

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on July 27, 2021 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.

Swanson Farms has requested a Drainage Permit to start construction of a drain on the properties described as the SE1/4NE1/4 and LOT 1 (NE1/4NE1/4), LOT 2 (NW1/4NE1/4) & SW1/4NE1/4; Both of Section 1, T125N, R59W. The water will flow to the Northeast corner of LOT 1 (NE1/4NE1/4), LOT 2 (NW1/4NE1/4) & SW1/4NE1/4 and underneath 418th Ave to the property described as LOT 3 (NE1/4NW1/4), LOT 4 (NW1/4NW1/4), LOT 5 (SW1/4NW1/4) & SE1/4NW1/4 of Section 6, T125N, R58W. The water will flow into a manmade ditch and continue North.; for the purpose of draining water away from crop land. Construction will start on or before August 1, 2021 and will be completed on or before January 30th, 2023.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: July 14, 2021

1T (July 14)
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- APPLICATION FOR
DRAINAGE PERMIT**

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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$11.95.

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

July 9, 2021

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on July 27, 2021 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.

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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

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 7/9/2021:

1. Jay Jones – 1423 Windermere Way Brookings, SD 57006
2. Raydin Olson – 41852 116th St. Britton, SD 57430

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

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Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: July 7, 2021

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

July 1, 2021

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on July 13, 2021 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.

Swanson Farms has requested a Drainage Permit to start construction of a drain on the properties described as the SE1/4NE1/4 and LOT 1 (NE1/4NE1/4), LOT 2 (NW1/4NE1/4) & SW1/4NE1/4; Both of Section 1, T125N, R59W. The water will flow to the Northeast corner of LOT 1 (NE1/4NE1/4), LOT 2 (NW1/4NE1/4) & SW1/4NE1/4 and underneath 418th Ave to the property described as LOT 3 (NE1/4NW1/4), LOT 4 (NW1/4NW1/4), LOT 5 (SW1/4NW1/4) & SE1/4NW1/4 of Section 6, T125N, R58W. The water will flow into a manmade ditch and continue North.; for the purpose of draining water away from crop land. Construction will start on or before August 1, 2021 and will be completed on or before January 30th, 2023.

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

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 7/1/2021:

1. Jay Jones – 1423 Windermere Way Brookings, SD 57006
2. Raydin Olson – 41852 116th St. Britton, SD 57430

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT		DRAINAGE REQUIREMENTS	
Name: <u>SWANSON Farms</u>		Certified Wetland Determination attached?	
Address(Mailing): <u>11947 418th Ave</u>		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
City: <u>Langford</u> State: <u>SD</u> Zip: <u>57454</u>		Explain: _____	
Phone: <u>605-237-9088</u>		Engineer's plans attached?	
LOCATION OF LAND TO BE DRAINED		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
Legal Owner: <u>SWANSON, Kevin, Steven & Paul</u>		Explain: _____	
Legal Description: <u>1 125 59</u>		NOTE: A map showing the location of the proposed drain MUST accompany this application.	
<u>Lot 1 (NE 1/4 NE 1/4)</u>		Description	
Section: <u>1</u> Township: <u>125</u> Range: <u>59</u>		1. Proposed drainage ditch:	
LOCATION OF OUTLET END OF PROPOSED DRAIN		a. Length of drain: _____ feet	
Legal Description: <u>NE corner of Sec.</u>		b. Drain Design: 1) Bottom width: _____ feet	
		2) Side Slope: _____ percent	
Section: _____ Township: _____ Range: _____		3) Maximum cut: _____ feet	
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION		c. Proposed drainage flow: _____ cu. Ft./sec.	
Legal Description: _____		2. Proposed drainage tile (underground drain pipe):	
		a. Length of drain: _____ feet	
Section: _____ Township: _____ Range: _____		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: _____		Engineer	
		Name: <u>Ellingson Companies</u>	
Section: _____ Township: _____ Range: _____		Address: <u>500 Ellingson Rd Harwood ND 58042</u>	
		Phone: <u>701-893-9030</u>	
PLEASE FILL IN: I <u>Kevin Swanson</u> propose to start construction of the drain on or before <u>Aug 1</u> , 20 <u>21</u> , and will be completed on or before <u>Jan 30</u> , 20 <u>23</u> .			
The proposed drainage is a result of a township, county or other water management plan:			
[] YES [x] 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

