

1.1 moves to amend H.F. No. 3793 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2025 Supplement, section 103G.265, subdivision 5, is
1.4 amended to read:

1.5 Subd. 5. **Preapplication evaluation of certain water appropriation projects.** (a) This
1.6 subdivision applies to a data center, as defined in section 216B.02, subdivision 11, whose
1.7 proposed consumptive use exceeds 100,000,000 gallons per year and which requires a permit
1.8 amendment or a new individual permit.

1.9 (b) In response to a contact from a data center regarding a project that is likely to be
1.10 subject to this subdivision, the department ~~may~~ must request preapplication information
1.11 from the data center that is helpful in assisting the department to assess the factors affecting
1.12 the ability of a water source to meet a project's water use needs at a proposed location,
1.13 including:

1.14 (1) a project description;

1.15 (2) the project's estimated water use rates and volumes for the maximum day, maximum
1.16 month, and average year;

1.17 (3) the anticipated source of water; and

1.18 (4) water quality or temperature requirements.

1.19 (c) The department ~~may~~ must request any additional information necessary from the
1.20 data center to assist it to assess the ability of a water source to meet a project's water use
1.21 needs.

2.1 (d) The commissioner shall evaluate the information supplied under this subdivision
2.2 and shall respond in writing, which may be electronically transmitted, describing potential
2.3 water availability constraints at each proposed project site.

2.4 (e) In determining the impact of a potential project on water quality and quantity, the
2.5 commissioner may consult with the commissioners of health, agriculture, and the Pollution
2.6 Control Agency, and other state agencies.

2.7 (f) Any communication made or information exchanged under this subdivision between
2.8 a data center and a government agency, or between government agencies, is nonpublic data,
2.9 as defined in section 13.02, subdivision 9.

2.10 (g) None of the discussions, filings, or evaluations made under this subdivision preclude
2.11 or supplant environment review, preliminary well-construction approval, appropriation
2.12 permit review, or any other requirements under federal, state, or local law.

2.13 Sec. 2. Minnesota Statutes 2024, section 103G.271, subdivision 4a, is amended to read:

2.14 Subd. 4a. **Mt. Simon-Hinckley aquifer.** (a) Except as provided under paragraphs (b)
2.15 and (c), the commissioner may not issue new water-use permits that will appropriate water
2.16 from the Mt. Simon-Hinckley aquifer unless the appropriation is for potable water use, there
2.17 are no feasible or practical alternatives to this source, and a water conservation plan is
2.18 incorporated with the permit.

2.19 (b) The commissioner may issue a new water-use permit to appropriate water from the
2.20 Mt. Simon-Hinckley aquifer for a first priority water use as described in section 103G.261,
2.21 paragraph (a), clause (1), if:

2.22 (1) the commissioner determines that there are no feasible or practical alternatives to
2.23 this source;

2.24 (2) a water conservation plan that incorporates best available water conservation
2.25 technology and practices is required in the permit; and

2.26 (3) the permit is consistent with the requirements of sections 103G.255 to 103G.2991
2.27 and the general permit requirements of sections 103G.301 and 103G.315, as applicable.

2.28 (c) The commissioner may issue a new water-use permit to appropriate water from the
2.29 Mt. Simon-Hinckley aquifer for irrigation of a growing crop, if the requested appropriation
2.30 is in Aitkin County, Carlton County, Chisago County, Isanti County, Kanabec County,
2.31 Mille Lacs County, Pine County, or Sherburne County and:

3.1 (1) the commissioner determines that there are no feasible or practical alternatives to
3.2 this source;

3.3 (2) a water conservation plan that incorporates best available water conservation
3.4 technology and practices is required in the permit;

3.5 (3) the commissioner requires the installation and maintenance of monitoring equipment
3.6 to evaluate water resource impacts from the permitted appropriation under section 103G.282;

3.7 (4) the commissioner requires an applicant to conduct an aquifer test as provided under
3.8 section 103G.287;

3.9 (5) the permit is for the use of no more than 50,000,000 gallons per year;

3.10 (6) the commissioner requires an applicant to test the water for the presence of
3.11 perfluoroalkyl and polyfluoroalkyl substances, nitrates, and pesticides after a water-use
3.12 permit has been granted; and

3.13 (7) the permit is consistent with the requirements of sections 103G.255 to 103G.2991
3.14 and the general permit requirements of sections 103G.301 and 103G.315, as applicable.

3.15 (d) The permit applicant is responsible for all costs related to the water quality testing
3.16 required under paragraph (c), clause (6).

3.17 (e) For the purpose of this section, "growing crop" means an agricultural, horticultural,
3.18 or forest crop that has been planted or regularly maintained and intended for harvest. It does
3.19 not mean a permanent pasture, hay meadow, woodlot, or other noncrop area that contains
3.20 native or seeded perennial plants used for grazing or hay purposes and that is not harvested
3.21 on a regular basis.

