# Exhibit A

## DNR Response to Stakeholder Feedback - Little Rock Creek Area

April 22, 2024

The Minnesota Department of Natural Resources (DNR) asked stakeholders for feedback on a proposed Commissioner's Order relating to four proposed DNR actions to avoid negative impacts to Little Rock Creek from high-capacity pumping within the zone of influence.

Between March 24 and May 15, 2023, the public was invited to provide feedback on the proposed Commissioner's Order that would seek to:

- Limit streamflow diversions inside the zone of influence to 15% of the August median base flow at each of three gauges. This is described as the sustainable diversion limit (link to technical report)
  ***Purpose:*** this action formally adopts the DNR's technical work and will be used as the basis for actions on any permit applications and water management in the future.

- Declare a water use conflict (link to definition) inside the zone of influence.
  ***Purpose:*** The water use conflict process provides a clear path for mitigating the impact of water use and will affect only the permits of water users inside the defined zone of influence.

- Activate a "temporary just cause exemption" (link to statute) from state statutes during plan development inside the zone of influence.
  ***Purpose:*** A temporary exemption will provide a reasonable amount of time for permit holders and the DNR to work out a long-term solution.

- Communicate a temporary moratorium on new permits and increases in authorized volumes within the zone of influence.
  ***Purpose:*** Until a plan to resolve the water use conflict is approved by the DNR Commissioner, the DNR is prohibited from authorizing new or increased water use (Link to M.R. 6115.0740).

- Continue to listen to water users. The DNR Commissioner will consider a plan (see more below) from permitted water users inside the zone of influence. This plan should result in resolving the water use conflict (avoiding negative impacts to ecosystems).
  ***Purpose:*** Permitted water users know best what water use changes will be viable for their operations. While the DNR Commissioner has the final responsibility to resolve the water use conflict, collaboration with users will result in a more durable outcome.

This document includes summaries of key comments from stakeholders, along with agency responses. Stakeholder comments in their entirety are included in Exhibit A, Little Rock Area Stakeholder Feedback. The stakeholder feedback has been grouped by theme. The table at the end of this document directs the reader to the DNR's numbered response.

**NOTE:** The "temporary just cause exemption" above is no longer relevant as Minn. Stat. § 103G.287 was revised during the 2023 legislative session. Section 103G.287, subdivision 2 no longer requires groundwater appropriations that have negative impacts to surface waters to comply with the provision of Minnesota Statutes section 103G.285, including the requirement that all appropriations from trout streams are temporary.

## Stakeholder feedback

1. Respondents encourage DNR to augment Little Rock Creek base flow with well water from a more distant source.
   ***DNR Response:*** *This potential solution will continue to be evaluated. Our initial evaluation of this alternative has identified several feasibility and policy challenges that will be difficult to overcome including, water quality and ecological impacts, compliance with statutes and rules, construction, governance, and funding. Additionally, because DNR does not have the authority to do the work to install or to operate such a system, new authorities such as an irrigation district would have to be developed and would be a first in the State of Minnesota. An additional challenge is interpretation of Minn. Statutes 103G.271. It states that "the commissioner shall, by January 31, 1994, revoke all existing permits, and may not issue new permits, for the appropriation or use of groundwater in excess of 10,000,000 gallons per year for the primary purpose of maintaining or increasing surface water levels in the seven-county metropolitan area and in other areas of concern as determined by the commissioner." The Little Rock Creek Area is one of the areas that the Minnesota DNR may identify as an area of concern.*

2. Respondents stated their belief that 15% of base flow diversion is arbitrary and recommends 20%.
   ***DNR Response:*** *Our analysis showed that low flows are significantly reduced by the currently authorized groundwater pumping. This analysis was conducted using well established and accepted scientific methods that benefitted from continuous flow measurements in 2006 and 2008 through 2018. Scenarios of stream flow depletion and their impact on habitat guild representatives were developed, based on 5% increments of the August median base flow (ABF; e.g., 5%ABF, 10% ABF, 15% ABF). At a depletion level equivalent to the 20% of the ABF, four of six habitat guilds lost significant (>20%) habitat. When stream depletion is limited to no more than 15 percent of the August median base flow, habitat loss remains below the 20 percent threshold except for one species-life stage (slow riffle habitat representative), which was marginally over the threshold (21% loss). Our analysis shows that habitat loss for all species life stages is below the 20% threshold when stream depletion is limited to 10 percent of the August median base flow.*

3. Respondent encourages flexibility to allow more pumping during wet years.
   ***DNR Response:*** *The commenter's suggestion to have different authorized volumes based on weather conditions is not feasible. For instance, increased authorized volumes may not be needed in wet years. Also, it is inherently difficult to predict future precipitation and groundwater levels, and groundwater levels changes may lag significantly after a rainfall. Finally, one of DNR's stated goal has been to strive for predictability in the authorized water volumes in order for agricultural businesses to effectively plan for the future.*

4. Respondents requested DNR engineering expertise and cooperation with landowners to install wells and pipelines for either augmentation or supplanting irrigation water.

