

2009 Revised RULES OF BOIS DE SIOUX WATERSHED DISTRICT

Section 1. Introduction and General Policy.

The rules of the Bois de Sioux Watershed District are to effectuate the purposes of Minnesota Statutes, Section 103D, and the authority of the Managers therein prescribed. 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 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 Statute, Section 103D, or other applicable law, the provisions of said Section 103D or other applicable law shall govern.

The Managers accept the responsibilities with which they are charged as a governing body. While there is no intention to usurp the authority or responsibilities of other agencies or governing bodies, neither will they shirk 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 the 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 2. Amendment or Rules.

The Managers shall comply with the following steps in amending rules:

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

B. An amendment to the rules shall be adopted by a majority vote of the Managers.

C. The original copy of the rules and any amendments to the rules shall be kept in the files of the Managers, and in addition, copies shall be prepared for distribution to the County Auditors, County Commissioners, Soil and Water Conservation Districts, Farm Service Agencies, and Township Board Chairmen in the District, and any other interested persons requesting the same.

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

Section 3. Definitions.

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

A. District means the Bois de Sioux 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. It specifically includes, but is not limited to, landowners, occupants, contractors or equipment operators.

D. Public Corporation means a county, town, school district, or a political division or subdivision of the state or federal government.

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 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 way means a natural or artificial channel or tile which provides a

course for water flowing continuously or intermittently.

J. Legal drainage system means a watershed, county or joint county drainage system.

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

L. Maintenance, as referred to for dikes, drainage ditches and sewers, shall mean restoring the system as near as practicable to its original condition or as subsequently improved.

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.

Section 4. Permits.

The requirement 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 cases provide assistance, and to insure that developments of the natural resources are orderly and in accordance with the Overall Plan for the District.

A. The Board shall designate a person to serve as Permit Officer. Said Officer shall facilitate the permit review process, and have the authority to deem a permit application incomplete, to require the applicant provide additional information, and to use all Watershed resources, including the District Engineer, Attorney and individual Managers in the application Review. Said Officer shall either issue a permit, issue a permit with conditions, or deny the permit, giving written notice to the applicant.

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

In addition to the remedies provided in Minnesota Statute 103D.545 and Section 8, infra, in those instances where work has been done before a permit is granted, the District may require that the property be returned to its original condition before considering the permit; and

The District shall require applicant pay an After-The-Fact permit fee in the amount of \$250, plus the actual engineering and attorneys fees incurred by the District in dealing with the un-permitted work, as a condition to granting a permit.

C. Unless specified in the permit, work for which a permit is given must be completed within one (1) year. The District further requires, as a condition of all permits, that it be notified when an improvement is completed by returning a COMPLETION REPORT card.

D. If a permit application is denied or granted subject to conditions, the Applicant may, upon paying a permit hearing fee of \$300, ask the Board to hold a hearing on the permit application. Notice of such hearing shall be given to all persons expressing an interest in the proposed project.

E. Any applicant or other person or public corporation dissatisfied with either the Permit Officer's decision, or the Boards decision on any permit application must appeal the said decision to the District Courts of the State of Minnesota within ninety (90) days from and after the date of its issuance.

F. No fee shall be charged for a permit application except the fees hereinabove described.

G. Applications for a permit must be filed personally:

Bois de Sioux Watershed District
704 South Highway 75
Wheaton, MN 56296
(320) 563-4185/P
(320) 563-4987/F

H. The Permit Officer shall provide an application form setting forth the necessary information. This form must be completely and accurately filled out before the permit is deemed submitted.

I. The Board may issue district wide permits on an annual basis for specific

classes of projects where a standard design has been approved by the Board and where the Board is satisfied construction of such projects will be adequately supervised.

1. Each district wide permit shall be subject to such specific requirements as the Board may establish.

2. A hearing shall be held before any district wide permit is issued or renewed.

Section 5. Flood Control and Drainage.

(1) General Rules for the Disposal of Surface Water.

A. Every person shall use his land reasonably in disposing of surface water and may turn into a natural Drainage way all the surface water that would naturally drain there, but he may not burden a lower landowner with more water than reasonable under the circumstances.

B. Surface water shall not be artificially removed from the upper land to and across lower land without adequate provision being made on the lower land for its passage.

C. In order to reduce sediment transport, where feasible drainage shall be discharged through marsh lands, swamps, retention basins or other treatment facilities prior to release into the receiving bodies of public waters. Maximum utilization will be made of temporary storage areas or retention basins scattered throughout developing areas to maximize upstream storage and to reduce peak flows, erosion damage and drainage facility construction costs. Open drainage ditches shall make maximum use of vegetation to reduce channel erosion.

D. To control and alleviate erosion and the situation of the watercourses of the District:

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

2. Water inlets, culvert openings and bridge approaches shall have adequate shoulder and bank protection in order to minimize land and soil erosion.

E. Any person who allows dirt to blow from his lands into a drainage is responsible for the removal of same.

F. Flood Control and Drainage (2, E. & F.) are interpreted so that ponds created solely by excavation are not reservoirs nor is the creation thereof reshaping of the surface topography. Therefore, the creation of ponds solely by excavation shall not require a watershed permit.

(2) A permit must be obtained from the Watershed District prior to any work being commenced for the following:

A. Any landowner, occupant, contractor or equipment operator shall be responsible to ascertain that a permit has been obtained before undertaking any of the work hereinafter described requiring a permit from the Board of Managers.

B. No person or public corporation shall cut an artificial Drainage way across a subwatershed and thereby deliver water into another subwatershed without a permit from the Managers.

C. No person or public corporation shall undertake to construct or improve any Drainage way without a permit from the Board of Managers. A permit is required for any deepening or enlarging of existing drainage ways. Any existing Drainage way may be cleaned of debris, cattails, and blown in or washed in sediment without a permit; but any cleaning that involves removing clay or virgin soils or changing the alignment, depth, or cross-section of the Drainage way requires a permit.

D. No person or public corporation shall construct, alter, or remove any dike without a permit from the Board of Managers.

E. No person or public corporation shall undertake the construction, removal or abandonment of any reservoir for the impoundment of water without a permit from the

Managers; nor shall any works be done which would alter the effectiveness of a reservoir without a permit from the Managers.

F. No person or public corporation shall undertake the practice of land forming, which is the reshaping of the surface topography but which does not include the common farming practice of land leveling, on a given tract of land without a permit from the Managers.

G. No Wetland types 3, 4, 5 and 8, as described by Circular 39, Wetlands of the United States, published by the United States Department of the Interior, shall be drained without a permit from the Managers.

H. Construction of new drainage ditches or improvements to existing public drainage ditches shall be administered by the Managers. Plans and specifications for such projects shall be filed with the Watershed District. Maintenance and repair of public drainage systems as permitted by Chapter 103E, Minnesota State Statutes, may be made by ditch authorities without a permit, provided the Board of Managers have been given copies of the plans and specifications for said ditch. The Board of Managers shall be notified of the proposed work prior to the commencement thereof.

I. No person or public corporation shall install or alter any drainage structure which will change the elevation and/or capacity of the structure without obtaining a permit from the Board of Managers.

Section 6. Related Ordinances.

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

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

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

Section 7. Alteration of Natural Drainage Way, Lakes and Wetland.

Management of natural drainage ways, lakes, wetlands and their abutting land should be done in such a way so as to reduce their deterioration and to maximize their value for the general welfare of the District.

A. No change may be made in the bed, banks or shores of natural drainage ways, lakes or wetlands without a permit from the Managers.

Section 8. Enforcement.

Any provision of these Rules or an order or stipulation agreement made, or any permit issued, by the Board of Managers of this Watershed District, may be enforced by criminal prosecution, injunction pursuant to Section 103D.545, of the Minnesota Statutes, action to compel performance, restoration, abatement, and other appropriate action.

A violation of these Rules or any order or stipulation agreement made, or a permit issued by the Board of Managers of this Watershed District, is a misdemeanor in accordance with Section 103D.545 of the Minnesota Statutes.

Adopted by the Board of Managers of the Bois de Sioux Watershed District this 20th day of August, 2009.

Secretary, Bois de Sioux Watershed District

AMENDMENT
TO
BOIS DE SIOUX WATERSHED DISTRICT OVERALL PLAN
(May 2003)

PART V. PROJECTS

G. WATER MANAGEMENT DISTRICTS

1. ESTABLISHMENT OF WATER MANAGEMENT DISTRICTS UNDER
MINN. STAT. § 103D.729

- (a) **Overview.** The Bois de Sioux Watershed District (the “BdSWD”) may establish one (1) or more water management districts (WMD) in the territory within the watershed, for the purpose of collecting revenues and paying the costs of projects initiated under Minn. Stats. §§ 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730. The BdSWD may establish WMDs by amending its Overall Plan, dated May 2003. Before the BdSWD may use this funding method, Minn. Stat. § 103D.729 requires that the watershed district describe the area to be included in the WMD, provide the amount to be charged, describe the method(s) used to determine the charges, and specify the length of time the WMD is expected to remain in force.
- (b) **Procedure to Create Water Management Districts.** The Board of Water and Soil Resources (BWSR) has provided draft guidance as to the procedure to create a WMD. This process involves eight (8) steps. The first two (2) steps are addressed through the revision of the Watershed Management Plan. The remaining steps must be completed prior to the watershed district collecting funds for the WMD. The following procedure is used to create a WMD:
- (1) Amend the watershed district plan to create a water management district. The amendment must include the following:
- Description of the area to be included in the water management district;
 - The amount of funds to be raised by charging the water management district (total amount is necessary if fixed time for the water management district to be effective, otherwise annual maximum amount);
 - The method that will be used to determine the charges; and
 - The length of time the water management district will be in force – in perpetuity is acceptable.

- (2) Approval of the plan amendment under Minn. Stat. § 103D.411 or as part of a revised plan under Minn. Stat. § 103D.405. The procedure for the amendment is as follows:
 - Revised plan or petition and amendment is sent to BWSR;
 - BWSR gives legal notice and holds a hearing, if requested;
 - BWSR orders approval or prescribes plan or amendment; and
 - BWSR notifies BdSWD Managers, counties, cities, and SWCDs.
- (3) Watershed district refines methodology for computing charges.
- (4) Watershed district determines and sets charges for all properties within the water management district after identifying the scope of the project and determines method(s) for funding the project.
- (5) Watershed district develops collection method. This collection method may be done by the county, private vendor, or by the watershed district.
- (6) Watershed district holds a hearing, orders the establishment of a project in the water management district, and initiates the charges.
 - Projects implemented must be ordered by the managers;
 - Order for the project must specify funding method(s); and
 - Watershed district must notify counties, cities, and towns within the affected area at least ten (10) days prior to a hearing or decision on projects implemented in accordance with Minn. Stat. § 103D.601.
- (7) Watershed district establishes a separate fund for proceeds collected from the method of charging.
- (8) Any disputes may be resolved by BWSR at the request of local government units pursuant to Minn. Stat. § 103B.101, Subd. 10.

2. APPEAL PROCEDURE FOR WATER MANAGEMENT DISTRICT CHARGES

- (a) **Purpose.** The purpose of this section is to allow owners of land in a WMD the opportunity to dispute the charges to be collected for their land in the WMD. This section does not apply to the validity of a WMD already established.
- (b) **Petition.** A petition may be made by an owner of land in a WMD appealing the charges being collected for their land in the WMD. A petition must be made in writing delivered to the BdSWD office. The petition must state the

name of the petitioner, address of the petitioner, parcel in question, and the reasons the WMD charges are calculated improperly for their respective parcel(s).

(c) **Petition Review Process.**

- (1) Within ten (10) days of receiving a petition, the BdSWD's staff, including its attorney or engineer, will respond in writing to the petitioner acknowledging receipt of the petition.
- (2) Staff will then complete an assessment of the petitioner's reasons the WMD charges are calculated improperly. Staff may request additional information, request meetings with the petitioner, conduct onsite investigations of the parcel(s) in question, and such other fact finding as staff deems necessary to evaluate and make a determination on the petition.
- (3) Upon completion of the assessment, staff will provide the petitioner the assessment and notification of a meeting with the BdSWD Managers to discuss the assessment and the petition. Notice under this section will be provided in writing at least ten (10) days before the meeting.

(d) **Decision.**

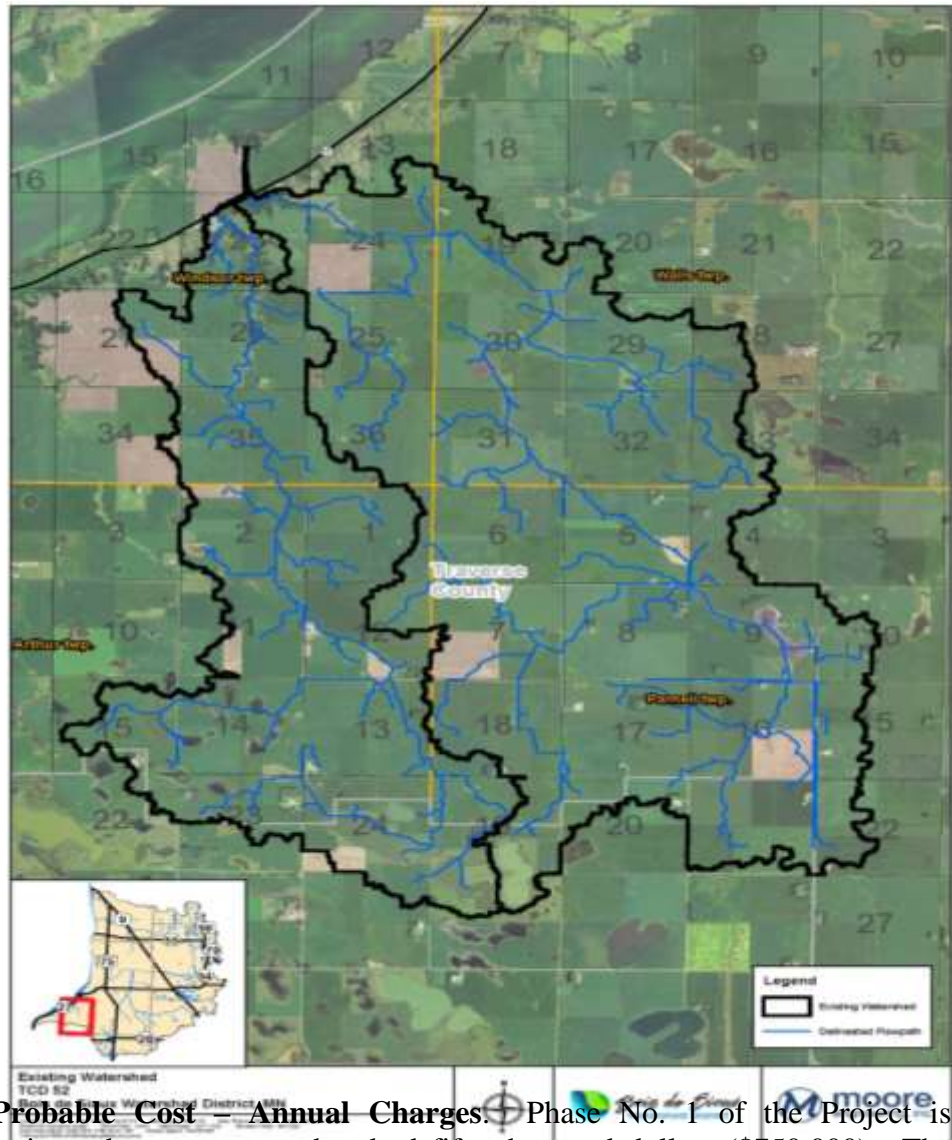
- (1) The BdSWD Managers will meet with the petitioner to discuss the results of staff's assessment and to hear testimony from the petitioner, or petitioner's attorney; the petitioner will be permitted to submit evidence to the BdSWD refuting staff's assessment. The petitioner will not be permitted to call on witnesses and the public will not be permitted to present testimony as this will not be considered a public hearing.
- (2) Upon receipt of any evidence and testimony from the petitioner and staff, the BdSWD Managers will then:
 - i. Advise staff to conduct additional fact finding it considers necessary and report back to the BdSWD Managers;
 - ii. Direct staff to attempt to resolve the matter and advise the BdSWD Managers further; or
 - iii. Issue a decision on the assessment and the petition.

- (3) The BdSWD Managers will make a decision on staff's assessment and the petition based on the evidence and testimony provided at the meeting and staff's findings and recommendation. The BdSWD Managers may approve, conditionally approve, or reject staff's assessment and the petition at the meeting or request additional information from the petitioner.
- (4) Upon making its decision, the BdSWD will provide written notice of its decision to the petitioner, or their attorney, within five (5) days of the decision.
- (e) **Appeal.** If the BdSWD Managers deny the petitioners request to recalculate charges, the petitioner may appeal the decision to BWSR or district court within thirty (30) days of the BdSWD Managers' decision.
- (f) **Limitations.** A petition may not be filed more than once in a five (5) year time period for a specific parcel unless significant land alterations or land use changes have occurred since the charges were calculated or since a previous petition was filed with the BdSWD.
- (g) **Withdrawal of Petition.** If an agreement is reached between the BdSWD and the petitioner, the petitioner may withdraw their petition and the BdSWD may revise the charges if needed.

3. LAKE TRAVERSE WATER MANAGEMENT DISTRICT

- (a) **Purpose.** The purpose of this amendment is to allow the BdSWD to create a WMD to provide an additional funding option for the Lake Traverse Water Quality Improvement Project (the "Project").
- (b) **Lake Traverse Water Management District Overview.** The BdSWD hereby establishes the Lake Traverse Water Management District (Lake Traverse WMD) to provide an additional funding option for the Project. The Project is planned to be constructed in phases due to the scale of the Project. Phase No. 1 of the Project includes a new channel design grade, side slopes altered to a more stable 3:1 grade, and rock riffles to provide channel protection, aquatic habitat, and fish passage for the outlet reach of the Traverse County Ditch No. 52 downstream of MN Highway 27. Subsequent phases will focus on stabilizing the channel upstream of Phase No. 1, including the portion of the channel from the West watershed that runs along MN Highway 27 and Traverse County Ditch No. 52 in Sections 23 and 24 of Windsor Township.
- (c) **Lake Traverse WMD Area.** The area to be included in the Lake Traverse WMD is any area that lies within the watershed of the Project. The figure below provides an illustration of the watershed area of the Lake

Traverse WMD. In instances where the watershed boundary crosses portions of a parcel, only the area of the parcel that lies within the watershed will be included within the Lake Traverse WMD.



