

Written testimony for HF3793

My name is Aubree Derksen and I live in the small, rural town of Pine Island, MN (less than 4,000 people) where Project Skyway, a 3,000,000 sq foot data center recently revealed to be backed by Google, is proposed within a mile of my house. The data center would use 55.7 million gallons of water/year through connecting to the city's municipal water system, which is a 50% increase in my small town's water use just for one facility. It also maxes out the city's existing water appropriation permit. Data centers put small cities like mine in a position where they have to choose between using existing resources for population growth and small businesses on main street or having a data center use up everything they have left. This one user also solidifies that new water infrastructure must be built in order to even supply a data center and it needs to be done on a much quicker timeline than might have been otherwise planned. Municipal water infrastructure, both the building of it and ongoing maintenance for it, is paid for by the residents, who definitely object to paying higher costs because a giant tech corporation wants to use it and abuse it.

In order to offset costs a small city like mine would have to rely on the goodwill of a corporation that's only using them because they want to avoid accountability and hide their actual water usage. Data centers connect to city water because a city can ask the DNR for an increase to their water appropriation permit and the DNR cannot tell them no, even if it could jeopardize the aquifer, even if it would double the amount of water an entire city uses for just one facility, nor can the DNR tell the city that they'll approve just a smaller increase or that they'll only approve it if the data center is removed from the request. I know this to be true because I called the DNR to specifically ask them about this after the developer bragged about it during a city council meeting. Connecting to city water also means the water for a data centers gets prioritized along with residential users when there's a shortage. This is not responsible stewardship or behavior. It's manipulation, coercion and blatant disregard for our communities and environments that make us strong. People need the water before a data center does.

Minnesota is one of eight states legally bound by the Great Lakes–St. Lawrence River Basin Water Resources Compact, which requires withdrawals greater than 100,000 gallons/day be reported to a regional database. But data centers have not been reporting their water usage in these eight states because they connect to municipal water utilities. The local utilities don't report individual users, which makes it hard for researchers, or anyone that wants to hold data centers accountable, to track how much water they're actually using and step in to prevent our *finite* clean drinking water resources from being depleted faster than they're being restored. If anyone looks they'll just see that x city uses 400 million gallons/year when in reality, the city may very well only be using 150 million gallons but a data center alone is using the remaining 250 million gallons. But by then it'll take years before someone starts to see that certain cities are using exorbitant amounts of water compared to their population size, the infrastructure will have already been built, city water appropriation permits already increased.

I urge you to hold data centers accountable by requiring them to have their own industrial water permits separate from municipal water utilities, require them to report their water usage and have it regularly monitored and require public input be heard so that communities are not steamrolled by those that only seek to exploit them.



Midwest
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Water - Rock - People
Environment

March 8, 2026

Representative Peter Fischer
Representative Josh Heintzeman
Co-Chairs,
Environment and Natural Resources Finance and Policy

Re. Support for Bill HF 3793

Dear Representatives Fischer, Heintzeman, and Distinguished Committee Members:

I write to you in support of Bill HF 3793, which proposes to require new large volume water users to apply for an individual water appropriations permit instead of modifying an existing appropriations permit.

I am owner of a small business that specializes in water issues. I am also a former DNR Hydrologist, serving as a Groundwater Specialist and Permit Hydrologist. As I am sure you are aware, Minnesota Statute 103G.261 defines allocation priorities for water use in Minnesota. Bill HF 3793 would close a loophole that allows large volume non-essential uses to appropriate water as if they were higher priority uses such as domestic. Under the current statute, a data center (for example) can purchase cooling water, a priority 6 non-essential use, from a municipal system and receive the same priority as domestic users, which is the highest priority of use under Minnesota law. The same data center could purchase water from a farmer's irrigation system and have the same priority as essential agricultural irrigation (priority 3) instead of non-essential cooling use (priority 6). This is unfair and goes against the intent of prioritizing water use. Bill HF 3793 eliminates this unfair practice, requiring new large volume water users to apply for their own individual appropriations permit, ensuring the priority of domestic and agricultural water users while allowing the potential high-volume water users to obtain a permit that is appropriate for their intended use. This protects the public and the environment from the consequences of over-appropriation, as new permits are reviewed by the excellent DNR staff. Passage of this bill does not mean that new large volume appropriation projects will be banned, just that they will have to go through the permit process on their own, based on the intended priority of use.

I fully support HF 3793 and commend Representative Pursell for sponsoring this important and fair bill. I urge that the committee passes this bill to the Floor.

Sincerely,

A handwritten signature in black ink, appearing to read 'WJ Bonin'. The signature is fluid and cursive.

William J Bonin, PG #47845
Owner, Geologist
Midwest Geological Consultants
St. Paul, Minnesota

Dear Committee,

I am writing to formally urge an immediate halt to the proposed data center development in Pine Island Minnesota due to the severe risks it poses to our local watershed. Our region sits atop karst topography, a geological formation defined by porous limestone, sinkholes, and underground caves that makes our groundwater uniquely vulnerable.

Unlike other landscapes, karst allows surface water—and any associated pollutants—to bypass natural soil filtration and flow directly into our aquifer through open conduits. The construction and operation of a massive industrial facility in this sensitive zone present three critical threats:

- **Rapid Contamination:** Any accidental spill of diesel fuel from backup generators or chemicals from cooling systems would travel through karst channels at high velocity, potentially reaching public and domestic wells within hours or days.
- **Subsidence and Sinkholes:** The immense weight of data center infrastructure, combined with land clearing and altered drainage, significantly increases the risk of induced sinkholes, which could destabilize the site and create new pathways for pollutants.
- **Aquifer Depletion:** Data centers are exceptionally water-intensive. Large-scale withdrawals from karst systems can lower the water table unpredictably, threatening the reliability of existing wells for residents and agriculture.

Protecting our water supply is a matter of long-term public safety and economic stability. I request that the city commission a comprehensive hydro geological impact study specifically focused on karst sensitivity before any further permits are granted.

We need only look to Olmsted County, Minnesota for a model of how responsible municipalities manage industrial risks in karst regions. Recognizing that their fractured limestone geology acted as a direct conduit for pollution, they moved away from high-risk land-use practices in favor of an integrated system that prioritizes groundwater protection. Their facility uses advanced monitoring, specialized containment, and a significant reduction in the physical footprint of potential contaminants, standards that the proposed data center, with its massive water demands and chemical storage, currently fails to meet.

Furthermore, please support HF 3793/SF 3852 (Pursell/Johnson Stewart) at the bare minimum, requiring the developers to obtain an independent Water Appropriation Permit from the Minnesota Department of Natural Resources (DNR) rather than allowing them to draw from the municipal supply. In Minnesota, any user withdrawing more than 10,000 gallons per day is generally required to secure such a permit. By forcing the data center to operate under its own permit, the legal and financial liability for potential well interference or aquifer depletion shifts from the city to the corporation. This process also mandates a pre-application evaluation and ensures the DNR can assess the sustainability of such a high-volume request especially within our fragile karst system here in SE Minnesota before a single gallon is pumped!

Sincerely,

Natalie Arend

I am a resident of Duluth and am writing in support of HF 3793.

Requiring industrial water users to get their own permit ensures that our state is able to prioritize drinking water in the case of a water shortage.

This bill also requires a public comment period for any water appropriation permit, giving the public a chance to make their opinions heard.

Also, monthly tracking of water use will ensure industrial users are complying with their permits.

All of these measures are important tools to protect the water in Minnesota for future generations.

Thank you for your attention to this bill.

Barbara Opal
328 N 53rd Ave W Apt 3

My name is Mo Feshami, and I am an electrical engineer with over 40 years as an IT professional, over 20 of it as a telecommunications and data center network architect at fortune 500 companies.

I am here today in support of HF 3793. I live in the proximity of a proposed hyperscale data center campus in the middle of long-established residential neighborhoods in Farmington. When fully deployed, this massive data center, proposed by an out-of-state developer, will demand more water on a hot summer day than the entire city of Farmington uses on an average day. This intense water demand will happen when Farmington residents are typically forced to limit their water use but the data center can operate at its maximum water demand.

In the last legislative session, MN HF16 provisioned some accountability if hyperscale data center operators applied directly to DNR for their water permit. But all, and I mean all these hyperscale data centers projects avoid going to DNR directly. Instead, they find vulnerable cities to do their bidding through a modified municipal permit and masquerade their high-water demand, as organic growth in the city's domestic water demand.

As an example, in October 2024, DNR warned the city of Farmington about the high-water demand of Farmington Technology Park project.

- 1) Despite DNR's warning, Farmington was so sure that they would be able to get the DNR permit for additional water that on December 2, 2024, they signed a binding contract (Resolution 2024-111) that guarantees the developer up to 2.93 million gallons per day of Farmington's domestic water.

Where is this water going to come from? What fiduciarily responsible city would sign such a binding contract, well before applying to DNR and getting its approval for this huge extra water allotment?

The city also managed to get Met Council to approve the amendment to City's comp plan, allowing the rezoning of the land for that data center, even though all parties knew the water demand of the project. All it took for the city was to check the right boxes on a form.

- 2) This year, Farmington increased its property tax levy by 12.98% (December 01, 2025,) with significant amount appropriated for new water and sewer lines, a new 2.5 MG water tower, NOT surprisingly, in the vicinity of the proposed hyper scale data center. And mid-term improvements, which, will likely include ground storage; possibly up to 5 MG.

These infrastructure costs should not be put on the back of Farmington citizens or any host city's citizens.

What the city of Farmington has done is not unique. It is common practice, used by most, if not all proposed hyperscale data center projects. It is designed to circumvent MN water prioritization statute 103G.261. This statute puts high-water users, such as these data centers, at priority 5. Well below domestic water users, farmers irrigating crops, and power producers. That is another reason data center developers go to cities for their water demand rather than DNR to bypass propositions of MN HF16, which this legislative committee heard and passed in the last session.

Regarding transparency, all data collected under HF16 would remain private so there is no increase in transparency. We need HF 3793 to disclose that information to be reported regularly, so decision makers, such as this body, can have visibility and be able to make appropriate public policy decisions based on that data.

I get it that MN should be a "new business" friendly state. But these businesses cannot take Minnesota for granted, they cannot drain our precious and limited natural resources, and they cannot pollute our environment. HF 3793 is a small step towards that protection. Respectfully, if this body cannot approve HF 3793, to protect Minnesotans, the question becomes "Who's interest are you protecting?"

