

shall be filled by the appointing power.

Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 3. RECOMMENDATIONS. The commission shall act from the time its members are appointed until January 15, 1978. It shall report its findings and recommendations to the legislature not later than January 15, 1978.

Subd. 4. MEETINGS, STAFF. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in subdivisions 1 to 6. It shall select a chairman and other officers from its membership and employ staff as necessary.

Subd. 5. GIFTS AND GRANTS. The commission may solicit and accept gifts and grants available for use to accomplish the purposes of subdivisions 1 to 6.

Subd. 6. APPROPRIATION. The sum of \$25,000 is appropriated from the general fund to the commission to pay its expenses.

Subd. 7. EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. APPROPRIATIONS. Subdivision 1. The sum set forth in this section is appropriated from the general fund to the board of arts for the purposes indicated, to be available until June 30, 1979.

<u>Subd. 2. Grants to public television stations and costs incident thereto</u>	<u>\$300,000</u>
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Approved June 2, 1977.

CHAPTER 446—H.F.No.1236

[Coded in Part]

An act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; 156A.07, Subdivision 4; and Chapter 105, by adding a section.

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

Changes or additions indicated by underline deletions by ~~strikeout~~

Section 1. Minnesota Statutes 1976, Chapter 105, is amended by adding a section to read:

[105.401] WATER RESOURCES; REGULATION OF USE; WATER PLANNING BOARD. Subdivision 1. MEMBERSHIP, OFFICERS, STAFF. There is created in the executive branch of the state government a water planning board. The members of the board are: (1) the commissioner of natural resources; (2) the commissioner of health; (3) the director of the pollution control agency; (4) the commissioner of agriculture; (5) the director of the energy agency; and (6) the chairman of the state soil and water conservation board, or their designees. The governor shall appoint the chairperson of the board, with the advice and consent of the senate to serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chairperson shall not be a representative of the state agencies listed, but shall be the seventh member of the board and also shall represent the governor on the federal-state river basin commissions. The board shall supersede and replace the Minnesota water resources council created by executive order of the governor.

Subd. 2. DUTIES. The board shall perform the following duties:

(1) Direct the preparation of the framework water and related land resources plan proposed to the legislative commission on Minnesota resources in October, 1976, if so requested by the commission;

(2) Assure the participation of the public and of all units of government in the preparation and implementation of all state water resource planning activities;

(3) Direct all state involvement in activities undertaken pursuant to the federal Water Resource Planning Act, Public Law 89-80, including but not limited to administration of Title III funding;

(4) Evaluate state participation in the federal-state river basin commissions and make recommendations to the governor and the legislature concerning continued state involvement;

(5) Evaluate and recommend improvements in state laws, rules and procedures in order to reduce overlap, duplication or conflicting jurisdictions among the many state and interstate agencies having jurisdiction in the area of public water resource management and regulation; and

(6) Coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area.

The chairperson of the board may seek the assistance of any public agency and may appoint subcommittees he deems necessary to properly discharge the duties of the board. The board shall meet quarterly, and at the request of three of its members or at the discretion of the chairperson. The final report of the board shall be delivered to the governor and the legislature before July 1, 1979. The board ceases to exist June 30, 1979.

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Sec. 2. Minnesota Statutes 1976, Section 105.41, Subdivision 1a, is amended to read:

Subd. 1a. The commissioner shall submit to the legislature by January 1, 1975, for its approval, proposed rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water;

First priority. Domestic water supply, excluding industrial and commercial uses of municipal water supply. ~~Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.~~

Second priority. Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority. Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Fourth priority. Power production, involving consumption in excess of 10,000 gallons per day.

~~Fourth priority. Industrial and commercial uses, involving consumption in excess of 10,000 gallons per day.~~

Fifth priority. Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans. The commissioner shall not modify or restrict the amount of appropriation from a groundwater source authorized in a permit issued pursuant to section 105.44, subdivision 8, between May 1 and October 1 of any year, unless the commissioner determines the authorized amount of appropriation endangers any domestic water supply.

Sec. 3. Minnesota Statutes 1976, Section 105.41, Subdivision 1, is amended to read:
Changes or additions indicated by underline deletions by strikeout

105.41 **APPROPRIATION AND USE OF WATERS.** Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner; ~~previously obtained upon written application therefor to the commissioner.~~ Nothing in this section shall be construed to apply to the use of water for domestic purposes serving less than 25 persons. The commissioner shall establish a statewide training program to provide training in the conduct of pumping tests and data acquisition programs.