***DNR Response:*** *The DNR has committed funding to develop independent conceptual designs and cost estimates for potential solutions in the Little Rock Creek Area. The work will further clarify what may be needed to implement the proposed solutions laid out in the Sustainable Use of Groundwater in the Little Rock Creek Area Plan. This is an important next step to understand how irrigation water can be supplied while maintaining healthy ecosystems in Little Rock Creek. This new work will build on years of DNR studies on how groundwater moves near Little Rock Creek and how groundwater pumping can affect ecosystems in the creek. However, there are additional types of analyses needed that require different kinds of knowledge and expertise. For instance: conceptual engineering plans, estimates of implementation costs and funding needs, governance and operational considerations, development schedules, and economic evaluations of lost revenue. The DNR heard from stakeholders about the importance and timeliness of getting this work done and has identified funding within its budget. The DNR is currently drafting a Request for Proposals (RFP) that would cover all the items listed above with designs and cost estimates likely available in 2025. Input from irrigators and other interested parties is important and will be one of the tasks called for in the RFP.*

5. Respondents stated their concern that any decision to reduce water availability for irrigation will create severe economic damage to local economies.
   ***DNR Response:*** *We have heard stakeholder comments about the importance of irrigation to individuals, families and communities. We recognize the value of irrigation to individual operators and local economies. We have collaborated with stakeholders and developed a list of possible water use scenarios so that reducing authorized volumes is used only as a last resort. The RFP will include an economic analysis of reducing pumping volumes.*

6. Respondents would have liked to have reviewed the actual DNR Commissioner's Order before commenting.
   ***DNR Response:*** *All of the permittees that are potentially affected, all of the past participants in the planning process, all previous meeting participants and all GovDelivery recipients have been informed of our technical analysis, statutory obligations, and intentions for ensuring sustainable groundwater use in the Little Rock Creek Area. Both the agency actions included in the order and the technical evidence supporting those actions has been made available to the public.*

7. Respondents disagreed with many of the assumptions and inputs in the technical analysis including DNR's decision to use dryland alfalfa as a "no irrigation" alternative scenario and recommend comparing present water use to a pre-European settlement condition of grassland and forest.
   ***DNR Response:*** *The current Little Rock Creek Area landscape is highly altered compared to the native vegetation that existed pre-European settlement. Those changes have and will likely continue to influence the ecology of Little Rock Creek. However, the DNR does not regulate land use changes in the Little Rock Creek Area and does not envision that future land use will revert to pre-European settlement conditions. The DNR has not stated or implied that our intention was to duplicate the very original or historic flow levels. We have consistently said that state law directs us in this situation to determine if the permitted water use is changing the flow regime of Little Rock Creek, and to determine if those changes in the flow regime are having a negative impact on the stream ecosystem. We assume that this area is now, and will continue to be, an agriculturally dominated landscape. Our analysis simply compares the flow regime unaffected by groundwater use to the flow regime affected by groundwater use. Alfalfa is a deep-rooted agricultural crop that is more resistant to drought than many other crops and represents how much water may be used by crops in an unirrigated baseline.*

*The term natural flow regime implies an entirely different land use than is currently represented throughout the watershed. Estimating such a flow regime would have many unknowns and require a lot of assumptions that would make any analysis unreliable. Evaluating habitat conditions under that flow regime would also require measurements of the stream channel, the width, depth, substrate, and water velocity; none of which are available.*

8. Respondents were concerned that the DNR issued "limited" permits for water use.
   ***DNR Response:*** *DNR is required to limit the amount or timing of appropriations when it determines that a groundwater appropriation will have an adverse impact on surface waters. Minn. R. 6115.0670, subp. 3(C)(3). Issuing limited permits allowed groundwater use to continue while the technical analyses were completed. Currently available information suggests groundwater use in the Little Rock Creek Area may not be sustainable because high volume use of groundwater is contributing to water quality impairments in Little Rock Creek and its tributaries. The DNR conducted hydrogeologic and stream habitat analyses to determine if permitted use is sustainable. DNR determined that changes in permitted water use were needed to remain in compliance with state statutes.*

