

Fact Sheet: Flowage Easements

Land ownership imparts a “bundle of rights” to determine the use and access to above and below ground aspects of the property. A landowner has the right to occupy, improve, sell, lease, and limit access to their property, as well as rights over minerals, vegetation, and even air within their property limits. A landowner can give up one or more of these rights for a specific purpose, such as conservation, while retaining ownership of the remainder of the rights. In doing so, the landowner “eases” the right to another entity, such as the Prior Lake-Spring Lake Watershed District. For example, in a flowage easement, a landowner gives the right for an entity to transport water through the agreed upon area of their land.



Some easements are created to protect natural resources while others allow for transportation of water. Whatever the purpose, the easement is mapped for future reference.

In Perpetuity

Easement agreements can be temporary or in permanent. When an easement is permanent (made in perpetuity), the right granted in the agreement stays with the property, even when the property changes ownership. Existing easement information can be found in the title paperwork for a piece of property.

Easements created in perpetuity can be amended should the need arise. This only occurs in special circumstances, such as if a stream naturally moves out of line with the mapped easement. If the need arises, negotiations will be made with the current landowner to correct the easement on a case-by-case basis.

Types of Easements

The PLSLWD holds various types of easements within its jurisdictional boundaries, each for different purposes. The most common of these easement types are explained below:

- **Conservation Easements** — Created to protect water resources such as lakes, wetlands, and streams. Sometimes these easement agreements are initiated by interested landowners. Other times they are put in place to fulfill requirements that new developments implement actions to protect water resources.
- **Flowage Easements** — Created to allow for transportation of water. This type of easement is sometimes created around valuable streams and is also used for the Prior Lake Outlet Channel.
- **Access/Right of Way** — The District retains the right to access and maintain areas where it holds easements for other purposes.

FAST FACTS

- **Easements provide rights to a property.**
Certain rights can be “eased” or ceded to another entity without the landowner selling the property.
- **An easement stays with the property.**
Easements stay with the property through the duration of the contract, even when property changes ownership. An existing easement will be listed on the title paperwork.
- **Flowage easements are allowed under Minnesota Statute.**
Chapter 103G. Waters of the State includes the right to negotiate flowage easements.



Map of the Prior Lake Outlet Channel (PLOC).

Prior Lake Outlet Channel Easements

The Prior Lake Outlet Channel (PLOC) is a stormwater conveyance system that transports water from Prior Lake and the surrounding watershed to the Minnesota River floodplain. The PLOC has both above and below-ground piped portions of the channel. In the above-ground sections, the PLOC appears as a stream and borders or traverses multiple properties. The District holds flowage easements on many of these properties.

Any easement terms stated in this document may not be inclusive of all easements held by the Prior Lake—Spring Lake Watershed District. Each easement contract is the final authority on what terms, rights, and restrictions are held by each entity in the agreement.

Flowage Easement Terms, Rights, and Restrictions

Terms of an easement are set jointly by the landowner and the easement holder. They are designed to meet the needs of both parties by transferring only those rights needed to accomplish specific objectives.

A flowage easement, such as those held on properties along the PLOC, secures the right for a government entity (i.e. the Prior Lake-Spring Lake Watershed District) to move water through an area (i.e. within the Outlet Channel). With the exception of rights to move water through and access the flowage easement area, few to no other rights are typically acquired as part of this easement type. Additional rights obtained through the easement may include: the right to construct, install, repair, use, enlarge, modify and service any and all improvements which may from time to time be installed over, under and across said easement. Possible allowances and restrictions for the landowner are listed below.

In the flowage easement area you may not:

- Construct or maintain any structure for human habitation, permanent or temporary, on the flowage easement land.
- Place or construct any other structure on the flowage easement land without prior written approval.
- Fill, dump, drain, cultivate within, or otherwise interfere with the intended use of the easement area.

In the flowage easement area you may:

- Mow, clear, plant vegetation, or otherwise use as desired.
- Sell or lease the land to others who must follow the same easement guidelines.
- Construct a wire fence up to or along the easement boundary.



Segment 3 of the Prior Lake Outlet Channel (PLOC). The District holds a flowage easement here, and on many properties along the PLOC for the right to move water through and to maintain the Outlet Channel.

PRIOR LAKE – SPRING LAKE WATERSHED DISTRICT

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Mission: to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects.