

NOTICE OF HEARING - APPLICATIONS FOR DRAINAGE PERMITS

Notice is hereby given that the Marshall County Drainage Board will meet on April 21, 2020 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for Drainage Permits from the Marshall County Drainage Board.

Charles K Rabenberg & Son Inc. has requested a drainage permit to start construction of a drain on the property described as the SW1/4 of Section 28, T127N, R57W. The water will flow through the property and move West; flowing under 426th Ave. The water will then flow through the E ½ of Section 29, T127N, R57W and drain into the Crow Creek which runs through the same property; for the purpose of draining water away from crop land. Construction will start on or before April, 2020 and will be completed on or before December 1, 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the E ½ of Section 29, T127N, R57W. The water will drain into the Crow Creek, which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 30, 2020 and will be completed on or before December 1, 2024.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the properties described as the NW1/4 and SW1/4NE1/4 of Section 16, T126N, R57W. The water will drain north through the properties and into an existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before December 1, 2025.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: April 15, 2020

1T(April 15) NOTICE OF HEARING - APPLICATIONS FOR DRAINAGE PERMITS

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Erin Collins-Miles, Planning & Zoning Administrator
Published once at the approximate cost of \$20.91.

MARSHALL COUNTY DRAINAGE BOARD
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

April 9, 2020

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on April 21, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage permit.

Charles K Rabenberg & Son Inc. has requested a drainage permit to start construction of a drain on the property described as the SW1/4 of Section 28, T127N, R57W. The water will flow through the property and move West; flowing under 426th Ave. The water will then flow through the E ½ of Section 29, T127N, R57W and drain into the Crow Creek which runs through the same property; for the purpose of draining water away from crop land. Construction will start on or before April, 2020 and will be completed on or before December 1, 2025.

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Being as you are an adjacent landowner to one or all of the proposed drainage projects; you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 4/9/2020:

1. Arlie and Lorene Bender: 11170 426th Ave Britton, SD 57430
2. William Spiry: 2101 8th Ave. N Fargo, ND 58102
3. Charles Behnke: 42647 SD HWY 10 Britton, SD 57430
4. Roger Zuehlke: 1108 11th Street Britton, SD 57430
5. Frances Behnke: 42671 10 9th Street Britton, SD 57430
6. Renald and Allison Tank: 11285 426th Ave. Britton, SD 57430
7. Penny Likness: PO Box 7 Britton, SD 57430
8. Penrhos Farms, INC.: 103 9th Ave. Britton, SD 57430
9. Wayne Freeman: 42875 112th St. Britton, SD 57430

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION**APPLICANT****DRAINAGE REQUIREMENTS**Name: Charles K Rabenberg & Son IncAddress(Mailing): 11154 427th AveCity: Britton State: SD Zip: 57430Phone: 605 377 0073**LOCATION OF LAND TO BE DRAINED**Legal Owner: BRIAN RABENBERGLegal Description: SW 28 Pleasant ValleySection: 28 Township: 127 Range: 57**LOCATION OF OUTLET END OF PROPOSED DRAIN**Legal Description: E 1/2 29 Pleasant ValleySection: 29 Township: 127 Range: 57**LOCATION OF MAJOR EARTH CHANGE WORK****OR UNDERGROUND DRAIN INSTALLATION**Legal Description: SW 28 Pleasant ValleySection: 28 Township: 127 Range: 57**LOCATION OF COUNTY HWY R.O.W./DITCH****INTO WHICH WATER WILL BE DRAINED**Legal Description/Rd: NA

Section: _____ Township: _____ Range: _____

PLEASE FILL IN: Charles K Rabenberg & Son IncI propose to start construction of the drain on or before Apr, 2020, and will be completed on or before Dec 1, 2025.

The proposed drainage is a result of a township, county or other water management plan:

☐ YES ☒ No ☐ I don't know

If yes, describe such plan:

Certified Wetland Determination attached?

☒ YES ☐ NO ☐ NA (see below)

Explain: _____

Engineer's plans attached?

☒ YES ☐ NO ☐ NA (see below)

Explain: _____

NOTE: A map showing the location of the proposed drain MUST accompany this application.**Description**

1. Proposed drainage ditch:

a. Length of drain: _____ feet

b. Drain Design: 1) Bottom width: _____ feet
2) Side Slope: _____ percent
3) Maximum cut: _____ feet

c. Proposed drainage flow: _____ cu. Ft./sec.

2. Proposed drainage tile (underground drain pipe):

a. Length of drain: _____ feet

b. Drain Diameter: _____ inches

c. Approx. area contributing runoff to the drain where tile is located: _____ acres.

