

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on October 18, 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.

Patterson Farm, Inc. is requesting a Drainage permit for construction of a drain on the property described as the NE1/4 of Section 22, T127N, R57W. Water will discharge into the crow creek water system; for the purpose of draining water away from crop land and adjacent township road. Construction will start on or before October 19, 2022 and will be completed on or before December 31st, 2026.

Patterson Farm, Inc. is requesting a Drainage permit for construction of a drain on the property described as the NE1/4 EXC.LOT 1 OF PATTERSON FARM INC. of Section 21, T127N, R57W. Water will discharge into the crow creek water system; for the purpose of draining water away from crop land and adjacent township road. Construction will start on or before October 19, 2022 and will be completed on or before December 31<sup>st</sup>, 2026.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of:

*For publication: October 5, 2022*

*Patterson Farm, Inc.  
by Ryan E. Patterson, President*

1T (Oct 5)  
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- APPLICATION FOR  
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Erin Collins-Miles, Planning & Zoning Administrator  
Published at an approximate cost of \$11.89 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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

September 30, 2022

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on October 18, 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 one or both of the proposed drainage project(s); you are being notified of the hearing. If you have any questions, please contact my office or visit our website to look at the file pertaining to the aforementioned projects. 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 BOARD  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430  
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Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Administrator

**Sent to the following adjacent landowners on 10/3/22:**

- 1. Eugene & Betty Behnke – 42671 109<sup>th</sup> St. Britton, SD 57430**
- 2. Gary, Wayne & Leonard Freeman – 42875 112<sup>th</sup> St. Britton, SD 57430**
- 3. A. William Spiry – 2101 8<sup>th</sup> Ave. N Fargo, ND 58102**
- 4. Timothy L. Gronseth – 951 South Camino Del Portillo Green Valley, AZ 85614**
- 5. Brett Hockenbrock – 10910 427<sup>th</sup> Ave. Britton, SD 57430**

# MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT	DRAINAGE REQUIREMENTS	
Name: <u>Patterson Farm, Inc by Ryan C Patterson</u>	Certified Wetland Determination attached? <input checked="" type="checkbox"/> YES [ ] NO [ ] NA (see below) Explain: _____	
Address(Mailing): <u>42474 SD Hwy 10</u>		
City: <u>Britton</u> State: <u>SD</u> Zip: <u>57430</u>		
Phone: <u>605-448-8291</u>	Engineer's plans attached? <input checked="" type="checkbox"/> YES [ ] NO [ ] NA (see below) Explain: <u>Option A + Option B</u>	
LOCATION OF LAND TO BE DRAINED		
Legal Owner: <u>Patterson Farm, Inc</u>	<b>NOTE: A map showing the location of the proposed drain MUST accompany this application.</b>	
Legal Description: <u>NE 1/4 22-127-57</u>		
Description		
Section: <u>22</u> Township: <u>127N</u> Range: <u>57W</u>	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 <u>See tile map</u> b. Drain Diameter: _____ inches c. Approx. area contributing runoff to the drain where tile is located: <u>140</u> acres.	
LOCATION OF OUTLET END OF PROPOSED DRAIN		
Legal Description: <u>NW</u> <u>NE</u>		
Section: <u>22</u> Township: <u>127N</u> Range: <u>57W</u>		
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION		
Legal Description: <u>NE 1/4</u>		
Section: <u>22</u> Township: <u>127N</u> Range: <u>57W</u>		
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED		
Legal Description/Rd: _____	Engineer	
	Name: <u>North American Drainage</u>	
	Address: <u>PO Box 1300 Aberdeen, SD 57401</u>	
Section: _____ Township: _____ Range: _____	Phone: <u>605-290-3270 (Tyler)</u>	
PLEASE FILL IN: I <u>Patterson Farm, Inc by Ryan C Patterson</u> , propose to start construction of the drain on or before <u>Oct 19</u> , 20 <u>22</u> , and will be completed on or before <u>Dec 31</u> , 20 <u>26</u> .		
The proposed drainage is a result of a township, county or other water management plan: [ ] YES            [ ] No <input checked="" type="checkbox"/> 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