- (d) **Probable Cost – Annual Charges.** Phase No. 1 of the Project is estimated to cost seven hundred fifty thousand dollars (\$750,000). The maximum assessment for the Lake Traverse WMD will be capped at seventy five thousand dollars (\$75,000) annually. The Lake Traverse WMD will be the primary funding source for the Project. Additional funding sources have been pursued and will continue to be pursued as the opportunity arises.
- (e) **Method to Determine Charges.** Multiple methods were considered in the process of calculating assessments for the Lake Traverse WMD. The assessment methods are further described as follows:

- (1) Simple Distribution of Cost: the total project cost equally distributed on a per acre basis to all parcels within the Lake Traverse WMD.
- (2) Distribution of Costs Based on Size of Contributing Watershed: the Lake Traverse WMD is separated into two (2) distinct watersheds, the Traverse County Ditch No. 52 watershed and West watershed, which meet together and utilize a common outlet into Lake Traverse. A method was proposed that distributes project cost to each watershed based on percentage of total contributing area. Each parcel in the two (2) watersheds is evenly assessed on a per acre basis.
- (3) Distribution of Costs Based on Sediment Loading: the assessments are based on the amount of sediment a parcel contributes to Lake Traverse.
- (4) Distribution of Costs Based on Runoff Volume: the assessments are based on the volume of runoff on a per acre basis that a parcel contributes to the outlet. The erosion and channel degradation experienced in the watershed has been exacerbated through the addition of man-made channels that allow previously non-contributing areas to discharge into Traverse County Ditch No. 52. This discharge accelerated the rate of erosion of Traverse County Ditch No. 52.
- (5) Lake Traverse WMD Method: a combination of methods 1, 2, and 4 were utilized in calculating assessments for the Lake Traverse WMD. Method 3 was not utilized as the purpose of the Project is to mitigate erosion, not sedimentation. The Lake Traverse WMD is further described as follows:

The distribution of charges is based on estimated runoff volume for the 10-year 24-hour rainfall event using depth from Atlas 14. Runoff is calculated utilizing SSURGO Soils and Land use data from the National Land Cover Database. Land use types are consolidated into four (4) categories including Developed, Cultivated Crops, Natural Areas (excluding wetlands/open water), and Wetlands/Open Water. Each of these land use types are assigned curve numbers based on the hydrologic soil group (A, B, C, D, A/D, B/D, or C/D). The table below shows the selected curve numbers for each combination of land use and hydrologic soil group.

Table 1 Curve Numbers by land use and hydrologic soil group data

Land Cover Type	Hydrologic Soil Group						
	A	B	C	D	A/D	B/D	C/D
Developed	59	70	80	85	69.5	77.5	82.5
Cultivated crops	64	74	81	85	74.5	79.5	83
Natural Areas (excluding wetlands/open water)	39	61	74	80	59.5	70.5	77
Wetlands/open water	98	98	98	98	98	98	98

The Traverse County Ditch No. 52 watershed and West watershed were analyzed separately for contribution of flow to the shared outlet. When parcels contribute to both the Traverse County Ditch No. 52 watershed and West watershed, the parcel is split accordingly. Non-contributing areas were identified within each watershed for both the 10 and 100-year events. Areas that do not contribute during a 100-year event were removed from the assessment pool, while areas that do not contribute during a 10-year event were included at half of the rate of areas that contribute for events smaller than the 10-year event. Based on the selected curve number, an average runoff depth per parcel is calculated. This calculation is used with the parcel area (with noncontributing areas taken into account) to get total runoff generated by each parcel in acre-feet. A reduction factor is applied to account for the estimated cost difference between the Traverse County Ditch No. 52 watershed and West watershed project costs, as well as a reduction based on the portion of the total area of each watershed. Parcel runoff volume with the reduction factors applied is then divided by the total sum of all runoff to get the percentage of the total distributed cost assigned to that parcel. In instances where a parcel contributes to both the Traverse County Ditch No. 52 watershed and West watershed, the cost assigned to the portion contributing to the West watershed is combined with the cost assigned to the portion contributing to the Traverse County Ditch No. 52 watershed.

- (f) **Duration of Lake Traverse Water Management District.** The Lake Traverse WMD will remain in existence in perpetuity. Annual assessment of charges may vary from no charges to the maximum amount of seventy five thousand dollars (\$75,000) per year. The calculation may be adjusted at the discretion of the BdSWD Board of Managers. After these phases are constructed, the funds will be used to maintain the Project.
- (g) **Use of Funds.** The primary use of the funds collected from charges within Lake Traverse WMD will support construction, implementation, operation, and maintenance of the Project.

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
01-0001000	80	1	125	48	0.16492%	16.49
01-0001001	40	1	125	48	0.18275%	18.27
01-0001002	39.8	1	125	48	0.03010%	3.01
01-0002000	159.4	1	125	48	0.09697%	9.7
01-0003000	160	1	125	48	0.55817%	55.82
01-0004000	160	1	125	48	0.09794%	9.79
01-0005000	159	2	125	48	0.09707%	9.71
01-0006000	158.6	2	125	48	0.08479%	8.48
01-0007000	160	2	125	48	0.09561%	9.56
01-0008000	160	2	125	48	0.09250%	9.25
01-0044000	160	11	125	48	0.09653%	9.65
01-0045000	160	11	125	48	0.02893%	2.89
01-0046000	160	11	125	48	0.09631%	9.63
01-0047000	80	11	125	48	0.03362%	3.36
01-0048000	80	11	125	48	0.00176%	0.18
01-0049000	160	12	125	48	1.13375%	113.38
01-0050000	40	12	125	48	0.02390%	2.39
01-0050001	120	12	125	48	0.08078%	8.08
01-0051000	160	12	125	48	0.14403%	14.4
01-0052000	120	12	125	48	0.07108%	7.11
01-0052001	1.8	12	125	48	0.00102%	0.1
01-0052002	38.2	12	125	48	0.02256%	2.26
01-0053000	160	13	125	48	0.17996%	18
01-0054000	160	13	125	48	0.10037%	10.04
01-0055000	160	13	125	48	0.10015%	10.01
01-0056000	8.62	13	125	48	0.00506%	0.51
01-0056001	151.38	13	125	48	0.09338%	9.34
01-0057000	160	14	125	48	0.10880%	10.88
01-0058000	160	14	125	48	0.09691%	9.69
01-0059000	160	14	125	48	0.10132%	10.13
01-0060000	160	14	125	48	0.09563%	9.56
01-0061000	160	15	125	48	0.08632%	8.63
01-0062000	80	15	125	48	0.01883%	1.88
01-0062001	80	15	125	48	0.00017%	0.02
01-0063000	160	15	125	48	0.04547%	4.55
01-0064000	161.73	15	125	48	0.03470%	3.47
01-0085000	70	22	125	48	0.00723%	0.72
01-0088001	170	22	125	48	0.00082%	0.08
01-0089000	11.63	23	125	48	0.00672%	0.67
01-0089001	148.37	23	125	48	0.09594%	9.59
01-0090000	148.9	23	125	48	0.04877%	4.88
01-0090001	11.1	23	125	48	0.00170%	0.17
01-0091000	160	23	125	48	0.02788%	2.79
01-0092000	143.16	23	125	48	0.00009%	0.01