FRESHWATER

March 9, 2026

Chair Rep. Peter Fischer
Chair Rep. Josh Heintzeman
Minnesota House Environment and Natural Resources Finance and Policy
State Capitol Room G3
St. Paul, MN 55155

Re: Proposed changes for users of large amounts of groundwater HF3793

Chair Fischer, Chair Heintzeman and committee members,

As a science-based organization with a focus on water sustainability, we are closely following how large water users, including data centers, are sited, designed, permitted and operated in the state. The availability of clean water is essential for healthy communities, ecosystems, and economies. These projects can have a profound impact on the future of Minnesota water supplies.

We appreciate that bill HF3793 continues to promote a deeper understanding of the nuances around water use and permitting of large water users in the state. More specifically, we like that this bill broadens the applicability to all large water users over 100 million gallons per year, not just data centers. We appreciate the attempt to clarify state government and local government roles around water permitting. We support the formalized notification of regional stakeholders, including nearby municipalities. And we support the introduction of community feedback and a comment period. Proactive community engagement has been missing in many of the recent proposed developments.

We hope the intent of this bill is that it applies to all large water use, not just groundwater as the committee agenda title suggests. We also have concerns with how this bill would be implemented, and would encourage the committee to consider how local and state governments would work closely together to implement these permitting requirements. We look forward to being a part of continued discussion on this matter.

Thank you for considering our feedback.



Michelle Stockness, PE

Executive Director, Freshwater

Protecting Wells, and the Future of Our Groundwater



PHOTO SARAH WHITTING

Janelle Kuznia in front of the water plant in Elko.

Every drop of groundwater matters, especially when the water is shared by thousands of private well owners and drawn on heavily by a single industrial user. I live in New Market township and am now, unexpectedly, a water advocate.

Increased pumping by the city of Elko New Market in city wells impacted private wells of nearby township residents and a few city residents using a private well. These well owners are seeing the consequences: black and brown water, ruined filtration systems, and long delays in responses from city officials after a municipal pump test harmed private wells.

This isn't an isolated problem; it is a warning sign for communities across Minnesota as large water users like bottling plants and data centers compete for the same precious resource.

How It Started

In 2022, Niagara Bottling selected Elko New Market as the site for its new Midwest facility. Negotiations

with the city happened largely behind closed doors under the cryptic code name Project Horseshoe. Before most residents knew about it, the company had secured conditional use permits, reduced water rates, and promises of millions in local and state subsidies.

By the time news broke publicly, the preliminary plat and conditional use permits were already heading toward approval. Township residents were effectively shut out of decisions that directly affected their wells, their water, and their future. Residents organized quickly, connected with local nonprofits, held rallies, attended city council meetings, and contacted local and state officials.

Residents filed a petition with the state of Minnesota's Environmental Quality Board (EQB) citing concerns about our private wells and local surface water, as well as trout streams and calcareous fens. Residents collected hundreds of signatures demanding an Environmental Assessment Worksheet (EAW), but the state denied our petition, deferring the issue to the Department

of Natural Resources (DNR). The DNR denied our petition and promised to address it during the water appropriation permit process.

Who Is Held Accountable for Blackened Water?

Over the next year, we kept pushing. Finally, in response, the DNR required the city to run a multi-aquifer pump test in late 2023. During the four-week test, the city pumped 1.8 million gallons a day out of the ground. Soon after, dozens of private well owners began reporting problems with black sooty water, foul odors, ruined filtration systems, and damaged appliances. Sixty-eight homeowners filed complaints with the city, DNR, and the Minnesota Department of Health (MDH).

Despite these issues, in June 2024 the DNR issued Elko New Market's water appropriation permit, making the city responsible for investigating and addressing well interference and water contamination.

At a public meeting in September 2025, city officials admitted their excess pumping had likely caused quality problems in private wells. Their theory: the extended drawdown of the aquifer from the pump test drew down our private wells, and newly exposed contaminants — already present in our wells — were released into the water column, captured by our pumps, and delivered to our homes.

The solution offered: well owners who filed a complaint can receive a one-time compensation of \$300 in exchange for release of liability, or allow well owners who had expenses greater than \$300 to appeal to the city in hopes of being fully compensated for their expenses. The third option: deny the first two options and reserve the right to legal action.

The city told homeowners in an October meeting that when we see black chunks or brown water, we should run our outside hoses for 30 minutes to flush our wells before using inside water. The city did not clarify how this would be done in the winter.

As local well owners explore legal options, Niagara is not working to solve the problems. They have been in operation of Phase 1 since summer 2025, with the right to use 165 million gallons of water per year, or 45 percent of the city's total permitted allocation. They are

positioning for Phase II, which would double that.

The company operates under the city's municipal water permit, not its own. To many of us who rely on private wells, this feels like a loophole that undermines Minnesota's statutory water allocation priorities. The DNR and MDH attached quality provisions to a municipal permit, but enforcement remains with the city whose pumping caused the damage.

When nearly half of a city's water permit is allocated to one industrial user, the public interest is not protected.

Minnesota Statute 103G.261 states that the first priority for water allocation is domestic supply. Yet industrial bottling facilities, and increasingly data centers, are able to "piggyback" on municipal permits rather than seek their own. The result: residents' wells are at risk, while corporate users face few consequences.

Community volunteers have stepped in where the government has fallen short. Together with the Minnesota Well Owners Organization (MNWOO), we have held two well-testing clinics, filed data requests, and advocated with legislators for reform. We have proposed that any industrial user drawing more than a set threshold should obtain their own DNR water appropriation permit. This ensures monitoring, accountability, and the ability to suspend use if private wells are affected.