9. Respondents believed that each well should be assigned a proportionate responsibility for base flow diversion rather than all wells within the zone of influence being considered to be equally responsible.
   ***DNR Response:*** *Agricultural irrigation is classified as a third priority use under Minn. Statutes section 103G.261. The DNR needs to consider the cumulative impacts in addition to individual permit impacts. Potential solutions can consider proportional benefits of changes to specific wells, but the responsibility to avoid negative impacts to Little Rock Creek is still shared.*

10. Respondents believed that DNR's technical analysis was unreliable due to the assumptions made, the short period of record for the monitoring data evaluated, and water use overreporting by water users.
    ***DNR Response:*** *We heard stakeholders' general concerns about using a model to show how water is moving in the Little Rock Creek Area. A numeric MODFLOW model is necessary and commonly used where measurement of groundwater movement within the soil is not possible. We believe that our analysis fairly represents the conditions in and around Little Rock Creek. Independent industry experts from various state, federal and private organizations reviewed the suitability of DNR's numerical model to predict the effects of groundwater appropriation on groundwater flows and contributions of base flow to Little Rock Creek. There was general agreement among the members of the TAG that the DNR's technical approach was suitable for the purpose of calculating cumulative stream flow diversion from groundwater use.*

*The model was history matched (parameters adjusted to fit observation data) to water years 2006 through 2014. The model period was then extended through water year 2018 without making changes to model parameters. The fit to base flows does not meet all of the goal statistics for the add-on period in isolation (water years 2015 through 2018). The statistics goals are met for summer base flows (July through September) during the add-on period at all three evaluation stations except for percent bias slightly above the goal at the upstream gage. Although the goals for base-flow fit are not met for all compared data, the base-flow fit goals are met for the non-winter periods computed*

*for the whole model period (2006 through water year 2018) at the two gaging stations with measurements that span most of the model period (long-term gauge and downstream gauge). The results indicate an adequate fit of modeled base flows during summer low flow periods, the focus of evaluations that use the model.*

*We went further by conducting an inter-watershed comparison as an independent line of evidence on the relationship between groundwater-use rates and summer base flow. We compared the stream flow calculated by the Little Rock Creek model to a nearby watershed that had fewer irrigation systems and we found that there was a high level of agreement between the two.*

*We also heard from stakeholders that the estimated water use volumes reported by irrigators may well be higher than actual volumes used. The suggestion was that if the DNR used volumes that more accurately reflected water use it would show a lower impact to stream flow from irrigation. Irrigators and the DNR collaborated on a two-year water use calibration study of nine irrigation systems and found that it was common to report irrigation volumes that are more than 10 percent greater than actual pumping volumes. This study cannot be relied upon as being representative of all water users in the area as it only included 9 wells out of over 300 permitted wells in the area. However, to understand how much of difference over-reporting may affect the analysis, the DNR developed a model run with groundwater uses modified to 80 percent of the reported volumes. The result was a computed reduction in the median baseflow diversion of 0.27 cfs at station 15029001 as compared to the reference median baseflow at this station of 7.2 cfs. With this information the DNR modeled sustainable diversion limit used the actual reported volumes.*

11. Respondents did not agree with the proposed solutions to avoid negative impacts to Little Rock Creek. They believe that piping water from a distance is too expensive, complicated, and unnecessary in years where rainfall is high.
***DNR Response:*** *The feasibility of this potential action has not yet been evaluated. The RFP that DNR will be issuing will provide more context on potential solutions. The evaluation of this and other potential actions from proposed water users will be considered as part of the water use conflict resolution.*

12. Respondents believed that beaver dams could increase recharge and that DNR has not shown why this approach would not work.
***DNR Response:*** *Beaver will build dams on streams to impound water. In the past, beaver have been active at the site of the Sartell Wildlife Management Area, creating a pool. The DNR installed a permanent structure to increase assurances that a pool would persist for waterfowl habitat. As described in the Findings of Fact, this has increased the temperature of Little Rock Creek, contributing to the high temperature impairment below the Sartell WMA. Our in-stream analysis confirms this and is consistent with the findings in the Little Rock Total Maximum Daily Load (TMDL). We have temporarily removed the dam to promote colder downstream temperatures and are monitoring the temperatures below the dam. Any impoundments on the stream, whether constructed by people or beaver, will carry the risk of increasing both temperatures and the likelihood of negative impacts to ecosystems.*

