

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on May 19, 2020 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage Permit from the Marshall County Drainage Board.

Leroy Freeman has requested a Drainage permit to start construction of a drain on the property described as the SE1/4 of Section 28, T127N, R57W. The water will flow northwest through the same property and into an existing drain tile system on the property described as the SW1/4 of Section 28, T127N, R57W; for the purpose of draining water away from crop land. Construction will start on or before July 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: May 13, 2020

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Erin Collins-Miles, Planning & Zoning Administrator
Published once at the approximate cost of \$10.62.

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

May 8, 2020

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on May 19, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage permit.

Leroy Freeman has requested a Drainage permit to start construction of a drain on the property described as the SE1/4 of Section 28, T127N, R57W. The water will flow northwest through the same property and into an existing drain tile system on the property described as the SW1/4 of Section 28, T127N, R57W; for the purpose of draining water away from crop land. Construction will start on or before July 1, 2020 and will be completed on or before December 1, 2025.

Being as you are an adjacent landowner to the proposed drainage project; 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 5/8/2020:

1. Neil Behnke: 4340 Teller Street Wheat Ridge, CO 80033
2. Charles Behnke: 42647 SD HWY 10 Britton, SD 57430
3. Arlie and Lorene Bender: 11170 426th Ave Britton, SD 57430

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT	DRAINAGE REQUIREMENTS	
Name: <u>Leroy C Freeman</u>	Certified Wetland Determination attached? <input checked="" type="checkbox"/> YES [] NO [] NA (see below) Explain: _____	
Address(Mailing): <u>11045 428th Ave</u>		
City: <u>Britton</u> State: <u>SD</u> Zip: <u>57430</u>	Engineer's plans attached? <input checked="" type="checkbox"/> YES [] NO [] NA (see below) Explain: _____	
Phone: <u>448-5285</u>		
LOCATION OF LAND TO BE DRAINED		
Legal Owner: <u>Leroy C Freeman</u>	NOTE: A map showing the location of the proposed drain MUST accompany this application.	
Legal Description: <u>SE 1/4 of section 28</u>		
<u>T127N, R57W</u>		
Section: <u>28</u> Township: <u>129</u> Range: <u>57</u>	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: <u>8000</u> feet b. Drain Diameter: <u>4"</u> inches c. Approx. area contributing runoff to the drain where tile is located: <u>15</u> acres.	
LOCATION OF OUTLET END OF PROPOSED DRAIN		
Legal Description: <u>SW 28 Pleasant Valley</u>		
Section: <u>28</u> Township: <u>128</u> Range: <u>57</u>		
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION		
Legal Description: <u>SE 28 Pleasant Valley</u>		
Section: <u>28</u> Township: <u>128</u> Range: <u>57</u>		
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED		
Legal Description/Rd: <u>NA</u>		Engineer Name: <u>Kirk Rabenberg</u> Address: <u>11154 427th Ave Britton SD 57436</u> Phone: <u>605 377 0073</u>
Section: Township: Range:		
PLEASE FILL IN: I _____, propose to start construction of the drain on or before <u>July 1, 2020</u> , and will be completed on or before <u>December 7, 2025</u> .		
The proposed drainage is a result of a township, county or other water management plan: <input type="checkbox"/> 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

