

6115.1270 AGREEMENT TERMINATIONS.

Subpart 1. **Forfeit of rights to further payments.** Upon termination of an agreement the landowner shall forfeit all rights to further payments.

Subp. 2. **Termination by mutual consent.** The commissioner may terminate any agreement with mutual consent of the landowner if the commissioner determines that termination would be in the public interest. If such be the case, no refund of payments made under the agreement is required.

Subp. 3. **Refund of payments.** The landowner must refund to the state all payments, partial or in full, received under the agreement upon any violation of the agreement terms during the time that the landowner has control of the property.

A. Subject to the commissioner's determination that the violation is material and of the nature that warrants termination of the agreement the landowner shall:

- (1) refund to the state all payments received;
- (2) forfeit all rights to further payments;
- (3) not be entitled to drain the affected basin; and

(4) not have the basin considered for a permit to drain or be allowed compensation under Minnesota Statutes, sections 103G.211 and 103G.221, until a transfer of ownership has taken place.

B. Subject to determining that the violation does not warrant termination of the agreement, the commissioner may require partial refunds or make payment adjustments as the commissioner deems appropriate.

Subp. 4. **Termination action.** The commissioner shall notify each party to the agreement of the termination:

- A. the reason for termination;
- B. the amount of payment refund due;
- C. that the landowner is no longer required to comply with the agreement terms and that the public waters cannot be drained; and

D. that the landowner may challenge the termination by demanding a hearing under Minnesota Statutes, section 103G.311.

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

History: *17 SR 1279*

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