EngineerName: KIRK RABENBERGAddress: 11154 427th AvePhone: 605 377 0073

SIGNATURES

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature _____ Date _____

Brian Rabe

Applicant's Signature _____ Date _____

[Signature]

Drainage Administrator Signature _____

Date _____

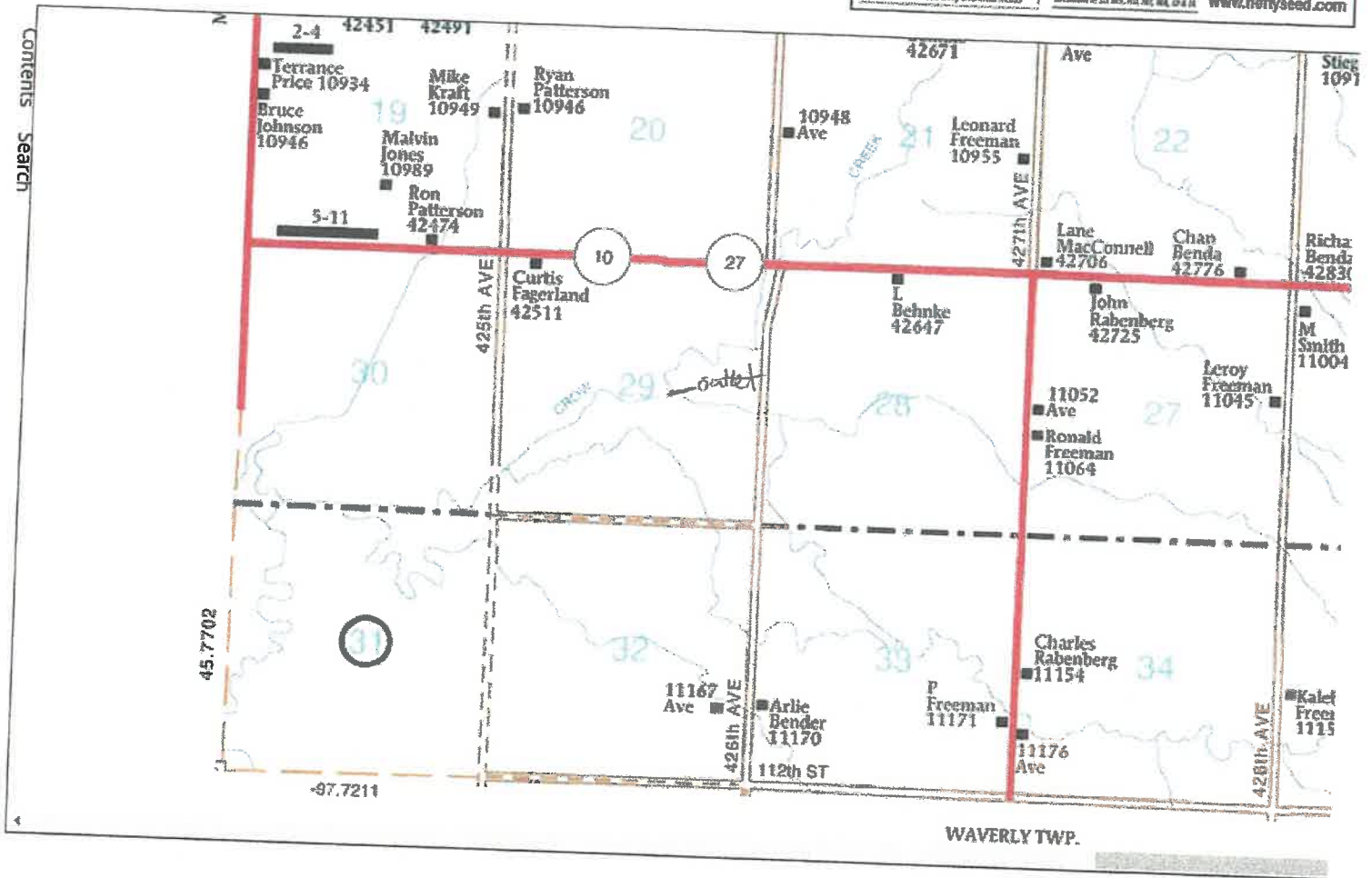
[Signature]

4-7-2020



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GROTON OFFICE 605.397.4100
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NRCS-CPA-26E

9/2012

Name		Address	
Charles K Rabenberg & Son Inc.		11136 127th	

Name Address:		Charles K Rabenberg & Son Inc. 11176 427th Ave Britton, SD 57430		Request Date:	12/8/16	County:	Marshall
Agency or Person Requesting Determination:		Farm Service Agency		Tract No:	1421	FSA Farm No.	3880

Section I - Highly Erodible Land

(Y/N)

Is a soil survey now available for making a highly erodible land determination?
Are there highly erodible soil map units on this farm?
Fields in this section have been determined to be highly erodible.

Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL Code

<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbust(Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>

The Highly Erodible Land determination was completed in the _____.

The Highly Erodible Land determination was completed in the

Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

[illegible]

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature _____ Designated Conservationist _____

Signature _____ Designated Conservationist _____

Date _____

1-9-17

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

Certified Wetland Determination

Field Office: Britton FO
Certified By: Jesse Brooks
Legal Desc: S28, T 127N, R 57W

Agency: USDA-NRCS
Certified Date: 1/9/17
Tract: 1421



Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NNDitch
- Tile

0 287.5 575 1,150 1,725 2,300 2,875 3,450 Feet

W Wetland
FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
NI Not Inventoried Potential Waters of the US
See NRCS CPA-O26E for definitions and additional info.



Waiver for Performing Drainage Work in
Marshall County, South Dakota

A. William Spiny 2000 Revocable Trust
Patricia M Spiny 2000 Revocable Trust
I am aware of the proposed drainage work
(downstream property owner)

being proposed by Charles K. Rabenberg & Son Inc in the
(upstream property owner)
SW 28 Pleasant Valley (D)
(legal description)

and do not object to the drainage as proposed.

Additional notes:

The drain tile main will go across the
E 1/2 of section 29 Pleasant Valley and outlet
into the Crow Creek drain.

Dated this 6th day of April, 2020

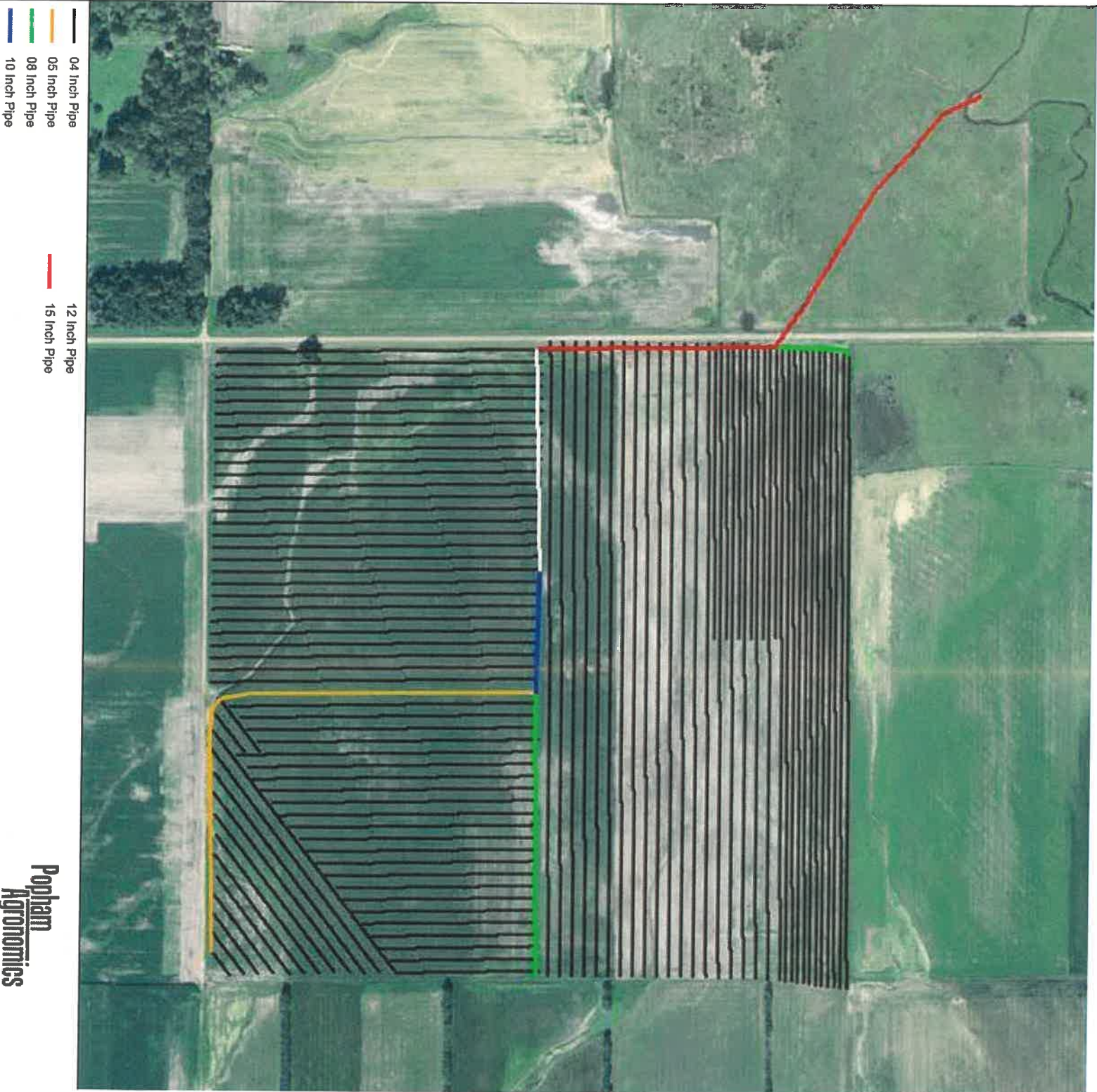
(Signature) Patricia M. Spiny
Trustee Trustee

