

TILE REASONABLE USE FACTORS

**Adopted by the Board of Managers of the Two Rivers Watershed District
at a regular Board meeting held on 8/1/24**

All permit applications received by the Two Rivers Watershed District for the installation and operation of tile drainage shall be subject to review using the following reasonable use factors. These will be applied and a permit decision will be made using the best judgement of staff, the permit review group, and the Board of Managers.

1. If there is reasonable necessity for such drainage;
2. If reasonable care is taken to avoid unnecessary injury to the land receiving the burden;
3. If the utility or benefit accruing to the land drained reasonably outweighs the gravity of the harm resulting to the land receiving the burden;
4. If, where practicable, it is accomplished by reasonably improving and aiding the normal and natural system of drainage to its reasonable carrying capacity, or if, in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is adopted.
5. Any other factors which, in the Board's judgement, are relevant to a determination of reasonable use.
 - a. What is the capacity of the proposed outlet in the impacted area. Outlets must have sufficient capacity.
 - b. Is the proposed outlet ditch public, natural, natural improved, or artificial. Public or natural outlets are preferred over private artificial.
 - c. Do the effected landowners object and is their objection reasonable. Affected downstream landowners are entitled to reasonable due process.
 - d. If a downstream issue has been raised, how far is that issue from the proposed outlet. Remote issues carry less weight than immediate issues.
 - e. What is the need for maintenance of the proposed outlet ditch and can the outlet ditch be reasonably maintained. Ease of maintenance is always preferred.
 - f. If the proposed outlet is not public, has it been farmed through historically. Maintaining past farming practices is preferred.
 - g. What ability will there be to access and idle pumps or shut off gravity tile. Tile should be installed, operated and maintained in a manner that does not contribute to downstream flooding.
 - h. Are there any available reasonable alternatives. Increased cost does not necessarily make an alternative unreasonable.