

PERMIT AND DRAINAGE RULES OF THE RED LAKE WATERSHED DISTRICT

Section 1. INTRODUCTION

The Rules of the Red Lake Watershed District shall be in compliance with Minnesota Statutes, Chapter 103D, and the rules adopted by the Board shall be consistent with the provisions of these statutes and shall have the full force of law.

If any part of these rules is for any reason held to be invalid, such decision shall not affect 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.

Section 2. GENERAL POLICY

The Managers accept the responsibilities with which they are charged as a governing body. While there is no intention to infringe upon or interfere with the authority or responsibilities of other agencies or governing bodies, the manager will not ignore their responsibilities. They 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 waters and related resources within the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of its present and future residents.

Section 3. DEFINITIONS

For the purpose of these Rules, certain words and terms are herein defined as follows:

A) District means the Red Lake Watershed District.

B) Managers means the Red Lake Watershed District Board of Managers.

C) Person means individual, firm, partnership, association, or corporation but does not include public or political subdivision.

D) Public corporation means county, town, city, school district a political division or subdivision of the state, or a duly authorized agency of the federal government.

E) Public health involves any actions or issues tending to improve the general sanitary conditions of the District.

F) General welfare includes any action or issues tending to improve or 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) The word "shall" is mandatory, not permissive.

I) Drainage means an artificial or natural channel which provides a course for water flowing continuously or intermittently.

J) Legal drainage system means a watershed, county or judicial drainage system, or a state drainage system now taken over as a judicial or county drainage system.

K) Private drainage system means an individual or mutual drainage system.

L) A plan is a map or drawing and supporting data for proposed works.

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 upon the landscape. Commonly it is that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

N) Domestic purposes refers to the use of water for the common household and farm uses. The number of individual people served at any time is limited to twenty-five (25).

O) Administrator means the Administrator of the Red Lake Watershed District.

P) District Engineer means the Engineer of the Red Lake Watershed District.

Section 4. WORKS PAID BY ASSESSMENT

Revoked by Board of Managers May 12, 1977.

Section 5. PERMITS

The requirements for a permit from the Managers for certain uses of water or work 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 cases provide assistance, and to ensure that developments of the natural resources are orderly and in accordance with the overall plan for the District.

A) All permits issued by the District shall be signed by the President or the Administrator or such other officers designated by the Board of Managers. No permit shall be issued until there has been consultation with the District Engineer and the Manager representing that part of the District where the work is to be done.

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

C) Unless specified in the permit, work for which a permit is given must be

completed within one year. The Managers further require as a condition of all permits that they be notified when said improvement is completed.

D) If a permit application is refused or granted subject to conditions, the applicant may within thirty (30) days demand a hearing on the application before the Board of Managers.

E) Obtaining a permit from the Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits required by law.

F) All applications for permits shall be filed with the Administrator at the District Office in Thief River Falls, Minnesota. Upon receipt and within thirty (30) days of filing, the permit shall be acted upon.

G) H) and I) Revoked by Board of Managers December 14, 1978.

J) A plan supporting the data should accompany the application.

K) If additional information is required by the Managers or District Engineer to act upon a permit, such information must be returned to the District within thirty (30) days of request or the permit application will become void. If further review is needed in the opinion of a Manager or District Engineer, a permit application may be presented at a scheduled meeting of the Managers. If deemed necessary, the Managers may schedule a formal hearing on the permit in question.

All applications shall require the following information:

APPLICATION FOR PERMIT

Name _____
 Telephone No. _____
 Address _____
 Project location _____
Type of work proposed (attach all necessary reports, maps, drawings, etc. to support permit application) _____
 Permit requested for _____
 Description of work to be done _____
 Work is necessary because _____
 Signature _____
 Date _____

Section 6. FLOOD CONTROL AND DRAINAGE

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

Surface water shall not be artificially removed from upper land to and across lower land without adequate provision 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 the property of others.