13. Respondents believe that other water impoundments in the watershed could increase baseflow.
***DNR Response:*** *Creating impoundments, wetland restorations, or other ways of storing water away from the stream may have the effect that the respondent suggests. However, the effect is very difficult to predict, and even if implemented, this option would likely not significantly increase available water for irrigation.*

*The amount of groundwater recharge from any impoundment is highly dependent on the local site conditions. This makes analyzing this potential solution highly uncertain. In addition, the impounded water would likely come from spring runoff or from more frequent rainfalls that occur in May and June. Depending on where the impoundment is located, that water may find its way to the stream and to Little Rock Lake long before it would have been needed for irrigation.*

14. Respondents believe that DNR largely ignored the analysis that MPCA used to develop the TMDL.
***DNR Response:*** *We took very seriously the conclusions of the TMDL, especially where recommendations were made to place limits on total appropriations in the area. Providing permits for water appropriation is a core function of the Minnesota Department of Natural Resources. Our staff reviewed the MPCA's analysis. We then built a model that was specifically designed to determine the effect of groundwater use on streamflow. The DNR's analysis incorporated the most up to date water use locations for new and previously unreported wells, water volumes, and the ability run various pumping scenarios. Our analysis used reported water use over 12 years while the TMDL study used data over four years, ending in 2010.*

15. Respondents believe that DNR has engaged in unpromulgated rule making by analyzing cumulative use and should have instead evaluated each permit on a case-by-case basis.
***DNR Response:*** *The DNR's analysis evaluated individual water use impacts as well as cumulative use impacts. In order to understand the full impact to Little Rock Creek, DNR needed to analyze all permitted uses. Reported volumes and locations and depth of each permitted well were used for DNR's analyses. The DNR is acting consistently with Minn. Statute 103G.287, Subd. 3 that directs DNR to evaluate cumulative water uses. DNR's actions are also consistent with the water use conflict rule, Minn. R. 6115.0740, which requires the agency to consider total withdrawals.*

16. Respondents believe that DNR did not follow existing rules which would direct the DNR commissioner to resolve the water use conflict, rather than asking stakeholders for their input first, which is what happened.
***DNR Response:*** *The DNR evaluated amending permits to reduce authorized water volumes to resolve the water use conflict and determined that the reductions required would have resulted in significant impacts to the agricultural community. Before taking these steps, the DNR has opted to collaborate with water users to find a solution that balances the economics of water appropriation with the ecology of the stream. Minnesota Rules direct DNR to evaluate viable alternative sources of water. To that end, we have committed funding to develop independent conceptual designs and cost estimates for potential solutions in the Little Rock Creek Area. This is an important next step for us and the agricultural community to understand how irrigation water can be supplied while maintaining healthy ecosystems in Little Rock Creek. This new work will evaluate conceptual engineering plans, estimates of implementation costs and funding needs, governance and operational considerations, development schedules, and economic evaluations of lost revenue.*

17. Respondents believe that the zone of influence is arbitrary, too wide and contradicted by other studies that show a much narrower zone of influence.
***DNR Response:*** *The Zone of Influence boundary was a result of extensive analysis of present water use, aquifer structure, and location and depth of the wells in the Little Rock Creek Area. The boundary is a function of the hydrogeology, land use, water use and topography and will vary between landscapes. Other geographies can have either wider or narrower zones of irrigation influence based on the variation in these factors.*

18. Respondents believed that DNR's historic stocking of non-native Brown Trout created environmental issues.
***DNR Response:*** *Stakeholders have submitted information to DNR that reports the loss of native trout species in some western U.S. streams due to competition from brown trout. In those situations, brown trout are directly competing with native trout species. A close inspection of those studies reveals that many of those streams have a limited number of other fish species present. By contrast, Little Rock Creek monitoring from 2017-2019 identified 12 species of fish. There is no evidence to support the conclusion that brown trout are causing harm to Little Rock Creek. While brown trout are not native to Little Rock Creek, they are not causing the widespread loss of other species. It's our view that the risk of brown trout to the ecology of Little Rock Creek is low compared to other stressors, especially habitat loss (including sedimentation) and water quality degradation. Little Rock Creek is similar to other trout streams in central Minnesota. Brown trout have been stocked in Little Rock Creek at fairly low numbers for decades. Brown trout are not reproducing with any regularity in Little Rock Creek. In 2022 the DNR switched from stocking brown trout to the Minnesota native strain of brook trout in Little Rock Creek and will continue to do so, depending on the availability of brook trout from the DNR hatchery.*