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
01-0093000	80	24	125	48	0.03919%	3.92
01-0093001	30	24	125	48	0.00127%	0.13
01-0093002	10	24	125	48	0.00744%	0.74
01-0094000	40	24	125	48	0.00284%	0.28
01-0095000	80	24	125	48	0.04052%	4.05
01-0096000	16	24	125	48	0.00244%	0.24
01-0096001	40	24	125	48	0.03895%	3.9
01-0096002	76	24	125	48	0.06821%	6.82
01-0096003	28	24	125	48	0.01942%	1.94
01-0097000	40	24	125	48	0.00542%	0.54
01-0098000	133.04	24	125	48	0.07789%	7.79
01-0098001	68.63	24	125	48	0.06676%	6.68
01-0099000	160	25	125	48	0.00072%	0.07
01-0100000	80	25	125	48	0.00017%	0.02
09-0013000	157.34	4	125	47	0.16036%	16.04
09-0014000	163.13	4	125	47	1.02346%	102.35
09-0016000	80	4	125	47	0.00974%	0.97
09-0017000	160	4	125	47	0.91912%	91.91
09-0018000	13.69	5	125	47	0.09971%	9.97
09-0018001	150.31	5	125	47	1.09134%	109.13
09-0019000	165.95	5	125	47	1.24692%	124.69
09-0020000	160	5	125	47	1.17519%	117.52
09-0021000	160	5	125	47	1.21753%	121.75
09-0022000	165.09	6	125	47	1.25999%	126
09-0023000	175.65	6	125	47	1.36877%	136.88
09-0024000	160	6	125	47	1.21157%	121.16
09-0025000	174.71	6	125	47	1.32606%	132.61
09-0026000	160	7	125	47	1.14385%	114.39
09-0027000	175.08	7	125	47	1.26574%	126.57
09-0028000	155.76	7	125	47	1.11814%	111.81
09-0028001	4.24	7	125	47	0.03113%	3.11
09-0029000	7.74	7	125	47	0.05847%	5.85
09-0029001	2.12	7	125	47	0.01600%	1.6
09-0029002	70.14	7	125	47	0.52943%	52.94
09-0030000	92.49	7	125	47	0.61538%	61.54
09-0030001	2.51	7	125	47	0.01883%	1.88
09-0031000	10.22	8	125	47	0.07521%	7.52
09-0031001	149.78	8	125	47	1.11756%	111.76
09-0032000	6.3	8	125	47	0.05058%	5.06
09-0032001	87.95	8	125	47	0.63625%	63.62
09-0032002	65.75	8	125	47	0.52126%	52.13
09-0033000	155.74	8	125	47	1.18027%	118.03
09-0033001	4.26	8	125	47	0.03217%	3.22
09-0034000	155.74	8	125	47	1.12283%	112.28

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
09-0034001	4.26	8	125	47	0.02982%	2.98
09-0035000	155.74	9	125	47	1.12250%	112.25
09-0035001	4.26	9	125	47	0.02984%	2.98
09-0036000	160	9	125	47	1.17377%	117.38
09-0037000	77.88	9	125	47	0.57429%	57.43
09-0037001	2.12	9	125	47	0.01565%	1.56
09-0038000	35.74	9	125	47	0.27507%	27.51
09-0038001	6.4	9	125	47	0.04758%	4.76
09-0039000	37.86	9	125	47	0.28251%	28.25
09-0040000	155.74	9	125	47	1.19071%	119.07
09-0040001	4.26	9	125	47	0.03301%	3.3
09-0042000	155.74	10	125	47	0.47031%	47.03
09-0042001	4.26	10	125	47	0.02241%	2.24
09-0045000	73.66	10	125	47	0.45416%	45.42
09-0045001	2.5	10	125	47	0.00878%	0.88
09-0045002	7.54	10	125	47	0.05377%	5.38
09-0045003	73.8	10	125	47	0.55121%	55.12
09-0064000	74	15	125	47	0.45228%	45.23
09-0064002	7.73	15	125	47	0.05758%	5.76
09-0064003	78.02	15	125	47	0.42186%	42.19
09-0067000	8.1	15	125	47	0.06129%	6.13
09-0067001	4.26	15	125	47	0.03231%	3.23
09-0067002	147.64	15	125	47	0.87559%	87.56
09-0068000	151.48	16	125	47	1.14681%	114.68
09-0068001	8.52	16	125	47	0.06230%	6.23
09-0069000	77.86	16	125	47	0.58314%	58.31
09-0070000	77.86	16	125	47	0.59106%	59.11
09-0070001	4.28	16	125	47	0.03211%	3.21
09-0071000	155.74	16	125	47	1.19276%	119.28
09-0071001	4.26	16	125	47	0.03228%	3.23
09-0072000	80	16	125	47	0.60412%	60.41
09-0073000	80	16	125	47	0.60893%	60.89
09-0074000	155.74	17	125	47	1.20923%	120.92
09-0074001	4.26	17	125	47	0.03201%	3.2
09-0075000	155.74	17	125	47	1.18061%	118.06
09-0075001	4.26	17	125	47	0.03144%	3.14
09-0076000	160	17	125	47	1.22223%	122.22
09-0077000	160	17	125	47	1.19799%	119.8
09-0078000	77.88	18	125	47	0.55957%	55.96
09-0079000	77.88	18	125	47	0.57616%	57.62
09-0079001	4.24	18	125	47	0.03131%	3.13
09-0080000	170.42	18	125	47	1.29211%	129.21
09-0080001	4.63	18	125	47	0.03504%	3.5
09-0081000	40	18	125	47	0.27662%	27.66

