
- (10) the economic benefits of the proposed appropriation based on supporting data when supplied by the applicant.

Subpart 3. Decision on applications.

A. No permit shall be granted if:

- (4) the appropriation is not consistent with approved state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans;

**6115.0690 ADDITIONAL REQUIREMENTS AND CONDITIONS FOR PUBLIC WATER SUPPLIES.**

Subpart 1. Additional application information. The applicant shall be required to submit to the commissioner all or portions of the following data in addition to the requirements of part 6115.0660:

- A. the number of domestic users;
- B. reasonable projection of population growth;
- C. the number and type of industrial and commercial users of the public water supply system;
- D. the amount of water to be supplied to domestic, industrial, and commercial users respectively;
- E. other users by type of use and amount to be used from the public water supply system such as golf courses, recreational lake level maintenance, water transferred to other supply systems;
- F. information regarding the quantity of the appropriated water to be used in distribution and waste water treatment facilities, not including volume of actual waste water; and
- G. details on emergency plans for water shortage periods outlining public information programs, priorities for limitations of discretionary water use, and alternate sources of public water supplies.



Subpart 2. Commissioner's actions. The commissioner shall allow the appropriation of water for public water supply systems based on evaluation and analysis of the data submitted by the applicant under provisions of parts 6115.0660 and subpart 1 of this part and the procedures outlined in part 6115.0670 and subject to subpart 3.

Subpart 3. Other requirements. Appropriation permits issued to public water supply authorities shall be subject to requirements of Minnesota Statutes, section 103G.291, relating to critical water deficiency periods and restriction of nonessential uses.

### **6115.0770 WATER CONSERVATION.**

In order to maintain water conservation practices in the water appropriation and use regulatory program it is necessary that existing and proposed appropriators and users of waters of the state employ the best available means and practices based on economic considerations for assuring wise use and development of the waters of the state in the most practical and feasible manner possible to promote the efficient use of waters.

Based on the data submitted by applicants and permittees and current information on best available water conservation technology and practice the commissioner, in cooperation with the owners of water supply systems may analyze the water use practices and procedures and may require a more efficient use of water to be employed by the permittee or applicant, subject to notice and opportunity for hearing.

### **6115.0810 WATER APPROPRIATION AND USE MANAGEMENT PLANS.**

Subpart 1. In general. In order to address the provisions of Minnesota Statutes, sections 103B.155, 103G.261, and 103G.271, subdivision 2, the commissioner, in cooperation with other state and federal agencies, regional commissions and authorities, local governments and citizens, establishes the following process for the preparation and implementation of the elements of any state, regional, and local plan relating to water appropriation and use.

Subp. 2. Criteria and procedures. Since the availability, distribution, and utilization of waters of the state and the character and use of related land resources vary considerably throughout the state, a comprehensive water appropriation management planning process must be based on these considerations and according to the following principles and procedures:

A. Water appropriation management plans should be prepared for specific definable areas of the state on consideration of:

(1) The hydrologic and physical characteristics of the water and related land resources for which a management plan is necessary. The area must be of sufficient size and area extent so that the interrelationship of geohydrologic and climatic factors can be adequately defined and managed.

(2) The determination by the commissioner of the need for establishment of a water appropriation management plan for the waters of the state within a specific definable area based on:



- (a) areas where development of the waters of the state is, or is likely to, increase considerably within the next five to ten years;
- (b) areas where severe water availability problems exist or are soon likely to exist;
- (c) areas where there are adequate facts and available geohydrologic data relating to the availability, distribution, and use of the waters of the state and where there is local interest in establishing water appropriation management plans.

B. Upon establishment of the need for a water appropriation management plan pursuant to item A, the commissioner shall establish a management planning process including procedures, a public participation process, and development of a planning team consisting of representatives of the department, permittee, any other interested, concerned, and involved government or citizen group listed in subpart 1 to review and cooperate in preparation of the plan.

Subp. 3. General requirements and contents of plan. Every water appropriation plan should, at a minimum, include:

A. An evaluation of the amount and dependability of information on the hydrologic systems of the area and the adequacy of the information to provide necessary facts on the amounts of water which can be reasonably withdrawn from the waters of the state in the area without creating major environmental problems or diminishing the long-term seasonal supply of water for various purposes. This will provide essential background information for establishing protected flows and protection elevations, part 6115.0670, subpart 3, item B, subitem (6).

B. An evaluation of data on stream quality and flows, lake water quality and levels, groundwater quality and levels, and climatic factors. This will provide essential data useful to the applicant and the commissioner in permit application considerations, parts 6115.0660 to 6115.0720.

C. An evaluation of present and anticipated future use of water and lands and the amounts and distribution of use within the area. This will facilitate the determinations necessary under part 6115.0670, subpart 2, item A, subitem (2).

D. An evaluation of the problems and concerns relating to use of the waters within the area.

E. Water conservation alternatives and methods and procedures for dealing with water shortages or excesses during periods of deficient or excess water. See parts 6115.0660, subpart 3, item F; 6115.0690, subpart 1, item G; and subpart 2 of this part.

F. Considerations of the relationship of the water appropriation and use management plan to other water resources programs of the state, such as floodplain management, shoreland management, water surface use management, water quality management, soil and water conservation management, and agricultural land management.



**DEPARTMENT OF NATURAL RESOURCES - DIVISION OF WATER  
RATE SCHEDULE FOR ANNUAL REPORT OF WATER USE FEES**

Minnesota Statutes 103G.271 requires fees and annual water use reports for each active water appropriation permit. Fees are based on the amount of water use. The following rate schedule can be used to determine water use fees. Please be sure to note any minimum or maximum fee limits that may apply.

VOLUME APPROPRIATED	FEE
0 to 50 million gallons	- \$140.00 minimum fee
50 to 100 million gallons	- \$3.50 for each million
100 to 150 million gallons	- \$4.00 for each million
150 to 200 million gallons	- \$4.50 for each million
200 to 250 million gallons	- \$5.00 for each million
250 to 300 million gallons	- \$5.50 for each million
300 to 350 million gallons	- \$6.00 for each million
350 to 400 million gallons	- \$6.50 for each million
400 to 450 million gallons	- \$7.00 for each million
450 to 500 million gallons	- \$7.50 for each million
Above 500 million gallons	- \$8.00 for each million

**MINIMUM ANNUAL WATER USE FEE FOR AGRICULTURAL IRRIGATION**

Agricultural irrigation permittees that did not appropriate any water during the year or had their permit suspended for more than seven days pay a minimum fee of \$20 per permit.

**MAXIMUM ANNUAL WATER USE FEES**

\$750 for any single agricultural irrigation permit  
\$60,000 total for an entity with 3 or less permits  
\$90,000 total for an entity with 4 to 5 permits  
\$300,000 total for an entity with more than 5 permits  
\$250,000 total for a city of the first class  
\$10,000 for a municipality that furnishes electric service and cogenerates steam for home heating.

**ONCE-THROUGH HEATING AND COOLING SYSTEMS ONLY**

A separate annual water use fee schedule exists for once-through heating and cooling (HVAC) systems. Non-profit corporations and school districts pay \$200 per million gallons and all other entities with once-through heating and cooling systems pay \$420 per million gallons. There is no maximum fee for once-through systems.



## SUMMER SURCHARGE

A surcharge of \$30 per million gallons will be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January of each year. The summer surcharge applies to municipal water use, irrigation of golf courses and landscape irrigation. This is a surcharge in addition to the regular fee rate based on the yearly total volume used.

## PROCESSING FEE EXEMPTIONS

State and federal agencies are exempt from annual water use fees.

# Water Use Report Directions

Enclosed are the 2008 Water Use Report forms for your  
Minnesota Department of Natural Resources water appropriation permits

*Please complete these forms with all requested information and return with the appropriate fee by February 15, 2009, even if no water was used during 2008.*

## Fee Rate Changes

Please pay close attention to the fee rates as most fee rates and minimums have changed from past years.

A condition of each water appropriation permit is the monthly measurement and yearly reporting of water use with an approved measuring device to an accuracy of 10%. A monthly water use reporting **Installation Worksheet** is printed for each active installation (well/pump station) for each permit. Fill in the monthly water used in units of whole gallons for each installation. A flow meter, flow rate meter, or timing device is required to measure water use. Only pre-approved alternate methods can be substituted. See the metering brochure for details at: [http://files.dnr.state.mn.us/waters/watermgmt\\_section/appropriations/flowmeter.pdf](http://files.dnr.state.mn.us/waters/watermgmt_section/appropriations/flowmeter.pdf)

The **Fee Calculation Worksheet** is used to determine your processing fee based on the amount of water used. Add the individual installation totals to make a grand total for each permit. Use the fee rate table to determine the fee and follow the instructions to calculate the amount due.

The **Permit Data Verification Form** is used to check compliance with the permitted water use volume and to request amendment, transfer, or termination of permits. Note the fee exemptions for amendments and transfers.

## Please note the following items related to water use reporting:

To calculate monthly water use from:

**A Flow Meter:** Subtract the beginning of the month readings from end of the month readings. Convert the result into gallons for each month. If meter readings are in cubic-feet, multiply by **7.4805** to convert to gallons.

**A Timing Device:** To convert to gallons: multiply the hours pumped times the pump rate (in gallons per minute) times 60 (minutes). [Example: 150 hrs x 800 gpm x 60 min/hr = 7,200,000 gallons]

### For irrigators:

Gallons of water per acre = Total Annual Gallons ÷ number of irrigated acres

Inches of water per acre = Gallons of water per acre ÷ 27,154

Calculate the inches per acre for each crop type by installation. The total of each individual crop acres times the inches per acre, when converted into gallons, should equal the total water use for each installation.

### Pay by check or money order. We are unable to accept payment by cash or credit card.

Make your check or money order payable to **MN DNR Waters**.

All money received goes to the State of Minnesota General Fund. Return all completed forms with payment to the address on the Fee Calculation Worksheet. You may pay for all permits using one check.

**Questions?** Please call (651)259-5678 (answered during the day, voice mail at night) or send email to [wateruse@dnr.state.mn.us](mailto:wateruse@dnr.state.mn.us). Please include your name, permit number, telephone number, and specific questions when leaving a message. We will return your call or send you the information/forms requested.

**Non-Reporting:** Permits for which reports and fees are not received by **February 15, 2009** are subject to termination. All active permits require reports and fees, except as noted. Permittees that do not submit the required fee will be referred to the Minnesota Department of Revenue for collection and additional collection, enforcement and interest fees will apply.

To suggest changes that you feel would make water use reporting easier or more effective, please send your comments on a separate sheet of paper. We welcome your ideas.

*Turn over for general information on Minnesota water use*

## *Minnesota Water Use*

DNR water appropriation permits are required for all users withdrawing more than ten thousand gallons of water per day or one million gallons per year. Uses less than this, such as rural domestic use do not require a permit and are not included in these figures.

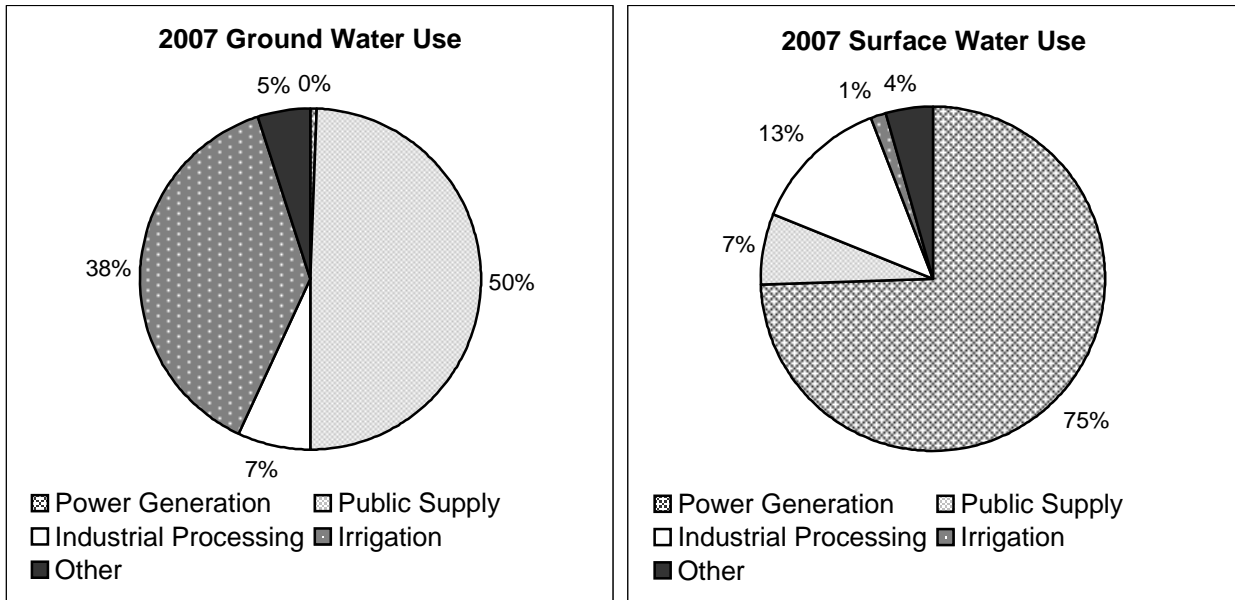
Water use data are used for many purposes, such as documenting permitted water use, identifying water use trends, understanding the hydrology of aquifers from which water is withdrawn, evaluating well interferences and impacts from water appropriations.

The majority of water withdrawn for power generation is from surface water sources and is used for cooling purposes and then returned to the original source.

The "Other" category includes uses such as air conditioning, construction dewatering, water level maintenance of lakes, pollution containment, pipeline testing, aquaculture and livestock watering.

Irrigation includes golf courses, landscaping, nurseries, major crops and wild rice.

See the MN DNR web site for the latest water use information: [www.dnr.state.mn.us/waters](http://www.dnr.state.mn.us/waters)



### **2007 Water Use in Billions of Gallons**

Power Generation	<b>838.7</b>
Public Supply	<b>226.7</b>
Industrial Processing	<b>167.5</b>
Irrigation	<b>131.9</b>
Other	<b>64.3</b>
<b>Totals</b>	<b>1429.1</b>