## Stakeholder Feedback

### Little Rock Creek Area Proposed Commissioner's Order

The table below contains stakeholder feedback from the proposed commissioner's order relating to Little Rock Creek. Public comments were received from 3-15-23 to 5-15-23. Each stakeholder response may contain more than one topic. Individual topics have been assigned a unique number for reference.

| Responder | Comment Text | DNR Response # |
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| Sufka/Gilbertson | The best and most equitable solution to solving base-flow diversion in the LRCA is streamflow augmentation | 1 |
| Sufka/Gilbertson | The DNR should design and construct the two augmentation wellfields to supplement the streamflow in LRC with groundwater pumped from the regional aquifer | 1 |
| Sufka/Gilbertson | Stream augmentation with groundwater is the best approach to supplement LRC streamflow | 1 |
| Parkins | Our proposed solution to the purported stream flow deficit in Little Rock Creek ("LRC") is the augmentation of stream flow by dedicated wells placed more than ½ mile from the creek | 1 |
| Skroch | [Augmenting flow in] the creek should be done immediately to save the life of the trout. | 1 |
| Schlichting | The most durable and cost-effective outcome that will maintain the viability of food production in this region's specialty soil is augmentation | 1 |
| Hard | I would favor the idea of augmenting the stream flow during the times of low flow. I would also like the study group to look at the possibility of putting some type of "soaker hose" in the bottom of the streambed in the areas that are deemed necessary to augment the flow. | 1 |
| Schlichting | The 15% diversion proposed by the DNR is arbitrary. Scientific evidence suggests 20% is a more reasonable diversion limit. | 2 |
| IAM | The DNR recommendations specify a set limit of acceptable August baseflow diversions (model simulated values) at each of three stream gauges on LRC. The limits would presumably be set at the same specified flow rate every year, regardless of the water supply and aquifer water levels in any given year or month. DNR's recommendation should contain flexibility to allow more pumping in years where greater water supply provides sufficient flow for irrigation, environmental and ecologic needs | 3 |
| Parkins | I solution is expected to require the cooperation, engineering expertise and assistance of the DNR | 4 |

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| | with engineering of the system chosen, work with landowners on obtaining easements for wells and pump locations, pipeline right of ways and electrical power | |
| Sufka/Gilbertson | Any decision to reduce water allocations of permits located inside the proposed zone of influence, especially those at the farthest edges of the zone (i.e., 1½ miles from the stream), will result in severe unnecessary economic damage to landowners including me. | 5 |
| Schlichting | Any solution to the modeled Little Rock Creek habitat concerns that reduces the sustainability of specialty farming in this area has extreme implications to both the local farms and the rural community. | 5 |
| MCGA | The Department has not provided a copy of the actual order it proposes to issue or the proposed factual findings on which such order would be based. | 6 |
| MCGA | Because the Department has not published its proposed findings to support any such order, the Minnesota Corn Growers Association cannot determine whether there is sufficient evidence available to establish a "conflict" in the area surrounding Little Rock Creek. | 6 |
| Sufka/Gilbertson | The study done by the DNR has not been done for a long enough time period and does not reflect on the natural condition of the creek. | 7 |
| Schlichting | We disagree with many of the assumptions and inputs in the technical report being relied on to establish the base flow, diversion limits, and therefore allowable water use including; Use of dryland alfalfa as cover to represent the natural flow regime without irrigation results in an inaccurate baseflow to use for comparison. Dryland alfalfa is not a realistic alternative to the current cropping rotation. | 7 |
| Schlichting | The DNR flow meter study on compatible systems indicated water use is being over reported by at least 20%. This should be reflected in the model for predicting future irrigation water use and its impact on Little Rock Creek. | 10 |
| IAM | The appropriate reference condition should be based on forested conditions replacing all agriculture (not just irrigated) in the area as it naturally existed. | 7 |
| MCGA | MCGA is deeply concerned that the Department of Natural Resources has been issuing "limited" water appropriation permits for the past few years | 8 |

