

# 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.
- (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, unavoidable detrimental effects, and alternatives to the proposed appropriation;

- (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;

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 105.418, 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 105.403, 105.405, and 105.41, subdivision 1a, 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.

[EXAMPLE: 234 million gallons appropriated is in the range of 200 to 250 million gallons requiring a fee of \$2.50 for each million gallons, therefore, the fee is \$585.00 = \$2.50 x 234]

VOLUME APPROPRIATED	FEE
0 to 50 million gallons	- \$50.00 minimum fee
50 to 100 million gallons	- \$1.00 for each million
100 to 150 million gallons	- \$1.50 for each million
150 to 200 million gallons	- \$2.00 for each million
200 to 250 million gallons	- \$2.50 for each million
250 to 300 million gallons	- \$3.00 for each million
300 to 350 million gallons	- \$3.50 for each million
350 to 400 million gallons	- \$4.00 for each million
Above 400 million gallons	- \$4.50 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 \$10.

### MAXIMUM ANNUAL WATER USE FEES

\$750 for any single agricultural irrigation permit  
\$35,000 for any single non-irrigation permit  
\$35,000 total for an entity with 3 or less permits  
\$50,000 total for an entity with 4 to 5 permits  
\$175,000 total for an entity with more than 5 permits  
\$175,000 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 systems. The fee is 20 cents per 1,000 gallons (\$200.00 per million gallons), with no maximum fee.

Non-profit corporations and school districts with once-through heating and cooling systems pay based on the following fee schedule:

5 cents per 1,000 gallons until December 31, 1991

10 cents per 1,000 gallons from 1992 thru 1996

15 cents per 1,000 gallons after January 1, 1997

No maximum fee

## PROCESSING FEE EXEMPTIONS

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

**All water use fees are deposited in the State General Fund.**

Enter the number from line 2 of the Fee Calculation Worksheet \_\_\_\_\_ million gallons

If this number is greater than 13.0 million gallons an amendment is required along with an after-the-fact fee of \$150.00. Enter this amount on line 6 of the Fee Calculation Worksheet and enclose items a through f listed below with your water use report and fees.

1. Amendment: To change the number of permitted installations, pumping rate, or permitted volume enter \$75.00 (or \$150.00 as specified above) on line 6 of the Fee Calculation Worksheet and enclose the applicable items listed below with your report and fees.
  - a. A written amendment request that describes changes needed to the existing permit. Please verify well and pumping rate information for all well or pump installations on your existing permit and be sure to note any abandoned or sealed production wells.
  - b. Requests for increases in authorized volume of water should be based on a five-year projection and must include documentation to justify the volume of water being requested.
  - c. Requests for new production wells must include a copy of the water well record (available from the well driller), the proposed pumping rate, and a map showing the location of the new and existing wells or pump installations.
  - d. A statement of justification that describes why additional water or new wells are needed, information on the adequacy of the water source, and any alternatives to the amendment request, including water conservation programs.
  - e. Public water suppliers that serve more than 1,000 people and are requesting approvals for new wells or additional volumes of water, must provide information on demand reduction measures that are being implemented. Required demand reduction measures include a public education program, an evaluation of your rate structure and its impact on conservation, and may include retrofitting or other programs.
  - f. Number of service connections and volumes of water used by residential, commercial, industrial, and other types of customers (the enclosed 1996 Public Water Supply Inventory form can be used).
2. If you need an installation removed from your permit, please explain below. Note that no fee is required for the removal of an installation if no other changes to the permit are needed.

\_\_\_\_\_

Fee Exemptions (Minnesota Rules 6115.0120)

1. A change in mailing address or authorized agent when land ownership has not changed.
2. A change in pump location on surface water sources for the same operation
3. A replacement well completed at the same depth in the same aquifer
4. A decrease in the permitted pumping rate, amount of water authorized, or irrigated acreage
5. An increase in the permitted pumping rate or permitted volume within 10%

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE ( ) \_\_\_\_\_

**DEPARTMENT OF NATURAL RESOURCES  
ANNUAL REPORT OF WATER USE INSTALLATION SHEET**

Use: MUNICIPAL WATERWORKS  
Source Type: GROUND WATER

Well Unique Number: 241408  
Twp: 104 Rng: 44 Sec: 12 Qtr: ADA

LEOTA, CITY OF  
JOHN MOUW  
LEOTA COMMUNITY WATER  
BOX 233  
LEOTA MN 56153

Please correct address if needed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
507-443-5055 \_\_\_\_\_

A. If no water was withdrawn this year, indicate the reason.

- 1. Well Sealed
- 2. Emergency Source
- 3. Water received from an alternate source (specify source) \_\_\_\_\_
- 4. Other (specify) \_\_\_\_\_

B. List the number of gallons withdrawn, enter 0 if none. Pumping Rate (gpm): \_\_\_\_\_

January _____	July _____
February _____	August _____
March _____	September _____
April _____	October _____
May _____	November _____
June _____	December _____

TOTAL

C. Affidavit of compliance .Measurement method (check one)

- 1. Flow Meter
- 2. Flow Rate Meter with: \_\_\_\_\_ Totalizer or \_\_\_\_\_ Hour meter
- 3. Timing Device: \_\_\_\_\_ Hour meter or \_\_\_\_\_ Electric meter x gpm
- 4. Alternate method: If not already approved, enclose request for approval.
- 5. Estimated: An approved measuring device or method is required (describe below).  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

**DNR - FEE CALCULATION WORKSHEET**

PWS

LEOTA, CITY OF, LEOTA, MN 56153

Use: 211 Permit Volume (MG/Y): 13.0

Number of installations: 2

\*\*\* PLEASE RETURN THIS WORKSHEET ALONG WITH YOUR REPORT(S) AND FEES \*\*\*

1. Enter the total volume of water pumped from all installations of this permit. If this amount is 0, skip to line 5 and enter \$50.00. \_\_\_\_\_ gallons
2. Divide line 4 by one million (1,000,000), round to the nearest thousandth and enter here: \_\_\_\_\_ million gallons  
(Example: 73,243,400 rounds to 73.243 million gallons)
3. Find your fee rate on the table below and enter it here: \$ \_\_\_\_\_ per million gallons

VOLUME PUMPED (from line 2)	FEE RATE (per million gallons)
Up to 50 million gallons	\$0.50
51 to 100 million gallons	\$1.00
101 to 150 million gallons	\$1.50
151 to 200 million gallons	\$2.00
201 to 250 million gallons	\$2.50
251 to 300 million gallons	\$3.00
301 to 350 million gallons	\$3.50
351 to 400 million gallons	\$4.00
Over 400 million gallons	\$4.50

4. Multiply Line 2 by Line 3 and enter here: \$ \_\_\_\_\_  
For Example:
 

72.243	million gallons
x 1.00	dollars per million gallons
\$ 72.24	

**5. FEE DETERMINATION**

- a) If the amount on line 4 is equal to \$0, then enter the minimum fee of \$50.00
- b) If the amount on line 4 is greater than the maximum fee from the table below, enter the maximum fee from the table on this line.
- c) If the amount on line 4 is less than the maximum fee and greater than the minimum fee, enter the amount from line 4 on this line. \$ \_\_\_\_\_

(attach copies of all reports)

Classification	Maximum Fee
entity with 1 to 3 permits	\$35,000.00
entity with 4 to 5 permits	\$50,000.00
entity with more than 5 permits	\$175,000.00
city of the first class	\$175,000.00

6. Complete the Data Verification Form. If a fee is required for a permit amendment or transfer, enter the amount on this line. \$ \_\_\_\_\_
7. Add lines 5 and 6. Enter the total on this line. This is the 1996 water appropriation fee due. Return this fee with the water use reports and any additional information required. \$ \_\_\_\_\_

Make checks payable to "DNR Division of Waters", and mail to:  
DNR Waters  
500 Lafayette Road, Box 48  
St Paul, MN 55155-4048

If you have any questions about calculating your fee please call (612) 296-0435 24 hours

Public water suppliers that serve more than 1,000 people must complete this form. Smaller communities are also encouraged to complete this form and maintain water use data by customer categories. Please provide your own definitions if you maintain records of customer categories that are different than the given definitions.