3.22 Sec. 3. Minnesota Statutes 2025 Supplement, section 103G.271, subdivision 5b, is amended
3.23 to read:

3.24 Subd. 5b. **Large water appropriation projects; permit conditions.** (a) In issuing new
3.25 or modified water-use permits to applicants ~~that meet the definition of a data center, as~~
3.26 ~~defined in section 216B.02, subdivision 11,~~ whose proposed new or additional industrial
3.27 or commercial consumptive use exceeds 100,000,000 gallons per year, or for ~~existing permits~~
3.28 ~~where the permittee intends to provide more than 100,000,000 gallons of water per year to~~
3.29 ~~a data center~~ a municipal water use when the industrial or commercial consumptive use is
3.30 50 percent or more of the currently authorized annual appropriation volume, the department
3.31 shall commissioner must ensure that:

3.32 (1) public health, safety, and welfare are adequately protected;

4.1 (2) technologies or measures that promote water conservation, the efficient use of water,
4.2 and watershed health, are reasonably considered, including but not limited to using water
4.3 efficient fixtures and practices, recycling water before discharging, partnering with local
4.4 water utilities to use discharged water ~~from the data center~~, using reclaimed water, installing
4.5 closed-loop systems, and supporting water restoration and replenishment in local watersheds;
4.6 and

4.7 (3) water use conflicts are addressed as prescribed in Minnesota Rules, part 6115.0740.

4.8 (b) The commissioner ~~shall~~ must require an applicant to conduct an aquifer test as
4.9 provided under section 103G.287, if the commissioner determines that the test results are
4.10 necessary in order to ensure compliance with paragraph (a), clause (1).

4.11 (c) Before issuing a permit that exceeds a threshold described in paragraph (a), the
4.12 commissioner must consult with affected municipalities to determine whether issuance of
4.13 the new or modified water-use permit will require upgrades to municipal infrastructure. If
4.14 municipal upgrades will be required, the commissioner must not issue the new or modified
4.15 water-use permit until either the permittee has agreed to pay for the costs of making the
4.16 necessary infrastructure upgrades or the affected municipality has submitted evidence
4.17 satisfactory to the commissioner that it declines to require the permittee to pay for the
4.18 necessary infrastructure upgrades.

4.19 Sec. 4. Minnesota Statutes 2024, section 103G.281, subdivision 3, is amended to read:

4.20 Subd. 3. **Report.** (a) Records of the amount of water appropriated or used must be kept
4.21 for each installation. Except as provided under paragraph (c), the readings and the total
4.22 amount of water appropriated must be reported annually to the commissioner on or before
4.23 February 15 of the following year on forms provided by the commissioner.

4.24 (b) The records required under paragraph (a), must be submitted with the annual water-use
4.25 permit processing fee in section 103G.271.

4.26 (c) In addition to the requirements of paragraphs (a) and (b), records for a municipal
4.27 water use must be submitted by the 15th of each month for any industrial or commercial
4.28 water use by a single water user that:

4.29 (1) consumes water at an annualized rate that exceeds 100,000,000 gallons per year; or

4.30 (2) constitutes 50 percent or more of the amount of water consumed under the permit
4.31 for the period covered by the records.

5.1 (d) Nothing in paragraph (c) shall be construed to require submission of records for
5.2 water users that do not meet or exceed a threshold described in paragraph (c), clause (1) or
5.3 (2).

5.4 (e) The records submitted under this subdivision must be broken out by the priority uses
5.5 under section 103G.261, paragraph (a), clauses (1) to (6).

5.6 **Sec. 5. [103G.2875] PUBLIC NOTICE REQUIREMENTS.**

5.7 (a) The commissioner must establish and maintain an electronic mailing list that allows
5.8 a person to sign up to be notified of new or amended water-use permit applications that
5.9 propose a:

5.10 (1) consumptive use that exceeds 100,000,000 gallons per year; or

5.11 (2) commercial or industrial use that is 50 percent or more of a municipal water use.

5.12 (b) The commissioner must notify all those who have signed up to be notified under this
5.13 section.

5.14 Sec. 6. Minnesota Statutes 2024, section 116D.04, subdivision 16, is amended to read:

5.15 Subd. 16. **Groundwater; environmental ~~assessment worksheets~~ review.** (a) When
5.16 an environmental assessment worksheet is required for a proposed action that has the
5.17 potential to require a groundwater appropriation permit from the commissioner of natural
5.18 resources, the board shall require that the environmental assessment worksheet include an
5.19 assessment of the water resources available for appropriation.

5.20 (b) When an aquifer test is conducted under section 103G.271, subdivision 5b, paragraph
5.21 (b), for a water-use permit identified in an environmental assessment worksheet or
5.22 environmental impact statement, the results of the test must be included and considered as
5.23 part of the environmental review process under this chapter."

5.24 Amend the title accordingly