

## Department of Natural Resources

### Water Appropriation General Permit for Temporary Projects

Included is General Permit 1997-0005, which authorizes water appropriations for temporary purposes undertaken for a variety of activities including dewatering, landscape watering, dust control, hydrostatic testing and other purposes. To be included under General Permit 1997-0005, authorizations must comply with all conditions and limitations of the permit and meet the following criteria:

- A) Prior authorization to use General Permit 1997-0005 must be obtained by submitting an application using the Minnesota Department of Natural Resources (DNR) Permitting and Reporting System (MPARS) at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Users will need to create an account the first time they access the system. Once created, users should click on the link in the **Actions** box titled '**Apply for a New Permit/Authorization**' and answer questions about their proposed use of water. Plan on applying at least five business days before proposed pumping will start.
- B) A \$100 application fee applies per project site. Projects pumping less than 15 million gallons per year will not require a water use reporting fee.
- C) Water withdrawals must have a minimal potential for impacts to the groundwater resource and must not adversely impact trout streams, calcareous fens or other significant environmental resources.
- D) Water withdrawals must not exceed 50 million gallons per year, must be completed within one year and must be measured within 10% accuracy. Records of monthly water appropriation volumes must be maintained and submitted to the DNR on or before February 15 of the year following water use in MPARS at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Permit holders should click on the link in the **Actions** box titled '**Water Use Reporting**' to submit data.
- E) Water use discharge points shall have riprap or other energy dissipation measures in place to prevent erosion and scour. Discharged water shall be controlled to prevent sediment-laden water from entering water resources.
- F) An **Infested Water Diversion or Transportation Permit** may be required if your project will pump water from a surface water designated as an infested water. This General Permit is not valid for appropriations from surface water sources that are designated as infested waters unless accompanied by an Infested Water Diversion or Transportation Permit or if you receive written notification from the DNR that an Infested Waters permit is not required. More information can be found here: [www.mndnr.gov/permits/invasive\\_species/index.html](http://www.mndnr.gov/permits/invasive_species/index.html).

Please read all the conditions and limitations of General Permit 1997-0005. An individual water appropriation permit will be required if a temporary project does not meet all conditions and limitations of General Permit 1997-0005. If you have any questions, please contact the Area Hydrologist for the project location.

**Attachment:**

General Permit 1997-0005



Amended
Water Appropriation General
Permit

General Permit Number
1997-0005

Expiration Date: 12/31/2021

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.

Table with 5 columns: Project Name, County, Watershed, Resource, Purpose of Permit, Authorized Action, Permittee, Authorized Agent, To Appropriate From, Authorized Issuer, Title, Issued Date, Effective Date, Expiration Date.

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

## **GENERAL PERMIT CONDITIONS** *(Continued from previous page)*

right of action of the state against the Permittee, for violation of or failure to 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.

**WATER USE REPORTING:** (a) **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. (b) **REPORTS** 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](http://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. (c) **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. (d) **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.

**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](http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf).

## **GENERAL PERMIT CONDITIONS** *(Continued from previous page)*

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

**WELL SEALING:** The permittee shall notify the Minnesota Department of Health (MDH) 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 MDH.

**DISCHARGE EROSION AND SEDIMENT CONTROL:** The Permittee shall implement adequate soil and water conservation measures in order to protect water quality and prevent erosion and sedimentation of nearby water resources. Discharge points shall be adequately protected to prevent erosion and scour. The discharge shall be dispersed over sand bags, natural rock riprap or other approved energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids. Sediment control devices can be bypassed when the discharge water appears clear and local, state or federal government units approve of the practice, as applicable.

**ENVIRONMENTAL IMPACTS:** This permit is not valid in areas where trout streams, calcareous fens, or other significant environmental resources may be adversely impacted. In such areas or locations, a separate water appropriation permit application and permit may be required. The Area Hydrologist must be contacted for permit application requirements.

**SURFACE WATER SOURCES:** All pump intakes must be screened to prevent fish from being drawn in to the system. DNR Ecological and Water Resources may require the suspension of appropriations during periods of low flows and low water levels in order to maintain minimum flows and water levels within the watershed. This permit is not valid for appropriations from surface water sources that are infested with invasive species (Minn. Rules 6216.0500).

**INVASIVE SPECIES PREVENTION - EQUIPMENT DECONTAMINATION:** All equipment used at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). The Permittee or their authorized agent must inspect all equipment to ensure that no aquatic plants or prohibited invasive species are on the equipment prior to being transported to or from the worksite. The DNR is available to train inspectors and/or assist in these inspections. Contact your local Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). You may need additional permits to work in infested waters; the infested waters list is available at [www.dnr.state.mn.us/invasives/ais/infested.html](http://www.dnr.state.mn.us/invasives/ais/infested.html). A list of prohibited invasive species is available at [www.dnr.state.mn.us/invasives/laws.html#prohibited](http://www.dnr.state.mn.us/invasives/laws.html#prohibited).

**APPLY USING MPARS:** Prior authorization to use General Permit 1997-0005 must be obtained by submitting an application using the MNDNR Permitting and Reporting System (MPARS) at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Users will need to create an account the first time they access the system. Once created, users should click on the link in the **Actions** box called '**Apply for a New Permit/Authorization**' and complete the application questions.