(Address) 2101 8th Ave N. Fargo ND 58102

Fargo ND 58102
(City, State, Zip Code)

(701) 238-1829
(Telephone Number)

Kirk Rabenberg
Section 28
KRSW_28_127N57W



MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT		DRAINAGE REQUIREMENTS	
Name: <u>Charles K. Rabenberg & Son Inc.</u>		Certified Wetland Determination attached?	
Address(Mailing): <u>11154 427th Ave</u>		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
City: <u>BRITTON</u> State: <u>SD</u> Zip: <u>57430</u>		Explain: _____	
Phone: <u>605 377 0073</u>		Engineer's plans attached?	
		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
LOCATION OF LAND TO BE DRAINED		Explain: _____	
Legal Owner: <u>A. William Spiry 2010 Revocable Trust</u>		NOTE: A map showing the location of the proposed drain MUST accompany this application.	
Legal Description: <u>E 1/2 29 Pleasant Valley</u>			
		Description	
Section: <u>29</u> Township: <u>127</u> Range: <u>57</u>		1. Proposed drainage ditch: <u>NA</u>	
LOCATION OF OUTLET END OF PROPOSED DRAIN		a. Length of drain: _____ feet	
Legal Description: <u>E 1/2 29 Pleasant Valley</u>		b. Drain Design: 1) Bottom width: _____ feet	
		2) Side Slope: _____ percent	
Section: <u>29</u> Township: <u>127</u> Range: <u>57</u>		3) Maximum cut: _____ feet	
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION		c. Proposed drainage flow: _____ cu. Ft./sec.	
Legal Description: <u>E 1/2 29 Pleasant Valley</u>		2. Proposed drainage tile (underground drain pipe):	
		a. Length of drain: <u>134,006</u> feet	
Section: <u>29</u> Township: <u>127</u> Range: <u>57</u>		b. Drain Diameter: <u>4-8</u> inches	
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED		c. Approx. area contributing runoff to the drain where tile is located: <u>140</u> acres.	
Legal Description/Rd: <u>NA</u>		Engineer	
		Name: <u>Kirk Rabenberg</u>	
Section: _____ Township: _____ Range: _____		Address: <u>11154 427th Ave</u>	
		Phone: <u>605 377 0073</u>	
PLEASE FILL IN: I <u>Charles Rabenberg & Son Inc.</u> propose to start construction of the drain on or before <u>Apr 30</u> , 20 <u>20</u> , and will be completed on or before <u>Dec 1</u> , 20 <u>24</u> .			
The proposed drainage is a result of a township, county or other water management plan:			
[] YES [<input checked="" type="checkbox"/>] No [] I don't know			
If yes, describe such plan:			

SIGNATURES

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature

[Signature] 2000 Revocable Trust

Date
4/6/2020

Applicant's Signature

[Signature] 2000 Revocable Trust

Date

3/30/2020

Drainage Administrator Signature

Date

[Signature]

4-7-2020

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	CHARLES K RABENBERG & SON INC 11176 427th Ave Britton, SD 57430	Request Date:	1/6/17	County:	Marshall
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	1414	FSA Farm No.	754

Section I - Highly Erodible Land

(Y/N)

[illegible]

The Highly Erodible Land determination was completed in the

Section II - Wetlands

[illegible]

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature	Designated Conservationist	Date
		1-26-17

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

Certified Wetland Determination

Field Office: Britton FO
Certified By: Jesse Brooks
Legal Desc: S29, T 127N, R 57W

Agency: USDA-NRCS
Certified Date: 1/26/17
Tract: 1414



Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NI/Ditch
- Tile

0 287.5 575 1,150 1,725 2,300 2,875 3,450 Feet

W Wetland
FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
NI Not Inventoried Potential Waters of the US
See NRCS CPA-O26E for definitions and additional info.





