

## **Drainage Permit Instructions**

The Minnehaha County Drainage Ordinance requires that a permit be obtained from County Planning before constructing or installing any drainage (tiling, ditching, or waterway) when the total watershed flowing through the area is 20 acres or larger. Permits are also required when repairing or replacing any drainage system with at least 20 acres of watershed. There are two types of permits, those for routine maintenance on a vested drainage right and those for new drainage work or major repairs of existing systems. If any work is done prior to obtaining the required permit a \$500 dollar inspection fee must be added onto the standard permit fee.

### **Routine Maintenance**

Routine Maintenance includes the cleaning of waterways to a maximum of 1-foot of cut, the repair or replacement of sections of vested tile lines, or the replacement or repair of accessory features such as tile inlets. The permit fee for routine maintenance is \$25. Copies of the Register of Deeds Book and Page filing numbers for any vested drainage rights must be attached to the permit for routine maintenance. Planning Department staff can issue a routine maintenance permits and no notification is required of downstream property owners. The routine maintenance permit becomes effective upon approval by the Planning Department official.

Such maintenance work, however, is strictly limited to the repair of vested drainage or the cleanout, up to a 1-foot maximum, of an existing waterway or non-vested drainage ditch. Tile repaired under a routine permit cannot exceed the original size (diameter or length) of the tile and there can be no additional tile lines or ditches installed.

State law defines a vested drainage right as one where the location and type of any man-made drainage, or of any natural drainage with man-made improvements, was filed with the County Register of Deeds Office by July 1, 1992. Any existing drainage that was not filed by that date cannot be considered as vested under state statute.

### **Drainage Permits**

Any tile line or ditching that does not meet the definition of routine maintenance is considered to be new drainage or a major repair and requires a drainage permit. This includes the installation of any new tile where none existed previously, any increase in size or length of an existing tile, the construction of any new drainage ditch, or the cleaning out of any non-vested drainage way or waterway to a depth of greater than one foot.

Planning Department staff may issue drainage permits if all of the following conditions are met:

1. The permit application form is completed and has both the property owner's and the contractor's signatures,
2. There are no wetlands being drained as defined by the Natural Resources and Conservation Service (NRCS),
3. The proposed drainage is not of inter-county significance (the drainage does not cross a county or state line),
4. Signatures of the downstream property owners for a minimum of ½ mile downstream from the drainage, outlet point are included with the permit application (unless the drainage system outlets directly into the main channel of one of the 14 officially-named streams in Minnehaha County), and
5. The permit application fee of \$50 is included with the permit application.

Staff issued drainage permits become effective 5 working days following the day the permit is issued.

If staff cannot issue the drainage permit, a permit application may be submitted for a hearing by the Minnehaha County Commission. Applications to be heard by the commission must include the following:

1. A completed permit application form with both property owner and contractor signatures,
2. An NRCS wetland determination of the applicable area, and
3. A permit application fee of \$100.

Staff will then set a hearing date before the commission and will notify the applicant and any downstream property owners within a minimum one-half mile below the outlet of the hearing date and time.

**DRAINAGE PERMIT APPLICATION**

This becomes your permit when properly validated by Minnehaha County

**OWNER AND PROPERTY INFORMATION**

Property Owner

Address

Phone

Legal Description

Section

Township

Range

Property ID Number

**CONTRACTOR**

Name

Address

Phone

**DESCRIPTION OF PROPOSED WORK**

Watershed Area

Type of Project  Ditch  Tile

Site Plan  Attached  Not Required

Description

I, the undersigned do hereby affirm the above statements are true and correct and agree to comply with the provisions of the regulations of Minnehaha County and with the approved plans and specifications accompanying this application. The proposed work is authorized by the owner and authorization to enter the property for inspection is hereby given to authorized representatives of Minnehaha County.

Owner

Date

Contractor

Date

**PERMIT INFORMATION - For Office Use Only**

Is application of statewide or intercounty significance?  yes  no

Permit Number

Permit Fee \$ \_\_\_\_\_ paid by  check  cash

Receipt Number

Date Issued

Effective Date

Copy to NRCS

Department or Commission Official

Conditions /Limitations/Notes

Office Copy  Owner Copy  Contractor Copy  NRCS Copy

