## 103H.111 LIABILITY AFTER PROTECTION OF SENSITIVE AREA.

- (a) A landowner within a sensitive area, identified under section 103H.101, has a complete defense to liability for degradation of groundwater caused by surface water from the sensitive area recharging groundwater if:
- (1) the landowner's portion of the sensitive area is subject to a plan adopted by the soil and water conservation district to protect the groundwater from degradation through surface water recharge;
- (2) the projects and practices required by the plan have been implemented and have been certified as having been implemented by the soil and water conservation district;
  - (3) the projects and practices required by the plan are maintained according to the plan; and
- (4) the landowner has not allowed unlawful practices on the property that disrupt the projects and practices required by the plan.
- (b) The soil and water conservation district's plan must include appropriate best management practices and water resource protection requirements.

**History:** 1989 c 326 art 1 s 5

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