Sec. 4. Minnesota Statutes 1976, Section 105.41, is amended by adding a subdivision to read:

Subd. 6. Any appropriation or use permit may be transferred if the permittee conveys the real property where the source of water is located to the subsequent owner of the real property. The subsequent owner shall notify the commissioner of natural resources immediately after an appropriation or use permit is transferred pursuant to this section.

Sec. 5. Minnesota Statutes 1976, Section 105.415, is amended to read:

105.415 **RULES GOVERNING PERMITS.** Notwithstanding the provision in section 105.41, subdivision 1a, stating that the commissioner of natural resources shall submit to the legislature by January 1, 1975, for its approval proposed rules governing the allocation of waters among potential water users, and notwithstanding the provision in section 105.42, subdivision 1a, stating that the commissioner shall recommend by January 15, 1975, to the legislature a comprehensive law containing standards and criteria governing the issuance and denial of permits under the section, the commissioner shall ~~prior to January 30, 1977~~ 1978, adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

Sec. 6. Minnesota Statutes 1976, Section 105.44, Subdivision 1, is amended to read:

105.44 **PROCEDURE UPON APPLICATION.** Subdivision 1. **PERMIT.** Each application for a permit required by sections 105.37 to 105.55 shall be accompanied by maps, plans, and specifications describing the proposed appropriation and use of waters, or the changes, additions, repairs or abandonment proposed to be made, or the public water affected, and such other data as the commissioner may require. This data may include but not be limited to a statement of the effect the actions proposed in the permit application will have on the environment, such as: (a) changes in water and related land resources which are anticipated; (b) unavoidable but anticipated detrimental effects; (c) alternatives to the actions proposed in the permit. If the proposed activity, for which the permit is requested, is within a city, ~~or town~~; or is within or affects a watershed district or a soil and water conservation district, a copy of the application together with maps, plans and specifications shall be served on the secretary of the board of managers of the district and the secretary of the board of supervisors of the soil and water conservation district and on the ~~chief executive officer~~ mayor of the city ~~or town~~. Proof of such service shall be included with the application and filed with the commissioner.

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Sec. 7. Minnesota Statutes 1976, Section 105.44, Subdivision 2, is amended to read:

Subd. 2. **AUTHORITY.** The commissioner is authorized to receive applications for permits and to grant the same, with or without conditions, or refuse the same as hereinafter set forth. Provided, that if the proposed activity for which the permit is requested is within a city ~~or town~~, or is within or affects a watershed district ~~or a soil and water conservation district~~ the commissioner may secure the written recommendation of the managers of said district ~~and the board of supervisors of the soil and water conservation district~~ or the chief executive officer ~~mayor~~ of the city ~~or town~~; before granting or refusing the permit. ~~Said managers~~ The managers or supervisors or chief executive officers mayors shall file their recommendation within a reasonable time 30 days after receipt of a copy of the application for permit.

Sec. 8. Minnesota Statutes 1976, Section 105.44, Subdivision 3, is amended to read:

Subd. 3. **WAIVER OF HEARING.** The commissioner in his discretion may waive hearing on any application and make his order granting or refusing such application. In such case, if any application ~~be is~~ granted, with or without conditions, or ~~be is~~ refused, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the chief executive officer ~~mayor~~ of the city ~~or town~~ may within 30 days after mailed notice thereof file with the commissioner a demand for hearing on the application together with the bond required by subdivision 6. The application shall thereupon be fully heard on notice as hereinafter provided, and determined the same as though no previous order had been made. Any hearing pursuant to this section shall be conducted as a contested case in accordance with chapter 15. If the commissioner elects to waive a hearing, and if no demand for hearing be made, or if a hearing is demanded but no bond is filed as required by subdivision 6, the order shall become final at the expiration of 30 days after mailed notice thereof to the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the chief executive officer ~~mayor~~ of the city ~~or town~~; and no appeal of the order may be taken to the district court.

Sec. 9. Minnesota Statutes 1976, Section 105.44, Subdivision 4, is amended to read:

Subd. 4. **TIME.** The commissioner shall act upon all applications, except for appropriations for irrigation, pursuant to section 105.44, subdivision 8, within ~~20~~ 30 days after the application and all required data is filed in his office; either waiving hearing and making an order thereon or directing hearing thereon.

Sec. 10. Minnesota Statutes 1976, Section 105.44, Subdivision 5, is amended to read:

Subd. 5. **NOTICE.** The notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and shall show the waters affected, the levels sought to be established or any control structures proposed. The notice shall be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner, once each week for two successive weeks prior to the day of

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hearing in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official mayor of any municipality or the watershed district and the soil and water conservation district affected. The commissioner shall also fulfill any notice requirements prescribed by section 15.0418 and rules of the chief hearing examiner.

