

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on July 5, 2022 at 9:00 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage Permit from the Marshall County Drainage Board.

Newport is requesting a Drainage permit for construction of a drain on the properties described as the NW1/4, SW1/4 and the W1/2SE1/4 all of Section 24, T126N, R59W. The water will flow toward a pump located in the Northwest corner of the property described as the SW1/4 and then pumped into the Crow Creek drainage ditch which lies along the West side of the NW1/4 and SW1/4; for the purpose of draining water away from crop land. Construction will start on or before July 6, 2022 and will be completed on or before September 30, 2023.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: June 29, 2022

1T (June 29)
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Construction will start on or before July 6, 2022 and will be completed on or before September 30, 2023.

Erin Collins-Miles
Planning & Zoning Administrator
Published once at an approximate cost of \$8.99 and can be viewed free of charge at www.sdpublic-notices.com.

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

June 24, 2022

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on July 5, 2022 at 9:00 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage Permit from the Marshall County Drainage Board.

Newport is requesting a Drainage permit for construction of a drain on the properties described as the NW1/4, SW1/4 and the W1/2SE1/4 all of Section 24, T126N, R59W. The water will flow toward a pump located in the Northwest corner of the property described as the SW1/4 and then pumped into the Crow Creek drainage ditch which lies along the West side of the NW1/4 and SW1/4; for the purpose of draining water away from crop land. Construction will start on or before July 6, 2022 and will be completed on or before September 30, 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

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT	DRAINAGE REQUIREMENTS	
Name: <u>Glen Waldner</u>	Certified Wetland Determination attached? <input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
Address(Mailing): <u>11796 414 AVE</u>	Explain: <u>Emailed</u>	
City: <u>Clement</u> State: <u>SD</u> Zip: <u>57432</u>	Engineer's plans attached? <input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
Phone: <u>605 377 4707</u>	Explain: <u>Emailed</u>	
LOCATION OF LAND TO BE DRAINED		
Legal Owner: <u>Newport Hutterian</u>	NOTE: A map showing the location of the proposed drain MUST accompany this application.	
Legal Description: <u>NW 1/4 SW 1/4</u>		
<u>West half of SE 1/4</u>		
Description		
Section: <u>24</u> Township: <u>126</u> Range: <u>59</u>	 1. Proposed drainage ditch: a. Length of drain: <u>389,042</u> feet b. Drain Design: 1) Bottom width: _____ feet 2) Side Slope: _____ percent 3) Maximum cut: _____ feet c. Proposed drainage flow: <u>24105 GPM</u> cu. Ft./sec. 2. Proposed drainage tile (underground drain pipe): a. Length of drain: <u>389,042</u> feet b. Drain Diameter: <u>4"</u> inches c. Approx. area contributing runoff to the drain where tile is located: <u>380</u> acres. 	
LOCATION OF OUTLET END OF PROPOSED DRAIN		
Legal Description: <u>NW 1/4 & SW 1/4</u>		
Section: <u>24</u> Township: <u>126</u> Range: <u>59</u>		
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION		
Legal Description: <u>NW 1/4 & SW 1/4</u>		
<u>West half of SE 1/4</u>		
Section: <u>24</u> Township: <u>126</u> Range: <u>59</u>		
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED		
Legal Description/Rd: <u>Crow Creek</u>		Engineer
<u>West side of SW 1/4</u>	Name: <u>Ellingson</u>	
Section: <u>24</u> Township: <u>126</u> Range: <u>59</u>	Address: <u>W Concord MN</u>	
	Phone: <u>701 809 4609</u>	
PLEASE FILL IN: I <u>Newport Hutterian</u> propose to start construction of the drain on or before <u>July 6, 2022</u> , and will be completed on or before <u>Sept 30, 2023</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

Date

Glen Waldner

6-22-2022

Applicant's Signature

Date

Glen Waldner

6-22-2022

Drainage Administrator Signature

Date

[Signature]

6/22/22



Common Land Unit PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

2022 Program Year

Map Created March 17, 2022

Farm 4891

24-126N-59W-Marshall

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).