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
09-0082000	40	18	125	47	0.28859%	28.86
09-0083000	120	18	125	47	0.65458%	65.46
09-0084000	135.25	18	125	47	0.69983%	69.98
09-0085000	160	19	125	47	0.69502%	69.5
09-0086000	80	19	125	47	0.01792%	1.79
09-0087000	47.61	19	125	47	0.02496%	2.5
09-0088000	47.48	19	125	47	0.02807%	2.81
09-0088001	45.65	19	125	47	0.01649%	1.65
09-0089000	125.35	19	125	47	0.00385%	0.38
09-0089003	41.27	19	125	47	0.00499%	0.5
09-0089004	9.25	19	125	47	0.00500%	0.5
09-0090000	80	20	125	47	0.42816%	42.82
09-0090001	80	20	125	47	0.29660%	29.66
09-0091000	80	20	125	47	0.58087%	58.09
09-0091001	80	20	125	47	0.34260%	34.26
09-0093000	160	20	125	47	0.03532%	3.53
09-0094000	7.74	21	125	47	0.06433%	6.43
09-0094001	4.23	21	125	47	0.03306%	3.31
09-0095000	148.03	21	125	47	1.14219%	114.22
09-0096000	80	21	125	47	0.60613%	60.61
09-0096001	80	21	125	47	0.61120%	61.12
09-0097000	155.76	21	125	47	0.84648%	84.65
09-0097001	4.24	21	125	47	0.02776%	2.78
09-0098000	160	21	125	47	1.03863%	103.86
09-0100000	155.77	22	125	47	0.83203%	83.2
09-0100001	4.23	22	125	47	0.03213%	3.21
09-0102000	10.82	22	125	47	0.05119%	5.12
09-0102001	4.24	22	125	47	0.02833%	2.83
09-0102002	144.94	22	125	47	0.72931%	72.93
14-0088000	194.75	18	126	47	0.16310%	16.31
14-0089000	160	19	126	47	0.12886%	12.89
14-0090000	173.45	19	126	47	1.03419%	103.42
14-0091000	160	19	126	47	1.08734%	108.73
14-0092000	172.53	19	126	47	1.26129%	126.13
14-0094001	80	20	126	47	0.03204%	3.2
14-0096000	160	20	126	47	0.69821%	69.82
14-0128000	160	28	126	47	0.31939%	31.94
14-0129000	116.81	28	126	47	0.00513%	0.51
14-0131000	80	28	126	47	0.56364%	56.36
14-0131001	80	28	126	47	0.52827%	52.83
14-0132000	160	29	126	47	0.60162%	60.16
14-0133000	15	29	126	47	0.02540%	2.54
14-0134000	145	29	126	47	0.84289%	84.29
14-0135000	80	29	126	47	0.59441%	59.44

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
14-0136000	80	29	126	47	0.65939%	65.94
14-0137000	160	29	126	47	1.16314%	116.31
14-0138000	160	30	126	47	1.15078%	115.08
14-0139000	86.14	30	126	47	0.63843%	63.84
14-0139001	86.35	30	126	47	0.65207%	65.21
14-0140000	15	30	126	47	0.11531%	11.53
14-0141000	125	30	126	47	0.92109%	92.11
14-0142000	20	30	126	47	0.14880%	14.88
14-0144000	173.33	30	126	47	1.30534%	130.53
14-0145000	160	31	126	47	1.21328%	121.33
14-0146000	173.63	31	126	47	1.30896%	130.9
14-0147000	160	31	126	47	1.22711%	122.71
14-0148000	126.76	31	126	47	0.59183%	59.18
14-0148001	46.8	31	126	47	0.35144%	35.14
14-0149000	160	32	126	47	1.15248%	115.25
14-0150000	80	32	126	47	0.59926%	59.93
14-0150001	80	32	126	47	0.59902%	59.9
14-0151000	160	32	126	47	1.13906%	113.91
14-0152000	160	32	126	47	1.22651%	122.65
14-0154000	160	33	126	47	0.94536%	94.54
14-0155000	99.25	33	126	47	0.21171%	21.17
14-0156000	160	33	126	47	1.13617%	113.62
15-0013000	151.42	13	126	48	0.25499%	25.5
15-0013001	27.18	13	126	48	0.02574%	2.57
15-0015000	160	13	126	48	0.46983%	46.98
15-0017000	127.8	14	126	48	0.01866%	1.87
15-0018000	9.42	14	126	48	0.01800%	1.8
15-0018002	8.68	14	126	48	0.00828%	0.83
15-0019000	160	14	126	48	0.01896%	1.9
15-0090000	18.92	23	126	48	0.12256%	12.26
15-0091000	21.08	23	126	48	0.11485%	11.48
15-0092000	149.32	23	126	48	0.04771%	4.77
15-0092001	10.68	23	126	48	0.01275%	1.28
15-0092002	40	23	126	48	0.17175%	17.17
15-0093000	160	23	126	48	0.67451%	67.45
15-0094000	80.64	23	126	48	0.26913%	26.91
15-0095000	160	23	126	48	0.07785%	7.78
15-0096000	160	24	126	48	1.08458%	108.46
15-0096001	160	24	126	48	1.17084%	117.08
15-0097000	120	24	126	48	0.90927%	90.93
15-0098000	40	24	126	48	0.30348%	30.35
15-0099000	160	24	126	48	1.17673%	117.67
15-0100000	160	25	126	48	1.20194%	120.19
15-0101000	160	25	126	48	1.09285%	109.29