Sec. 11. Minnesota Statutes 1976, Section 105.44, Subdivision 6, is amended to read:

Subd. 6. **HEARING COSTS.** ~~The hearings shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure. Except where a public hearing is demanded by a public authority which is not the applicant, the applicant shall pay the following, if the commissioner's action, taken pursuant to subdivision 2, is affirmed without material modification: (1) Costs of the stenographic record and transcript, (2) Rental expenses, if any, of the place of hearing, (3) Costs of publication of orders made by the commissioner; however, in no event shall the applicant pay more than \$750.~~

Where the public hearing is demanded by a public authority which is not the applicant, the public authority making the demand shall pay the costs and expenses listed above if the commissioner's action is affirmed without material modification. An applicant filing a demand for a public hearing shall execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner, and in an amount and form fixed by the commissioner. The bond or security shall be conditioned for the payment of all costs and expenses of the public hearing if the commissioner's action taken pursuant to subdivision 2 is affirmed without material modification. No bond or security is required of a public authority which demands a public hearing. The commissioner, in his discretion, may waive the requirement for a bond or other security. In all other instances, costs of the hearing shall be borne in the manner prescribed by chapter 15 and the chief hearing examiner.

Sec. 12. Minnesota Statutes 1976, Section 105.44, Subdivision 8, is amended to read:

Subd. 8. **PERMIT TO IRRIGATE AGRICULTURAL LAND.** When an application for permit to irrigate agricultural land from public waters is made, a general statement in the application of the purpose of the proposed use of public waters and the acreage to be irrigated shall be sufficient compliance with the requirements of subdivision 1 with respect to maps, plans and specifications, unless the commissioner reasonably may require additional specified information within ten days of the filing of the application. In any such case the commissioner shall make his order granting the application unless he finds after hearing that granting thereof would be against the public interest or would deprive another than the applicant of the share of public water which such other has

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~~requested and to which he is entitled. the soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to a comprehensive soil and water conservation plan approved pursuant to section 40.07, subdivision 9, within 30 days of the receipt of the application. Within 30 days of receipt of the application the commissioner may require additional specific information from the applicant. Upon receipt of all additional specific information required of the applicant, the commissioner shall have an additional 60 days to review that information, consider the soil and water conservation recommendations and decide whether to grant or deny the permit; provided that if the commissioner orders a hearing, then the time within which he must grant or deny the application shall be ten days after receipt of the report of the hearing officer.~~ In the case of an application for permit to irrigate agricultural land, failure of the commissioner to act thereon by ~~granting or denial or other hearing thereon~~ within 30 days after filing of the application; or in case the commissioner has reasonably required additional specified information than that given in the application within 20 days after the filing of such additional information ~~the specified time period, shall be deemed an order granting the application. This order shall be deemed granted ten days after the applicant has given written notice to the commissioner stating his intention to proceed with the appropriation.~~

Sec. 13. Minnesota Statutes 1976, Section 105.44, Subdivision 10, is amended to read:

Subd. 10. **PERMIT FEES.** Each application for a permit authorized by sections 105.37 to 105.64, shall be accompanied by a permit application fee in the amount of \$15 to defray the costs of receiving, recording, and processing the application. The commissioner may charge an additional permit application fee in excess of the fee specified above, in accordance with a schedule of fees adopted by rules promulgated in the manner provided by chapter 15, which fee schedule shall be based upon the project's costs and the complexity of the permit applied for.

For projects requiring a mandatory environmental assessment pursuant to chapter 116D the commissioner may charge an additional field inspection fee of not less than \$25 for each permit applied for under sections 105.37 to 105.64. The commissioner shall establish pursuant to rules ~~and regulations~~ adopted in the manner provided by chapter 15, a schedule for field inspection fees which shall include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4, do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16.011, or federal governmental agency applying for a permit.

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Sec. 14. Minnesota Statutes 1976, Section 105.462, is amended to read:

105.462 INVESTIGATIONS; ORDERS WITHOUT A PERMIT APPLICATION.

When the commissioner determines that the public interest so requires, he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing the commissioner may make findings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. Thereafter the matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. However, if no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken to the district court.