Minnesota needs a new approach. One that prioritizes regional water planning, transparency, and the rights of private well owners. We must:

- Require industrial users to obtain their own water permits.
- Establish protections for well owners and fund well testing, education, and mitigation.
- Conduct Environmental Impact Statements (EIS) for all high-water-use projects, testing both quantity and quality before they begin.
- Mandate regional planning for all water appropriation permits, as 83 metro municipalities and 1.2 million private well owners in the state rely on this water.
- Ensure early, meaningful public involvement in groundwater decisions.

Groundwater belongs to the people of Minnesota. If we fail to protect it, we risk leaving families without safe drinking water and turning local aquifers into corporate assets. It's time we acted to restore accountability, sustainability, and trust. **MWD**



To: Peter Strohmeier, Committee Administrator, Minnesota House Environment and Natural Resources Committee

From: Stop the Hermantown Data Center

Re: HF 3793

Dear Minnesota House Environment and Natural Resources Committee,

I'm writing on behalf of Stop the Hermantown Data Center, LLC, (SHDC). SHDC is a non-profit organization comprised of residents of Hermantown, surrounding affected communities, and even regional residents who formed a grass-roots organization to require the City of Hermantown to honor its obligation of transparency to the residents when considering such a project.

The proposed hyperscale data center in Hermantown, Minnesota is a 1.8 million square foot, 187-acre project, with possibility to expand to 279 acres, and yet to 403 acres. Google's announcement of *ownership* of the project on Tuesday, March 3 was contested by area residents as 13 of the 17 parcels of the proposed location (78%) are yet privately owned. The location is deeply problematic with hundreds of residents, children and families, generations of agricultural and farming lands, hundreds-old growth oak trees, prairielands, 55 acres of wetlands, abundant wildlife, and designated trout streams.

The location is also within the St. Louis Comprehensive Watershed Management Plan for the South St. Louis Soil & Water Conservation District. The St. Louis River is the largest U.S. tributary to Lake Superior. The City of Hermantown buys its municipal water from the City of Duluth. The City of Duluth draws its water from Lake Superior. Lake Superior is the largest freshwater lake in the world by surface area.

Through the Alternative Urban Areawide Review (AUAR) submitted for the "communication equipment services facility" (City of Hermantown titled), combined with a newspaper article (Star Tribune newspaper article September 2025; data practices act request of City of Hermantown) that residents came to understand the project as a potential hyperscale data center proposal. Within the AUAR it is specified that groundwater is present 7-60 feet beneath the ground surface, and 0-10 feet below surface, in the wetlands.

Yet to be specified in any document is the method by which the proposed hyperscale data center in the City of Hermantown is expecting to cool its facility, as the AUAR did not specifically name the project as a hyperscale data center. The AUAR does specify 50,000 gallons per day of wastewater, which is interesting as the proposed rural residential site is yet well and septic. The cost is an estimated 70-100 million dollars for the 12 miles of municipal water and sewer infrastructure needed to support the proposed project. This is not an obstacle for a 3 trillion-dollar Fortune 5 company. Hyperscale data centers of the size proposed in Hermantown, if cooled by water, typically use between 3-5 million gallons of water per day. Given the level of government secrecy surrounding the project, it is anticipated that if municipal water were used to cool the facility, the public would be obscured from knowing the amount of water. Additionally, underreporting level of municipal water use in the data center industry is possible.

In summary, the Stop the Hermantown Data Center group is wholly supportive of HF 3793 and other data center reform bills being proposed this legislative session. Given the level of secrecy (22 non-disclosure agreements signed in the Arrowhead/NE Minnesota region including St. Louis County), any effort or attempt to place regulation surrounding development activity of the wealthiest companies in human history who proclaim that they are using green energy while proposing to destroy the pristine environment that is Minnesota, is welcome.

March 8, 2026

To: Members of the Minnesota Legislature

Re: Impact Statement in Support of SF 3852 / HF 3793

Private Well Owner and Licensed Child Care Provider, New Market Township, Scott County, MN

Dear Members of the Minnesota Legislature,

I am a resident of New Market Township, Scott County, Minnesota, and a licensed child care provider operating a home-based facility. I am writing to provide a formal impact statement in support of SF 3852 / HF 3793. My household and child care operation rely entirely on a private well for drinking and cooking water. Since the commencement of operations at the Niagara Bottling facility in the City of Elko New Market, I have experienced significant, documented degradation of my well water quality. The consequences have been both financial and — more critically — a matter of public health affecting 25 individuals in my care, including 20 children between the ages of 3 and 5.

I. Background: The Niagara Bottling Facility and Its Impact on Private Wells

In 2022, California-based Niagara Bottling LLC selected Elko New Market as the site of its Midwest bottling facility. The company's proposal — conducted under the internal code name "Project Horseshoe" — was negotiated with the City largely behind closed doors, including under a non-disclosure agreement. Township residents, including myself, were effectively excluded from the decision-making process. Because I reside outside the Elko New Market city limits, I had no vote on the City Council, no opportunity to weigh in before the permit was issued, and no mechanism to formally oppose a decision that now directly harms my family, my employees, and the children in my care.

