

## Status of Various Issues Surrounding the Level of White Bear Lake June 5, 2018

### Background and Lawsuit

White Bear Lake (WBL) has been experiencing low water levels for the past several years. Many studies have been conducted with the purpose of determining why the lake level was dropping. The WBL Homeowners filed a lawsuit against the Minnesota Department of Natural Resources (DNR) alleging mismanagement of the water resources resulting in too much water being pumped by municipal wells which caused the water levels in the lake to decline. The judge found in favor of the Homeowners and required the DNR to amend all municipal groundwater appropriations permits to include the following requirements:

- Revision of the Water Supply Plan for that permit to include a contingency plan to convert to a surface water source
- Require a residential irrigation ban when the level of the lake falls to specific elevation
- Submit a plan to phase down per capita residential water use to 75 gallons per day and total water use to 90 gallons per capita day
- Submit report to the DNR about collaborative efforts with other communities to meet the per capita goals

SPRWS has 10 wells in Vadnais Heights and Little Canada that provide a back-up water supply in the event our surface water supply becomes impacted for any reason. The appropriation permit that covers these wells has been amended to include the above requirements.

The DNR recently asked the judge for a stay of enforcement of these requirements until the case goes through the appeals process. The judge denied that request. The DNR has filed an appeal to the Court of Appeals and that case is pending.

### Contested Case Hearing

SPRWS and the Board have requested, from the DNR, a Contested Case Hearing to contest the requirement of the residential irrigation ban. We need to run the wells for a short time each year to ensure they are operational and we do not want this maintenance activity to trigger the ban. We have not been contacted as of yet with a date that this will be heard.

### 2018 Legislative Session

The State of Minnesota House and Senate passed a bill in the 2018 Legislative Session which requires the delay of the enforcement of the additional permit revisions for a period of one year. The bill has been signed by the governor and will probably be challenged in the courts. There will be more to come on that issue in the future.

### Current Situation Summary

While we await our date for the Contested Case Hearing, we are operating as if the revisions were not made to our permit. We do not, nor do we intend to, operate our wells for extended periods of time unless we are unable to use our surface water source. We will continue to monitor the situation and provide additional updates as necessary.