*Patterson Drain, Inc*  
*by Ryan C. Patterson, President*

*Sept 29, 2022*

Applicant's Signature

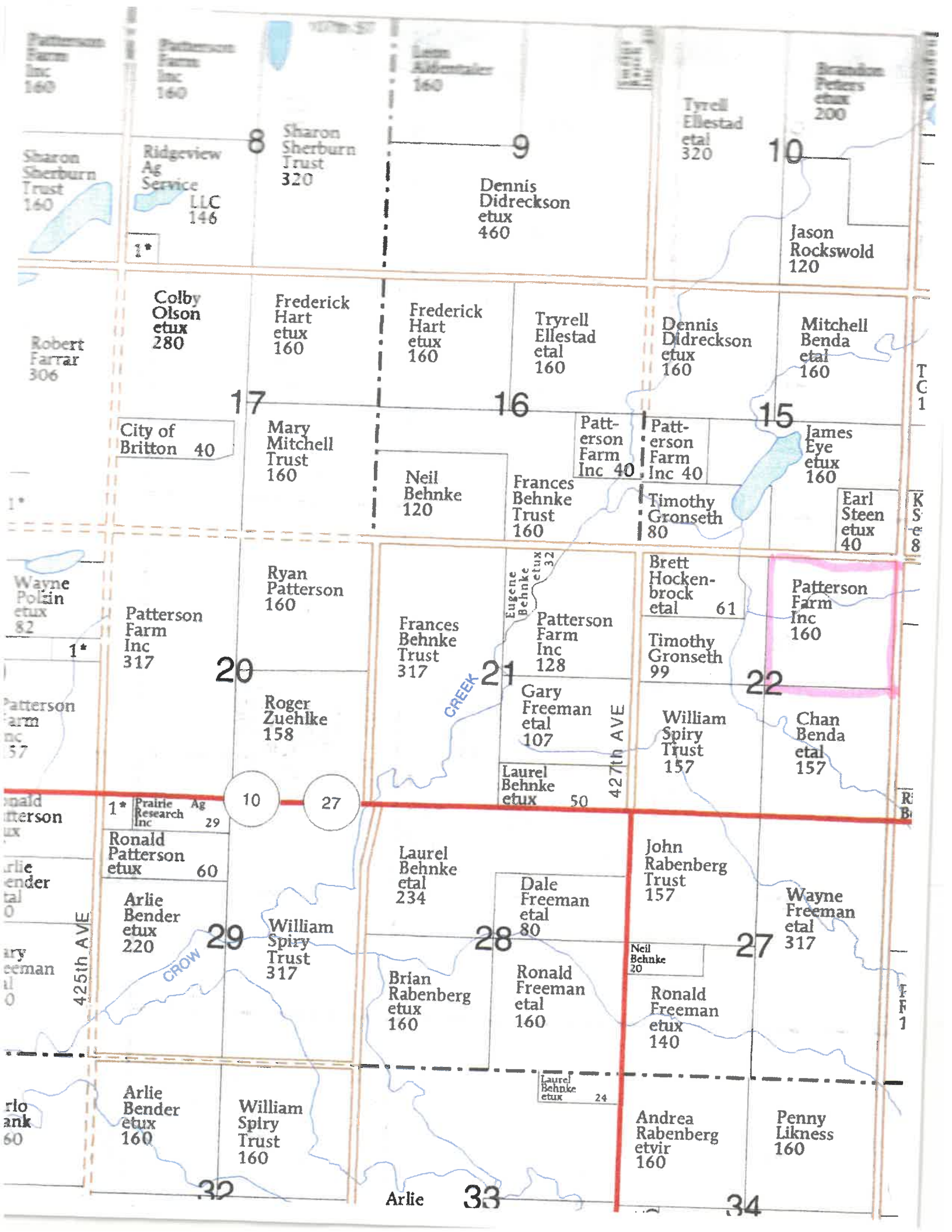
Date

Drainage Administrator Signature

Date

*Paul W. Bellm*

*9/29/22*



Patterson Farm Inc 160  
 Sharon Sherburn Trust 160  
 Ridgeview Ag Service LLC 146  
 Sharon Sherburn Trust 160  
 Sharon Sherburn Trust 320  
 Dennis Didreckson etux 460  
 Tyrrell Ellestad etal 320  
 Jason Rockswold 120  
 Brandon Peters etux 200