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| Sufka/Gilbertson | Rather than taking a shotgun approach that all wells in the proposed zones are equally responsible for base-flow diversions, basic fairness should require measuring the stream depletion factor of each well to determine proportionate responsibility for base-flow diversion. | 9 |
| Benton/Morrison | Not only does it strongly appear that the model being used to come to these conclusions has a high margin of error… | 10 |
| Schlichting | final modeled baseflow as compared to WHAT model "observed" baseflow results did "not meet the goals" for accuracy (DNR, 2021). It is logical then, to conclude, that a model with+/- 15% uncertainty cannot accurately predict the impacts of a 15% diversion limit | 10 |
| Schlichting | additional field study and an extended validation period to improve both the inputs into the model and the accuracy of the outputs before proceeding with a water use conflict or any solutions to the modeled concerns in the Little Rock Creek watershed | 10 |
| IAM | During this verification period errors (differences between model simulated and stream gauge estimated) baseflows were several times larger than the recommended August baseflow diversion limits | 10 |
| IAM | The DNR recognized the uncertainty and potential overestimation of its representation of historic and existing irrigation pumping rates in model simulations. The simulated baseflow diversion is sensitive to these estimates. Those simulated baseflow diversions also directly impact conclusions of the analyses. The DNR should further investigate irrigation pumping in the area and integrate the improved understanding into model simulations and recommendations | 10 |
| Sufka/Gilbertson | Modifying Permits to Reduce Water Allocations is the Wrong Approach | 11 |
| Benton/Morrison | But that the suggested solutions presented to growers at the recent public meeting were not reasonable solutions | 11 |
| Benton/Morrison | placing the final responsibility on the affected growers will only result in a small group of individuals infighting amongst neighbors for a benefit we are not yet convinced of | 11 |
| Parkins | the solution is expected to require the cooperation, engineering expertise and assistance of the DNR with engineering of the system chosen, work with | 11 |

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| | landowners on obtaining easements for wells and pump locations, pipeline right of ways and electrical power | |
| Parkins | Any system selected is going to be expensive to install which will require substantial governmental assistance in the form of grants likely from state and county sources and the DNR is expected to be an integral part of assisting with the obtaining of such grants | 11 |
| Schlichting | The DNR's preferred solution of importing water to several irrigation systems near the creek would require substantial cost, land use, maintenance and ongoing governance of a complex system. Importing water to irrigation systems would be an every year, full season possible fix to a modeled concern occurring only every fourth year with a duration of only a few weeks | 11 |
| Klaphake | Beaver dams create additional wetlands that create additional biodiversity. Wetlands are well documented to be important sources for habitat biodiversity. When dams are built on streams, they create additional wetlands that usually remain year-round | 12 |
| Klaphake | a question was asked why excess water could not be collected in times of high water, and then be used when needed? Your response was that it just wasn't feasible because of the large area that would be consumed by the reservoir, and that land gradient levels were insufficient to allow for such as process. But could that reservoir be the large riverbed itself | 13 |
| Zimmerman | One area of concern is the model does not credit the water impounded by the Rice/Skunk Lake dam | 13 |
| Benton/Morrison | MPCA and many others to develop a TMDL for the same biological concerns seem to have been largely ignored | 14 |
| MCGA | Unadopted rule - But these terms of the proposed order would constitute a "statement of general applicability and future effect," rather than a case-by-case determination of whether (and under what conditions) to issue or deny a particular permit, and would therefore be a "rule" under the Administrative Procedures Act. *See* Minn. Stat. § 14.02, subd. 4 (2022) | 15 |
| MCGA | There is no indication that the Department has analyzed or evaluated the reasonableness or efficiency of existing uses or determined whether alternative sources of water are available to address | 16 |

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| | these issues. There is similarly no indication that the Department has attempted to resolve these issues itself. Instead, it appears that the Department is proposing to ignore the first steps of the regulatory process and instead immediately issue an order declaring a conflict and requiring users to come up with their own plan to address the issue | |
| Sufka/Gilbertson | The proposed boundary limits are arbitrary, unsupported by sound evidence, and contradicted by other water management studies | 17 |
| Sufka/Gilbertson | Zone of Irrigation Influence Boundaries are Too Wide<br>-<br>other studies have concluded that a zone of irrigation influence is more likely far narrower than three miles, much less six miles | 17 |
| Sufka/Gilbertson | The technical report's LRC Area Zone of Irrigation Influence (Pg. 39, Figure 2), which the DNR admits is highly nonempirical, is too wide. LRC streamflow depletion by identified wells within the zone is unsupported by any dependable specific data | 17 |
| Klaphake | Brown Trout removal will leave at least 25% more oxygen, food, and habitable spaces for the native fish. This percentage is more than what the model is showing is being diverted from crop irrigation | 18 |