

WELL INTERFERENCE SETTLEMENT OR CLOSURE GUIDE

Note: this guide is a restatement of [Minnesota Rules, part 6115.0730](#). Before proceeding, these rules should be reviewed in their enacted language to assure accurate implementation. **Bold red** text refers to time limits in the rules.

- After DNR's investigation is complete, if the **findings do not substantiate** that the permittee's actions caused adverse effects on the domestic well, **the complaint is dismissed** and all parties notified. *(The rules do not actually indicate an action to be taken so this notification is a courtesy.)*
- After DNR's investigation is complete, if the **findings substantiate** adverse effects of the domestic well, the DNR shall **notify the permittee of the facts and findings** of complaint evaluation.
 - 1) If the domestic water supply is endangered, unless a temporary solution is reached, the DNR shall restrict or cancel the appropriation until a decision has been made by negotiation, settlement or hearing.
 - 2) Permittee has **30 days** from receipt of our findings to take the following action:
 - a) Request the Commissioner to modify or restrict the permit in order to provide an adequate domestic water supply for the complainant; or
 - b) Negotiate a reasonable agreement (i.e. pay the cost to restore the water supply); or
 - c) Request a public hearing.
 - 3) If after 30 days neither 2.a. nor 2.c. has occurred and no agreement has been reached as in 2.b., the **permittee has 40 days** after receipt of the notification to send the complainant a notarized written offer. ***This 40 days includes the 30 days to make an offer (2 above) plus only 10 more days, not an additional 40 days after receipt of the findings.***
 - A copy of the offer must be sent to the DNR.
 - The offer must also explain that **the complainant has only 10 days** from receipt of the offer to submit a written response to the DNR either accepting the offer or listing reasons why the offer is rejected.
 - The written offer must state that the permittee will pay for all costs necessary to provide an adequate water supply of the same quality and quantity as prior to the well interference problem.
 - 4) If the complainant does not respond within the 10 day time limit, the DNR shall dismiss the complaint.
 - 5) If the offer is not accepted, the **DNR shall determine within 10 days** based on the offer, and arguments and available facts the following:
 - a) The offer was reasonable. If so, the DNR shall issue or continue the permit involved which in effect dismisses the complaint.
 - b) The offer was not reasonable. The DNR, after notice and opportunity for hearing, shall deny, modify or terminate the permit involved.
 - c) The DNR can determine that there is a need for a public hearing, in which case, it is ordered.