

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on August 23, 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 SW1/4 & SE1/4 Section, 25, T126N, R59W and the N1/2NW1/4 Section 36, T126N, R59W. The water will flow toward the Northwest corner of the SW1/4 of Section 25 and then pumped into the Crow Creek drainage ditch; for the purpose of draining water away from crop land. Construction will start on or before September 1, 2022 and will be completed on or before September 1, 2025.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: August 10, 2022



1T (Aug 10)
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Published once at an approximate cost of \$8.70 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT	DRAINAGE REQUIREMENTS
Name: <u>Glen Walker</u>	Certified Wetland Determination attached?
Address(Mailing): <u>11796 414 AVE</u>	<input checked="" type="checkbox"/> YES [] NO [] NA (see below) Explain:
City: <u>Claremont</u> State: <u>SD</u> Zip: <u>57430</u>	
Phone: <u>605 377 4707</u>	Engineer's plans attached?
LOCATION OF LAND TO BE DRAINED	<input checked="" type="checkbox"/> YES [] NO [] NA (see below) Explain:
Legal Owner: <u>Newport Hutterian</u>	NOTE: A map showing the location of the proposed drain MUST accompany this application.
Legal Description: <u>SE 1/4 + SW 1/4 of Sect. 25</u>	
<u>N 1/2 of NW 1/4 of section 36</u>	Description
Section: <u>2536</u> Township: <u>126N</u> Range: <u>59W</u>	1. Proposed drainage ditch:
LOCATION OF OUTLET END OF PROPOSED DRAIN	a. Length of drain: _____ feet
Legal Description: <u>NW corner of</u>	b. Drain Design: 1) Bottom width: _____ feet
<u>SW 1/4 of section 25</u>	2) Side Slope: _____ percent
Section: <u>25</u> Township: <u>126N</u> Range: <u>59W</u>	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):
Section: _____ Township: _____ Range: _____	a. Length of drain: <u>225,000</u> feet
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED	b. Drain Diameter: <u>4"</u> inches
Legal Description/Rd: <u>Crow Creek</u>	c. Approx. area contributing runoff to the drain where tile is located: <u>276</u> acres.
on <u>N end of SW 1/4 of sect 25</u>	Engineer
Section: <u>25</u> Township: <u>126N</u> Range: <u>59W</u>	Name: <u>Ellingson</u>
Address: _____	Address: <u>Concord MN</u>
Phone: _____	Phone: <u>507 527 2294</u>
PLEASE FILL IN: I _____, propose to start construction of the drain on or before	
<u>Sept 1, 2022</u> and will be completed on or before <u>Sept 1, 2025.</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

Alan Walden

8-5-2022

Applicant's Signature

Date

Alan Walden

8-5-2022

Drainage Administrator Signature

Date

Paul (Lusk) [Signature]

8/5/2022

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

August 11, 2022

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on August 23, 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.

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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

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Sincerely,

Erin Collins-Miles

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Planning and Zoning Administrator

Sent to the following adjacent landowners on 8/11/22:

- 1. Steven Vietor – 11422 416th St. Amherst, SD 57421**
- 2. Douglas Vietor – 11334 420th Ave. Britton, SD 57430**
- 3. Donald Leshner – 12120 419th Ave. Langford, SD 57454**



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:	965	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>
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		

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	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
-	-				
-	-				
-	-				

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.

*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.

NOT TO SCALE

23 44
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817



Certified Wetland Determination
Legal Description:

S 1/2 25-126-59

By TJM

Date 4/05

W
25

Vanessa K. Meyer

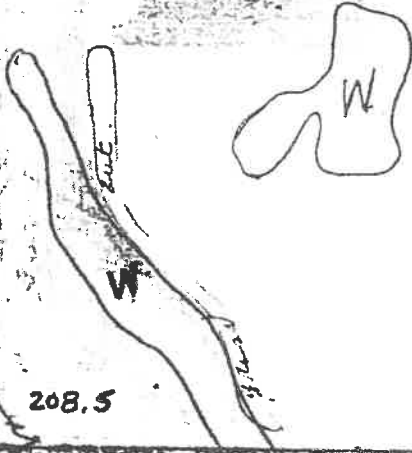
1592

4



206 3

T965



T965

Airport Gateway

8.9

126-59

7.3 122R-L4

77.6
T967



1. Name and Address of Person
NEWPORT Colony
% Joe Wurtz
Rt 1, Box 4
Claremont, SD. 57432-9610

2. Date of Request
5/13/93

3. County
MARSHALL

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name of USDA Agency or Person Requesting Determination

ASCS

5. Farm No. and Tract No
FM 1950, T965

SECTION I - HIGHLY ERODIBLE LAND

Is soil survey now available for making a highly erodible land determination?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	FIELD NO (s)	TOTAL ACRES
Are there highly erodible soil map units on this farm?	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985				
List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program.			N/A.	
This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>				

SECTION II - WETLAND

Are there hydric soils on this farm?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	FIELD NO (s)	TOTAL ACRES
Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.			SEE ATTACHED SCS-CPA-026A FOR WETLAND ACRES (TRACT 965)	
Prior Converted Cropland (PC) Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to the wetland conservation provisions unless the area reverts to wetland as a result of abandonment.				
Artificial Wetlands (AW) Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions				
Minimal Effect Wetlands (MW) These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.				
Mitigation Wetlands (MIW) Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.				
Restoration with Violation (RVW-year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.				
Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.				
Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.				
Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.				
Converted Wetlands (CW). Wetlands converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.				
Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.				
Converted Wetland Non-Agricultural use (CWNA) Wetlands that are converted for trees, fish production, shrubs, berries, vineyards or building and road construction				
Converted Wetland Technical Error (CWTE) Wetlands that were converted as a result of incorrect determination by SCS				

The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA
The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and installed will cause the area to become a Converted Wetland (CW) See item 22 for information on CW+year
The wetland determination was completed in the office field and was delivered mailed to the person on 5/25/93

Remarks CLEANING SILT DEPOSIT AND DEBRIS FROM NATURAL DRAIN AREA WILL NOT CAUSE A CONVERSION OF THE WETLAND. ACTION WILL NOT AFFECT SCOPE AND REACH OF NATURAL FLOW OF WATER THROUGH THIS AREA.

I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits and that wetland hydrology, hydric soils and riparian vegetation under normal circumstances exist on all areas outlined as Farmed Wetlands and Farmed Wetlands Pasture

30. Signature of SCS District Conservationist
Thomas J. Martin
31 Date
5/25/93

OFFICIAL WETLAND DETERMINATION
for Highlighted Tracts Only

NOT TO SCALE