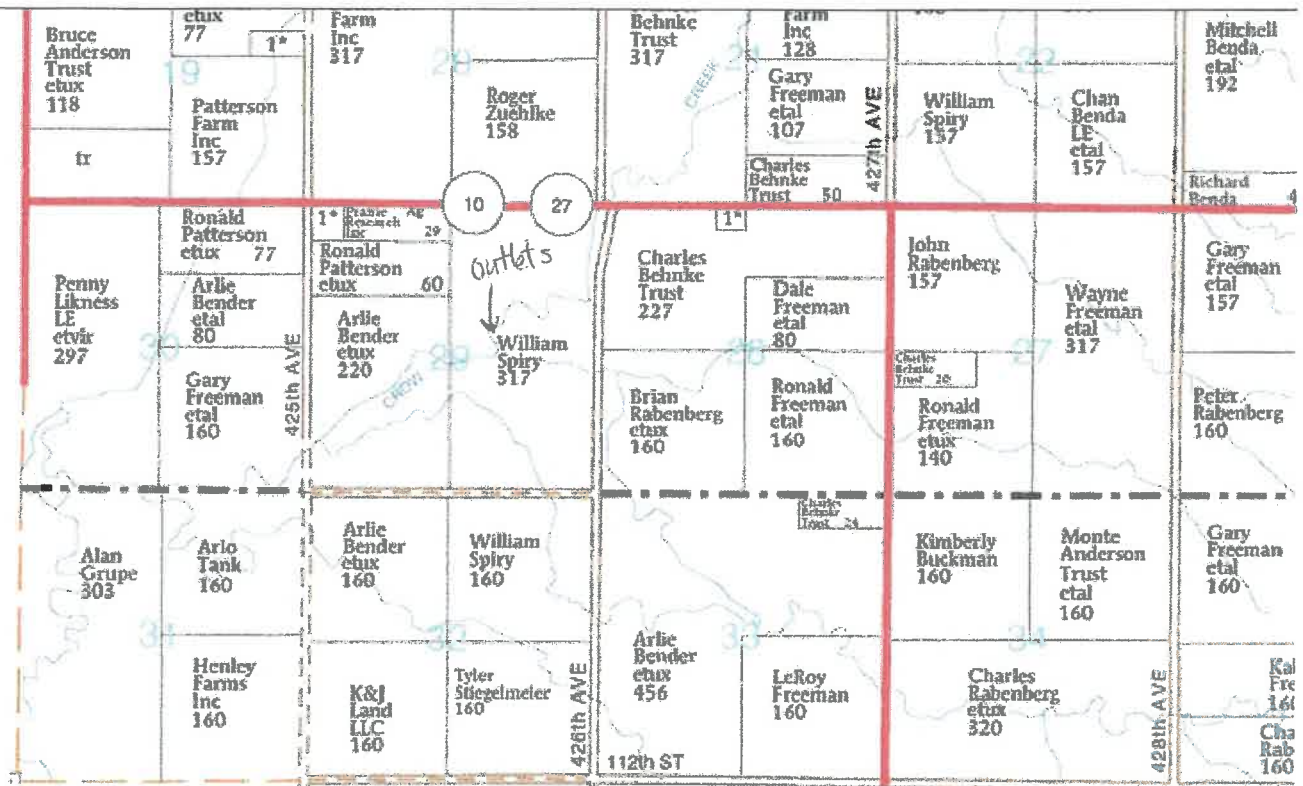
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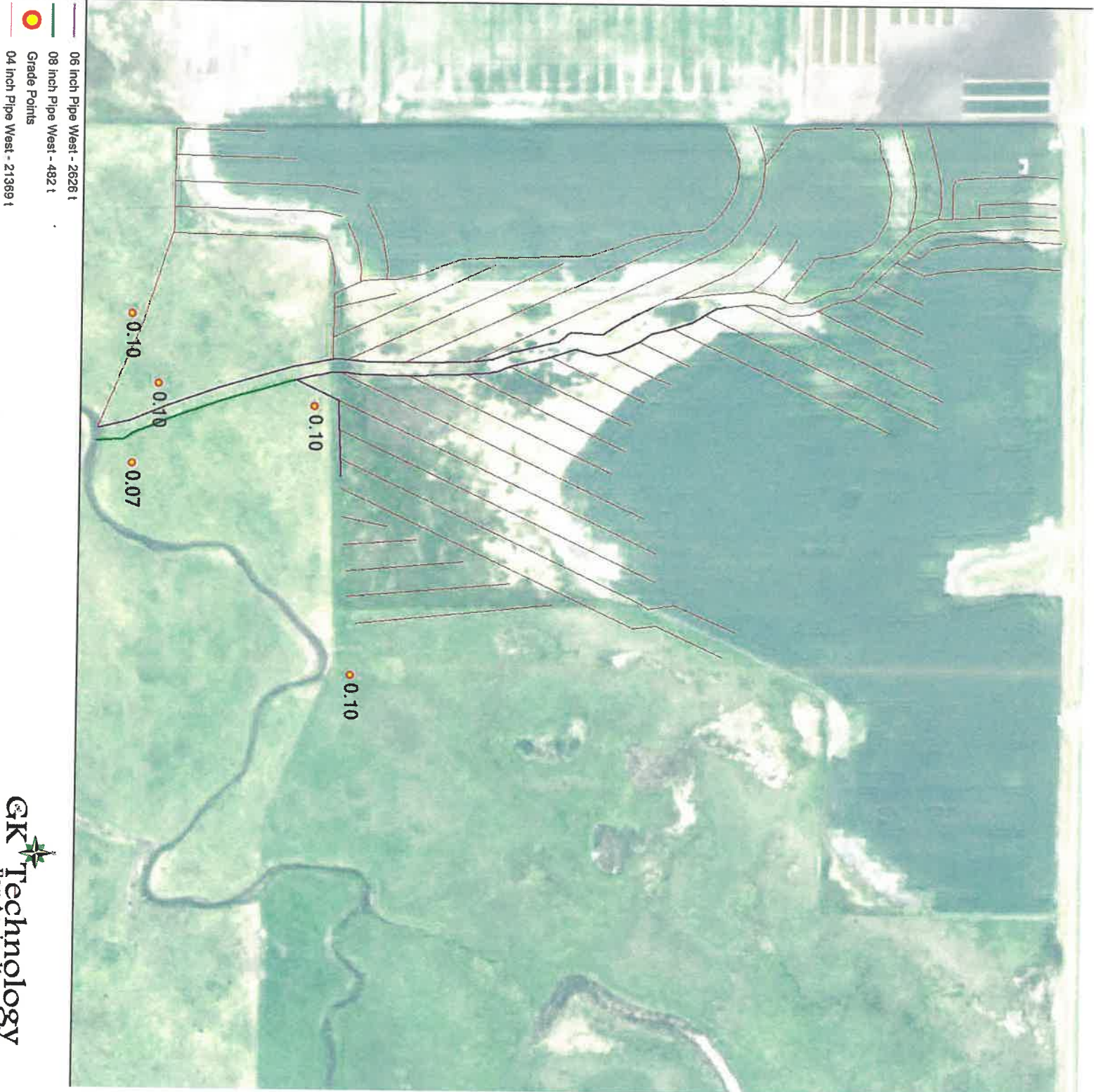
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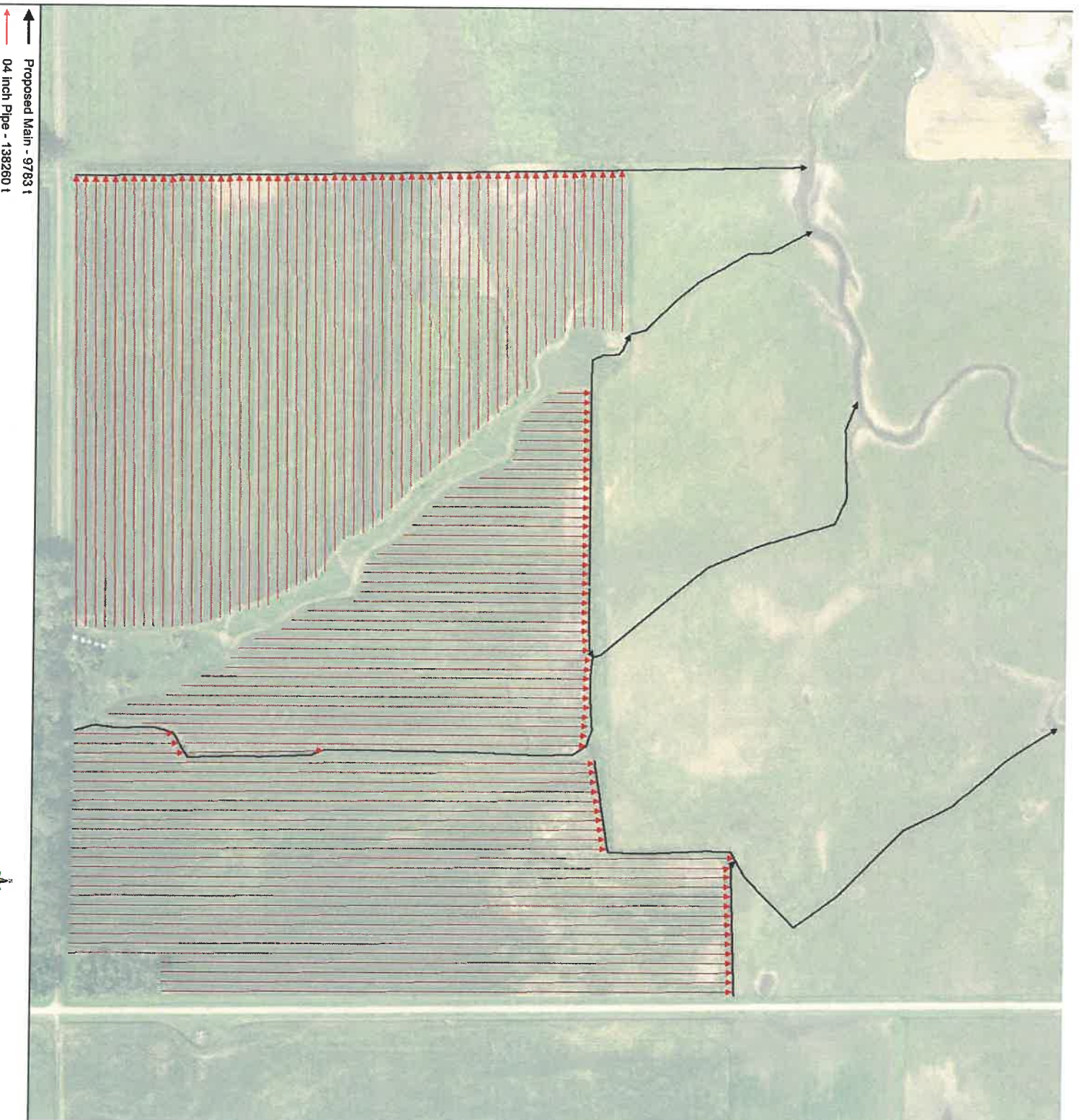


