

Suit against DNR over White Bear Lake levels can continue, judge rules

Updated: 10/07/2013 03:22:45 PM CDT

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Editor's note: A lawsuit over receding water levels on White Bear Lake referred to an unpublished study by the U.S. Geological Survey on which the plaintiffs' claims were originally based. The study has since been published.

A lawsuit against the Minnesota Department of Natural Resources over the agency's role in the falling water level in White Bear Lake can proceed, a judge ruled Wednesday.

Ramsey County District Judge Margaret Marrinan shot down a DNR effort to dismiss the suit, clearing the way for the case to proceed to trial.

A group of homeowners and businesses first sued the DNR in November, saying the agency allowed too much municipal groundwater pumping, which led to the lake's water level falling by 5 feet to historic low levels since the early 2000s.

Those claims are based on a published study by the U.S. Geological Survey that tied the amount of pumping the DNR has allowed by nearby communities -- which has doubled over the past two decades -- to water-level declines both in the lake and in the underlying Prairie du Chien-Jordan aquifer.

The receding water has exposed hundreds of feet of new shoreline, created conditions favorable to invasive species and hampered recreation and businesses.

The DNR argued in its court filings that the plaintiffs didn't set forth valid claims for relief, ran afoul of the delineation of the DNR's powers and didn't bring the municipalities using the water into the case as they should have.

Marrinan was unmoved, ruling the plaintiffs had a sound case under the Minnesota Environmental Rights Act, which allows citizens to sue to remedy the depletion or destruction of natural resources.

The case is scheduled for trial in August if the parties don't reach a settlement before then.

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