Parcel						
PIN	Parcel Area (ac)	S	T	R	Percent Contribution	2 Digits
15-0102000	160	25	126	48	1.20206%	120.21
15-0104000	160	25	126	48	1.00417%	100.42
15-0105000	113.37	26	126	48	0.07064%	7.06
15-0105001	46.63	26	126	48	0.02915%	2.92
15-0106000	80	26	126	48	0.03757%	3.76
15-0107000	80	26	126	48	0.04521%	4.52
15-0108000	29.71	26	126	48	0.02021%	2.02
15-0108001	130.29	26	126	48	0.07924%	7.92
15-0109000	160	26	126	48	0.09095%	9.1
15-0110000	161	27	126	48	0.06696%	6.7
15-0111000	160	27	126	48	0.00049%	0.05
15-0112000	160	27	126	48	0.04759%	4.76
15-0178000	160	34	126	48	0.00675%	0.67
15-0181000	60	34	126	48	0.00412%	0.41
15-0181002	20	34	126	48	0.00716%	0.72
15-0183000	160	35	126	48	0.09720%	9.72
15-0184000	160	35	126	48	0.09666%	9.67
15-0185001	160	35	126	48	0.09881%	9.88
15-0186000	160	35	126	48	0.09594%	9.59
15-0187000	160	36	126	48	1.21330%	121.33
15-0188000	160	36	126	48	1.06218%	106.22
15-0189000	80	36	126	48	0.59807%	59.81
15-0190000	80	36	126	48	0.53948%	53.95
15-0191000	80	36	126	48	0.36262%	36.26
15-0191001	80	36	126	48	0.13064%	13.06
					100.00000%	10000

Amendment to
Bois de Sioux Watershed District Overall Plan
(May 2003)

INSERT ON PAGE 99 AS PARTS V.C, D, E and F:

C. LAND ACQUISITION

A primary purpose of the District is to reduce damaging flood flows (Overall Plan, pages 1-2). To this end, it has sought to construct flood damage reduction projects since its inception in 1988 (Overall Plan, page 32). One of the recommended methods for reducing flood flows is impoundments. (Overall Plan, page 35)

These are land-intensive projects. Land use within the District is devoted almost entirely to agriculture (Overall Plan, page 18). One challenge the District faces is the necessity to locate retention projects on agricultural lands. Throughout the District's existence, the demand for agricultural land within the District has exceeded the supply.

Under the Watershed Law, chapter 103D, the District has the authority to "acquire by gift, purchase, taking under the procedures of this chapter, or by the power of eminent domain, necessary real and personal property" within District boundaries. Minn. Stat. §103D.335, subd. 11. Property may be acquired for any watershed purpose under Minnesota Statutes §103D.201. The District may hold and manage real property for conservation purposes, for the purpose of locating projects of the District, in anticipation of projects, or for multiple water resource management purposes, all of which the District considers necessary to accomplish its purposes and the goals of its Overall Plan. The District may acquire and hold a fee interest, an easement, or other property rights as the board of managers determines may allow the District to achieve its plan goals. The District also may enter into contracts regarding real property including options, contracts for deed, leases and assignments. Pursuant to this authority, the District will acquire property interests for projects and, in particular, in anticipation of projects.

The planning work performed by the District is typically on a subwatershed basis. Especially with respect to water quantity, the most important planning is to establish subwatershed flow reduction or storage goals, rather than specific project locations. In addition to the plan itself, which outlines goals for the District's 10 subwatersheds, the "Application of the Flow Reduction Strategy in the Bois de Sioux Watershed" (June 4, 2010), sets storage goals specifically within the Lake Traverse and Rabbit River basins. See Appendix 12. Table 1 of this Flow Reduction Strategy identifies potential impoundment sites. It is important to note that, because of the District's topography and the regional nature of the plan goals, the potential impoundment sites, or locations for other water quantity or quality projects, should be considered illustrative but not the only possible sites for these projects. Thus, there are multiple sites where impoundment projects would be feasible and beneficial. The more critical objective is to achieve the overall retention goals in each subwatershed.

The District has a strong preference to work cooperatively with landowners in order to site projects that accomplish its goals. Rather than identify a project location and then attempt to

acquire the land at that location, the District chooses to establish criteria for the location, setting and type of land that is likely to support an effective project, and to encourage property owners interested in selling or granting easements on their land to come forward. A project that rests on a cooperative relationship with property owners is more likely to have general support and avoid unproductive controversy, delay and potential legal challenge. Even where the District engineer and the District have identified multiple impoundment sites, project development has not proceeded for lack of a landowner willing to sell needed property. When land does become available, the District often must act quickly if it wishes to acquire the land for potential project use.

Accordingly, the District will acquire property interests for projects as follows:

1. The District strongly prefers to rely on willing landowners to supply land and easements through negotiated arms-length transactions.
2. The District will evaluate a potential acquisition by considering whether the land has characteristics that make it likely to be suited for project needs in that subwatershed, whether the price is fair, and the District's ability to avoid financial loss in the event a project using that land does not go forward.
3. For each subwatershed, as a part of its project planning activities the District will prepare land acquisition guidelines that identify the extent of land rights the District may need for projects and the characteristics of the land needed, including general location, acreage, topography, soils and any other features that would determine the land's physical suitability for District purposes. These guidelines will be publicly available and will be used by the board of managers to judge the soundness of an anticipatory acquisition. The guidelines will also acknowledge that the managers retain the ability to make case-by-case judgments. The District may also consult its technical advisory committee or the Red River Basin Flood Damage Reduction Work Group in developing these guidelines.
4. The District will obtain an appraisal before acquisition or disposition, except in very limited circumstances, such as cases where the tracts of land are small and the District determines that it is appropriate to determine benefits and damages pursuant to Minnesota Statutes Section 103D.721. The District may also utilize auction bidding to acquire property where the District has established a maximum price through review of recent area land sales. The District will dispose of excess lands by auction or through other competitive process.
5. Occasionally, the District may find it prudent and necessary to acquire lands that will not be located within the project itself. The District may use such lands, when so requested, to trade for lands that are located within the project. The District will dispose of property not needed for projects in a way that avoids unnecessary holding costs and illiquidity of assets.
6. The District generally will obtain fee title to the necessary property for its projects. In each case the managers will judge the cost and financial risk to the District in purchasing

land rights before full project definition and a formal decision to proceed with a project. The District will look to structure an acquisition to limit risk, through means such as buying an option, leasing lands consistent with project needs, preserving compatible uses by an underlying fee owner and disposing of land rights not needed for a project. For each acquisition, the District will prepare a management plan to describe how the District will minimize land holding costs and liabilities, and maximize water resource outcomes, until such time as the project is constructed.

7. The District acknowledges that it may in rare circumstances find it necessary to acquire land and easements for projects through all authorized means, including eminent domain, in the event project priorities so require.

D. PROJECT FUNDING

In addition to the project funding authorities available to watershed districts pursuant to Minnesota Statutes Chapter 103D, the District has several other important funding sources for its projects.

The District is a member of the Red River Watershed Management Board (RRWMB), a joint powers body of watershed districts located in the Red River Basin. The RRWMB levies an additional ad valorem tax on real property authorized by special legislation, which may not exceed 0.04836 percent of the taxable market value of all property within the district. The proceeds of one half of this levy is to be used for the development, construction, and maintenance of projects and programs of benefit to the District. The proceeds of the remaining one-half of this levy is credited to the general fund of the Red River watershed management board and is to be used for funding projects and programs of benefit to the Red River basin. It is the District's policy to seek RRWMB funding for any eligible project, as many of its projects also provide benefit to the Red River basin. The procedures to do so are set forth in the RRWMB's Application Procedures for Funding Flood Damage Reduction Projects and Related Programs. The District also utilizes the project planning and review procedures established by the December 9, 1998 mediation agreement of the Red River Basin Flood Damage Reduction Work Group.

The District may also receive funding for its projects from the State of Minnesota, such as the Department of Natural Resources Flood Damage Reduction program, and other state sources.

E. PROCEDURE FOR ESTABLISHING PROJECTS

The District primarily establishes projects by resolution of the board of managers pursuant to Minnesota Statutes-Section 103D.601, although it occasionally receives petitions for projects as discussed in Section V.A above. Section 103D.601, Subdivision 1, requires adoption of the resolution by a majority of the managers that finds:

- (1) the project is financed by grants totaling at least 50 percent of the estimated project cost; and

(2) the engineer's estimate of costs to parties affected by the watershed district, including assessments against benefited properties but excluding state, federal, or other grants, is not more than \$750,000 for the project.

The District considers its own property tax levies or assessments to be subject to the \$750,000 limitation, and considers the funding sources from the RRWMB levy to be sources that are not subject to the \$750,000 limitation.

Promptly after purchasing property suitable for a project, the district will direct the district engineer to prepare a preliminary report and advise the managers whether the proposed project is feasible, and estimate the cost of the project. The District will then hold a hearing pursuant to 103D.601, unless it reasonably believes it will receive a petition. If, after the hearing, the managers determine that the proposed project promotes the public interest and welfare and is practicable and in conformity with the watershed management plan of the watershed district, the managers must adopt a final resolution approving the project and identify the proceeding by name and number. Then the proceeding must continue as provided for a project initiated by a petition. However, the District's projects will typically be considered basic water management projects as identified in the watershed management plan, or Overall Plan, and therefore it is appropriate to proceed under Section 103D.605

There is likely to be considerable engineering work to be done before the exact design of the project is developed and there may be additional lands needed other than those the Watershed District is able to initially purchase. Therefore, the planning process may extend over a substantial number of years. During this time, the District will attempt to acquire the remaining property identified as necessary and beneficial for the proposed project. The district will give published notice of and hold an informal public meeting every six months to discuss the status of its identified projects so as to provide information to the public during this development period. It may also hold public hearings on individual projects so as to keep the public informed of developments.

Again, the District will typically not assess for benefits, so will not utilize the assessment procedures. The District will follow the project team process which incorporates early permit coordination with state and federal agencies. The District will proceed to obtain the engineer's final report, the reports from the Department of Natural Resources and the Board of Soil and Water Resources, together will all the necessary permits, and thereafter schedule a final hearing pursuant to Section 103D.605. The District will conduct the final hearing to consider whether to establish the project, and make findings and order the project upon finding that the project will be conducive to public health, promote the general welfare, be in compliance with the watershed management plan and with Chapter 103D. If at the time of the final hearing, the District has not been able to purchase all of the necessary real property, it will direct the commencement of eminent domain proceedings pursuant to Minnesota Statutes Chapter 117, and include this direction in the order. Upon making such findings, the managers will order the establishment of the project, and order the engineer to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the surveys and plans to the managers. The final hearing shall be recessed as necessary until the

court order is issued approving the public purpose and authorizing the taking pursuant to Section 117.075, and until the engineer's report and the bids are received.

The District also develops and coordinates its projects as appropriate in accordance with the comprehensive watershed planning and project review and permitting processes of the Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998 (“Mediation Agreement”), as it relies on the Red Board for funding.

F. FUNDING PROJECT MAINTENANCE

Minnesota Statutes Section 103D.631 provides for a maintenance fund and describes how it is to be funded: “the managers may assess all the parcels of property and municipal corporations previously assessed for benefits in proceedings for the construction or implementation of the project, to establish a maintenance fund for the project.” As stated above, the District typically would not fund a project by assessing parcels for benefits. The RRWMB levy described above provides that the proceeds from that levy may be used for project maintenance.

Much of the agricultural land the District has acquired is not intended to be part of the project’s permanent flood pool and will remain suitable for farming in most years. The District also owns land dedicated to projects that have yet to be constructed. The local population strongly supports the District making this land available to agriculture producers.

The District has determined that it is appropriate to utilize this land rental income to fund its project maintenance obligations. Therefor the District leases out the available cropable acres it owns on bids and places the rental income it receives in its maintenance fund. The District’s policy is to have these rental receipts be the primary source of funding for maintenance, augmented as necessary with the RRWMB levy. The District has established a single project maintenance fund accordingly, rather than maintain separate funds for each project.

The District understands it is not to lease out lands purchased with State of Minnesota bonding funds unless the purchase of those lands included acknowledgement for leasing as part of the purchase price for the land, or such leasing arrangement is otherwise consistent with formal rulings of Minnesota Management and Budget and the Internal Revenue Service.