WAVERLY TWP.

Charles Rabenberg and Son
Charles Rabenberg and Son
Pleasant Valley 29NE-54ac-



Charles Rabenberg and Son
Charles Rabenberg and Son
Pleasant Valley 29 SE-103ac



MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT			DRAINAGE REQUIREMENTS	
Name: Charles K Rabenberg & Son Inc			Certified Wetland Determination attached?	
Address(Mailing): 11154 427th Ave			<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
City: Britton State: SD Zip: 57430			Explain:	
Phone: 605 377 0073			Engineer's plans attached?	
			<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
LOCATION OF LAND TO BE DRAINED			Explain:	
Legal Owner: Charles Rabenberg			NOTE: A map showing the location of the proposed drain MUST accompany this application.	
Legal Description: NW 16 Waverly				
Section: 16 Township: 126 Range: 57			Description	
LOCATION OF OUTLET END OF PROPOSED DRAIN			1. Proposed drainage ditch:	
Legal Description: NW 16 Waverly			a. Length of drain: _____ feet	
			b. Drain Design: 1) Bottom width: _____ feet	
			2) Side Slope: _____ percent	
Section: 16 Township: 126 Range: 57			3) Maximum cut: _____ feet	
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION			c. Proposed drainage flow: _____ cu. Ft./sec.	
Legal Description: NW 16 Waverly			2. Proposed drainage tile (underground drain pipe):	
			a. Length of drain: _____ feet	
Section: 16 Township: 126 Range: 57			b. Drain Diameter: _____ inches	
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED			c. Approx. area contributing runoff to the drain where tile is located: _____ acres.	
Legal Description/Rd: NA			Engineer	
			Name: KIRK RABENBERG	
			Address: 11154 427th Ave	
Section: Township: Range:			Phone: 605 377 0073	
PLEASE FILL IN: Charles K Rabenberg & Son Inc, propose to start construction of the drain on or before				
Apr 1, 2020, and will be completed on or before Dec 1, 2025.				
The proposed drainage is a result of a township, county or other water management plan:				
[] YES <input checked="" type="checkbox"/> No [] I don't know				
If yes, describe such plan:				

SIGNATURES

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature

Date



3/9/2020

Applicant's Signature

Date



Drainage Administrator Signature

Date



4-8-2020

Certified Wetland Determination

Field Office: Britton FO

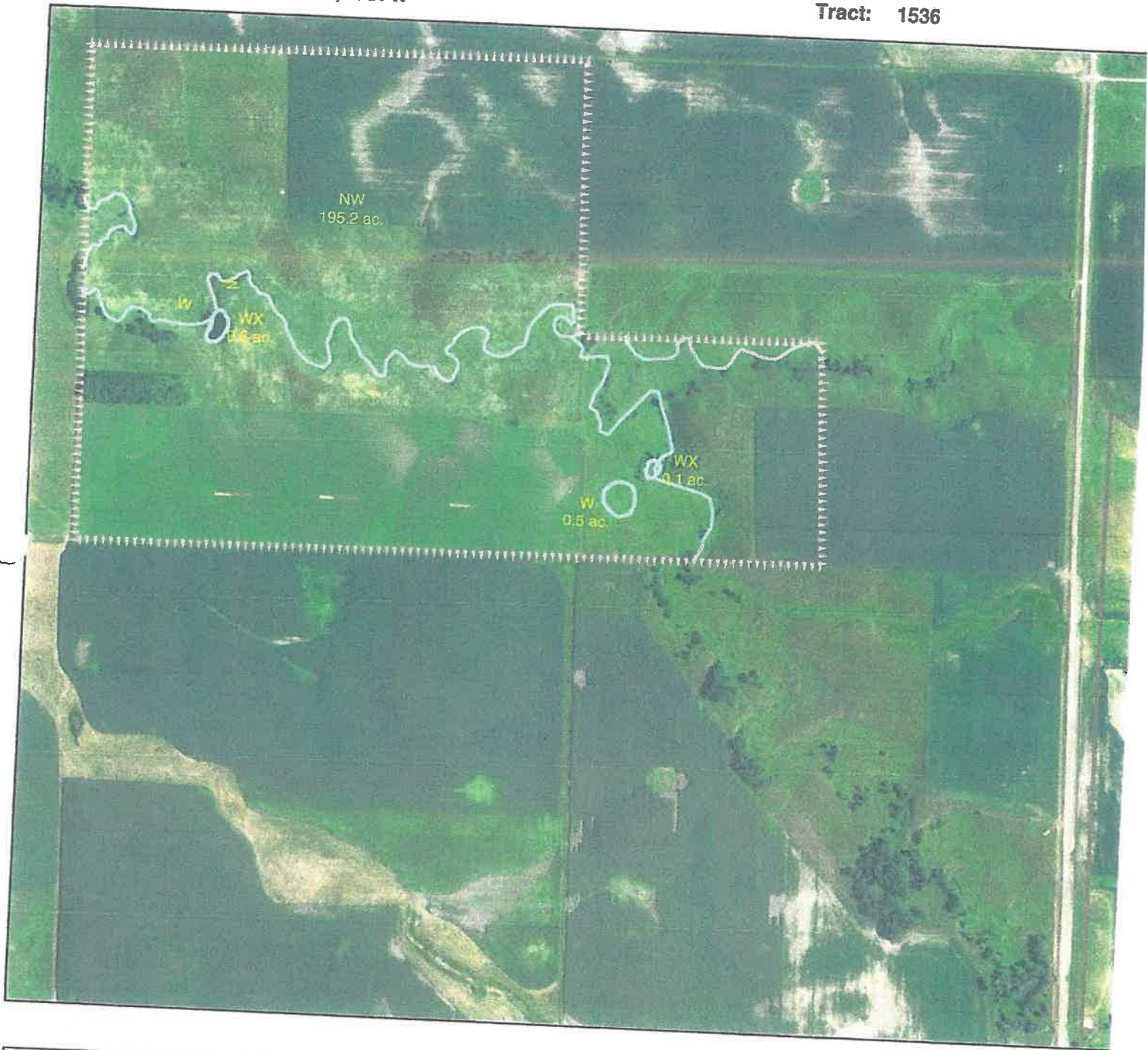
Certified By: Brandon DeFoe

Legal Desc: S 16, T 126N, R 57W

Agency: USDA-NRCS

Date: 5/15/2015

Tract: 1536



Legend

Certified Wetland
Determination Boundary

Wetlands

Wetlands

Ditch

Tile

0 287.5 575 1,150 1,725 2,300 2,875 3,450 Feet

W Wetland
FW Farmed Wetland Drained or modified & cropped
prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
See NRCS CPA-026E for definitions and additional info.





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