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Certified Wetland Determination
Legal Description:

W $\frac{1}{2}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ 24-126-59

By: JTM

Date: 24

1065

FW

1065

126-59



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	Newport Hutterian Brethren Inc 11796 414 th Ave. Claremont, SD. 57432-5808	Request Date:	4/5/2004	County:	Marshall
Agency or Person Requesting Determination:	FSA	Tract No:	1065	FSA Farm No.:	3013

Section I - Highly Erodible Land

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 undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL 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.

<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbust(Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>
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The Highly Erodible Land determination was completed in the-

Section II - Wetlands

Are there hydric soils on this farm?	Yes
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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.

<u>Field(s)</u>	<u>Wetland Label*</u>	<u>Occurrence Year (CW)**</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
1	W		19.3	5/25/1993	6/7/2004
1	CWNA		0.3	6/7/2004	6/7/2004
1	NW		375.2	6/7/2004	6/7/2004
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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, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

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The wetland determination was completed in the -Field It was -mailed to the person on 6/8/2004.

Remarks: The construction of an earthen dike, on the east side and parallel to the existing Newport-Weston Ditch, would impact 0.3 acres of wetland in tract 1065, field 1. The Food Security Act allows for small acreage of wetland to be impacted for non-agricultural purposes. The determination includes evidence that the floodplain soils on this tract do not flood for 15 consecutive days in 50% of the years. The US Army Corps of Engineers has been consulted on this project.

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.

<u>Signature Designated Conservationist</u>	<u>Date</u>
<i>Thomas J Martin</i>	<i>6/8/04</i>

*DEFINITIONS OF WETLAND LABEL CODES

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AW/FW	An area that contains both AW and FW.
AW/W	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CMW	An area that receives a Categorical Minimal Effect determination.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990. IN any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWNA	Converted Wetland Non-Agricultural use. A wetland area converted to other than agricultural commodity production.
CWTE	Converted Wetland Technical Error. An area converted or commenced based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland; was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	Mitigation Wetlands. Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990. A converted wetland, farmed wetland, or farmed wetland pasture on which functions and values were lost are compensated for through wetland restoration, enhancement or creation.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made,
MWM	An area determined to be minimal effect with mitigation.
NI	Not Inventoried – No wetland determination has been completed.
NW	Non-Wetland. An area that does not contain a wetland.
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
OW	Other Waters of the U.S. Area that fall under the jurisdiction of the Clean Water Act.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria. These are not subject to the wetland conservation provision unless the area reverts to wetland as a result of abandonment.
PC/NW	An area that contains both PC and NW.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions. If you plan to clear, drain, fill, level or manipulate these areas, contact NRCS and the Army Corp of Engineers prior to any such activity.
WX	A wetland area that has been manipulated after December 23, 1985, but was not, for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	Newport Hutterian Brethren Inc 11796 414 th Ave. Claremont, SD. 57432-5808	Request Date:	4/5/2004	County:	Marshall
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1	NW		9.3	5/25/1993	6/7/2004
2	W		13.2	5/25/1993	6/7/2004
2	NW		195.1	5/25/1993	6/7/04
2	CWNA		0.2	5/25/1993	6/7/04
4	W		0.3	5/25/1993	6/7/2004
4	NW		8.6	5/25/1993	6/7/2004
6	FW		11.0	5/25/1993	6/7/2004
6	NW		34.2	5/25/1993	6/7/2004
3	NW		17.0	5/25/1993	6/7/2004
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Remarks: The construction of an earthen dike, on the south side and parallel to the existing Spain Ditch, would impact 0.2 acres of wetland in tract 965, field 2. The Food Security Act allows for small acreage of wetland to be impacted for non-agricultural purposes. The extension of the existing dike on the north side of the Spain Ditch, into the NW 1/4 of section 25, 126-59, would not impact wetland. The determination includes evidence that the floodplain soils on this tract do not flood for 15 consecutive days in 50% of the years. The US Army Corps of Engineers has been consulted on this project..

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NOT TO SCALE

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Certified Wetland Determination
Legal Description:

5 1/2 25-126-59

By TJM

Date 4/95

Wetland Determination

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