Kevin Dueson

6-30-21

Applicant's Signature Date

Kevin Dueson

6-30-21

Drainage Administrator Signature

Date

Erin Colburn

6/30/21

Waiver for Performing Drainage Work in
Marshall County, South Dakota

I Rayda Olson am aware of the proposed drainage work
(downstream property owner)

being proposed by Swanson farms in the
(upstream property owner)

1 125 59 Lot 1 (NE 1/4 NE 1/4)
(legal description)

and do not object to the drainage as proposed.

Additional notes:

no objection

Dated this ____ day of 6-30, 2021

Rayda Olson
(Signature)

Benton St 41852110
(Address)

(City, State, Zip Code)

~~1448~~ 448 5423
(Telephone Number)

Ellingson COMPANIES

PO Box 68 West Concord, MN 55985
Phone: 507-527-2294 Fax: 507-527-2296

500 Ellingson Rd Harwood, ND 58042
Phone: 701-893-9030 Fax: 701-893-9040

Swanson Farms SD

Job Name: Swanson_Newport_1
Job No: 211005428P
Date: 04/06/2021
This Proposal Expires: 12/31/2021

Cust. No: 14020

<u>Description</u>	<u>Quantity</u>
04" Perf Tile and Installation	140571
06" Perf Tile and Installation	2085
08" Perf Tile and Installation	1981
10" Perf Tile and Installation	591
12" Perf Tile and Installation	693
24D" Perf Tile-Dual Wall and Installation	1130
Survey and Staking	147051
Mobilization- RRV	1
Liftstation-15HP CP06 VFD	1
Overcut	3457
Fittings	

Base Price \$ 218657.01

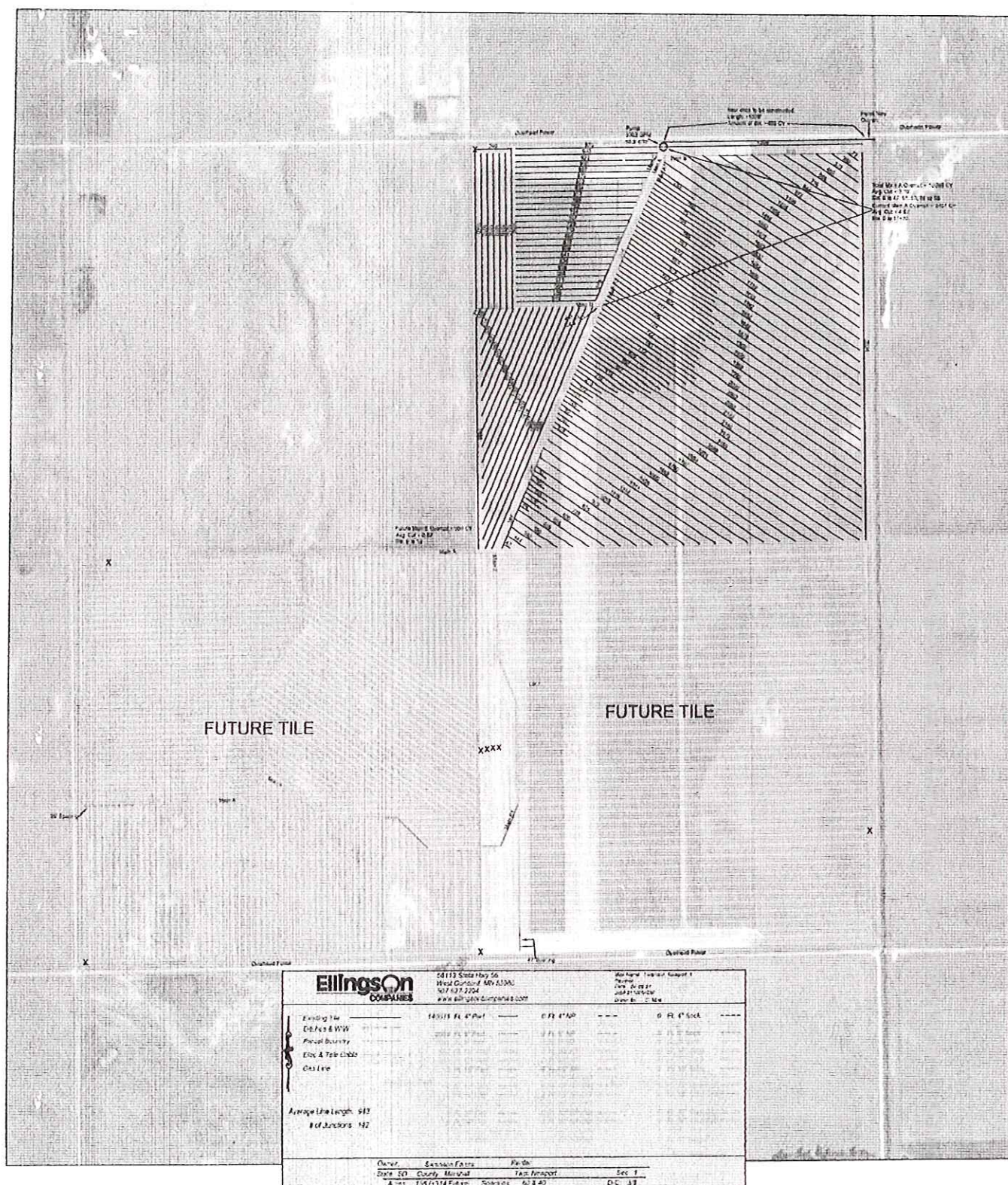
Sump sized for additional 2 - 15HP pumps in future
Mains sized for future 314 acres

