

AMENDED RULES OF THE WILD RICE WATERSHED DISTRICT

Section 1. Introduction and General Policy.

The rules of the Wild Rice Watershed District are to effectuate the purposes of Minnesota Statutes, Chapter 103D and the authority of the Managers therein described. These rules are deemed necessary to implement and make more specific the law administered by them.

If any part of these rules is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of these rules.

Changes to these rules may be made by the Managers. Any interested person may petition the Managers for a change in these rules.

If any rule is inconsistent with the provisions of Minnesota Statutes, Chapter 103D, or other applicable law, the provisions of said Chapter 103D or other applicable law shall govern.

The Managers accept the responsibility with which they are charged as a governing body. While the Managers have no intention to usurp the authority or responsibilities of other agencies or governing bodies, neither will they shirk their responsibilities. The Managers will cooperate to the fullest extent feasible with persons, groups, state and federal agencies and other governing bodies.

It is the intention of the Managers that no person shall be deprived or divested of any previously established beneficial use or right, by any rule of the District, without due process of law, and that all rules of the District shall be construed according to said intention.

It is the intention of the Managers to promote the use of the waters and related resources within the District in a provident and orderly manner so as to improve general welfare and public health for the benefit of its present and future residents.

Section 2. Adoption of Rules.

The Managers shall comply with the following steps in adopting rules.

A. A copy of the proposed rules shall be submitted to each Manager at least thirty (30) days before its adoption by the Managers.

B. The proposed rules shall be adopted by a majority vote of the Managers, after public notice and hearing.

C. The original copy of the rules shall be kept in the files of the District and in addition, copies shall be prepared for distribution to the County Auditors, County Commissioners, Town Board Chairpersons in the District, City Council Chairpersons, and other interested persons as requested.

D. Every rule adopted by the Managers shall have the force and effect of law.

Section 3. Definitions.

For the purposes of these rules certain words and terms are herein defined as follows:

A. "District" means the Wild Rice Watershed District.

B. "Managers" means the District Board of Managers.

C. "Person" means an individual, firm, partnership, association or corporation, but does not include public or political subdivisions.

D. "Political Subdivision" means a county, town, school district or a political division or subdivision of the State.

E. "Public Health" includes any act or thing tending to improve the general sanitary conditions of the District.

F. "General Welfare" includes any act or thing tending to improve, benefit or contribute to the

safety or well being of the general public or benefit the inhabitants of the District.

G. "Work or Works" means any construction, maintenance, repairs or improvements.

H. "Shall" is mandatory, not permissive.

I. "Drainageway" means any artificial or natural channel which provides a course for water flowing continuously or intermittently.

J. "Legal Drainage System" means a watershed district or county drainage system.

K. "Private Drainage System" means an individual or mutual drainage system.

L. A "Plan" is a map or drawing with supporting data for proposed work.

M. "Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape. Commonly it is that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

N. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface of the land or is covered by shallow water. For the purposes of definition, wetlands must have the following three attributes: 1. Have a predominance of hydric soils; 2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydroponic vegetation typically adapted for life in saturated soil conditions; and 3. Under normal circumstances support a prevalence of such vegetation.

Section 4. Permits.

The requirements for a permit from the Managers for certain uses of water or works within the District is not intended to delay or inhibit development. Rather, the permits are needed so that the Managers are kept informed of planned projects, can advise and in some instances provide assistance, and to insure that development of the natural resources is orderly and in accordance with the district's watershed management plan.

A. All permits when issued shall be signed by the President and Secretary of the Board of Managers or their designates.

B. No works or use requiring a permit shall be commenced prior to the issuance of a permit.

C. Permit application forms may be completed and filed at the District's office or mailed to: Wild Rice Watershed District, 11 East 5th Avenue, Ada, MN 56510.

D. Permits must be on file at the district's office at least ten (10) days prior to the regular monthly meeting to be considered at that meeting.

E. Unless specified in the permit, works for which a permit is given must be completed within one (1) year. The Managers further require as a condition of all permits, that they be notified when said permitted activity is completed.

F. Application for a permit will be acted upon within seventy (70) days from the date the Managers receive the application and/or required data.

G. If a permit application is refused or granted subject to conditions, the applicant may within thirty (30) days demand a formal hearing.

H. Obtaining a permit does not relieve the applicant from the responsibility of obtaining any other additional local, state, or federal authorizations or permits that may be required.

I. A plat or drawing shall accompany the application. Additional information, as deemed necessary by the Managers, may be required before processing the application for permitting.

J. The Board may require an application fee and field inspection fee as authorized by Minnesota Statute 103D.345 and may further require a bond.

K. All applications shall be substantially in the following form:

APPLICATION FOR PERMIT

TO: WILD RICE WATERSHED DISTRICT
PERMIT NO. _____

Applicant _____
Address _____
Telephone Number _____

Applicant Proposed To do the Following Work:

- Clean Existing Ditch
- Construct New Ditch
- Build Water Retention Area
- Abandon and Fill an Existing Ditch or Waterway
- Install Erosion Control Structure
- Install Tile
- Repair Shoreline
- Install Culvert
- Other _____

The Proposed Construction is Necessary Because:

- Flooding Occurs
- Control Runoff
- Excessive Erosion
- Poor Drainage
- Ditch Filled with Silt
- Present Design Inadequate
- Other _____

If a ditch is to be constructed or cleaned, how many acres does it drain? _____

If a culvert is to be installed, how many acres drain into it? _____

I intend to begin Construction on/or about _____

DESCRIBE DRAINAGE PATTERN ON THE PLAT BELOW AND FILL IN LEGAL DESCRIPTION.

County _____ Township _____ Section _____

NW	NE
SW	SE

1. Culvert location and size should be noted on plat. Include all drain-patterns and ditches.

2. General description of Project and comments:

I UNDERSTAND THAT THE CONSTRUCTION I PROPOSE MAY BE VIEWED AND/OR EVALUATED PRIOR TO BOARD ACTION AND MUST BE DATED 15 DAYS PRIOR TO REGULAR BOARD MEETING DATE TO BE CONSIDERED.

Date: _____ Signed: _____

I am aware of the requirements of the Rules of the District. This Permit does not relieve the applicant of any requirements for other Permits which may be necessary from Township, County, State or Federal Government Agencies.

ACTION BY THE BOARD OF MANAGERS OF THE WILD RICE WATERSHED DISTRICT

The above Application for Permit is approved _____ disapproved _____

this _____ day of _____, 19 _____. The Board makes the following (suggestion/requirement) as a part of this Permit.

WILD RICE WATERSHED DISTRICT

President Secretary

COMPLETION REPORT

Permit No. _____
TO: Wild Rice Watershed District
11 East Fifth Avenue
Ada, MN 56510

I hereby give notice that I completed the work in the County of _____, Township _____, Section _____, for which the above numbered Permit was granted to me by the Board of Managers on the ____ day of _____ 19____.

Name _____
Address _____

Section 5. Surface Water Disposal.

Every person shall use their land in a reasonable manner in disposing of excess surface water and may turn into a natural drainageway all the surface water that would naturally drain there, but may not burden a lower landowner with more water than is reasonable under the circumstances.

Surface water shall not be artificially removed from upper lands to and across lower land without adequate provisions being made on the lower land for its passage, nor shall the natural flow of surface water be obstructed so as to cause an overflow onto property of others.

A. No person or public corporation shall allow an artificially or naturally created obstruction on their property to impede the flowage within a waterway or cause an impoundment to be created on adjoining property.

B. No person or public corporation shall cut an artificial drainageway across a subwatershed without a permit from the Managers.

C. No person or public corporation shall divert or case water by any artificial means into any legal drainage system from lands not assessed to said drainage system without complying with the proper statutory procedure therefore and securing a permit from the Managers.

D. No landowner or occupant nor any contractor or equipment operator shall undertake to construct or improve any private or legal drainage system without obtaining a permit from the Managers.

E. No landowner, occupant, nor any contractor or equipment operator shall undertake the construction, alteration or removal of any dike without a permit from the Managers.

F. No landowner, occupant nor any contract or equipment operator shall undertake the construction, removal or abandonment of any reservoir for the impoundment of water; nor shall any works be done that would alter the effectiveness of a reservoir without a permit from the Manager.

G. Any plat that includes land abutting upon any project, river or stream within the District shall be submitted to the Managers for their approval to insure the protection of the bed, banks and shore of said project, river or stream from improper encroachment for the purpose of preventing erosion, pollution and alleviating damage by flooding.

H. To control and alleviate soil erosion and the siltation of the watercourses of the District.

a. All watercourses therein shall be constructed with a side slope as determined by proper engineering practice, so as to reasonably minimize soil erosion, giving due consideration to the intended capacity of the watercourses, its depth, width and elevation, and the character of the soils through which the drain passes.

b. Water inlets, culvert openings and bridge approaches shall have adequate shoulder and bank protection in order to minimize soil erosion. Plans and specifications relating to matters covered in this section shall be submitted to the Managers for their consideration and approval prior to construction and installation of any of the foregoing works.