Permittee: LEOTA, CITY OF

Permit: 844168

1. a) Enter population served by your system here: \_\_\_\_\_ people

b) Enter the source of population data here: \_\_\_\_\_

- 1. US Census
- 2. Local Census
- 3. Other, (specify)

2. Residential: Enter the information on water used for normal household purposes such as: drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, watering lawns and gardens here:

Gallons Sold	# Connections	# Metered Connections
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3. Commercial: Enter the information on water used for motels, hotels, restaurants, office buildings, commercial facilities, and institutions both civilian and military here:

Gallons Sold	Connections	Metered Connections
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4. Industrial: Enter the information on water used for thermoelectric power (electric utility generation) and other industrial uses such as: steel, chemical and allied products, paper and allied products, mining, and petroleum refining here:

Gallons Sold	Connections	Metered Connections
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5. Agricultural: Enter the information on water used for agricultural purposes here:

Gallons Sold	Connections	Metered Connections
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6. Other: Enter the information on water used for categories not listed above here:

Gallons Sold	Connections	Metered Connections
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List uses here: \_\_\_\_\_

7. Totals:

Total Gallons Sold	Total Gallons Appropriated
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8. Does your system maintain records of water level data for production or monitoring wells?

- 1. Yes \_\_\_\_\_
- 2. No \_\_\_\_\_

9. Check the type of rate structure your city uses.

- 1. Uniform (constant per unit cost)
- 2. Flat (set fee for unlimited volume)
- 3. Declining Block (cost decreases as volume increases)
- 4. Other

Please attach a copy of your current rate structure and any observation well information you have.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

## **Water Appropriation Permits for Public Water Suppliers**

### **Application Requirements for New Wells or Increased Water Volumes**

Permit approvals are required for use of new wells and increasing water withdrawals above the annual limits specified on your current permit. To amend a public water supply permit to include new wells or additional water volumes the indicated ( ) items listed below are required.

- 1. A written statement that describes changes needed to the existing permit. Requests for increases in the authorized water volume should be based on a five-year projection and must include sufficient documentation (population projections, industrial growth projections etc.) to justify the projection and the volume of water being requested.
- 2. A copy of the existing water rate structure and any proposed changes to the current rate structure. If declining block rates (unit cost decreases as volume increases) or flat rates (set cost for unlimited volume of water) are used, then provide a statement on the current rate structure's impact on reducing water demands.
- 3. A description of public education programs that are being implemented to reduce demands. If there is no public education program, please indicate any proposed educational programs along with the date that they will be implemented. Please contact DNR Waters at (651) 296-0512 for a list of education options and conservation information that can be used to implement relatively low cost education programs.
- 4. A statement showing unaccounted-for water volumes (water appropriated minus water sold) for the last five years. Please discuss reasons for unaccounted-for water greater than 10 percent of annual appropriation.
- 5. A statement showing the percentage of customers that are metered. If meters are not used, include the estimated cost to install meters, projected water savings from metering water use and intentions to install water meters. Information on estimated costs and water savings should be available from meter representatives.
- 6. An update on conservation measures that are being implemented, to include meter testing and repair, leak detection and repair, retrofitting, and pressure reduction measures.
- 7. A water emergency and conservation plan (see attached guidelines).
- 8. A statement of justification that documents the adequacy of the resource and alternative sources of water or measures that could be used to achieve the proposed objective. The statement must identify potential impacts to other water users and environmental resources.
- 9. Records of water level data for existing production and observation wells measured by the city.
- 10. A copy of the Water Well Record(s) for the well(s) and pumping test data. If new wells have not been constructed, please indicate when construction is expected to be completed, and upon completion submit a copy of the Water Well Record(s) and test pumping data. Be sure to indicate the requested pumping rate for new wells.
- 11. A map that shows the location of the proposed well(s) and all existing wells.
- 12. A \$\_\_\_\_\_ amendment fee. Please make checks payable to the Department of Natural Resources.
- 13. Complete and return the enclosed Public Water Supply Inventory Form.

Please review your current permit to determine if any other changes are needed. If you have any questions, please contact DNR Waters at (651) 296-0512. Submit the requested items to:

**Water Appropriation Permit Program - DNR Waters**  
**500 Lafayette Road**  
**Saint Paul, MN 55155-4032**

## **Notes:**