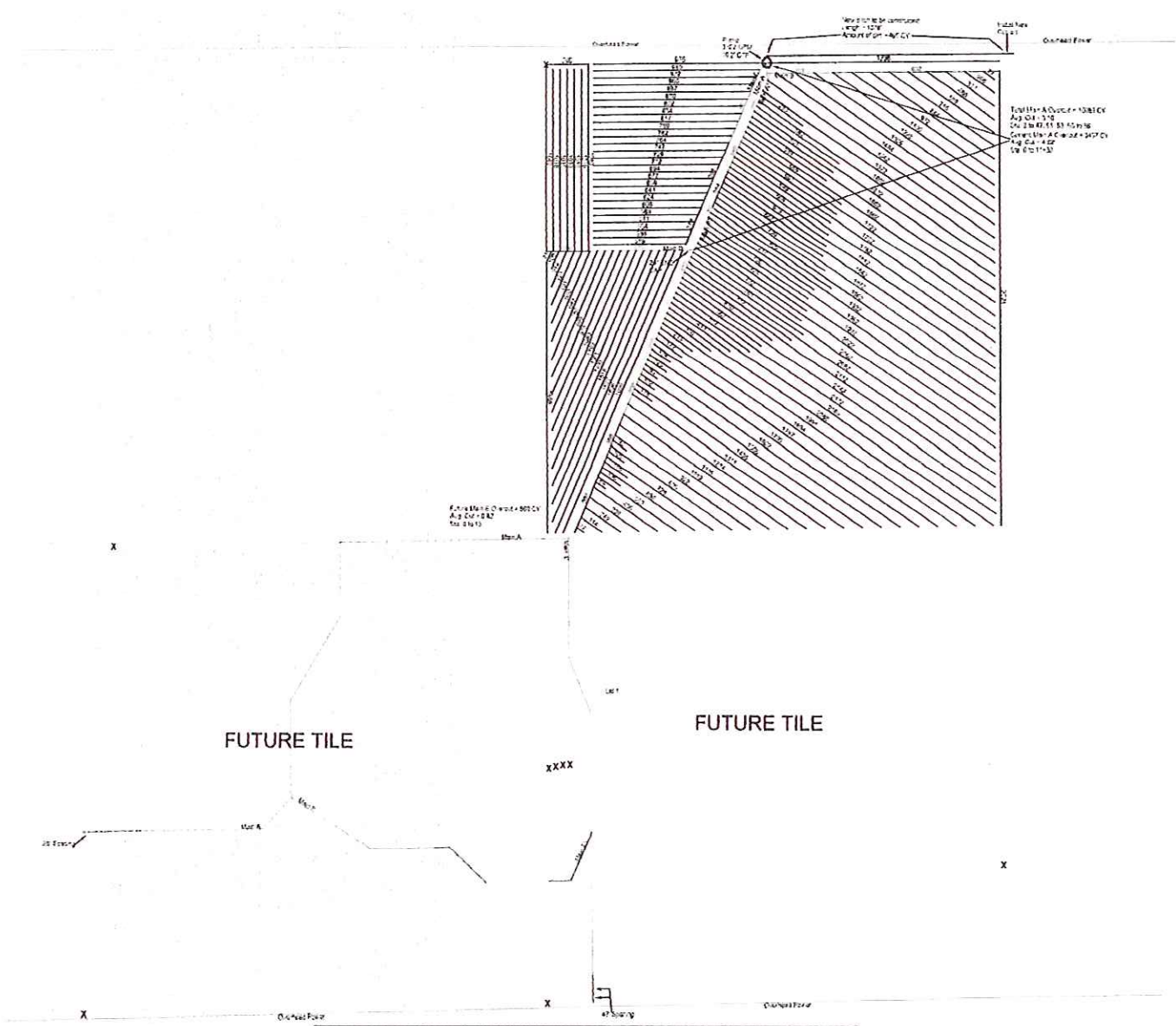
Total Price \$ 218657.01

Due upon completion - Amount Due \$ 218657.01

Customer Signature:	Date:
Ellingson Signature:	Date:

Proposal is contingent on acquiring all permits. If permits are not obtained downpayment money will be returned. This proposal is plus or minus 2%, you will be billed on actual tile installed in your field. It also does not include ditch cleaning, overcuts, road crossings, gravel, or utility crossings unless specified ____.





Ellingson Companies			
56113 State Hwy 56 Wheat Creek, ND 58085 507.527.2224 www.ellingsoncompanies.com			
Map Name: Section Map of 1 Project: 10011-10012 Client: C. B. B.			
Existing Tile	140671 FL 4" Pol	0 FL 4" AP	0 FL 4" SxS
Deliver & W/W	2000 FL 4" Pol	0 FL 4" AP	0 FL 4" SxS
Partial Boundary	2000 FL 4" Pol	0 FL 4" AP	0 FL 4" SxS
Elec & Tele Cable	2000 FL 4" Pol	0 FL 4" AP	0 FL 4" SxS
Gas Line	2000 FL 4" Pol	0 FL 4" AP	0 FL 4" SxS
Average Line Length	547	0 FL 4" AP	0 FL 4" SxS
# of Junctions	142	0 FL 4" AP	0 FL 4" SxS
Owner	Superior Farms	Revisor	Eric 1
Date	20	County	Marshall
Acres	156 (x114 Future)	Spacing	60 & 40
		D-G	39

Certified Wetland Determination

Field Office: Britton FO

Certified By: Joel Murano

Legal Desc: E 1/2 and SW 1/4 of Section 1-125N-59W

Agency: USDA-NRCS

Certified Date: 9/8/2016

Tract: 4394



Legend

Certified Wetland
Determination Boundary

Wetlands

Wetlands

▶ ▶ ▶ Ditch

NI

NI/Ditch

Tile

0 310 620 1,240 1,860 2,480 3,100 3,720 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.



Wetland hydrology means inundation or saturation of the site by surface or groundwater during the growing season at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. (7 CFR §12.2).

The wetland area(s) were evaluated for applicable exemptions and labeled accordingly.