Robert Farrar 306  
 Colby Olson etux 280  
 Frederick Hart etux 160  
 Frederick Hart etux 160  
 Tryrell Ellestad etal 160  
 Dennis Didreckson etux 160  
 Mitchell Benda etal 160  
 City of Britton 40  
 Mary Mitchell Trust 160  
 Neil Behnke 120  
 Frances Behnke Trust 160  
 Patterson Farm Inc 40  
 Patterson Farm Inc 40  
 Timothy Gronseth 80  
 James Eye etux 160  
 Earl Steen etux 40

Wayne Polzin etux 82  
 Patterson Farm Inc 317  
 Ryan Patterson 160  
 Frances Behnke Trust 317  
 Eugene Behnke etux 32  
 Patterson Farm Inc 128  
 Brett Hockenbrock etal 61  
 Timothy Gronseth 99  
 Patterson Farm Inc 160  
 Roger Zuehlke 158  
 Gary Freeman etal 107  
 William Spiry Trust 157  
 Chan Benda etal 157  
 Laurel Behnke etux 50

Ronald Patterson etux 60  
 Arlie Bender etux 220  
 William Spiry Trust 317  
 William Spiry Trust 317  
 Laurel Behnke etal 234  
 Dale Freeman etal 80  
 John Rabenberg Trust 157  
 Wayne Freeman etal 317  
 Neil Behnke 20  
 Ronald Freeman etux 140

Arlie Bender etux 160  
 William Spiry Trust 160  
 Brian Rabenberg etux 160  
 Ronald Freeman etal 160  
 Ronald Freeman etux 140  
 Andrea Rabenberg etvir 160  
 Penny Likness 160  
 Arlie 33  
 34



United States Department  
of Agriculture

Natural Resources  
Conservation Service

NRCS-CPA-026E  
9/2000

**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address:	Patterson Farm, Inc 42474 SD Hwy 10 Britton, SD 57430-5600	Request Date:	2/15/11	County:	Marshall
Agency or Person Requesting Determination:	FSA	Tract No:	3448	FSA Farm No.:	3915

**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.

Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		
-	-	-		

The Highly Erodible Land determination was completed in the -

**Section II - Wetlands**

Are there hydric soils on this farm?	Yes
--------------------------------------	-----

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.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Determination Date	Certification Date
1	NW		43.6	7/5/2011	8/5/2011
2	W		1.0	7/5/2011	8/5/2011
2	NW		51.7	7/5/2011	8/5/2011
3	NI		8.8	7/5/2011	8/5/2011
4	NW		17.1	7/5/2011	8/5/2011
5	NW		30.3	7/5/2011	8/5/2011
6	NW		4.0	7/5/2011	8/5/2011
-					
-					
-					
-					

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 FARGT 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

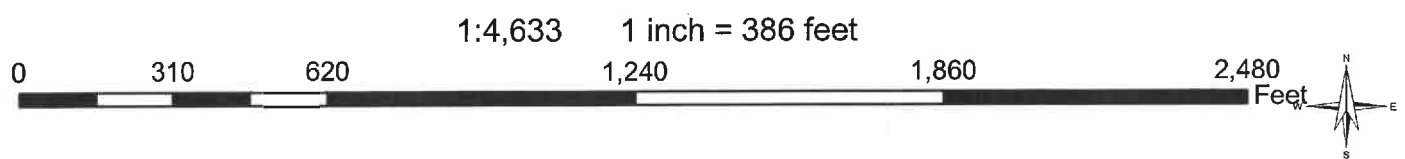
AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AWFW	An area that contains both AW and FW.
AWW	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps 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.