To accommodate the Niagara facility, the City of Elko New Market requested an amendment to its existing DNR Water Appropriation Permit, increasing its permitted annual groundwater extraction from 135 million gallons to 365 million gallons — a 170% increase. Rather than obtaining its own independent DNR Water Appropriation Permit, Niagara Bottling operates under the umbrella of the City's amended municipal permit. This structure allowed Niagara — a large-volume commercial water user extracting an estimated 165 million gallons per year under Phase 1 alone — to avoid the individual regulatory review, public notice requirements, and financial accountability obligations that would apply to an independent large-volume appropriator. In June 2024, the DNR approved the amended permit despite having received 68 documented homeowner complaints about well contamination following the City's multi-aquifer pump test.

Niagara began Phase 1 operations in summer 2025. Its Phase 1 appropriation of approximately 165 million gallons per year represents roughly 45% of the City's total 365 million gallon annual permitted allocation — and by itself exceeds the 100 million gallon per year threshold at which SF 3852 / HF 3793 would require an independent permit. Phase 2 would double Niagara's extraction volume. Under Minnesota Statute 103G.261, domestic supply is the first statutory priority for groundwater allocation. The current permitting structure subordinates that priority to an industrial bottling operation that has absorbed the majority of a municipality's permitted allocation without obtaining its own permit, bearing its own financial liability, or affording the public a meaningful opportunity to comment.

II. Direct Impacts to My Well, Property, and Household

Following the City's multi-aquifer pump test in late 2023 — during which the City pumped 1.8 million gallons per day from the aquifer — and continuing after Niagara began operations, my private well has exhibited the following measurable changes:

- Significantly increased sediment in well water, including dark-colored particulate matter consistent with manganese and iron mobilization due to aquifer drawdown
- Sediment-related damage requiring replacement of household plumbing fixtures and appliances
- Installation of two reverse osmosis filtration systems to mitigate potential health risks from contaminant exposure — at personal expense

The City of Elko New Market's own officials acknowledged at a public meeting in September 2025 that excess pumping likely caused quality problems in private wells. The City's stated theory is that sustained aquifer drawdown exposed sediment and contaminants already present at depth, which were then drawn into private well water columns. The City's proposed remedy — a one-time payment of \$300 in exchange for a release of liability — is entirely inadequate given the ongoing and cumulative nature of the harm.

III. Public Health Risk: Children in Licensed Child Care

My licensed child care facility operates on this same well. The population directly consuming this water includes:

- 20 children between the ages of 3 and 5 enrolled in my child care program
- 4 adult employees
- My own family, including two children ages 3 and 5

Young children are among the most physiologically vulnerable populations to waterborne contaminants. The following is documented by state and federal health authorities:

Manganese: The Minnesota Department of Health (MDH) has established health-based guidance values for manganese in drinking water. For households with infants and young children, MDH recommends a safe threshold of no more than 100 micrograms per liter (µg/L). The MDH explicitly states that children and adults who drink water with

elevated manganese over time may experience problems with memory, attention, and motor skills, and that infants may develop learning and behavior problems from excess manganese exposure. The U.S. Centers for Disease Control and Prevention (CDC) further confirms that infants and children absorb more manganese than adults and excrete less, making them disproportionately susceptible. Research published in peer-reviewed literature links chronic manganese overexposure in children to reduced IQ, behavioral changes, speech and memory difficulties, and impaired motor function.

Sediment and Physical Contaminants: Increased sediment in drinking water is a recognized indicator of aquifer disturbance. In private wells, stirred sediment can carry heavy metals and other contaminants that have settled over time. This creates an ongoing exposure risk that cannot be fully mitigated without continuous filtration — a burden private well owners bear individually and at their own expense.

Child Care Regulatory Implications: As a licensed child care provider, I am required to maintain a safe and healthy environment for children in my care. The degradation of my well water quality creates compliance risk, reputational risk, and most importantly, direct health risk to the children and families who trust me with their children's safety. The 20 children enrolled in my program did not choose this exposure, nor did their parents when they selected child care in what they believed to be a safe, rural setting.

IV. Regulatory Gap: Township Residents Lack Representation and Recourse

As a New Market Township resident — not a City of Elko New Market resident — I was entirely excluded from the approval process that led to the Niagara facility being built. Township residents had no vote in City Council decisions, no seat at the table during closed-door negotiations, and no formal standing in the City's permitting process. Yet we bear the consequences of the City's water extraction decisions directly, through compromised private wells that draw from the same Prairie du Chien-Jordan aquifer the City has dramatically increased its draw upon.

This structural exclusion is a fundamental procedural inequity. Minnesota Statute 103G.261 establishes domestic water supply as the highest priority use of groundwater. The current framework fails to operationalize this priority when a municipal water system dramatically expands extraction to serve an industrial bottling facility, and adjacent private well owners have no meaningful opportunity to challenge, appeal, or seek injunctive relief before harm occurs.

V. Financial Burden to Private Well Owners

The costs I have incurred as a direct result of well quality degradation include:

- Purchase and installation of two reverse osmosis filtration systems
- Replacement of plumbing fixtures and household appliances damaged by sediment
- Ongoing maintenance and filter replacement costs associated with filtration systems

- Time and resources spent attending public meetings, filing complaints with the City, DNR, and MDH, and advocating for accountability

These are uncompensated costs imposed on private individuals by a for-profit corporation's operations — a corporation that received over \$4.3 million in public subsidies including waived fees, forgivable loans, and tax rebates, and that pays a discounted water rate compared to ordinary residential customers.

VI. Support for SF 3852 / HF 3793

SF 3852 / HF 3793 — championed in part by the Minnesota Center for Environmental Advocacy (MCEA) in direct response to the well problems caused by the Niagara Bottling facility — closes the regulatory gap I have described above. The bill targets all large-volume commercial and industrial water users, including but not limited to bottled water plants, hyperscale data centers, and ethanol plants. Specifically, it would:

- Require any commercial or industrial water user that either exceeds 100 million gallons per year (MGY) or consumes a volume equivalent to 50% or more of a municipality's currently authorized appropriation volume to obtain its own independent DNR Water Appropriation Permit — rather than sheltering under a municipal permit amendment
- Establish a mandatory public comment period for these large-volume commercial and industrial permits, giving affected residents — including township residents outside city limits — a formal, legally recognized opportunity to be heard before permits are issued or expanded
- Require monthly water use reporting to the DNR (rather than the current annual reporting standard), enabling timely detection of over-extraction before private wells suffer lasting or irreversible harm
- Shift financial liability for well interference onto the large commercial or industrial user that holds the permit — rather than leaving private well owners to absorb costs alone through out-of-pocket filtration, appliance replacement, and plumbing repair

Had this bill been law prior to the Niagara facility's permitting process, Niagara Bottling would have been required to apply for its own permit (its 165 MGY Phase 1 extraction far exceeds the 100 MGY threshold, and it accounts for approximately 45% of the City's total permitted allocation, approaching the 50% trigger). The public comment period would have afforded adjacent township residents a formal voice. And monthly reporting requirements would have enabled regulators to detect and respond to aquifer impacts far earlier than the current framework allowed. I urge the Legislature to pass SF 3852 / HF 3793 without weakening amendments.

I am prepared to provide additional documentation, water testing results, appliance repair receipts, and other evidence in support of this statement. I respectfully request that the Legislature act to protect the rights, health, and safety of private well owners

across Minnesota — particularly those who, like me, have been harmed by decisions made without their participation or consent.

Respectfully submitted,

Hannah Baune March 9, 2026

Hannah Baune

Licensed Child Care Provider #1100036

New Market Township, Scott County, Minnesota

23580 Natchez Ave

Lakeville, MN 55044

651-500-9025

Dear Mr. Strohmeier:

I write this email in support of HF 3793. This bill, by requiring industrial users of over 100 million gallons of water per year to get their own permit, and requiring a 30 day public comment period, will help protect the drinking water of North Mankato from future data center proposals.

North Mankato relies entirely on the Mt Simon aquifer for its drinking water, and is nearing the limit set by its appropriation. Nevertheless, when approached by a data center developer, North Mankato city officials signed a non-disclosure agreement, were not forthcoming that the development was a data center, obfuscated the water requirements of the development, and lobbied the legislature (unsuccessfully) to change the law protecting the aquifer to find the water that they needed for this development.

This law, if passed, will help prevent such abuses in the future, and by so doing, will help to protect North Mankato's drinking water and the Mt Simon aquifer for future generations.

Sincerely,

Louis Schwartzkopf, Ph.D.
Member, Executive Board
[Southcentral Minnesota Clean Energy Council](#)
Professor Emeritus of Physics
Minnesota State University, Mankato
Phone: 507-995-8884 (c)
louis.schwartzkopf@mnsu.edu

I oppose HF 3793

Water is a big deal in Minnesota. In the land of 10,000 lakes water is at the heart of how so many Minnesotans experience nature and we have generally not needed to worry about having enough water. But those times are changing as both our climate and our uses of water change. The need for water is basic to every living thing and you are now making life changing decisions about who is entitled to water. Presently we have laws to protect water usage in times of drought. Minnesota has protected families in times of drought and water scarcity with residential homes having first priority to water. HF3793 would allow data centers to have the same priority to water supplies even in times of drought and scarcity as residential users. How do you justify that priority? How do data centers and their massive water use needs become equal to families and their needs? There are options for assuring the operations of data centers but only if we require them. Alternate ways to reuse and conserve water must be required by those that build and make money from these data centers. Questions must be asked of these hyper scalers as they come to us wanting our water resources. Ask the developers to describe their water conservation and water efficiency plans. Questions like:

- Do they have their own water goals like Net Zero or Environmental, Social and Governance goals?
- Can they reuse water internally in a closed loop?
- Can they use ground-source geothermal cooling systems instead of consumptive groundwater use?
- Could they use reclaimed wastewater or stormwater?

These are some of the questions that must be asked to protect Minnesota families like yours and mine. I urge you not to support HF3793

Nancy Stutzman
3218 123rd Lane NE
Blaine MN 55449



117 South First Street • Montevideo, MN 56265

March 10, 2026

Chair Fischer
Chair Heintzeman
House Environment and Natural Resources Finance and Policy
Re: H.F. 3793

Chairs Fischer and Heintzeman, and Committee Members,

CURE is a rurally based, non-profit organization dedicated to protecting and restoring resilient communities and landscapes by harnessing the power of the people who care. We appreciate the opportunity to testify in strong support of H.F. 3793.

The legislature passed a handful of laws last year aiming to address some of the concerns around the sudden, intense interest in hyperscale data center development in our state. But these laws are a floor, not a ceiling. One issue that remains unresolved is that of water use. Last year's laws do not establish an enforceable reporting requirement for data centers' actual water use. The law states that the DNR *may* request preapplication information from a data center, *if* that data center contacts the DNR. If a data center triggers a permit threshold, the law provides a list of things the DNR "shall ensure"—most of which are already required under existing law.¹ And the new language regarding water reuse and efficiency in that section is not enforceable. The result is language that does little to protect Minnesota's water and communities from the unique impacts of hyperscale data centers.

Water is understandably a major concern for the public, as hyperscale data centers' water use can be significant, depending on the kind of cooling system employed by the facility and the type of electricity generation powering the data center. For example, according to documents obtained through a Data Practices Act request to the Department of Natural Resources, Amazon's proposed facility in Becker could use "as much as 3 to 5 MGD (~1 to 1.8 billion gallons per year) once fully built out." DNR staff believed that the aquifers from which Amazon would be drawing (through agricultural wells the company acquired with the land) "will not be capable of providing this volume of water," and would be "highly likely" to break safe yield and "cause a conflict with higher-priority users (agricultural irrigators)." According to those documents, Amazon had also been in discussions with the City of Becker about potentially adding the company's wells to the City's water supply infrastructure.

This exposes a major loophole that exists in current law, which could allow hyperscale data centers to obtain their water directly from municipal sources—either with or without extra wells obtained from prior landowners for different purposes—without an opportunity for public engagement or full agency review of the potential impacts of such appropriations.

¹ See Minn. Stat. §§ 103G.315, subd. 3; 103F.287, subd. 1(a)(4); Minn. R. 6115.0740.

Given the above, it is important for the legislature to act now and require large industrial water users like hyperscale data centers to obtain their own water appropriation permit, not hide behind a municipal permit. Reporting the actual amount of water used, as would be required by this bill also allows our state to get a complete picture of water use by permit holders. The public does not want to—and should not have to—rely on unenforceable promises from giant corporations to protect our water resources. Requiring the largest water users to apply for their own permit is one step towards ensuring that there are adequate resources available and that members of the public have the opportunity to weigh in on proposed projects and the impacts they might have on our shared water resources. For these reasons, CURE urges you to support H.F. 3793.

Sincerely,

/s/ Sarah Mooradian

Government Relations & Policy Director

CURE

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Mr. Peter Strohmeier-

Hello, my name is Jenna Van Den Boom and I'm a resident of Monticello, MN. I'm writing in support of HF3793 (Pursell) in the Minnesota House Environment and Natural Resources Committee. I'm here representing the "Stop The Monticello Data Centers" Group. Our group consists of over 1,000 members and continues to grow daily. The goal of our group is to put a pause on Hyperscale Data Centers in Minnesota until regulations to provide the necessary protections for building something as impactful as a Hyperscale Data Center are implemented. With so much still unknown about Hyperscale Data Centers, their short & long term impacts, it's essential that we slow down and take the time necessary to learn, create, and implement measures to protect our residents and our beautiful state. One corporation's land use rights should not supersede the rights of hundreds to thousands of local residents in a city. Monticello is a community of approximately 16,000 residents located roughly halfway between Minneapolis and St. Cloud on Interstate 94 and the the Mississippi River. What we do here stands to have a significant impact on the rest of our state.

There are two proposed Hyperscale Data Center sites for Monticello one of which is a 3 million square foot Hyperscale Data Center on 550 acres of what is currently mainly farmland. The fact that if it's approved it will be built on farmland poses additional risks due to the nitrates and contamination with water which is something happening in other states like Oregon. According to the Alternative Urban Areawide Review (AUAR), the anticipated maximum peak water demand is up to 3.5 million gallons per day for non-contact cooling water use during the months of April through October at full build out. The estimated water demand could be as high as 300 million gallons per year. From 2019-2023, the city of Monticello pumped between 511 to 651 million gallons of water per year from the aquifer. If this proposed Hyperscale Data Center goes in that would roughly double the amount of water pulled from the aquifer. This is supposing that the water usage is accurately estimated as it is also not inclusive of the indirect water use that Hyperscale Data Centers require. This is also only taking into consideration one of the two proposals planned for Monticello. What will this do to the aquifer and to the other aquifers in the area? What protections are there for homeowners with private wells?

According to the UN, the world is entering "global water bankruptcy". Something we take for granted in the United States is our access to clean, fresh water. Considering only 3% of the world's water is fresh water and the majority of that water is inaccessible over two billion people worldwide lack access to water and approximately 3.5 billion people suffer from inadequately sanitized water. Issues with inadequate sanitization causing water borne illnesses

lead to the deaths of approximately 3.5 million people per year most of which are children. It's estimated that 900 children die per day from unsafe water leading to diarrheal diseases. Currently in the United States, many of our water systems like our rivers and lakes are becoming overstressed. Some are drying up or becoming over polluted and therefore unusable. One of the major pollutants comes from the byproducts of industrial processes. It can take years to realize the full impact of toxic substances building up in the environment, leaching into our aquifers and food sources. According to Kaveh Madani the director of the UN University's Institute for Water, Environment, and Health "We need to decouple growth from water. We need to move away from the assumption that economic prosperit requires ever-increasing water withdrawals~the problem that has got us in this situation." He also states that "Millions of farmers are trying to grow more food from shrinking, polluted or disappearing water sources." The Mississippi River starts in Minnesota and is now considered the "most endangered" river in the US. It's responsible for providing drinking water to approximately 20 million people distributed over approximately 40% of the US, it also supports agriculture & industry among other things.

The Hyperscale Data Center boom in Minnesota and specifically Monticello poses an additional threat to the Mississippi River and our local aquifers. We currently have people in Monticello that already don't have access to clean drinking water from their taps. The privately owned mobile home park (The Meadows, MHC), located at 9127 MN-25 Monticello, MN 55362 is within city limits and has private wells in which the water is not safe to drink. The company that owns the trailer park (Lakeshore Management, based in Illinois) provides Culligan bottled water to the residents on a weekly basis. This does nothing to fix the water they have access to use, to cook with, clean with, or bathe in. A significant additional draw down on the aquifer, as required in the case of a Hyperscale Data Center, could cause issues for the city's other wells and private wells within the Monticello Township and also neighboring communities. The AUAR approved for Monticello's proposed Hyperscale Data Center is vague in that it does not provide an analysis of how the significant draw of water and the discharge for this area will impact surrounding wetlands, bodies of water, or nearby Well Head Protection Areas (WHP), or Drinking Water Supply Management Areas (DWSMA). Specifically, the significant draw of water from the aquifer, soil compaction, as well as the increase in impervious landscapes in the high-water retention areas, will contribute to a greater chance of flooding and contamination to nearby bodies of water. There is also a discrepancy in the capacity available for the discharge of water and the water requiring discharge. To address this significant discrepancy between the city's capacity and the needed capacity the AUAR states that a Rapid Infiltration Basin (RIB) system will be used. RIB systems for this type of waste are not typically permitted in Minnesota putting into question its effectiveness for this type of use. In a portion of Monticello's Drinking

Water Supply Management Area, there are transportation corridors which pose a risk of contamination of ground water and surface water in the case of a spill event. Monticello has already experienced a tritium leak from the power plant which proves that Monticello's aquifer is of moderate vulnerability to contamination from spills. Hyperscale Data Centers require a significant amount of water that is treated with chemicals that cause pollution when released back into the environment. Closed loop cooling systems are known to leak, as well as onsite lined storage ponds. One of the proposed Hyperscale Data Center sites in Monticello has the Drinking Water Supply Management Area within its boundaries. There are also protected wetlands surrounding this site and protected migratory bird water ways. The location of the proposed Hyperscale Data Centers on the elevation map for the area shows that any water leaving these sites would flow back toward the city of Monticello and into the Mississippi River. Many of the wellheads in Monticello are marked to be vulnerable. If the Hyperscale Data Center were to experience a leak or spill these wellheads would be negatively impacted. The aquifers contamination risk is also a major area of concern and the AUAR does not account for the risk of the water table dropping and the impact it will have on drinking water availability or quality. Monticello drinking water is also know to have high levels of Maganese, if the water table drops it will increase the amount of sediment and contaminants pulled from the aquifer for drinking water. This will increase energy consumption and cause an increased need for improved water treatment utilities. The AUAR Monticello's City Council approved is wholly insufficient and leaves Monticello & its residents vulnerable to the dramatic impacts Hyperscale Data Centers make on the environment and communities where they reside.

The decisions we make here pose significant ramifications not only for Minnesotans but also the people of Wisconsin, Iowa, Illinois, Missouri, Arkansas, Mississippi, Louisiana, Kentucky, and Tennessee as the Mississippi River flows through these states. The Mississippi River also connects to other bodies of water significantly increasing its impact. We need to require industrial water users to obtain their own permits. Ensuring that industrial users have their own permits will allow for appropriate prioritization according to Minnesota Law in the case of water shortages. This bill would also provide for a public comment period for new, large industrial groundwater users which is essential as we are the first line of defense and the first to be impacted by the decisions made at the local level. This bill will also allow for monthly tracking of the actual water use from large industrial users to ensure permit compliance. This will allow for a clearer picture of what Hyperscale Data Centers are actually responsible for using and hold them accountable when they exceed their permitted usage. According to an analysis completed by researchers in water law and policy located in Michigan, Hyperscale Data Center companies don't always reveal how much water their Hyperscale Data Centers use. In addition, Hyperscale Data Centers not only use a significant amount of water directly, estimated in 2023 at 17 billion

gallons as cooling water, they also use a significant amount of water indirectly, which was estimated at an additional 211 billion gallons annually to produce electricity that provides power to the facilities. Because there are no guides tracking the water usage and the information released is voluntary the reports generally don't include indirect water consumption, and they are inconsistently reported making them difficult to combine or compare. Monticello's city government has repeatedly questioned its ability to create and or enforce rules that exceed those of the state government. I understand the concept of wanting cities to have the autonomy to act independent of stringent government oversight. That being said, when cities from all over the state are experiencing the same issues as is currently the case in Minnesota where we have people representing their cities from Monticello, Farmington, Hermantown, Pine Island, Mankato, Faribault, etc. it's important for the state to acknowledge the state as a whole and create solutions. It's also important to note that if left in city government hands alone when all of these Hyperscale Data Centers get approved the scale of detrimental impacts will be felt across the state and country. This issue is putting cities at significant odds with their constituents as they determine how to independently navigate this uncharted territory. Continuing to leave these decisions in the hands of individual cities without the guardrails necessary for guidance is irresponsible and has had a significant impact on our existing situation. That is why I am asking for your support in passing HF3793 (Pursell). Thank you for your time and consideration.

For my testimony my preference is 1. Virtual 2. In Person 3. Written

Thank you,

Jenna Van Den Boom