I. No landowner or occupant shall destroy all or any portion of the required sixteen and one-half foot (16.5') grass strip on ditch systems where they have previously been established. Where grass strips have been partially or completely destroyed, landowners will be required to restore the destroyed area to the original specifications at their own expense. If not restored, after receiving proper notice with a reasonable, attainable restoration date, the necessary work will be performed by the District and the costs subsequently collected with the landowner's real estate taxes in the following year.

J. In the interest of sanitation and public health and to prevent the pollution of waters of the district, all septic tanks and drainfields which outlet directly or indirectly into the waters of the District shall be constructed and maintained in accordance with the rules and recommendations of the State Board of Health and the Minnesota Pollution Control Agency. No septic tank or other waste disposal facility shall outlet into any project, river, stream or public or private drainage system. No refuse, garbage or obnoxious materials may be dumped in or within fifty feet (50') of any project, river, stream or public or private drainage system within the District, or be placed in such a manner as to be potentially cast into these same systems by flowing water.

K. To preserve the same for beneficial use, no wetland may be filled or drained without a permit from the Managers.

L. No repair or alternation of any legal drainage system shall be done without a permit from the Managers. Copies of plans and specifications for the repair or alteration of any legal drainage system, shall be submitted and approved by the Managers before construction may begin. Repairs of an emergency nature on a legal drainage system by a public body may be undertaken without a permit, however, the District must be notified of the proposed work and a reason given for the emergency nature of the action.

M. No construction of new or improvements to existing private drainage systems shall be undertaken without first filing plans and

specifications with a permit application and being authorized by the receipt of an approved permit for the intended work from the Managers.

N. No irrigation project, public or private, serving an area in excess of five (5) acres, shall be constructed without a permit from the Managers.

O. No installation of new drainage pipes or field tile, nor the alteration of existing drainage pipes or field tile, shall be undertaken by anyone without a permit from the Managers.

Section 6. Related Ordinances.

The Managers will cooperate with public corporations and state and federal agencies in the application of ordinances and/or rules concerning water and related resources within the District.

A. In the interest of public health and to prevent pollution of the waters of the District, the applicable county ordinances and rules of the appropriate state agencies regarding the disposal of wastes, are by references hereby adopted as rules of the District within the limits of statutory authority granted to the watershed districts.

B. Copies of proposed county, municipal, and/or town ordinances relating to surface water drainage, land use zoning, shoreland regulations and flood plain zoning, as applied to changes within the flood plain shall be submitted to the Managers thirty (30) days prior to the first public hearing date for review and comment.

C. Ordinances relating to surface water drainage, land use zoning, shoreland regulation and flood plain zoning shall be submitted to the Managers within forty-five (45) days after passage.

D. The Board of Managers and their consultants will endeavor to assist any resident or owner of land in the District with the filing of necessary applications for other required local, state, or federal permits for project activity approved by the Managers.

E. The adoption of "Rules" by the Board of Water and Soil Resources governing the implementation of the 1991 Minnesota "Wetland" law are hereby adopted by reference for the purposes of carrying out duties as may be directed by cooperating county boards.

Section 7. Alteration of Natural Drainageways and Wetlands.

Management of natural drainageways and wetlands and their abutting lands should be done in such a manner so as to reduce their deterioration and to maximize their value for the general welfare of the District.

A. No artificial change may be made in the beds, banks, or shores of natural drainageways or wetlands without a permit from the Managers.

B. To prevent obstructions in the natural drainageways, landowners shall remove any trees cut along the banks. No wastes shall be disposed of directly or indirectly into the drainageways.

C. No excavations, grading, or filling near any drainageway shall be done in such a manner so as to minimize any detrimental effect to them. A permit is required from the Managers for construction activity within any drainageway.

Section 8. Enforcement. (As allowed under M.S.A. 103D.545.)

A violation of a provision of this chapter, a rule, order, or stipulation agreement made or a permit issued by the Board of Managers of the Wild Rice Watershed District is a misdemeanor and may be enforced by criminal prosecution, injunction,

action to compel performance, restoration, abatement, or other appropriate action.

Adopted by the Board of Managers of the Wild Rice Watershed District this 13th day of May, 1992.

Robert E. Wright, President

Gene Ueland, Secretary