



## MINNESOTA DEPARTMENT OF NATURAL RESOURCES

# Water Appropriation General Permit Authorization

**Expiration Date: 08/20/2014**Item 9E.  
BCWMC 9-19-13**Authorization Number**  
2014-0416**General Permit Number**  
1997-0005

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. Applicant must comply with all conditions listed in the above referenced General Permit.

<b>Project Name:</b> Hampton Inn and Suites-Minnetonka	<b>County:</b> Hennepin	<b>Watershed:</b> Mississippi River - Twin Cities	<b>Resource:</b> Groundwater	
<b>Purpose of Permit:</b> Construction Dewatering		<b>Authorized Action:</b> Withdrawal of up to 7.0 million gallons of water per year for construction dewatering.		
<b>Permittee:</b> TORGERSON PROPERTIES CONTACT: TOM TORGERSON 103 15TH AVE NW WILLMAR, mn 56201 (320) 235-7207 x27		<b>Authorized Agent:</b> WENCK AND ASSOCIATES INC CONTACT: AARON BENKER 1800 PIONEER CREEK CENTER BOX 428 MAPLE PLAIN, MN 55359 (763) 479-5132		
<b>To Appropriate From:</b> Sump: by means of a portable pump at a rate not to exceed 200 gpm Point(s) of Taking: UTM Zone 15N: Easting: 467295, Northing: 4980055 SENW of Sec. 1, T117N, R22W				
<b>Authorized Issuer:</b> John Gleason	<b>Title:</b> Area Hydrologist	<b>Issued Date:</b> 08/20/2013	<b>Effective Date:</b> 08/20/2013	<b>Expiration Date:</b> 08/20/2014

This permit is granted **subject to** the following **CONDITIONS**:

**Applicant must comply with all conditions listed in General Permit 1997-0005.**

cc: Aaron Kahre, Conservation Officer, Minnetonka  
Brooke Haworth, DNR Regional Environmental Assessment Ecologist, Region 3  
Ellen Sones, County, Hennepin  
Laura Jester, Watershed District, BASSETT CREEK WMO  
Melissa Jenny, Corps of Engineers, Hennepin  
Stacey Lijewski, SWCD, Hennepin Conservation District  
Jo Colleran, City, Minnetonka



MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Amended  
**Water Appropriation General  
Permit**

**General Permit Number**  
**1997-0005**

**Expiration Date: 12/31/2016**

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.

<b>Project Name:</b> Temporary Water Appropriations	<b>County:</b> All counties in Minnesota	<b>Watershed:</b> All watersheds in Minnesota	<b>Resource:</b> All surface and groundwaters of the state	
<b>Purpose of Permit:</b> Temporary water appropriations for dewatering, exploratory drilling, firefighting, training, landscaping, dust control, hydrostatic testing of pipelines, tanks, and wastewater ponds, and similar temporary purposes allowed by authorized DNR staff.		<b>Authorized Action:</b> Upon notice to and approval by the authorized DNR staff, temporary water appropriations from surface and groundwaters of the state, not to exceed 50 million gallons for a single project.  Temporary appropriations authorized under this permit cannot exceed one year from the start of pumping.		
<b>Permittee:</b> Agencies, Governmental Subdivisions and the General Public		<b>Authorized Agent:</b> N/A		
<b>To Appropriate From:</b>  The Permittee must own, control, or have permission to access and use all lands where water is appropriated, conveyed, and used.				
<b>Authorized Issuer:</b> Julie Ekman	<b>Title:</b> Conservation Assistance & Regulations Section Manager	<b>Issued Date:</b> 05/06/2013	<b>Effective Date:</b> 05/06/2013	<b>Expiration Date:</b> 12/31/2016

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 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

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

alteration.

**PERMITTEE'S RESPONSIBILITIES:** (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 at [www.mndnr.gov/mpars](http://www.mndnr.gov/mpars). 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).

**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 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 the Minnesota Department of Health.

**CONSERVATION PLAN:** The Permittee shall implement adequate soil and water conservation measures in order to

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

protect water quality and prevent erosion and sedimentation and must comply with conservation plans and best management practices that may be required by the local Soil and Water Conservation District.

**DISCHARGE EROSION AND SEDIMENT CONTROL:** The Permittee shall ensure that discharge points are adequately protected from erosion and scour. The discharge shall be dispersed over sand bags, plastic sheeting, 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.

**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 - EQUIPMENT DECONTAMINATION & TEMPORARY DEWATERING:** All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. 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). Contact your regional Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [http://files.dnr.state.mn.us/eco/invasives/infested\\_waters.pdf](http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf). A list of prohibited invasive species is available at [www.mndnr.gov/eco/invasives/laws.html#prohibited](http://www.mndnr.gov/eco/invasives/laws.html#prohibited).

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