

# DNR Commissioner sets sustainable diversion limit for Little Rock Creek

April 23, 2024

The Minnesota Department of Natural Resources (DNR) has issued a [Commissioner's Order](#) (Order) to protect the ecology of Little Rock Creek. With this action, the DNR:

- Establishes a **sustainable diversion limit** for Little Rock Creek
- Recognizes that a **water use conflict** exists among agricultural production water users within a zone near Little Rock Creek (called the Zone of Irrigation Influence, [seen here on page 39](#))
- Gives **opportunity to permit holders** to submit a plan to the DNR to resolve the water use conflict that will keep water use impacts below the sustainable diversion limit
- **Withholds consideration of applications** for additional water use within the Zone of Irrigation Influence until the conflict is resolved

This Order [\[linked here\]](#) recognizes that authorized water use in the Little Rock Creek Zone of Irrigation Influence is having a negative impact on the Little Rock Creek stream ecosystem and does not meet the sustainability standard and other provisions of Minnesota Statutes in section [103G.287](#).

In order to assist water users in developing a plan to resolve the water use conflict, the DNR will hire a third-party vendor to work with water users and the DNR to develop engineering, governance and economic information that will help to resolve the water use conflict.

## Sustainable Diversion Limit

Groundwater flows into streambeds that join with runoff water to make up stream flow. Groundwater can be intercepted, or diverted, in its journey to the streambed by pumping from nearby wells.

The [Sustainable Diversion Limit](#) is the maximum amount of water that can be removed directly or indirectly from a surface water body in a defined geographic area on an annual basis without causing a negative impact to the surface water body.

The DNR's analysis shows that the sustainable diversion limit is exceeded in the Zone of Irrigation Influence around Little Rock Creek and is causing negative impacts to stream ecology.

## Water use conflict

A water use conflict exists in the Little Rock Creek area, as "the available supply of water...is limited to the extent that there are competing demands among existing and proposed users which exceed the reasonably available waters." ([Minnesota Rules 6115.0740](#))

While the DNR is responsible for resolving the water use conflict, Minnesota Rules and this Order gives permitted water users the first opportunity to develop a plan to resolve the water use conflict.

Irrigators inside the Zone of Irrigation Influence are represented by a small volunteer group. This group will continue to be in close contact with the DNR as the group proposes resolutions to the water use conflict.

The DNR recognizes the importance of groundwater to agricultural irrigators, livestock operators, small businesses, municipalities and individuals in the Little Rock Creek Area. The DNR will continue to allow current permit holders to continue water use at authorized levels during the process of resolving the water use conflict.

When the Commissioner approves a resolution to the water use conflict, water appropriation permits inside the Zone of Irrigation Influence will be modified, if necessary, to reflect the conditions under which the water use conflict is resolved.

### **Stakeholder feedback**

The DNR held seven stakeholder meetings to discuss water use in the Little Rock Creek area. At the most recent meeting, on March 16, 2023, the public was informed of the proposed Commissioner's Order. The public was invited to provide feedback to the DNR until May 15, 2023. The [DNR's response to stakeholder feedback](#) can be found on the Little Rock Creek Area web page and is an attachment of the Order.

### **Next Steps**

The DNR will issue a Request For Proposals to hire a third-party consultant that will assist in developing engineering, governance and economic feasibility for various plans to resolve the conflict. The deliverables from this consultant are expected in spring/summer of 2025. During this time, the DNR will continue to collaborate with irrigators on resolving the water use conflict inside the zone of irrigation influence.

### **Questions**

Questions about the Little Rock Creek Area Commissioner's Order can be addressed by the following people:

- [Randall Doneen \[email\]](#) on Water Use Conflict resolution and Order (651-295-9437)
- [Jason Moeckel \[email\]](#) on groundwater technical and baseflow diversion (651-259-5240)
- [Constance Holth \[email\]](#) on water appropriation permits (320-223-7842)

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## **Contact Information**

Questions about this project can be addressed to Mark Hauck, DNR project manager, 320-223-7846, [mark.hauck@state.mn.us](mailto:mark.hauck@state.mn.us)

For more information on the Little Rock Creek area groundwater project, visit the project web page at [www.mndnr.gov/littlerock](http://www.mndnr.gov/littlerock). For more information on the DNR's groundwater management programs, visit [www.mndnr.gov/gwmp/index.html](http://www.mndnr.gov/gwmp/index.html).