You may appeal this preliminary technical determination in accordance with the laws and federal regulations set forth at 7 CFR §614, the NRCS Appeals Procedures, 7 CFR §780, the FSA Appeals Procedures, and 7 CFR §11, the National Appeals Division (NAD) Rules of Procedure, as follows:

- **You may request a field review and reconsideration** by the NRCS in accordance with 7 CFR 614.7(b). Any request for field review and reconsideration will be conducted with you or your authorized representative present, where you will be able to present evidence that the NRCS may not have previously considered. The NRCS will consider all new information.
- To request a field review and reconsideration, you must contact the NRCS, in writing, **no later than 30 days** from the date that you receive this notification at:

Joel Murano
Natural Resource Conservation Service
524 S enterprise St.
Aberdeen, SD 57401
Phone: 605-226-3360 ex. 113

- **If you do not request a field review, you may request mediation** of the PTD in accordance with 7 CFR 614.7(a)(2). Mediation is completed in good faith. Parties mediating a dispute are not free to make their own law or policy and mediation is not a means to obtain a result not otherwise permissible under statute, regulations, or generally applicable agency policy and program procedures. Within these parameters, mediation of disputes can produce benefits when the mediation reveals additional relevant facts and new insights.

To request mediation you must contact Ms. Kelly Olson in writing **no later than 30 days** from the date that you receive this notification at:

Assistant State Conservationist for Compliance
Natural Resources Conservation Service
200 Fourth Street SW
Huron, South Dakota 57350-2475
Phone: (605) 350-2211
Fax: (855) 256-2565

you wish to convert. The landowner must grant an easement that remains in effect as long as the original wetland remains converted and the easement will be recorded on public land records for the mitigated wetlands. All of the above activities, as well as, a mitigation plan, must be completed before any wetland conversions could occur.

If you are the owner of this tract of land and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026E with your tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this letter with your landlord.

The 2014 Farm Bill connected producer eligibility for Federal Crop Insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014, result in ineligibility for Federal Crop Insurance premium subsidy.

Sincerely,



**Joel Murano
Wetland Specialist**

Attachments NRCS-CPA-026e w/map

cc: (with attachments)

**Colleen Lund, CED, FSA, Marshall County FSA
Judith Schultz, DC, NRCS, Britton FO**

AW	<u>Artificial Wetland</u> : An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as
CC	<u>Commenced Conversion</u> : A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and the conversion was completed by January 1, 1995.
CPD	<u>COE Permit with Mitigation</u> : A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit.
CMW	<u>Categorical Minimal Effect</u> : A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands
CW	<u>Converted Wetland</u> : A wetland converted between December 23, 1985, and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985, by a county, drainage district, or similar entity. For these instances,
CW+year	<u>Converted Wetland + (year the conversion occurred)</u> : A wetland converted after November 28, 1990, where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies.
CWNA	<u>Converted Wetland Non-Agricultural Use</u> : A wetland converted after November 28, 1990, to a use other than agricultural commodity production. Label not used for certified wetland determinations completed after 2/2008.
CWTE	<u>Converted Wetland Technical Error</u> : A wetland converted or commenced after December 23, 1985, based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual.
FW	<u>Farmed Wetland</u> : A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years).
FWP	<u>Farmed Wetland Pasture or Hayland</u> : A wetland that is used for pasture or haying, was manipulated and planted before December 23, 1985, but still meets the inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years).
MIW	<u>Mitigation Exemption</u> : A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan.
MW	<u>Minimal Effect Exemption</u> : A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on NRCS determination that the conversion has or will have a minimal effect,
MWM	<u>Mitigation Site</u> : This site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site.
NI	<u>Not Inventoried</u> : An area where no wetland determination has been conducted. Label not used for certified wetland determinations completed after 2/2008.
NW	<u>Non-Wetland</u> : An area that does not contain a wetland. Also, includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria (not been abandoned).
PC	<u>Prior Converted Cropland</u> : A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the
PC/NW	
TP	<u>Prior Converted Cropland/Non-Wetland</u> : An area that contains both PC and NW.
W	<u>Third-Party Exemption</u> : A wetland converted after December 23, 1985, by a third party who is not associated with the
	<u>Wetland</u> : An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned.
WX	<u>Manipulated Wetlands</u> : A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage