

Well Interference Fact Sheet

What is a Well Interference? A [well interference](#) happens when a public water supply or domestic well owner loses access to water because a high-volume water appropriation is taking place nearby and water levels recede below the pump of the affected well. Most well interference problems tend to be localized and short in duration and often take place in a dry year, but being without water is a major inconvenience and can cause damage to well pumps. Domestic wells have highest priority for groundwater use by law.

What is the Process? Domestic well owners and municipal water suppliers who have problems obtaining water and believe the situation is due to a high-volume water appropriation nearby, can submit a [well interference complaint](#) to the Department of Natural Resources for investigation. However, before the Department will investigate a well interference complaint the well owner must have the well inspected by a licensed well driller to determine if the water supply problems are related to the condition of the domestic well or the pump. After the well driller inspection is complete and the complaint is submitted the Department begins the investigation.

Is Sealing My Well during the Investigation an Option? No, you cannot seal the well if you want to proceed with a well interference investigation. The law changed in 2015 to say that any domestic well that is sealed prior to DNR's technical investigation is considered invalid. The need to seal a well happens when the only option a domestic well owner has to accessing water is by drilling a new well. Old wells must be sealed, however, the well sealing needs to wait until the DNR has completed its investigation.

Technical Investigation. Once a completed water well information sheet has been received; a groundwater specialist will begin investigating the possible connection between the high capacity pumping and the limited domestic supply. Some investigations require that an aquifer pumping test be performed. The high capacity well would be pumped and water levels in the domestic well(s) involved in the complaint, and possibly other wells in the area, would be measured to determine the extent of any well interference. Aquifer test data and/or other information are analyzed and a determination is made regarding the existence and extent of the interference.

Additional Information. In some cases, additional information is needed in support of the technical investigation. Staff from the DNR may contact the parties involved to request information about water use during the past year or other specific information to support a sound investigation.

DNR Findings Report. The Department will provide the domestic owner and permittee with a report summarizing the facts and findings. The findings are either 1) *Valid* - findings of adverse effects on the domestic well(s); 2) *Invalid* - insufficient evidence of a causal relationship.

Settlement Process. Most well interference complaints are resolved through a settlement process. This often involves the permit holder whose pumping led to the limited domestic water supply compensating the domestic owner for the costs associated with resolving the situation. In some cases that may be the cost of lowering the pump in the well or replacing the pump, while in other situations it may be the cost of drilling a new well or connecting to a rural water supply.

Where adverse impacts on the domestic well are substantiated, the DNR will notify the permit holder of the facts and findings of the complaint evaluation. The permit holder then has 30 days from communication of the substantiation to choose from one of the following three options:

- Request a restriction to their permit in order to no longer adversely affect the domestic well
- Negotiate a reasonable agreement with the affected well owner
- Request a public hearing

Rule states no pumping may commence until a settlement, negotiation, or hearing is satisfied, and that the permittee shall be responsible for all costs necessary to provide an adequate supply with the same quality and quantity as prior to the interference.

For more information please see [Minnesota Rule 6115.0730](#) or check with one of the contacts listed below.

Who Are Your Contacts? During this process you will work with a group of staff, including your local Area Hydrologist, the Groundwater Specialist who will be performing the technical review, and the Well Interference Coordinator who oversee the settlement process and modifications to permits, if needed.

Area Hydrologist - http://files.dnr.state.mn.us/waters/area_hydros.pdf

Well Interference Coordinator

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Well Interference Law

Minnesota Statutes 103G.261 establish domestic water use as the highest priority of the state's water when supplies are limited. Procedures for resolving well interferences are defined by Minnesota Rules, as follows:

Minnesota Rules, 6115.0730 WELL INTERFERENCE PROBLEMS INVOLVING APPROPRIATION.

Subpart 1. For new applications. If the commissioner determines that an adequate supply of water is available and that the proposed project is reasonable and practical as determined based on parts 6115.0670 and 6115.0680 to 6115.0720, but that there is a probable interference with public water supply well(s) and private domestic well(s) which may result in reducing the water levels beyond the reach of those wells, the following procedures shall apply:

- A. The applicant shall be responsible for obtaining and providing to the commissioner, available information including depth, diameter, nonpumping and pumping levels, quality, and well construction details for all domestic and public water supply wells located within the area of influence of the proposed appropriation well.
- B. The commissioner may require aquifer tests or other field tests to be conducted.
- C. The commissioner shall determine the probable interference with the domestic and public water supply wells based on theoretic computations using available information regarding the aquifer characteristics obtained from aquifer tests and/or from hydrologic studies, and the probable effects of lowering the water levels in the domestic and public water supply wells due to the proposed appropriation in the area. For public supply wells only the probable interference with that portion which is used for domestic water supply is considered.
- D. The commissioner shall provide the prospective appropriator with an evaluation of the nature and degree of effect of the appropriation on the water levels of the domestic well(s) and public water supply well(s).
- E. The commissioner shall not issue the permit until the applicant agrees to exercise any of the following options within 30 days after written notification by the commissioner:

- (1) accept a modification or restriction of the permit application to provide for an adequate domestic water supply; or
- (2) submit a written agreement signed by the applicant and all parties identified under item C as having probable interference. Such agreement shall outline the measures that will be taken to ensure maintenance of water supplies to such identified parties to the extent that would have existed absent the proposed appropriation. In cases where no agreement can be reached, the commissioner shall implement the settlement procedure identified in item D.

