



**APPENDIX E**  
**VLAWMO GENERAL WATER APPROPRIATIONS PERMIT INFORMATION**



## **General Permit for the Appropriation of Water Below the Permitting Threshold Established by the Department of Natural Resources.**

### **General Permit**

*At the request of the City Council (Town Board) per resolution \_\_\_\_\_, a general permit for the purpose of appropriations as defined in Minnesota State Statute Chapter 103B.211 Subd. 4 will be issued to the City (township) of \_\_\_\_\_.*  
*This permit will be in effect unless reviewed or amended by the municipality and /or the Vadnais Lake Area Water Management Organization (VLAWMO).*

### **Conditions of the Permit**

*The permit will allow for appropriation of water below the Department of Natural Resources threshold of 10,000 gallons per day of 1 million gallons per user per year from any public waterbasin within the jurisdiction of VLAWMO and located within the boundaries of the Municipality. Each individual appropriation is required to provide the following information to the Municipality:*

*Name*

*Address*

*Waterbasin per VLAWMO management plan*

*Estimated Pump rate*

*Purpose of the Appropriation*

*Contingency plan for restriction of use*

*The applicant shall not exceed the estimated pumping rate or use the appropriation for any other purpose except stated. Approval of this appropriation will be renewed automatically at the beginning of each calendar year unless the approval is appealed. Any violation will cause the applicant's appropriation approval to be revoked until January 1 of the following year. The City or Town will do monitoring and enforcement of the appropriation.*

*All appropriations are considered on a water basin basis. Appropriations from waterbasins less than 500 acres are discouraged. (Ref. Minnesota State Statutes 103G. 285, Subd. 4) A protective elevation may be set for the waterbasin, below which an appropriation is not allowed. The Municipality shall have the right to establish a protective elevation for a specific waterbasin. In establishing that elevation the Municipal council or board shall consider the existing aquatic vegetation, fish and wildlife habitat, existing uses, and total volume within the water basin and the slope of the littoral zone. (Ref. Minnesota State Statutes*



103G.285, Subd. 3.) An application is not complete without a contingency plan describing alternatives the applicant will use if further appropriation is restricted due to flow of the stream or level of the waterbasin. (Ref. Minnesota State Statutes 103G.285, Subd. 6.)

### ***Appeal and Review Procedure***

*Appropriation approval will be in effect until a process of review begins with a formal request being made to the Municipality to place a moratorium on appropriation for a given waterbasin, wetland or watercourse by the following parties:*

1. *Resident with legal ownership of shoreline of the water*
2. *Adjacent Community*
3. *VLA WMO*

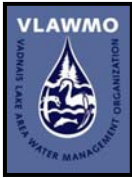
*Once the formal request is made, a public meeting will be held. Notice will be posted in the local paper prior to the next council or board meeting of the Municipality. The party will make a presentation to the Council/Town Board on their concerns and the need for limiting appropriations on a given waterbasin. VLA WMO will attend the meeting and provide information on the extent of the water basin, wetland or watercourse that is impacted and any technical information required the Council/Town Board. After the party and VLA WMO have presented information the Council/Town Board, a public meeting will be held to solicit comments from other residents or communities.*

*Upon completion of all information and testimony, the Council Town Board will act by resolution on the request of the resident. VLA WMO will support any Municipal resolution that is determined to impact only residents within the Municipality. For residential rulings, the following actions are allowed under this permit:*

1. *Table to the next Council/Town Board Meeting (allows pumping to continue on a monitoring basis)*
2. *Order appropriation be stopped on the waterbasin for all adjacent owners for a period of time (short term if it is a preventative action until more information is collected or long term if it is seen as a long term problem)*
3. *Order appropriation stopped until a new water elevation determined by the Council /Town Board is reached.*
4. *Deny the appropriation moratorium request (Council/Town Board believes there is not a negative impact of the appropriation to their residents)*

*If VLA WMO or an adjacent Municipality initiates the action, VLA WMO will call a special meeting of the VLA WMO Board of Commissioners to act on the need for appropriations after the public hearing is held. Information gathered as part of the public meeting will be used to make a ruling. The Board may take the following actions:*

1. *Take no action (based on data collected, moratorium is not required).*
2. *Order appropriation be stopped on the waterbasin for all adjacent owners for a period of time (short term if it is a preventative action until more information is collected or long term if it is seen as a long term problem).*
3. *Order appropriations stopped until a new water elevation determined by the VLA WMO is reached.*



*If an appropriation is revoked, VLAWMO will inform all affected property owners of the action and the appropriation will end immediately with a written or verbal notification. Enforcement of the ban is by the Municipality and is considered a misdemeanor and will consist of a fine of \$25.00 for each violation. All moratoriums on appropriations will remain effect until removed by resolution of the Council or VLAWMO or on January 1 of the next year.*

Approved by the VLAWMO Board at its July 8, 2004 meeting.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary - Treasurer

\_\_\_\_\_  
Vice Chair

Attest: \_\_\_\_\_  
Administration