

6115.1260 MODIFICATIONS OF WATER BANK AND LEASE AGREEMENTS.

Subpart 1. **In general.** The commissioner and the landowner may mutually agree to any modification of agreement terms that may be desirable to carry out the purposes of the program or facilitate its administration. Exception: no changes in payment rates for acreage under agreement is authorized during the term of the water bank or lease agreement.

Subp. 2. **Change in ownership of lands underlying public waters.** All landowners shall notify the commissioner of the sale of property that is covered by the water bank or lease agreement. Upon transfer of an individual's right and interest in lands subject to a water bank agreement during the agreement period, the former landowner forfeits all rights to further payments under the agreement and refunds to the state all payments received thereunder during that year of the transfer. Forfeiture of payments is not required for those participating in a lease agreement nor if the transferee of any such land agrees with the commissioner to assume all obligations of the former owner.

The new landowner may choose not to participate in the water bank program; however, any water declared public shall not be drained. If an alternative form of indemnification is desired, or if the new owner wishes to have payment rates adjusted on the existing water bank agreement, a permit application will have to be submitted to the commissioner to initiate the procedures in these parts. The requirement for soils information and borings shall be waived on those basins that have been determined eligible for the water bank program by previous permit applications.

When two or more farms are combined that share mutual public waters the landowner who is adding property shall have the option of adding the new property to the original agreement, continuing the former owners' agreement, or decide not to participate in the program and not be able to drain the basin.

When a transfer of ownership occurs on or before August 1 of the current calendar year and the new owner agrees to continue the former owner's obligation, payments due will be made to the new owner.

Subp. 3. **Registration of modification.** All modifications will be completed on amendment forms provided by the commissioner. Modifications will be noted on the original agreement and the original amendment forms will be retained by the commissioner.

Statutory Authority: *MS s 103F.601; 103G.315; 105.392; 105.415*

History: *17 SR 1279*

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