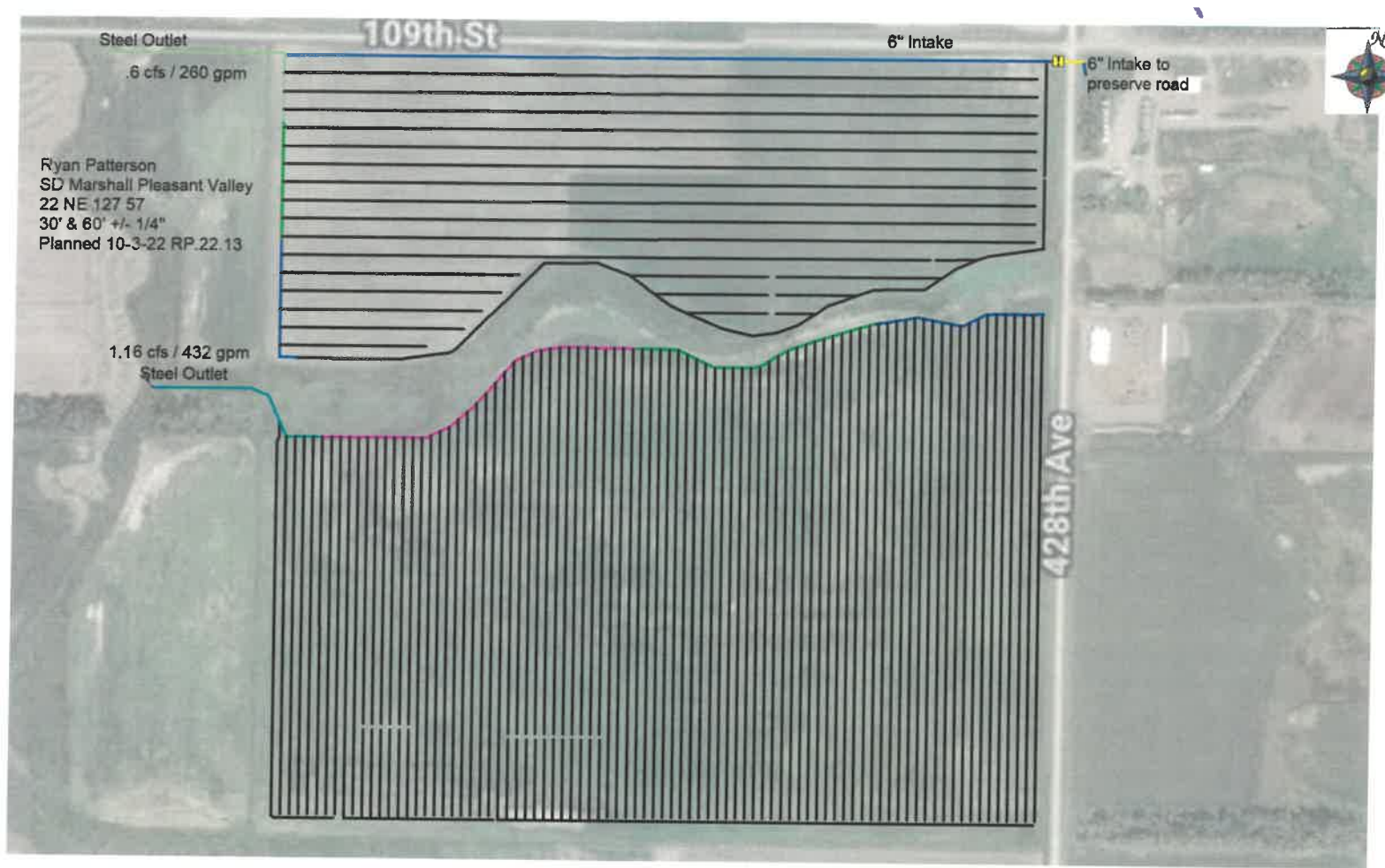




Producer: Patterson Farm Inc.  
Legal Desc: NE 1/4 22-127-57

App! Acres: 160  
Tract: 3448












Steel Outlet  
 .6 cfs / 260 gpm  
 Ryan Patterson  
 SD Marshall Pleasant Valley  
 22 NE 127 57  
 30' & 60' +/- 1/4"  
 Planned 10-3-22 RP.22.13

1.16 cfs / 432 gpm  
 Steel Outlet

6" Intake  
 6" Intake to preserve road

428th Ave



	04"	165989.92 ft
	06"	3600.49 ft
	08"	1215.00 ft
	08" Solid	825.00 ft
	6" Road Bore	80.00 ft
	10"	1150.00 ft
	12" Solid	640.00 ft

# MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT		DRAINAGE REQUIREMENTS	
Name: <u>Patterson Farm, Inc by Ryan C Patterson</u>		Certified Wetland Determination attached?	
Address(Mailing): <u>42474 SD Hwy 10</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>605-448-8291</u>		Engineer's plans attached?	
<b>LOCATION OF LAND TO BE DRAINED</b>		<input checked="" type="checkbox"/> YES [ ] NO [ ] NA (see below)	
Legal Owner: <u>Patterson Farm, Inc</u>		Explain:	
Legal Description: <u>NE 1/4 21-127-57</u>		<b>NOTE: A map showing the location of the proposed drain MUST accompany this application.</b>	
		<b>Description</b>	
Section: <u>21</u> Township: <u>127N</u> Range: <u>57W</u>		1. Proposed drainage ditch:	
<b>LOCATION OF OUTLET END OF PROPOSED DRAIN</b>		a. Length of drain: _____ feet	
Legal Description: <u>NE</u>		b. Drain Design: 1) Bottom width: _____ feet	
		2) Side Slope: _____ percent	
Section: <u>NE 21</u> Township: <u>127N</u> Range: <u>57W</u>		3) Maximum cut: _____ feet	
<b>LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION</b>		c. Proposed drainage flow: _____ cu. Ft./sec.	
Legal Description: <u>NE 1/4</u>		2. Proposed drainage tile (underground drain pipe):	
		a. Length of drain: _____ feet <span style="float: right;"><i>See tile map</i></span>	
Section: <u>21</u> Township: <u>127N</u> Range: <u>57W</u>		b. Drain Diameter: _____ inches	
<b>LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED</b>		c. Approx. area contributing runoff to the drain where tile is located: _____ acres.	
Legal Description/Rd:		<b>Engineer</b>	
		Name: <u>North American Drainage</u>	
Section: _____ Township: _____ Range: _____		Address: <u>PO Box 1300 Aberdeen, SD 57401</u>	
PLEASE FILL IN: I <u>Patterson Farm, Inc by Ryan C Patterson</u> , propose to start construction of the drain on or before <u>Oct 19, 2022</u> , and will be completed on or before <u>Dec 31, 2026</u> .		Phone: <u>605-290-3270 (Tyler)</u>	
The proposed drainage is a result of a township, county or other water management plan:			
[ ] YES [ ] No <input checked="" type="checkbox"/> 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

