

Rule H – Appropriation of Public Surface Waters

1 Policy

It is the policy of the Board of Managers to regulate the appropriation of public surface waters pursuant to the mandate in Minnesota Statutes section 103B.211, subdivision 4.

2 Regulation

A permit from the District is required to appropriate less than 10,000 gallons per day and up to 1,000,000 gallons per year of water for a nonessential use from:

- 2.1 A public water basin or wetland within the District's jurisdiction; or
- 2.2 A public watercourse within the District's jurisdiction.

3 Criteria

An appropriation of public water permitted under this rule must not materially alter the hydrologic regime in a basin or watercourse.

- 3.1 In addition, the appropriation must:
 - a Be reasonable and practical with regard to alternative sources of water or methods available, including use of water appropriated during high flows and levels and stored for later use, to attain the stated objective;
 - b Include the utilization of water storage and reuse and conservation practices to the greatest extent feasible;
 - c Be subject to restriction, at any time, to meet in-stream flow needs or protect basin water levels.
- 3.2 A permittee must provide by March 1 each year a report including:
 - a A written summary of how appropriated water was used and conservation utilized; and
 - b the method of appropriation, if changed from original application.
- 3.3 Permits issued under this rule will continue until revoked or relinquished. Failure to comply with the criteria and requirements of this rule will be grounds for revocation.

4 Exhibits

An applicant for a permit under this rule must provide:

- 4.1 Written evidence of ownership, control of or a license to use the land abutting the surface water source from which water will be appropriated.
- 4.2 A completed application showing:
 - a Applicant address;
 - b Applicant email address;
 - c Purpose of the requested appropriation;
 - d Source of water;
 - e Amount of water to be appropriated on a maximum daily, monthly and annual basis, if known;

- f Means, methods and techniques of appropriation;
- g Alternative sources of water considered and reasons why the particular alternative proposed was selected;
- h Information on any water storage facilities and capabilities and any proposed reuse and conservation practices; and
- j A contingency plan or agreement with the District to discontinue the permitted appropriation in the event of restrictions.

An appropriation application form may be obtained from the District offices or website.