Sec. 15. Minnesota Statutes 1976, Section 105.482, Subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER'S DUTIES.** From money appropriated for the following purposes from time to time, the commissioner of natural resources may repair or reconstruct state owned dams and may grant aid to local governmental units to repair or reconstruct dams owned by local governmental units and to make necessary engineering evaluations related to the repair or reconstruction. No grant to a local governmental unit shall exceed the amount contributed to the project by the local governmental unit from funds raised locally exclusive of federal grants.

Sec. 16. Minnesota Statutes 1976, Section 105.482, Subdivision 5, is amended to read:

Subd. 5. **LIMITATIONS.** If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than ~~\$25,000~~ \$50,000, the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit without the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is ~~\$25,000~~ \$50,000 or more but less than ~~\$50,000~~ \$100,000, the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is ~~\$50,000~~ \$100,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the executive council, the commissioner may direct that a state owned dam be repaired or reconstructed or a grant be made to a local governmental unit where he determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will

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be suffered if such action is not promptly taken.

Sec. 17. Minnesota Statutes 1976, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion of any well, submit a verified report to the Minnesota department of health upon forms provided by it containing the following information: (a) the name and address of the owner of such well and the actual location of such well; (b) a well log of the materials and water encountered in connection with drilling such well, together with all pumping tests relating thereto; (c) such other information as the board of health may require concerning the drilling of such well. The board of health shall send one copy of the report to the commissioner of natural resources, the local soil and water conservation district within which the well is located, and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The department of health may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision.

Sec. 18. [105.416] IRRIGATION FROM GROUNDWATER. Subdivision 1. PERMIT CLASSES ESTABLISHED. Permit applications required by Minnesota Statutes, Section 105.41, for appropriation of groundwater for purposes of agricultural irrigation shall be processed as either class A or class B applications. Class A applications are for wells located in areas for which the commissioner of natural resources has adequate groundwater availability data. Class B are those for all other areas. The commissioner shall evaluate available groundwater data, determine its adequacy, and designate areas A and B, statewide. The commissioner shall solicit, receive, and evaluate groundwater data from soil and water conservation districts, and where appropriate revise his area A and B designations. The commissioner of natural resources shall file with the secretary of state a commissioner's order defining these areas by county and township. Additional areas may be added by a subsequent order of the commissioner. Class A and B applications shall be processed in the order received.

Subd. 2. CLASS B PERMITS; INFORMATION REQUIREMENTS. Class B applications are not complete until the applicant has supplied the following data:

(a) A summary of the anticipated well depth and subsurface geologic formation expected to be penetrated by the well. For glacial drift aquifers, this data shall include the logs of test holes drilled for the purpose of locating the site of the proposed production well;

(b) The formation and aquifer expected to serve as the groundwater source;

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(c) The maximum daily, seasonal and annual pumpage expected;

(d) The anticipated groundwater quality in terms of the measures of quality commonly specified for the proposed water use;

(e) The results of a pumping test supervised by the commissioner or his designee, conducted at a rate not to exceed the proposed pumping rate for a period not to exceed 72 hours for wells under water table conditions and not to exceed 24 hours for wells under artesian conditions. Before, during and after the pumping test the commissioner shall require monitoring of water levels in one observation well located at such distance from the pumping well which he has reason to believe may be affected by the new appropriation. The permit applicant shall be responsible for all costs of the pumping tests and monitoring in the one observation well. He shall be responsible for the construction of this one observation well if suitable existing wells cannot be located for this purpose. If the commissioner believes that more than one observation well is needed he shall instruct the applicant to install and monitor additional observation wells. The commissioner shall reimburse the applicant for these added costs; and

(f) Upon determination of the area of influence of the proposed well, the location of existing wells within the area of influence which were reported pursuant to section 156A.07, together with readily available facts on depths, geologic formations, pumping and nonpumping water levels and details of well construction as related to the board of health "Water Well Construction Code".

The commissioner may in any specific application waive any of the requirements of clauses (d) to (f) when the necessary data is already available.

Subd. 3. ISSUANCE OF NEW PERMITS; CONDITIONS. The commissioner shall issue permits for irrigation appropriation from groundwater only where he determines that proposed soil and water conservation measures are adequate based on recommendations of the soil and water conservation districts and that water supply is available for the proposed use without reducing water levels beyond the reach of vicinity wells constructed in accordance with the water well construction code, contained in the rules of the Minnesota state board of health, MHD 217 to 222.

Sec. 19. [105.417] WATER APPROPRIATIONS FROM SURFACE SOURCES. Subdivision 1. WAIVER. The commissioner may waive any limitation or requirement in subdivisions 2 through 5 for just cause.

Subd. 2. NATURAL AND ALTERED NATURAL WATERCOURSES. Where data are available, permits to appropriate water from natural and altered natural watercourses shall be limited so that consumptive appropriations are not made from the watercourses during periods of specified low flows in order to safeguard water availability for instream uses and for downstream higher priority users located in reasonable proximity to the site of appropriation.

Subd. 3. WATER BASINS. (a) Permits to appropriate water for any purpose from waterbasins shall be limited so that the collective annual withdrawals do not exceed a

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total volume of water amounting to one-half acre-foot per acre of waterbasin based on Minnesota department of conservation bulletin No. 25, "An Inventory of Minnesota Lakes."

(b) As a condition to any surface water appropriation permit, the commissioner of natural resources shall establish an elevation for the subject waterbasin, below which no appropriation shall be allowed. During the determination of the elevation, which for the purposes of this section shall be known as the "protection elevation," the commissioner shall take into account the elevation of important aquatic vegetation characteristics related to fish and wildlife habitat, existing uses of the waterbasin by the public and riparian land owners, the total volume within the waterbasin and the slope of the littoral zone.

(c) As part of any application for appropriation of water for any purpose from a waterbasin of less than 500 acres in surface area, the applicant shall obtain a signed statement from as many landowners with land riparian to the subject waterbasin stating their support to the proposed appropriation as he is able to obtain and it shall indicate the number whose signature he is unable to obtain.

Subd. 4. TROUT STREAMS. Permits issued after the effective date of this act to appropriate water for any purpose from streams designated trout streams by the commissioner's orders pursuant to section 101.42, shall be limited to temporary appropriations.

Subd. 5. CONTINGENCY PLANNING. No application for use of surface waters of the state for any purpose is complete until the applicant submits, as part of the application, a contingency plan which describes the alternatives he will utilize if further appropriation is restricted due to the flow of the stream or the level of a water basin. No surface water appropriation for any purpose shall be allowed unless the contingency plan is feasible or the permittee agrees to withstand the results of no appropriation.

Sec. 20. [105.418] CONSERVATION OF PUBLIC WATER SUPPLIES. During periods of critical water deficiency as determined by the governor and declared by order of the governor, public water supply authorities appropriating water shall adopt and enforce restrictions consistent with rules adopted by the commissioner of natural resources within their areas of jurisdiction to restrict lawn sprinkling, car washing, golf course and park irrigation, and other non-essential uses, together with appropriate penalties for failure to comply with the restrictions. The commissioner may adopt emergency rules pursuant to section 15.0412, subdivision 5 relating to matters covered by this section during the year 1977. Disregard of critical water deficiency orders, even though total appropriation remains less than that permitted, shall be adequate grounds for immediate modification of any public water supply authority's appropriator's permit.

Sec. 21. APPROPRIATIONS. Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available until June 30, 1979:

<u>Subd. 2. Water planning board</u>	<u>\$132,000</u>
<u>To implement section 1.</u>	

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<u>Subd. 3. Commissioner of natural resources</u>	
<u>(a) For administration of sections 2 through 20, development of groundwater data systems, groundwater data acquisition, groundwater management, groundwater investigations, and groundwater reports and publications</u>	<u>\$400,000</u>
<u>(b) For implementation of the training program authorized in section 3.</u>	<u>\$100,000</u>

The commissioner of natural resources may increase the authorized personnel complement of the department of natural resources by not more than nine positions to accomplish the purposes of sections 2 to 20.

<u>Subd. 4. Minnesota geological survey</u>	<u>\$270,000</u>
<u>For the purpose of completing a statewide data bank of waterwell logs and compilation of data obtained from current drilling activities.</u>	

<u>Subd. 5. State soil and water conservation board</u>	<u>\$184,000</u>
<u>For the purpose of groundwater data collection and management as authorized in sections 3 and 6 through 12.</u>	

The state soil and water conservation board shall allocate the money appropriated in this subdivision among soil and water conservation districts which have participated in the training specified in section 3.

<u>Subd. 6. Department of health</u>	<u>\$155,000</u>
<u>For the purpose of administration of chapter 156A.</u>	

Sec. 22. This act is effective the day following final enactment.

Approved June 2, 1977.

CHAPTER 447—H.F.No.550

[Coded in Part]

An act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, educational cooperative service units, the commissioner of education, the state board of education and the state board for vocational education; changing the method of distributing the agricultural tax credit; providing for tuition and tuition subsidies for certain post-secondary vocational-technical school students; establishing formulas for current funding of adult and secondary vocational education, capital expenditure equalization aid and school lunch aid;

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