*Patterson Drain, Inc*  
*by Ryan C Patterson President*

*Sept 29, 2022*

Applicant's Signature

Date

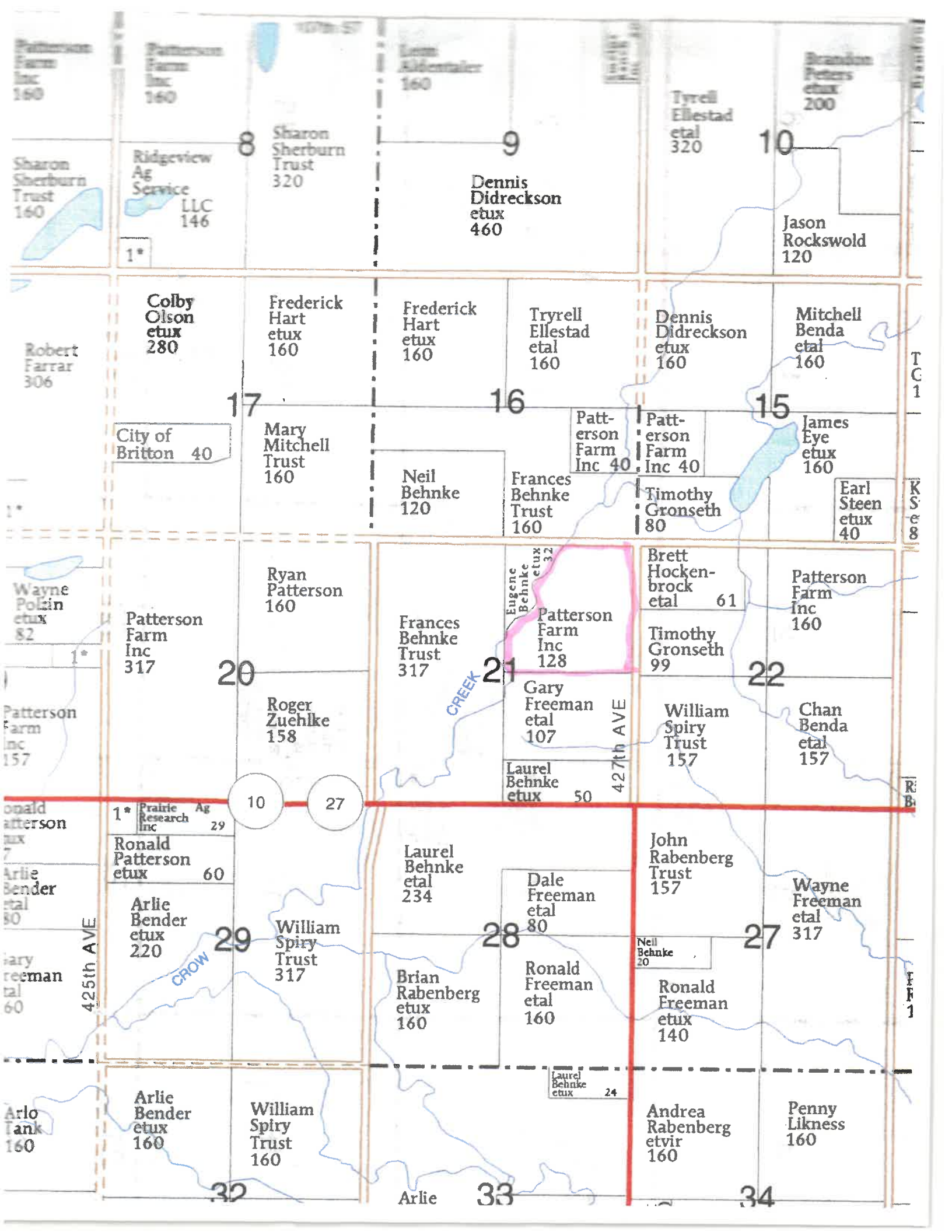
Drainage Administrator Signature

Date

*[Signature]*

*9/29/22*





U.S.D.A. Soil Conservation Service

SCS-CPI 6 (A) 1

1. Name and Address of Person  
PATTERSONS FARMS  
RR1, Box 15  
BRITTON, SD 57430

2. Date of Request

3. County

MARSHALL

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

4. Name of USDA Agency or Person Requesting Determination

PRODUCER APPEAL

5. Farm No. and Tract No.

F 2220 & F 1720

SECTION I - HIGHLY ERODIBLE LAND

	FIELD NO.(s)	TOTAL ACRES
6. Is soil survey now available for making a highly erodible land determination? Yes <input type="checkbox"/> No <input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm? Yes <input type="checkbox"/> No <input type="checkbox"/>		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.		
9. 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.		
10. This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>		

SECTION II - WETLAND

	FIELD NO.(s)	TOTAL ACRES
11. Are there hydric soils on this farm? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
12. 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.	T 1393, T 2044 T 2007, T 2097 T 3044, T 3092 T 3048, T 3160 T 3727, T 3725	135.5
13. 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.		
14. Artificial Wetlands (AW). Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.		
15. 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.		
16. 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.		
17. 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.		
18. 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.		
19. 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.		
20. Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.		
21. 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.		
22. Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.		
23. Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.		
24. Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by SCS.		
25. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.		
26. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 22 for information on CW+year.		
27. The wetland determination was completed in the office <input checked="" type="checkbox"/> field <input type="checkbox"/> and was delivered <input type="checkbox"/> mailed <input checked="" type="checkbox"/> to the person on 12/7/94.		
28. Remarks. SEE ATTACHED MAP FOR LOCATION AND IDENTIFICATIONS OF INDIVIDUAL WETLANDS		

9. 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 hydrophytic vegetation under normal circumstances exist on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.

