

**Side-by-Side Comparison of Proposed and Current MCWD Rules
Rule 11. Appropriations**

This side-by-side comparison has been prepared to aid in review of the proposed rule changes. The existing and proposed rules can be found on the MCWD website, along with the Guidance on Proposed Revised Rules which provides a detailed explanation of all substantive changes: <https://minnehahacreek.org/permits/permitting-rule-revisions/>

Key: Blue & bold font - Key language that represents a substantive change from current language Grey shading - Revised rule language is a relocation, consolidation, clarification, and/or simplification of the current language (i.e. housekeeping) <i>Italics</i> - removed text
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Revised Section	Revised Language	Current Section	Current Language
1	POLICY. To fulfill the mandate of Minnesota Statutes section 103B.211, subdivision 4, the Board of Managers regulates appropriations from certain public waters within Hennepin County.	1	POLICY. In fulfillment of the mandate of Minnesota Statutes section 103B.211, subdivision 4, the Board of Managers regulates the appropriations of public waters within Hennepin County.
2	REGULATION. a. This rule applies to surface water appropriations from the following: 1. A public waters basin or public waters wetland less than 500 acres in area that is wholly within Hennepin County, excluding any basin or wetland with a navigable connection to Lake Minnetonka; 2. A public waters watercourse with a drainage area of less than 50 square miles. b. A permit is required to appropriate up to 10,000 gallons per day and 1,000,000 gallons per year for a non-essential use, as defined as Minnesota Statutes section 103G.291. c. An applicant is deemed to possess a general permit authorizing the appropriation on District receipt of a completed notice of appropriation in the form maintained by the District.	2	REGULATION. A permit from the District is required to appropriate up to 10,000 gallons per day and up to 1,000,000 gallons per year of surface water for a nonessential use from: (a) A public water basin or public waters wetland within the portion of the District within Hennepin County that is less than 500 acres in surface size and does not have a navigable connection to Lake Minnetonka; or (b) A protected watercourse within the portion of the District within Hennepin County that has a drainage area of less than 50 square miles. An individual permit from the District is not required if the information required under section 3 of this rule is provided. An appropriation under this rule is subject to the following conditions. An appropriation of public water under this rule: (a) Must not lower the water level in the basin or watercourse to an extent that would deprive the public and riparian property owners of reasonable use of and access to the water; (b) Must 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 and the use of ground water – to attain the appropriate objective; (c) Must utilize water storage and reuse, and conservation practices; (d) May not cause a negative impact to the water resource; (e) May be subject to restriction, at any time, to meet in-stream flow needs or protect basin water levels.
3	CONDITIONS. The District may remove a permit or limit an appropriation if it finds any of the following: a. The appropriation may adversely affect the water resource, or deprive the public and riparian property owners of reasonable use of and access to the waterbody; b. The purpose of the appropriation may be achieved by another reasonable and practical method, including water storage and reuse of another conservation practice. The District may restrict the appropriation at any time, with due notice, to meet in-stream flow needs or protect basin water level.		
N/A	[See proposed section 2c.]	3	REQUIRED EXHIBITS. To qualify for the general permit established by this rule, a party must submit the following information:

			(a) Address of the property from which the appropriation will be made; (b) Applicant email address; (c) Purpose of the requested appropriation; (d) Source of water.
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