

# DNR: Blaine operated wells without a permit, leaving some homeowners without water

By Greg Stanley (<https://www.startribune.com/greg-stanley/6370510/>) Star Tribune

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The state has suspended Blaine's plans to upgrade its drinking water system, after three unpermitted city wells dried up the water supply for a still unknown number of households.

The city drew vast quantities of water without a permit for at least three months this summer during the height of a drought, before 141 complaints piled up from private well owners in Blaine, Ham Lake and Lino Lakes. The Department of Natural Resources is investigating exactly how many domestic wells went dry or lost water pressure because of the pumping — a process officials expect to wrap up by March.

"I don't know what happened there on the city of Blaine's end," said Ellen Considine, hydrologist supervisor for the DNR.

The number of households that lost water is unprecedented in Minnesota. The DNR typically receives five well interference complaints in a year. Although water has since returned to those homes, the situation raises questions about how or if the city will be able to keep up with water demand for its growing population without interrupting the supply to thousands of existing domestic wells in the area.

City officials said there was a misunderstanding — they believed the wells were permitted. Blaine recently dug four new wells as part of a nearly \$30 million upgrade to its water system, which included a new treatment plant just off Lexington Avenue.

The DNR gave the city a permit for one well.

"I think when we received the permit for the one, there was an impression they were all permitted under that one," said Dan Schluender, Blaine's city engineer. "As soon as the DNR notified us that we only had a permit for one, we shut the other three off."

The new treatment plant, and the four wells that serve it, were built in one of the city's fastest growing areas. The plant sits across the street from dozens of new townhouses. A row of banners wave in the clearing of an old field next to one well, where a developer is building about 100 new houses priced in the \$500,000 range. For-sale signs dot a few undeveloped corners of Lexington Avenue that are scattered with trees and wild shrubs.

Many well complaints originated in older neighborhoods to the north, in Ham Lake. There, homes are almost hidden under tall trees and spread out among acre lots.

Blaine first started using the unpermitted wells in the summer of 2021, according to the DNR. They were used temporarily as demand surged in the summer — when the city's water use jumps from about 6.5 million gallons a day to a peak of 18.5 million gallons.

The problems didn't really begin until this summer — the second straight year of drought. The city started using the wells again in mid-June, Schluender said.

By July, home wells were starting to run dry. As complaints poured in, the DNR looked at the new treatment plant and learned in mid-August that the city was using the three wells without a permit. The city shut them off immediately, and the water table climbed back up.

"That area recovers pretty fast," Considine said.

Most of the homes lacked water for a couple of days, she said. Some had to wait as long as a week or two until a driller could get on site to deepen their wells.

The city's new wells and plant were designed to pump and treat up to 8.6 million gallons of water a day. Pumping that much water without a permit is a misdemeanor, but it is unlikely that the city will pay any fines.

By law, the DNR can fine a user up to \$20,000 for pumping water without a permit, depending on the severity. But any fine has to be returned to the user as soon as they stop pumping.

"It's forgivable," said Randall Doneen, a section manager for the DNR. "All you have to do is stop."

The DNR has ask lawmakers for about a decade to toughen up water appropriation rules to allow the agency to impose steeper fines and require monitoring equipment, such as tamper-proof flow meters on all heavy users. The Legislature has not acted.

In 2014, the agency told lawmakers that aerial surveys showed that up to 20% of agricultural irrigation systems in some areas likely were drawing water without a permit. In one case, the agency said, a single user was fined eight times for not having one.

"The party involved simply paid the citations and continued to appropriate water illegally because the total cost (\$3,100) was minimal relative to the financial benefit of using the water," the agency wrote to lawmakers.

Any costs the city will incur will instead come from fixing the private wells it damaged. If Blaine is found responsible, the city will have to reimburse those households for digging new wells, extending their pumps to go deeper underground, or — if the homeowner is willing — connecting to the city water supply.

The city already has agreed to pay for the well work done at 24 households at a total cost of about \$100,000, Schluender said.

The city still plans to try to get permits for the three wells. Before the DNR will allow that process to start, all outstanding complaints would need to be resolved.

In a word, that permitting process would be complicated, Considine said.

By law, the DNR cannot issue a permit for a well that could cause domestic wells to go dry. In Ham Lake alone, there are about 5,000 domestic wells. About half of those might be within the area of influence of the three wells, Considine said.

"I don't know how Blaine and the DNR will move forward with these three wells," she said. "There's just going to be some tough decisions."

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