Leroy C. Freeman

5-5-20

Applicant's Signature

Date

Leroy C. Freeman

5-5-20

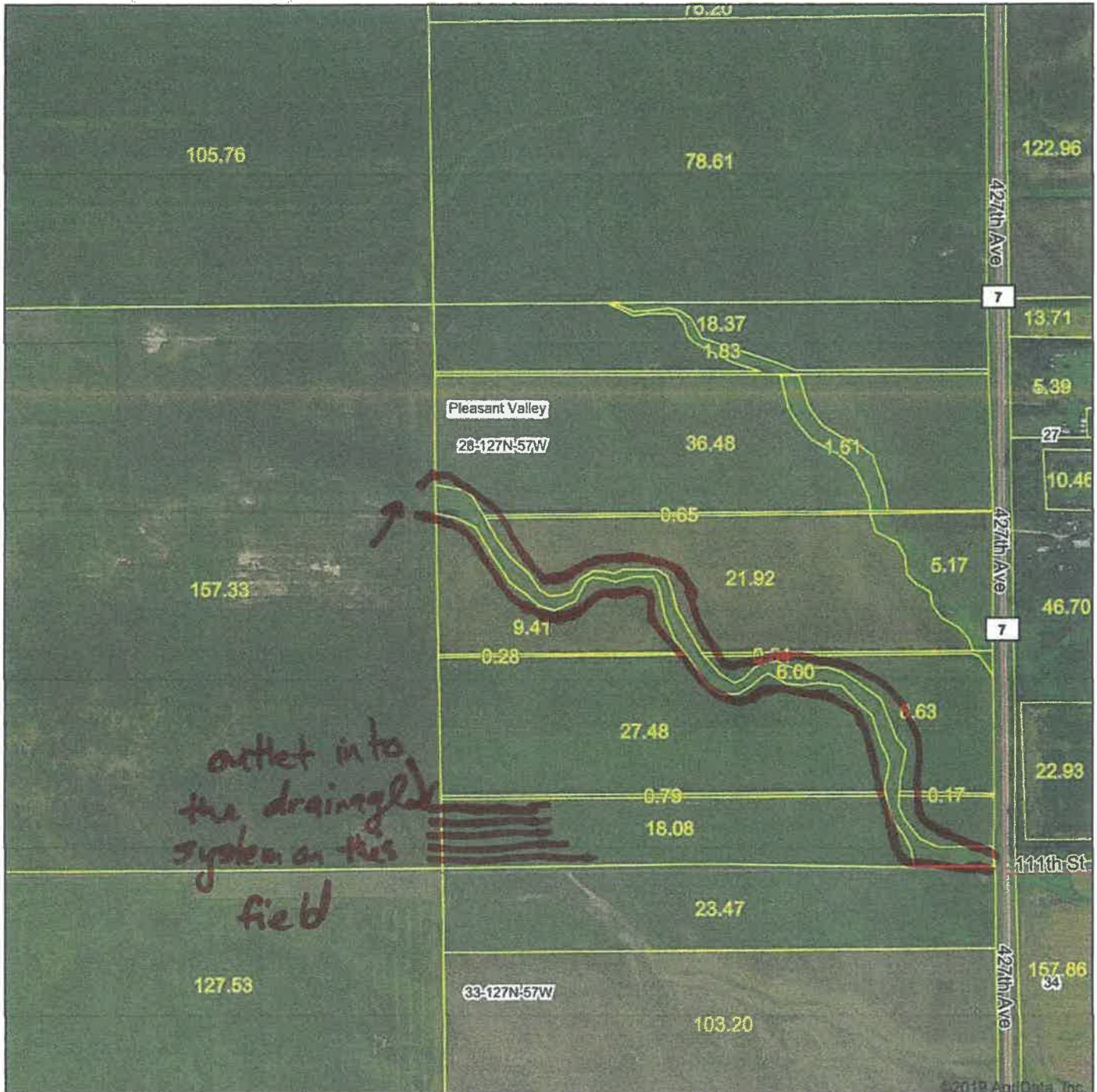
Drainage Administrator Signature

Date

G. Mitchell

5-7-2020

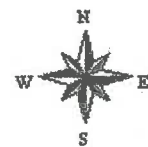
Aerial Map



Map Center: 45° 46' 49.65, -97° 40' 35.52



28-127N-57W
Marshall County
South Dakota



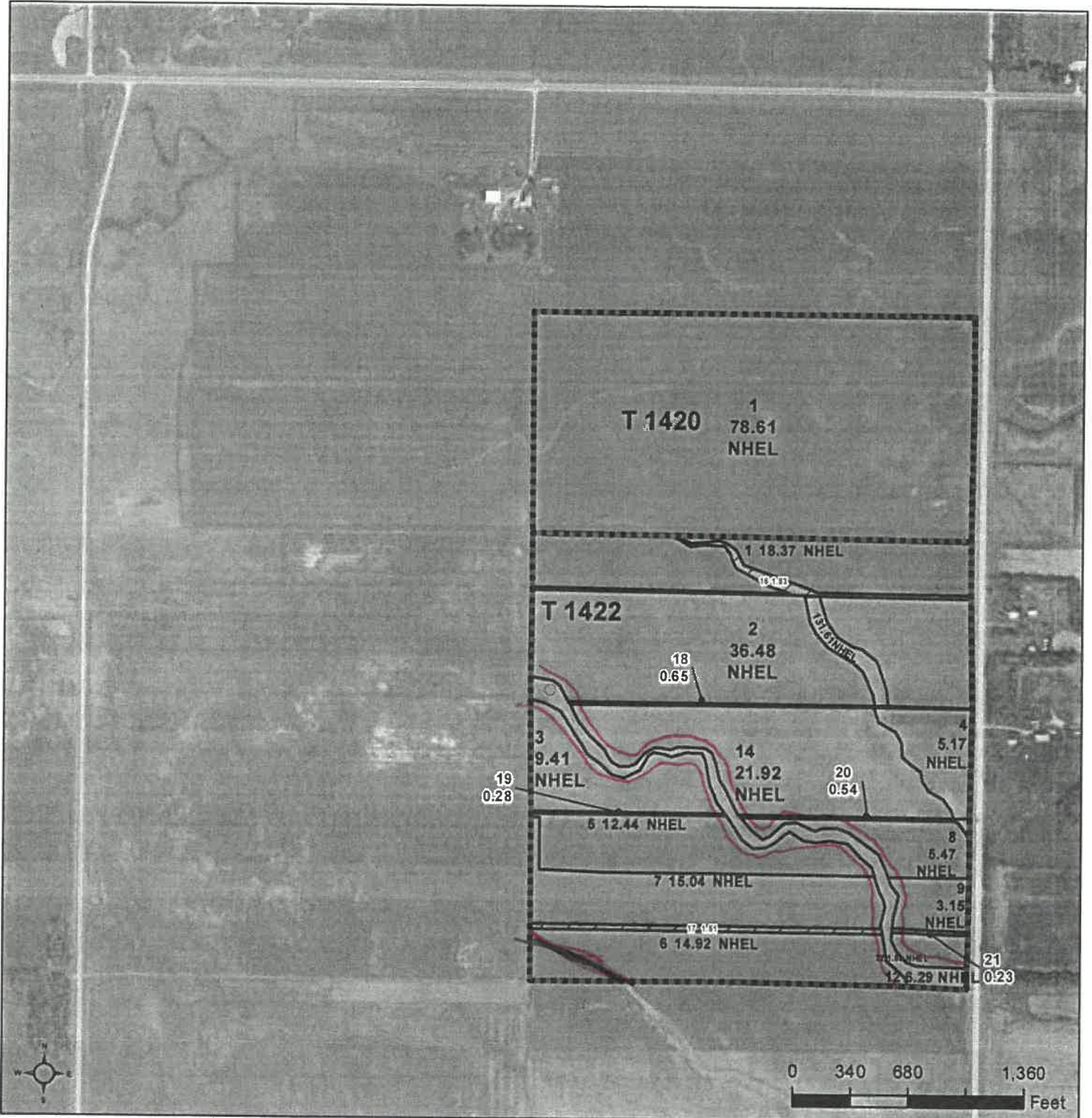
5/7/2020

Maps Provided By



© AgriData, Inc 2019 www.AgrIDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland
 PLSS

Wetland Determination Identifiers
 ● Restricted Use
 ▽ Limited Restrictions
 □ Exempt from Conservation
 □ Compliance Provisions

2020 Program Year

Map Created April 13, 2020

Farm 4479

28-127N-57W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

AD-1026
(10-30-14)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

HIGHLY ERODIBLE LAND CONSERVATION (HELIC) AND
WETLAND CONSERVATION (WC) CERTIFICATION

Read attached AD-1026 Appendix before completing form.

PART A - BASIC INFORMATION

1. Name of Producer <u>Freeman JV</u>	2. Tax Identification Number (Last 4 digits)	3. Crop Year 2020
4. Names of affiliated persons with farming interests. Enter "None," if applicable. FREEMAN + <u>LeRoy, Leonard, Gary + Wayne</u>		
Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.		
5. Check one of these boxes if the statement applies; otherwise continue to Part B.		
A. <input type="checkbox"/> The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. Note: Do not check this box if the producer shares in a crop.		
B. <input type="checkbox"/> The producer in Part A meets all three of the following: <ul style="list-style-type: none"> • does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance. • only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and • has not converted a wetland after February 7, 2014. Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop. <p>Note: If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.</p>		

PART B - HELC/WC COMPLIANCE QUESTIONS

Indicate YES or NO to each question. <i>If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.</i>	YES	NO
6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?		X
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to: <ul style="list-style-type: none"> A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s):</i> _____ B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s):</i> _____ C. Maintain an existing drainage system that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s):</i> _____ Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs. <p>Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.</p>		
8. Check one or both boxes, if applicable; otherwise, continue to Part C or D. <ul style="list-style-type: none"> A. <input type="checkbox"/> Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the <u>first time</u> the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions. B. <input type="checkbox"/> Check this box if either of the following applies to the producer and crop year entered in Part A: <ul style="list-style-type: none"> • Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed). • Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed). 		

PART C - ADDITIONAL INFORMATION

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

A. Farm and/or tract/field number: Fm #4479 T1422 Fld #6
If unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity: Tiling

C. Current land use (specify crops): alfalfa

D. County: Marshall

F.S.A. COM

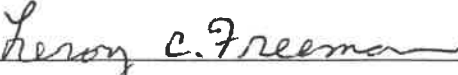

PART D – CERTIFICATION OF COMPLIANCE

I have received and read the AD-1026 Appendix and understand and agree to the terms and conditions therein on all land in which I (or the producer in Part A if different) and any affiliated person have or will have an interest. I understand that eligibility for certain USDA program benefits is contingent upon this certification of compliance with HELC and WC provisions and I am responsible for any non-compliance. I understand and agree that this certification of compliance is considered continuous and will remain in effect unless revoked or a violation is determined. I further understand and agree that:

- all applicable payments must be refunded if a determination of ineligibility is made for a violation of HELC or WC provisions.
- NRCS may verify whether a HELC violation or WC has occurred.
- a revised Form AD-1026 must be filed if there are any operation changes or activities that may affect compliance with the HELC and WC provisions. I understand that failure to revise Form AD-1026 for such changes may result in ineligibility for certain USDA program benefits or other consequences.
- affiliated persons are also subject to compliance with HELC and WC provisions and their failure to comply or file Form AD-1026 will result in loss of eligibility for applicable benefits to any individuals or entities with whom they are considered affiliated.

Producer's Certification:

I hereby certify that the information on this form is true and correct to the best of my knowledge.

10A. Producer's Signature (By) 	10B. Title/Relationship (If Signing in Representative Capacity) member	10C. Date (MM-DD-YYYY) 4-29-20
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative 	11B. Date (MM-DD-YYYY) 4-29-2020

IMPORTANT: If you are unsure about the applicability of HELC and WC provisions to your land, contact your local USDA Service Center for details concerning the location of any highly erodible land or wetland and any restrictions applying to your land according to NRCS determinations before planting an agricultural commodity or performing any drainage or manipulation. Failure to certify and properly revise your compliance certification when applicable may: (1) affect your eligibility for USDA program benefits, including whether you qualify for reinstatement of benefits through the Good Faith process; and (2) result in other consequences.

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12, the Food Security Act of 1985 (Pub. L. 99-198), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to certify compliance with HELC and WC provisions and to determine producer eligibility to participate in and receive benefits under programs administered by USDA agencies. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of producer ineligibility to participate in and receive benefits under programs administered by USDA agencies.

This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title II, Subtitle G, Funding and Administration). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE.**

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.