



**Town Board
Meeting Supplement
March 5, 2018**

Added Agenda Item:

8.A. Attorney/Client – DNR Lake Level Lawsuit

Water Appropriation Permit



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Meeting Supplement
March 5, 2018**

Added Agenda Item:

Agenda Number: 8.A.

Subject: Attorney/Client – DNR Lake Level Lawsuit

Documentation: Water Appropriation Permit

Action / Motion for Consideration:

Receive Information / Discuss

Amended
Water Appropriation Permit
Permit Number
1984-6120
SOUTH SYSTEM

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: South System	County: Ramsey	Watershed: Mississippi River - Twin Cities	Resource: Groundwater
Purpose of Permit: Municipal/Public Water Supply		Authorized Action: Withdrawal of up to 65.0 million gallons of water per year for municipal/public water supply.	
Permittee: WHITE BEAR TOWNSHIP CONTACT: LEONHARDT, TORI, (651) 747-2757 1281 HAMMOND ROAD WHITE BEAR LAKE, MN 55110 (651) 747-2750		Authorized Agent: N/A	
To Appropriate From: Well 1: unknown inches diameter, 442.0 feet depth, 500 gpm, unique number 226570 Point(s) of Taking UTM zone 15N, 500752m east, 4989792m north Section 25, T30N, R22W Well 2: unknown inches diameter, 435.0 feet depth, 250 gpm, unique number 226571 Point(s) of Taking UTM zone 15N, 500653m east, 4989792m north Section 25, T30N, R22W			
Issued Date: 03/01/2018	Effective Date: 03/01/2018	Expiration Date: Long-Term Appropriation	
Authorized Issuer: Joe Richter	Title: District Appropriations Hydrologist	Email Address: joe.richter@state.mn.us	Phone Number: 651-259-5877

This permit is granted **subject to** the following **CONDITIONS**:

LIMITATIONS: (a) Any violation of the terms and provisions of this permit and any appropriation of the waters of the state in excess of that authorized hereon shall constitute a violation of Minnesota Statutes, Chapter 103G. (b) This permit shall not be construed as establishing any priority of appropriation of waters of the state. (c) This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its employees, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the Permittee, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the Permittee, for violation of or failure to

CONDITIONS *(Continued from previous page)*

comply with the provisions of the permit or applicable provisions of law. (d) In all cases where the doing by the Permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests necessary therefore. (e) This permit shall not release the Permittee from any other permit requirements or liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law. (f) Unless explicitly specified, this permit does not authorize any alterations of the beds or banks of any public (protected) waters or wetlands. A separate permit must be obtained from the Department of Natural Resources prior to any such alteration.

FLOW METER: The Permittee shall equip each installation for appropriating or using water with a flow meter, unless another method of measuring the quantity of water appropriated to within ten (10) percent of actual amount withdrawn is approved by the Department.

WATER USE REPORTING: Monthly records of the amount of water appropriated or used shall be recorded for each installation. Such readings and the total amount of water appropriated or used shall be reported annually to the Director of DNR Ecological and Water Resources, on or before February 15 of the following year, via the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin. Any processing fee required by law or rule shall be submitted with the records whether or not any water was appropriated during the year. Failure to report shall be sufficient cause for terminating the permit 30 days following written notice.

MODIFICATION: The Permittee must notify the Commissioner in writing of any proposed changes to the existing permit. This permit shall not be modified without first obtaining the written permission from the Commissioner.

TRANSFER OR ASSIGNMENT: Any transfer or assignment of rights, or sale of property involved hereunder shall be reported within 90 days thereafter to the Director of DNR Ecological and Water Resources. Such notice shall be made by the transferee (i.e., new owner) and shall state the intention to continue the appropriation as stated in the permit. This permit shall not be transferred or assigned except with the written consent of the Commissioner.

COMMISSIONER'S AUTHORITY: (a) The Commissioner may inspect any installation utilized for the appropriation or use of water. The Permittee shall grant access to the site at all reasonable times and shall supply such information concerning such installation as the Commissioner may require. (b) The Commissioner may, as he/she deems necessary, require the Permittee to install gages and/or observation wells to monitor the impact of the Permittee's appropriation on the water resource and require the Permittee to pay necessary costs of installation and maintenance. (c) The Commissioner may restrict, suspend, amend, or cancel this permit in accordance with applicable laws and rules for any cause for the protection of public interests, or for violation of the provisions of this permit.

PUBLIC RECORD: All data, facts, plans, maps, applications, annual water use reports, and any additional information submitted as part of this permit, and this permit itself are part of the public record and are available for public inspection at the offices of DNR Ecological and Water Resources. The information contained therein may be used by the Division as it deems necessary. The submission of false data, statements, reports, or any such additional information, at any time shall be deemed as just grounds for revocation of this permit.

MONITORING REQUIREMENTS: Minnesota Statutes 103G.282 authorizes the Department of Natural Resources to require permittees to install and maintain monitoring equipment to evaluate water resource impacts from permitted appropriations. You may be required to modify or install automated measuring devices and keep records for each installation. The frequency of measurements and other requirements will be based on quantity of water appropriated, source of water, potential connections to other water resources, nature of concern, and other relevant factors.

