# DISCLOSURE STATEMENT: WELL

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1. Date _____

2. Page 1 of _____ pages: THE REQUIRED MAP
3. IS ATTACHED HERE AND MADE A PART OF THIS
4. DISCLOSURE

5. Minnesota Statute 103I.235 requires that, before signing an agreement to sell or transfer real property, Seller must
6. disclose information in writing to Buyer about the status and location of all known wells on the property. This requirement
7. is satisfied by delivering to Buyer either a statement by Seller that Seller does not know of any wells on the property,
8. or a disclosure statement indicating the legal description and county, and a map showing the location of each well.
9. In the disclosure statement Seller must indicate, for each well, whether the well is in use, not in use or sealed.

10. Unless Buyer and Seller agree to the contrary in writing, before the closing of the sale, a Seller who fails to disclose
11. the existence or known status of a well at the time of sale, and knew or had reason to know of the existence or known
12. status of the well, is liable to Buyer for costs relating to sealing of the well and reasonable attorneys' fees for collection
13. of costs from Seller, if the action is commenced within six years after the date Buyer closed the purchase of the real
14. property where the well is located.

15. Legal requirements exist relating to various aspects of location and status of wells. Buyer is advised to
16. contact the local unit(s) of government, state agency, or qualified professional which regulates wells for further
17. information about these issues. For additional information on wells, please visit the Minnesota Department of Health's
18. website at www.health.state.mn.us.

19. **Instructions for completion of this form are on page three (3).**

20. **PROPERTY DESCRIPTION:** Street Address: _____ ,

21. City of _____ , County of _____ ,

22. State of Minnesota, Zip Code _____ .

23. **LEGAL DESCRIPTION:** _____

24. _____

25. _____ ("Property").

26. **WELL DISCLOSURE STATEMENT:** *(Check appropriate boxes.)*
27. Seller certifies that the following wells are located on the above-described real Property.

| 28. / 29. | MN Unique Well No. | Well Depth | Year of Const. | Well Type | IN USE | NOT IN USE | SHARED | SEALED |
|---|---|---|---|---|---|---|---|---|
| 30. Well 1 | | | | | ☐ | ☐ | ☐ | ☐ |
| 31. Well 2 | | | | | ☐ | ☐ | ☐ | ☐ |
| 32. Well 3 | | | | | ☐ | ☐ | ☐ | ☐ |

33. Is this property served by a well not located on the Property? ☐ Yes ☐ No

34. If "Yes," please explain: _____

35. _____

36. **NOTE: See definition of terms "IN USE," "NOT IN USE," and "SEALED" on lines 87-97. If a well is not in use, it**
37. **must be sealed by a licensed well contractor or a well owner must obtain a maintenance permit from**
38. **the Minnesota Department of Health and pay an annual maintenance fee. Maintenance permits are not**
39. **transferable. If a well is operable and properly maintained, a maintenance permit is not required.**

40. If the well is, "Shared":
41. (1) How many properties or residences does the shared well serve? _____

42. (2) Who manages the shared well? _____

43. (3) Is there a maintenance agreement for the shared well? ☐ Yes ☐ No

44. If "Yes," what is the annual maintenance fee? $ _____

Property located at _____.

**OTHER WELL INFORMATION:**

Date well water last tested for contaminants: _____ Test results attached? ☐ Yes ☐ No

Contaminated Well: Is there a well on the Property containing contaminated water? ☐ Yes ☐ No

Comments:

_____

_____

_____

_____

_____

_____

**SEALED WELL INFORMATION:** For each well designated as sealed above, complete this section.

When was the well sealed? _____

Who sealed the well? _____

Was a Sealed Well Report filed with the Minnesota Department of Health? ☐ Yes ☐ No

**MAP: Complete the attached *Disclosure Statement: Location Map* showing the location of each well on the real Property.**

This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any part(/ies) in this transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

## INSTRUCTIONS FOR COMPLETING THE WELL DISCLOSURE STATEMENT

**DEFINITION:** A "well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater.

**MINNESOTA UNIQUE WELL NUMBER:** All new wells constructed AFTER January 1, 1975, should have been assigned a Minnesota unique well number by the person constructing the well. If the well was constructed after this date, you should have the unique well number in your property records. If you are unable to locate your unique well number and the well was constructed AFTER January 1, 1975, contact your well contractor. If no unique well number is available, please indicate the depth and year of construction for each well.

**WELL TYPE:** Use one of the following terms to describe the well type.

**WATER WELL:** A water well is any type of well used to extract groundwater for private or public use. Examples of water wells are: domestic wells, drive-point wells, dug wells, remedial wells, and municipal wells.

**IRRIGATION WELL:** An irrigation well is a well used to irrigate agricultural lands. These are typically large-diameter wells connected to a large pressure distribution system.

**MONITORING WELL:** A monitoring well is a well used to monitor groundwater contamination. The well is typically used to access groundwater for the extraction of samples.

**DEWATERING WELL:** A dewatering well is a well used to lower groundwater levels to allow for construction or use of underground spaces.

**INDUSTRIAL/COMMERCIAL WELL:** An industrial/commercial well is a nonpotable well used to extract groundwater for any nonpotable use, including groundwater thermal exchange wells (heat pumps and heat loops).



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87. **WELL USE STATUS:** Indicate the use status of each well. CHECK ONLY ONE (1) BOX PER WELL.

88. **IN USE:** A well is "in use" if the well is operated on a daily, regular, or seasonal basis. A well in use includes
89. a well that operates for the purpose of irrigation, fire protection, or emergency pumping.

90. **NOT IN USE:** A well is "not in use" if the well does not meet the definition of "in use" above and has not
91. been sealed by a licensed well contractor.

92. **SEALED:** A well is "sealed" if a licensed contractor has completely filled a well by pumping grout material
93. throughout the entire bore hole after removal of any obstructions from the well. A well is "capped" if it has
94. a metal or plastic cap or cover which is threaded, bolted or welded into the top of the well to prevent entry
95. into the well. A "capped" well is not a "sealed" well.

96. If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing
97. contractor, check the well status as "not in use."

98. If you have any questions, please contact the Minnesota Department of Health, Well Management Section,
99. at (651) 201-4587 (metropolitan Minneapolis–St. Paul) or 1-800-383-9808 (greater Minnesota).

100. **SELLER'S STATEMENT:** *(To be signed at time of listing.)*
101. Seller(s) hereby states that the facts as stated above are true and accurate and authorizes any licensee(s) representing
102. or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to any person or entity
103. in connection with any actual or anticipated sale of the Property. A seller may provide this Disclosure Statement to
104. a real estate licensee representing or assisting a prospective buyer. The Disclosure Statement provided to the real
105. estate licensee representing or assisting a prospective buyer is considered to have been provided to the prospective
106. buyer. If this Disclosure Statement is provided to the real estate licensee representing or assisting the prospective
107. buyer, the real estate licensee must provide a copy to the prospective buyer.

108. **Seller is obligated to continue to notify Buyer in writing of any facts that differ from the facts disclosed here**
109. **(new or changed) of which Seller is aware that could adversely and significantly affect the Buyer's use or**
110. **enjoyment of the Property or any intended use of the Property that occur up to the time of closing.** To disclose
111. new or changed facts, please use the *Amendment to Disclosure Statement* form.

112. _____ _____
(Seller) (Date) (Seller) (Date)

113. **BUYER'S ACKNOWLEDGEMENT:** *(To be signed at time of purchase agreement.)*
114. I/We, the Buyer(s) of the Property, acknowledge receipt of this *Disclosure Statement: Well* and *Disclosure Statement:*
115. *Location Map* and agree that no representations regarding facts have been made other than those made above.

116. _____ _____
(Buyer) (Date) (Buyer) (Date)

117. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HERE AND ARE**
118. **NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.**



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