

Frequently Ask Questions for Water Appropriation Wells Constructed in the Mount Simon-Hinckley Aquifer

Legislation in 2021 expanded the Mount Simon-Hinckley aquifer protections of the 1989 Groundwater Protection Act to the entire state. Statute language was revised and now states:

*Minnesota Statutes 103G.271, Subdivision 4a. **Mt. Simon-Hinckley aquifer.** The commissioner may not issue new water-use permits that will appropriate water from the Mt. Simon-Hinckley aquifer unless the appropriation is for potable water use, there are no feasible or practical alternatives to this source, and a water conservation plan is incorporated with the permit.*

1. What changed with the law?

The revised law now pertains to the entire state where the Mt. Simon-Hinckley aquifer exists rather than only the 7-county Twin Cities Metropolitan Area. It protects the use of the aquifer for drinking water purposes (potable use), and prohibits use of the aquifer for lower priority and non-essential water use.

2. Can I construct a new well in the Mount Simon for uses other than private or public water supplies?

No. New wells constructed in the Mt. Simon for water appropriation can only be used for potable use like public and private water supplies. Agricultural crop irrigation, golf course irrigation, livestock watering, and commercial and industrial-type of water uses are prohibited.

3. What if the Mt. Simon – Hinckley aquifer is the only option for water appropriation in my area?

Applicants must evaluate other water sources (groundwater or surface water) and demonstrate that the Mt. Simon is the only source of adequate water for potable use. Alternative sources of water that provide reasonable capacity should be pursued even if more than one well may be needed from the alternative source in order to supply the proposed pumping rate. Additionally, a surface water should be considered even if treatment is needed.

4. I have an existing permit with a well constructed in the Mt. Simon – Hinckley aquifer. Can I continue to use water from this aquifer?

Yes. Existing permits with water appropriation authorized for use from the Mt. Simon-Hinckley aquifer will not be canceled. However, increases for appropriation will not be allowed from water users unless it is for potable use like public and private water supplies. Requests to increase permitted volumes will be limited to the highest annual volume pumped, prior to 2021, within the total permit authorization.

5. Can I request to add a well to an existing permit authorized to use water from the Mt. Simon-Hinckley aquifer without increasing the volume of water on my permit?

Yes. If a new well is needed, but will not increase the volume authorized on a permit, then the well can be constructed in the Mt. Simon-Hinckley aquifer. Notify your local DNR area hydrologist or water appropriation hydrologist if considering adding a well on an existing permit.

6. What information is needed for an increase in appropriation for a public water supplier with an existing permit for use from the Mt. Simon-Hinckley aquifer?

An evaluation of other sources of water would need to be performed first. If no other feasible or practical alternative water sources are available then public water suppliers need to provide seasonal and annual data for residential, commercial, industrial, and unaccounted for water. Increases in water appropriation will be limited to domestic water use (potable water) based on population of the community multiplied by the average residential gallons per capita per day and 365 days per year.

7. What else does a permit holder need to prepare in order to use water from the Mt. Simon-Hinckley aquifer?

Public and private water suppliers that provide potable water to customers must also develop a water conservation plan prior to a permit being issued. Part 3 of the DNR water supply plan may be a good starting point for developing a water conservation plan. The plan may include a number of strategies, including but not limited to: reducing seasonal peak demands; infrastructure management and leak detection programs; efforts to educate and inform the public on methods to save water at home; consideration of fee rate structures to reduce demands; and other relevant issues for your community.

Questions? Contact your local DNR staff

Contact your local DNR area hydrologist or water appropriation hydrologist early in your consideration of changes to an existing well or a new well in the Mt. Simon-Hinckley aquifer. Early communication and coordination will result in better understanding and outcomes for your proposed project. Find your area hydrologist here: https://files.dnr.state.mn.us/waters/area_hydros.pdf.