DROUGHT PLANNING: In accordance with M.S. 103G.293, all permits must be consistent with the drought response plan detailed in the Statewide Drought Plan at http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf.

WELL SEALING: The permittee shall notify the Minnesota Department of Health prior to sealing, removing, covering, plugging or filling the well(s) from which the authorized appropriation was made. The well(s) must be sealed by a licensed well driller and in accordance with the procedures required under Minnesota Statutes 103I and Minnesota Rules 4725 as administered by the Minnesota Department of Health.

WATER USE CONFLICT: If notified by the DNR that a water use conflict is suspected and probable from your

CONDITIONS (Continued from previous page)

appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.

WATER CONSERVATION: All practical and feasible water conservation methods and practices must be employed to promote sound water management and use the least amount of water necessary, such as reuse and recycling water, water-saving devices, and water storage.

DISCHARGE AUTHORIZATION: This permit is valid only in conjunction with all required discharge authorizations from local, state, or federal government units.

RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – PLAN TO CONVERT TO SURFACE WATER

SOURCE: A revised Water Supply Plan must be submitted to the DNR, by August 29, 2018, that includes a contingency plan to fully or partially convert the source water that is authorized under this permit from groundwater to surface water source(s). The contingency plan must include a schedule for funding design, construction and conversion to a surface water supply. Whether any conversion would occur shall be determined by the DNR and the holder of this permit.

RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – RESIDENTIAL IRRIGATION BAN: The permittee must prepare, enact and enforce a residential irrigation ban when notified by DNR that the lake level of White Bear Lake has fallen below 923.5 feet (MSL 1912), to continue until notified by the DNR that the lake level has reached an elevation of 924 feet (MSL 1912). By April 30, 2018, send the DNR your approved ordinance or other enforceable mechanism for implementing an irrigation ban consistent with this permit condition. The current lake levels of White Bear Lake may be viewed on the MN DNR website: (http://www.dnr.state.mn.us/waters/csg/site_report.html?mode=get_site_report&site=82016700).

RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – PER CAPITA WATER USE PLAN: By August 29, 2018 submit an enforceable plan to the DNR to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day.

RAMSEY COUNTY DISTRICT COURT ORDER: 62-CV-13-2414 – REPORT ON COLLABORATIVE EFFORTS: Annual reporting to the DNR is required on your collaborative efforts with northeast metro communities to develop plans to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day. Annual reports are due on March 31st of each year, beginning in 2019.

cc: Jeanne Daniels, EWR District Manager
TKDA Inc., Agent
Severson, Leigh, Contact; TKDA Inc.
Ellingson, Matt, Contact; TKDA Inc.
Joe Lochner, County, Ramsey
Tom Schmidt, Watershed District, RICE CREEK WD
Ann WhiteEagle, SWCD, Ramsey Conservation District


**DEPARTMENT OF
NATURAL RESOURCES**
MNDNR PERMITTING AND REPORTING SYSTEM
Amended
Water Appropriation Permit
Permit Number
1984-6121
NORTH SYSTEM

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: North System	County: Ramsey	Watershed: Mississippi River - Twin Cities	Resource: Groundwater
Purpose of Permit: Municipal/Public Water Supply		Authorized Action: Withdrawal of up to 550.0 million gallons of water per year for municipal/public water supply.	
Permittee: WHITE BEAR TOWNSHIP CONTACT: LEONHARDT, TORI, (651) 747-2757 1281 HAMMOND ROAD WHITE BEAR LAKE, MN 55110 (651) 747-2750		Authorized Agent: N/A	
To Appropriate From:			
Well 3: 24.0 inches diameter, 372.0 feet depth, 1200 gpm, unique number 224679 Point(s) of Taking UTM zone 15N, 499454m east, 4994122m north Section 11, T30N, R22W			
Well 4: 24.0 inches diameter, 408.0 feet depth, 550 gpm, unique number 226572 Point(s) of Taking UTM zone 15N, 498050m east, 4994118m north Section 11, T30N, R22W			
Well 5: 18.0 inches diameter, 412.0 feet depth, 1500 gpm, unique number 151596 Point(s) of Taking UTM zone 15N, 497445m east, 4990904m north Section 22, T30N, R22W			
Well 6: 30.0 inches diameter, 360.0 feet depth, 1800 gpm, unique number 596636 Point(s) of Taking UTM zone 15N, 500450m east, 4994620m north Section 12, T30N, R22W			
Issued Date: 03/01/2018	Effective Date: 03/01/2018	Expiration Date: Long-Term Appropriation	
Authorized Issuer:	Title:	Email Address:	Phone Number:

Joe Richter	District Appropriations Hydrologist	joe.richter@state.mn.us	651-259-5877
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Stephanie McNamara, Watershed District, VADNAIS LAKE WMO
Tom Schmidt, Watershed District, RICE CREEK WD
Ann WhiteEagle, SWCD, Ramsey Conservation District