

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3236

04/24/2025 Authored by Burkel; Anderson, P. H., and Schultz
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; modifying requirements for water appropriations permits;
1.3 amending Minnesota Statutes 2024, sections 103G.287, subdivision 1; 103G.305,
1.4 subdivision 1, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2024, section 103G.287, subdivision 1, is amended to read:

1.7 Subdivision 1. **Applications for groundwater appropriations; preliminary**
1.8 **well-construction approval.** (a) Groundwater use permit applications are not complete
1.9 until the applicant has supplied:

1.10 (1) a water well record as required by section 103I.205, subdivision 9, information on
1.11 the subsurface geologic formations penetrated by the well and the formation or aquifer that
1.12 will serve as the water source, and geologic information from test holes drilled to locate the
1.13 site of the production well;

1.14 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

1.15 (3) information on groundwater quality in terms of the measures of quality commonly
1.16 specified for the proposed water use and details on water treatment necessary for the proposed
1.17 use;

1.18 (4) ~~the results of an aquifer test completed according to specifications approved by the~~
1.19 ~~commissioner. The test must be conducted at the maximum pumping rate requested in the~~
1.20 ~~application and for a length of time adequate to assess or predict impacts to other wells and~~
1.21 ~~surface water and groundwater resources. The permit applicant is responsible for all costs~~
1.22 ~~related to the aquifer test, including the construction of groundwater and surface water~~

2.1 ~~monitoring installations, and water level readings before, during, and after the aquifer test~~
 2.2 any aquifer test that has previously been completed by, or on behalf of, the applicant related
 2.3 to the proposed water use and well; and

2.4 (5) the results of any assessments conducted by the commissioner under paragraph ~~(e)~~
 2.5 (d).

2.6 (b) The commissioner may waive an application requirement in this subdivision if the
 2.7 information provided with the application is adequate to determine whether the proposed
 2.8 appropriation and use of water is sustainable and will protect ecosystems, water quality,
 2.9 and the ability of future generations to meet their own needs.

2.10 (c) If the commissioner determines that a new aquifer test is necessary to evaluate a
 2.11 proposed water use or well to determine whether the anticipated appropriation is likely to
 2.12 meet the applicable requirements of this chapter, the commissioner must, within 30 days
 2.13 of the commissioner's receipt of a complete application, issue a written determination
 2.14 requiring the applicant to complete an aquifer test. The written determination must state the
 2.15 factual findings that support the commissioner's determination that a new aquifer test is
 2.16 necessary and set forth the specifications the applicant must follow to complete the aquifer
 2.17 test. The permit applicant is responsible for all costs related to the aquifer test, including
 2.18 the construction of groundwater and surface water monitoring installations and water level
 2.19 readings before, during, and after the aquifer test.

2.20 ~~(e)~~ (d) The commissioner shall provide an assessment of a proposed well needing a
 2.21 groundwater appropriation permit. The commissioner shall evaluate the information submitted
 2.22 as required under section 103I.205, subdivision 1, paragraph (e), and determine whether
 2.23 the anticipated appropriation request is likely to meet the applicable requirements of this
 2.24 chapter. If the appropriation request is likely to meet applicable requirements, the
 2.25 commissioner shall provide the person submitting the information with a letter or
 2.26 electronically transmitted notice providing preliminary approval to construct the well and
 2.27 the requirements, including test-well information, that will be needed to obtain the permit.

2.28 ~~(d)~~ (e) The commissioner must provide an applicant denied a groundwater use permit
 2.29 or issued a groundwater use permit that is reduced or restricted from the original request
 2.30 with all information the commissioner used in making the determination, including
 2.31 hydrographs, flow tests, aquifer tests, topographic maps, field reports, photographs, and
 2.32 proof of equipment calibration.

3.1 Sec. 2. Minnesota Statutes 2024, section 103G.305, subdivision 1, is amended to read:

3.2 Subdivision 1. **General 150-day limit.** (a) Except as provided in subdivision 2, the
3.3 commissioner must act on a water-use permit within 150 days after the completed application
3.4 for the permit has been submitted or, if the commissioner determines that a new aquifer test
3.5 is necessary under section 103G.287, subdivision 1, paragraph (c), within 120 days after
3.6 the applicant submits the results of a qualified aquifer test. Within 30 business days of
3.7 application for a water-use permit, the commissioner shall notify the applicant, in writing,
3.8 whether the application is complete or incomplete. Failure of the commissioner to deny an
3.9 application for a water-use permit within the period allowed under this subdivision is
3.10 approval of the application.

3.11 (b) The commissioner must direct a hearing to be held on a water-use permit application
3.12 or make an order issuing a permit or denying a permit.

3.13 Sec. 3. Minnesota Statutes 2024, section 103G.305, is amended by adding a subdivision
3.14 to read:

3.15 Subd. 3. **Extensions.** (a) The time limit in subdivision 1 is extended if a state statute,
3.16 federal law, or court order requires a process to occur before the commissioner acts on the
3.17 application and the time periods prescribed in the state statute, federal law, or court order
3.18 make it impossible for the commissioner to act on the application within the period allowed
3.19 under subdivision 1. In cases described in this paragraph, the deadline is extended to 60
3.20 days after completion of the last process required in the applicable statute, law, or order.
3.21 Final approval of the commissioner is not considered a process for purposes of this paragraph.

3.22 (b) The commissioner may extend the time limit in subdivision 1 before the end of the
3.23 initial period allowed under subdivision 1 by providing written notice of the extension to
3.24 the applicant. The notification must state the reasons for the extension and its anticipated
3.25 length, which may not exceed 60 days unless approved by the applicant.

3.26 (c) An applicant may, by written notice to the commissioner, request an extension of
3.27 the time limit under this section.