





-  1. **2012: Lawsuit Filed.** In November 2012, the White Bear Lake Restoration Association and the White Bear Lake Homeowners Association filed a suit in Ramsey County District Court alleging the permitted too much groundwater use near White Bear Lake, causing the lake water levels to drop unacceptably.
-  2. **2014: Plaintiffs and DNR Reach Settlement Agreement.** In December of 2014, the DNR and the plaintiffs in the lawsuit reached a settlement, contingent on achieving several requirements. The [settlement agreement](#) required:
 - Work on water conservation and efficiency strategies with 13 area public water suppliers.
 - Establish a protective elevation for White Bear Lake.
 - Support legislative funding for a feasibility and design study to shift the source water for six communities in the White Bear Lake area to surface water.
 - Achieve funding for the alternative water supply by the end of the 2016 Minnesota legislative session.
 - Inform the plaintiffs of groundwater use permit applications and permit changes in the area, and provide them an opportunity to comment on those applications and proposed permit changes.
 - Invite the plaintiffs to participate as members on the North and East Metro Groundwater Management Area project advisory team.
-  3. **2016: No Legislative Funding for Shift to Surface Water Use.** The DNR and the plaintiffs in the lawsuit met with legislators to discuss the prospects of passing legislation in the 2016 session to address the “Phase 1” alternative water supply [Northeast Metro Project](#) opens in a new browser tab outlined in the settlement agreement. In April of that year, a bill was introduced to provide some funding to assess the feasibility of the “Phase I” project, but the measure was not enacted. Because the proposed bill was not enacted, the stay on the litigation was lifted per the terms of the settlement agreement and the lawsuit went to trial. The “Phase I” project as defined in the settlement agreement would have connected six municipalities to either raw or treated water purchased from St. Paul Regional Water Services.
-  4. **2017-2018: Ramsey County District Court Order and Resulting Permit Modifications.** Following failure to obtain feasibility funding for the “Phase I” project before



the end of the 2016 legislative session, the lawsuit went to trial in March 2017. It was a bench trial (i.e., the judge, rather than a jury, acts as the fact finder) lasting three weeks.

The District Court found in favor of the plaintiffs on August 30, 2017 and imposed a number of restrictions and requirements on the DNR. The primary outcomes of the Order were: (see [DNR White Bear Lake Litigation 2017-2018.](#))



5. 2018 Court Order Changes, Legislation, DNR Appeal, Sustainability Analysis Completed.

Court Order Amended

In March 2018, the Ramsey County District Court amended its Order, allowing the DNR to issue permits for temporary groundwater appropriations within five miles of White Bear Lake, such as those needed for construction dewatering.

Legislation

In June 2018, a law was enacted ([Minnesota Session Laws 2018, Chapter 181 - House File No. 4003](#) opens in a new browser tab) that prohibited the DNR from enforcing the permit modifications the DNR imposed pursuant to the Court Order (see above). This law was in effect through July 1, 2019.

DNR Appeals to Minnesota Court of Appeals

The DNR appealed the Ramsey County District Court ruling on September 12, 2018 to the Minnesota Court of Appeals on a number of issues related to the trial court decision.

Sustainability Analysis Completed

In October 2018, the DNR published the results of the court-ordered sustainability analysis using the transient groundwater flow model the DNR had developed:

- Groundwater use has been declining.

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- Current groundwater use complies with Minnesota’s groundwater sustainability standard.
- Current groundwater use has contributed to water levels falling below the recently established protective elevation for White Bear Lake (established in 2016 to protect recreational uses).
- Temporary irrigation bans within nearby cities would not have a significant effect on water levels in White Bear Lake.



6. 2019: Appeals Proceedings

The Minnesota Court of Appeals ruled on the DNR’s appeal on April 22, 2019. The Appeals Court reversed the District Court decision in the case and remanded the matter back to the District Court for further administrative proceedings. On May 21, 2019, the plaintiffs in the case filed an appeal to the Minnesota Supreme Court under petition for further review. The Minnesota Supreme Court, on July 16, 2019, granted the petition for further review.



7. 2020: Supreme Court Ruling and Subsequent Steps. On [July 15, 2020, the Minnesota Supreme Court ruled \(PDF\)](#), reversing portions of the Appeals Court’s Order and remanding the matter to the Court of Appeals to address the remaining unresolved issues.

After further briefing, the [Minnesota Court of Appeals, on December 28, 2020, affirmed the District Court's August 2017 Order \(PDF\)](#). The Court of Appeals noted that the permit holders had the right to appeal certain permit amendments ordered by the District Court via a contested case hearing. The District Court maintains jurisdiction over the matter and continues to oversee DNR permitting activities in the White Bear Lake Area.

Permit contested case hearings proceed

On May 5, 2021, the DNR informed the Office of Administrative Hearings that the appeals process in state court was concluded and the contested case process could commence for the 20 permit holders that appealed the DNR’s modifications to their permits back in 2018. The contested case process is now ongoing, and the permit modifications remain in abeyance until that process is complete.



8. 2021-2022: Additional Court Order Implementation.

Collective annual withdrawal limit for White Bear Lake

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In early 2022, the DNR used its transient groundwater flow model to establish a collective annual withdrawal limit for White Bear Lake. This analysis determined that a reduction in water use of approximately 40% would be needed to maintain the protective elevation. The DNR determined that applying this reduction in accordance with the water use priorities in statute ([Minnesota Statute 103G.261](#) opens in a new browser tab) would result in an allocation of 55 gallons per person per day, at current population levels...basically enough for domestic water use only. All other lower priority water uses for agriculture production, commercial, industrial and institutional purposes would need to be curtailed. Concluding that amending water appropriation permits in this fashion would not protect public health and welfare, the DNR sought clarification from the court on the implementation of the collective annual withdrawal limit.

In [April 2022, the District Court clarified that its order \(PDF\)](#) was not intended to limit municipal water supplies to 55 gallons per capita per day.

The DNR continues to work with the district court, plaintiffs and White Bear Lake area communities to identify the next steps required to implement the District Court Order.



9. 2023-2024: Contested Case Hearing Results. In May 2024, the [Office of Administrative Hearings issued a Findings of Fact, Conclusions of Law and Order \(PDF\)](#) pertaining to multiple contested case hearings on the District Court-required permit amendments. The administrative law judge (ALJ) in the case upheld three of the four District Court ordered conditions but did not uphold the residential irrigation ban permit condition. This condition required permit holders within five miles of White Bear Lake to implement a residential irrigation ban when the water level of White Bear Lake drops below an elevation of 923.5 feet and remain in effect until the water level reaches an elevation of 924 feet. The ALJ order included the following:

- The contingency planning requirement to convert to surface water sources is reasonably necessary for the “safety and welfare of the people of the state.”
- The plan to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day is reasonably necessary for the “safety and welfare of the people of the state.”
- Submitting annual reports to the DNR describing the work to phase down per capita water use is reasonably necessary for the “safety and welfare of the people of the state.”



- Preparing, enacting, and enforcing a residential irrigation ban is so under-inclusive that it is an arbitrary and unlawful condition on appropriations of groundwater. An arbitrary condition cannot be reasonably necessary for the “safety and welfare of the people of the state.”

The administrative law judge in the case further concluded, “The longer-term solution to the overuse of local groundwater supplies and lower levels of White Bear Lake, is to convert cities in the Northeast metro to surface water sources – as quickly as practicable. These conversions will not be simple or inexpensive; but they are necessary.”

Several public water suppliers and the plaintiffs in the District Court case have appealed the ALJ order to the Minnesota Court of Appeals. This case is currently in progress.