Subp. 2. For existing permits. If complaints are made to the commissioner by private domestic well owner(s) or public water supply authority regarding the effects of a water appropriation on the domestic water supplies, the following procedures shall be followed:

- A. The commissioner shall provide complaint forms to the parties making the complaint, thereafter referred to as "complainant."
- B. Upon receipt of the completed complaint forms the commissioner shall notify the permittee, the applicable watershed district, and the soil and water conservation district and any other governmental agency or person who may be affected or has expressed interest in the complaint.
- C. The commissioner shall investigate and assess the complaint by:
 - (1) Analyzing and evaluating the submitted complaint forms, hydrologic facts and characteristics of the water supply systems involved.
 - (2) Requesting additional facts from the complainant(s) and the permittee when necessary. In order to assure that available data on domestic well(s) are provided, the complainant shall cooperate with the permittee in providing such facts as may be available and allowing the commissioner access to obtain necessary available facts. If the complainant does not cooperate in providing available facts or allowing the commissioner access to the domestic well(s), the commissioner shall dismiss the complaint.
 - (3) Conducting, if necessary, a field investigation.
 - (4) Additional hydrologic tests and evaluation shall be required if hydrologic information is unavailable or inadequate to make a determination of necessary facts in the matter. For irrigation appropriations, the timing and conduct of such tests shall be in accordance with the provision of Minnesota Statutes, section 103G.271, subdivision 3, relating to modifying or restricting appropriation for irrigation.
 - (5) In evaluating the probable influence of the water appropriation on the domestic well(s) and public water supply well(s) the commissioner shall consider whether the domestic well(s) provides a dependable water supply while meeting the appropriate health requirements for the existing use of the affected well. For public water supply wells only the probable interference with that portion which is used for domestic water supply is considered.

D. Where adverse effects on the domestic well(s) are substantiated, the commissioner shall notify the permittee of the facts and findings of that complaint evaluation. In the event that the commissioner determines that the domestic water supply is endangered the commissioner shall, pursuant to part 6115.0750, subpart 7, unless a temporary solution is worked out, restrict or cancel the appropriation until such time as a decision has been made by either negotiation, settlement, or hearing.

E. The permittee shall within 30 days after written notification by the commissioner take appropriate action by exercising any of the following options:

- (1) Requesting the commissioner to modify or restrict the permit in order to provide for an adequate domestic water supply.
- (2) Negotiating a reasonable agreement with the affected well owner(s). If no agreement is reached, the settlement procedure outlined in subpart 4 shall apply; or
- (3) Requesting a public hearing.

Subp. 3. New domestic wells installed after appropriation permits have been issued. In the event that new domestic wells, exempt from permit requirements, are installed in area of adequate ground water supplies where permits have been issued for appropriation the following shall apply:

A. It shall be the responsibility of the prospective new domestic well owner to ensure that the new domestic well will be constructed at adequate depth so that it will provide an adequate domestic water supply which will not be limited by the permitted appropriation.

B. Holders of valid permits for appropriation of water in areas where adequate water supplies are available shall not be responsible for well interference problems, involving new domestic wells exempt from permit, when such exempt domestic wells are installed subsequent to authorized appropriation.

Subp. 4. Settlement. If the applicant or permittee and the complainant(s) have been unable to negotiate a reasonable agreement pursuant to subparts 1, item E and 2, item E, the following procedure shall be implemented:

A. The applicant or permittee shall submit to the complainant a notarized written offer including a statement that the complainant must respond in writing to the commissioner within ten days from the receipt of the offer either accepting the offer or explaining why it is rejected. The offer must be submitted to the complainant with a copy to the commissioner within 40 days after the receipt of the written notification provided in subparts 1, item E and 2, item E, based on the following:

- (1) If an existing domestic well provides an adequate domestic water supply which meets state health standards, and such well no longer serves as an adequate supply because of the proposed or permitted appropriation in the vicinity the applicant or permittee shall be responsible for all costs necessary to provide an adequate supply with the same quality and quantity as prior to the applicant's or permittee's interference.
- (2) If an existing well provides an adequate domestic water supply but does not meet state health standards and such well would no longer serve as an adequate supply because of the proposed or permitted appropriation in the vicinity, the applicant or permittee shall be responsible for that portion of costs of providing an adequate water supply, but shall not be responsible for those costs necessary to bring the domestic well(s) to state health standards.

B. The complainant shall, within ten days from the receipt of the notarized written offer, respond to the commissioner in writing either accepting the offer or making argument on why the offer is not reasonable. If no response is received from the complainant, within the time limit, the commissioner shall dismiss the complaint.

C. If the offer is not accepted, the commissioner shall make a decision based on the written offer and arguments and available facts, within ten days as follows:

- (1) that the applicant or permittee has submitted a reasonable offer, the commissioner shall issue or continue the permit involved;
- (2) that the applicant or permittee has not submitted a reasonable offer, the commissioner, after notice and opportunity for hearing, shall deny, modify, or terminate the permit involved;
- (3) that there is a need for a public hearing in which case it is ordered.

Statutory Authority: MS s 103G.315; 105.415