

1.1 moves to amend H.F. No. 3236 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~~ exceeding 100,000,000 gallons per year ~~and which that~~
1.8 requires a permit 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 request preapplication information from the
1.11 ~~data center~~ applicant 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 request any additional information necessary from the ~~data~~
1.20 ~~center~~ applicant to assist it to assess the ability of a water source to meet a project's water
1.21 use 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~~ an applicant and a government agency, or between government agencies, is
2.9 nonpublic data, 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 7, is amended to read:

2.14 Subd. 7. **Transferring permit.** (a) A water-use permit may be transferred to a successive
2.15 owner of real property if the permittee conveys the real property where the source of water
2.16 is located. The new owner must notify the commissioner immediately after the conveyance
2.17 and request transfer of the permit. The commissioner must not deny the transfer of a permit
2.18 if the permittee is in compliance with all permit conditions and the permit meets the
2.19 requirements of sections 103G.255 to 103G.301.

2.20 (b) When transferring a permit, the commissioner must not require additional conditions
2.21 on the permit, reduce the appropriation, reduce the term, or require any testing.

2.22 Sec. 3. Minnesota Statutes 2024, section 103G.287, subdivision 1, is amended to read:

2.23 Subdivision 1. **Applications for groundwater appropriations; preliminary**
2.24 **well-construction approval.** (a) Groundwater use permit applications are not complete
2.25 until the applicant has supplied:

2.26 (1) a water well record as required by section 103I.205, subdivision 9, information on
2.27 the subsurface geologic formations penetrated by the well and the formation or aquifer that
2.28 will serve as the water source, and geologic information from test holes drilled to locate the
2.29 site of the production well;

2.30 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

3.1 (3) information on groundwater quality in terms of the measures of quality commonly
3.2 specified for the proposed water use and details on water treatment necessary for the proposed
3.3 use;

3.4 ~~(4) the results of an aquifer test completed according to specifications approved by the~~
3.5 ~~commissioner. The test must be conducted at the maximum pumping rate requested in the~~
3.6 ~~application and for a length of time adequate to assess or predict impacts to other wells and~~
3.7 ~~surface water and groundwater resources. The permit applicant is responsible for all costs~~
3.8 ~~related to the aquifer test, including the construction of groundwater and surface water~~
3.9 ~~monitoring installations, and water level readings before, during, and after the aquifer test~~
3.10 any aquifer test that has previously been completed by, or on behalf of, the applicant related
3.11 to the proposed water use and well; and

3.12 (5) the results of any assessments conducted by the commissioner under paragraph ~~(e)~~
3.13 (d).

3.14 (b) The commissioner may waive an application requirement in this subdivision if the
3.15 information provided with the application is adequate to determine whether the proposed
3.16 appropriation and use of water is sustainable and will protect ecosystems, water quality,
3.17 and the ability of future generations to meet their own needs.

3.18 (c) If the commissioner determines that a new aquifer test is necessary to evaluate a
3.19 proposed water use or well to determine whether the anticipated appropriation is likely to
3.20 meet the applicable requirements of this chapter, the commissioner must, within 30 days
3.21 of the commissioner's receipt of a complete application, issue a written determination
3.22 requiring the applicant to complete an aquifer test. The written determination must state the
3.23 factual findings that support the commissioner's determination that a new aquifer test is
3.24 necessary and set forth the specifications the applicant must follow to complete the aquifer
3.25 test. The permit applicant is responsible for all costs related to the aquifer test, including
3.26 the construction of groundwater and surface water monitoring installations and water level
3.27 readings before, during, and after the aquifer test.

3.28 ~~(e)~~ (d) The commissioner shall provide an assessment of a proposed well needing a
3.29 groundwater appropriation permit. The commissioner shall evaluate the information submitted
3.30 as required under section 103I.205, subdivision 1, paragraph (e), and determine whether
3.31 the anticipated appropriation request is likely to meet the applicable requirements of this
3.32 chapter. If the appropriation request is likely to meet applicable requirements, the
3.33 commissioner shall provide the person submitting the information with a letter or

4.1 electronically transmitted notice providing preliminary approval to construct the well and
4.2 the requirements, including test-well information, that will be needed to obtain the permit.

4.3 ~~(d)~~ (e) The commissioner must provide an applicant denied a groundwater use permit
4.4 or issued a groundwater use permit that is reduced or restricted from the original request
4.5 with all information the commissioner used in making the determination, including
4.6 hydrographs, flow tests, aquifer tests, topographic maps, field reports, photographs, and
4.7 proof of equipment calibration.

4.8 Sec. 4. 103G.296] INCREASED WATER USE FOR COVER CROPS.

4.9 A permit holder who plans to plant late summer or fall cover crops may apply to increase
4.10 water use above the permitted amount for additional irrigation for cover crops when needed.
4.11 The commissioner must approve the increased water use to allow an additional 27,154
4.12 gallons per acre above the permitted amount if the commissioner determines that the water
4.13 use is sustainable by meeting the applicable standards under section 103G.287, subdivision
4.14 5. A permit holder that is or has been subject to an enforcement action under this section is
4.15 not eligible for increased water use under this section.

4.16 Sec. 5. Minnesota Statutes 2024, section 103G.305, subdivision 1, is amended to read:

4.17 Subdivision 1. **General 150-day limit.** (a) Except as provided in subdivision 2, the
4.18 commissioner must act on a water-use permit within 150 days after the completed application
4.19 for the permit has been submitted or, if the commissioner determines that a new aquifer test
4.20 is necessary under section 103G.287, subdivision 1, paragraph (c), within 120 days after
4.21 the applicant submits the results of a qualified aquifer test. Within 30 business days of
4.22 application for a water-use permit, the commissioner shall notify the applicant, in writing,
4.23 whether the application is complete or incomplete. If the commissioner fails to issue or
4.24 deny the permit in the time period required under this subdivision, the commissioner must
4.25 refund to the applicant all fees charged in connection with the application.

4.26 (b) The commissioner must direct a hearing to be held on a water-use permit application
4.27 or make an order issuing a permit or denying a permit.

4.28 Sec. 6. Minnesota Statutes 2024, section 103G.305, is amended by adding a subdivision
4.29 to read:

4.30 Subd. 3. **Extensions.** (a) The time limit in subdivision 1 is extended if a state statute,
4.31 federal law, or court order requires a process to occur before the commissioner acts on the
4.32 application and the time periods prescribed in the state statute, federal law, or court order

5.1 make it impossible for the commissioner to act on the application within the period allowed
5.2 under subdivision 1. In cases described in this paragraph, the deadline is extended to 60
5.3 days after completion of the last process required in the applicable statute, law, or order.
5.4 Final approval of the commissioner is not considered a process for purposes of this paragraph.

5.5 (b) The commissioner may extend the time limit in subdivision 1 before the end of the
5.6 initial period allowed under subdivision 1 by providing written notice of the extension to
5.7 the applicant. The notification must state the reasons for the extension and its anticipated
5.8 length, which may not exceed 60 days unless approved by the applicant.

5.9 (c) An applicant may, by written notice to the commissioner, request an extension of
5.10 the time limit under this section."

5.11 Amend the title accordingly