30. Signature of SCS District Conservationist

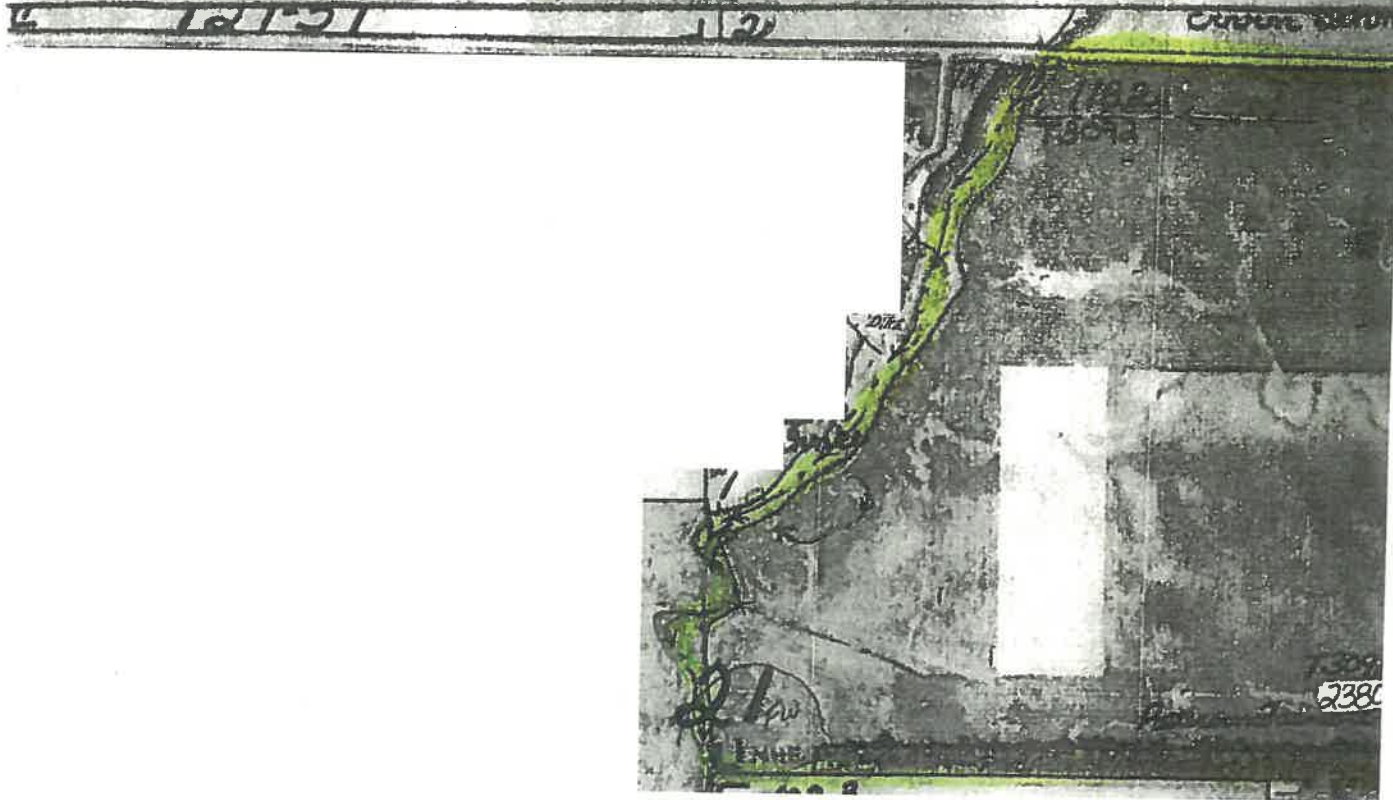
[Signature]

31. Date

12/7/94

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, or handicap.

NOT TO SCALE







Lift Station

Intake

Intake

427th Ave

Intake

Ryan Patterson  
SD Marshall Pleasant Valley  
22 NE 127 57  
60' +/- 1/4"  
Planned 9-28-22 RP.21.3  
1.45 CFS / 540 GPM



04"	73799.35 ft
06"	7251.20 ft
08"	2040.00 ft
10"	525.28 ft
18" DW	20.00 ft