

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT	DRAINAGE REQUIREMENTS
Name: <u>Riverview, LLP</u>	Certified Wetland Determination attached?
Address(Mailing): <u>26406 470th Ave</u>	<input checked="" type="checkbox"/> YES [] NO [] NA (see below)
City: <u>Morris</u> State: <u>MN</u> Zip: <u>56267</u>	Explain: _____
Phone: <u>320-392-5609</u>	Engineer's plans attached?
LOCATION OF LAND TO BE DRAINED	<input checked="" type="checkbox"/> YES [] NO [] NA (see below)
Legal Owner: <u>Riverview, LLP</u>	Explain: _____
Legal Description: <u>E 1/2 of the SW 1/4</u>	NOTE: A map showing the location of the proposed drain MUST accompany this application.
<u>Exc Lot H1 HWY</u>	Description
Section: <u>16</u> Township: <u>128N</u> Range: <u>53W</u>	1. Proposed drainage ditch: <u>N/A</u>
LOCATION OF OUTLET END OF PROPOSED DRAIN	a. Length of drain: _____ feet
Legal Description: <u>NE 1/4 of the SW 1/4</u>	b. Drain Design: 1) Bottom width: _____ feet
GPS Coordinates: <u>45.86951, -97.30536</u>	2) Side Slope: _____ percent
Section: <u>16</u> Town: <u>128N</u> Range: <u>53W</u>	3) Maximum cut: _____ feet
LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION	c. Proposed drainage flow: _____ cu. Ft./sec.
Legal Description: <u>NE 1/4 of the SW 1/4</u>	2. Proposed drainage tile (underground drain pipe):
Section: <u>16</u> Township: <u>128N</u> Range: <u>53W</u>	a. Length of drain: <u>840</u> feet
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED	b. Drain Diameter: <u>8</u> inches
Legal Description/Rd: <u>NE 1/4 of the SW 1/4</u>	c. Approx. area contributing runoff to the drain where tile is located: <u>4.2</u> acres.
ENGINEER	Engineer
Section: <u>16</u> Township: <u>128N</u> Range: <u>53W</u>	Name: <u>Settje Agri-Services & Engineering</u>
PLEASE FILL IN: I <u>Riverview, LLP</u> , propose to start construction of the drain on or before	Address: <u>15460 NW 418th St, Raymond, NE 68428</u>
<u>September 1, 2023</u> , and will be completed on or before <u>December 1, 2023</u> .	Phone: <u>402-783-2100</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: _____	

TO BE USED BY DRAINAGE ADMINISTRATOR AND DRAINAGE BOARD ONLY:

PERSUANT TO THE MARSHALL COUNTY, SD DRAINAGE PERMIT ORDINANCE PURPOSE AND SCOPE:

1. Notice of hearing for the proposed drainage has been published in the newspaper 5-15 days before hearing:

Yes No Other

Date Published: 8/23/23

If other was chosen, please explain:

2. Notice of hearing for the proposed drainage has been sent to all those directly affected by the project not less than 10 days before hearing:

Yes No Other

Date sent: 8/22/23

If other was chosen, please explain:

3. The application was sent to the Drainage Board for review prior to the scheduled hearing:

Yes No Other

Date sent: 8/31/23

If other was chosen, please explain:

4. All criteria to determine whether drainage will adversely affect public R.O.W's or utilities has been considered:

Uncontrolled drainage within the limits of any county R.O.W. which do not have sufficient capacity to handle the additional flow and quantity of water.

Explain:

Whether the uncontrolled drainage will expose, weaken communication transmission line, pipelines, distribution lines or road structures or surfacing

Explain:

Whether drainage is accomplished by reasonable improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity or in the artificial drain system is adopted

Explain:

The amount or flow of water proposed to be drained, the design and other physical aspects of the drain and the impact of sustained flows

Explain:

Waiver for Performing Drainage Work in
Marshall County, South Dakota

I Dillon Lien am aware of the proposed drainage work
(downstream property owner)

being proposed by Riverview, LLP in the
(upstream property owner)

E 1/2 of SW 1/4 + SW 1/4 of SE 1/4, Sec. 16, T18N, R53W
(legal description)

and do not object to the drainage as proposed.

Additional notes:

Dated this 2nd day of September 2023

Dillon Lien
(Signature)

104 S. Greenman St
(Address)

Veblen, SD 57270
(City, State, Zip Code)

605-228-4633
(Telephone Number)

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on September 5, 2023 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.

Riverview, LLP (Marshall West Dairy) is requesting a Drainage permit for construction of a drain on the property described as E1/2SW1/4 EXC LOT H1 HWY Section 16, T128N, R53W. Rainwater can accumulate on the surface of synthetically covered manure basins. Using a small pump and hose, water from the cover would be removed and put into an underground drain pipe. The underground pipe would then drain the water into the private ditch north/north-east of the property described above. The drain area would be approximately four acres. Construction will start on or after October 3, 2023, and will be completed on or before December 31, 2023.

Erin Collins-Miles
Drainage Director

Published once at the approximate cost of:

For publication: August 23, 2023

1T (Aug 23)
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- APPLICATION FOR
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Using a small pump and hose, water from the cover would be removed and put into an underground drain pipe. The underground pipe would then drain the water into the private ditch north/north-east of the property described above. The drain area would be approximately four acres. Construction will start on or after October 3, 2023, and will be completed on or before December 31, 2023.

Erin Collins-Miles, Drainage Director
Published at an approximate cost of \$10.44 and can be viewed free of charge at www.sdpublicnotices.com.

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

August 22, 2023

To whom it may concern,

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Being as you are an adjacent landowner to 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. The file will be uploaded to <https://marshall.sdcountries.org/planningzoning/zoning-meeting-minutes-agendas/> in its entirety on August 31, 2023. 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
605.448.7540

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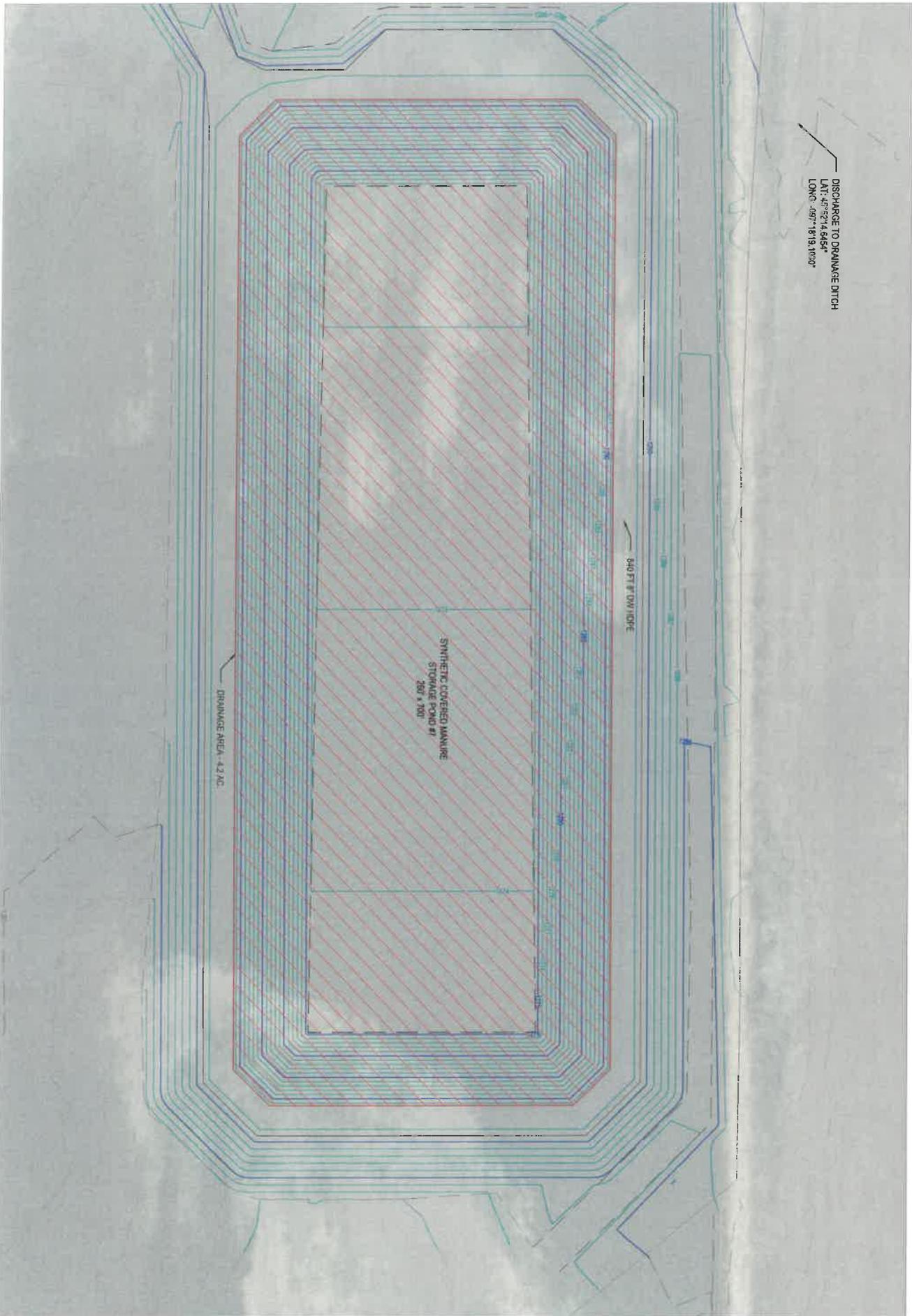
Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 8/22/23:

1. Bureau of Indian Affairs – P.O. Box 688 Agency Village, SD 57262
2. Dillon Lien – 104 S Greenman St. Veblen, SD 57270
3. Patrick Lien – 10231 447th Ave. Veblen, SD 57270

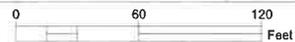


15460 NW 48th St.
 Raymond, NE 68428
 Office: (402) 783-2100
 Fax: (402) 783-2104
 Web Site: www.settje.com

Marshall Dairy West
 NE 1/4 of SW 1/4 of Sec.16, T-128N, R-53W
 Marshall County, South Dakota

SYNTHETIC COVER PUMP OFF PLAN

Date Printed	8/9/23
Drawn By	SF
Reviewed By	KM



ENVIRONMENTAL SCIENTIFIC

Office (320) 589-9893
Cell (320) 349-0794
Email: jasonkirwin@gmail.com

September 30, 2022

Riverview LLP
26406 470th Ave
Morris, MN 56267
Attn: Sonny Nickeson

RE: Clean Water Act Jurisdictional Review
Riverview USDA Tracts 2268, 2270, & 2271 (Site)
Marshall County, SD 16-128-53

Dear Mr. Nickeson:

Per your request, I reviewed the USDA Certified Wetland Determination dated August 17, 2022 for the above referenced Site. In that Determination, the NRCS Compliance Specialist identified one 0.2 acre wetland within the Site. Based on our review this Determination, in conjunction with our review of the Site itself, we identified no wetlands that were considered Waters of the United States (WOTUS), and hence Clean Water Act jurisdictional.

This report outlines the professional observations and recommendations of Environmental Scientific. If you have any questions regarding this report, or would like additional information, please don't hesitate to contact me at (320) 589-9893.

Sincerely,



Jason Kirwin
President/Certified Wetland Delineator #1108

cc: Brady Janzen – (e)



8/17/2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Riverview LLP
26406 470th Ave.
Morris, MN 56267

Dear Riverview LLP:

As a result of your request for an evaluation of proposed wetland activity via form AD-1026, *Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification*, the Natural Resources Conservation Service (NRCS) is issuing a preliminary certified wetland determination (CWD).

The regulations for the Wetland Conservation (WC) Compliance provisions of the 1985 Food Security Act, as amended, are found at Title 7 Code of Federal Regulations (CFR), Part 12. The purposes of the provisions are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or a converted wetland.

The regulations describe several exemptions (7 CFR, Part 12.5 (b)) from ineligibility and outline the NRCS involvement in implementing the WC Compliance provisions. This wetland determination has been conducted in accordance with the Wetland Conservation Provisions (16 U.S.C. 3801 et seq.) and associated regulations at Title 7 CFR, Part 12, as well as policy contained in the National Food Security Act Manual (NFSAM). This includes the technical procedures contained in the Food Security Act Wetland Identification Procedures, issued as Circular No. 6, Part 527, Appendix to the NFSAM.

With this letter the NRCS is issuing a **preliminary technical determination (PTD)**, in accordance with the WC Compliance provisions. This PTD was conducted by the NRCS on 8/17/2022. The attached NRCS-CPA-026E, *Highly Erodible Land and Wetland Conservation Determination*, and map depict the wetland exemptions, referred to as "labels." The area identified other than Non-Wetland is a wetland for the following reasons:

Presence of Hydrophytic Vegetation

Hydrophytic vegetation means plants growing in water or in a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content (16 U.S.C. §3801(a)(12)).

Presence of Hydric Soils

Hydric soil means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation (16 U.S.C. §3801(a)(13)).

Presence of Wetland Hydrology

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, Part 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:

Jesse Brooks
NRCS Britton Service Center
505 Vanderhorck Ave.; PO Box 8
Britton, SD 57430
Phone: (605) 290-4802

- **Or, 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 Deke Hobbick 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) 352-1287
Fax: (855) 256-2565

- **You may request a waiver of your rights** to this preliminary review and reconsideration or mediation in accordance with 7 CFR §614.7(d) if you want an immediately final wetland technical determination by writing to the State Conservationist at:

State Conservationist
Natural Resources Conservation Service
200 Fourth Street SW
Huron, South Dakota 57350-2475
Phone: (605) 352-1200
Fax: (855) 256-2565

If you do not select any of your preliminary appeal rights, this PTD will become both a final technical determination (FTD) in accordance with 7 CFR §614.8(a)(1) and a CWD in accordance with 7 CFR §12.30(c). A technical determination becomes a final United States Department of Agriculture decision when the time to request appeal expires without appealing the decision. A FTD becomes appealable 30 days after receipt of the PTD.

If the FTD is a result of the expiration of the 30-day period following receipt of this PTD, it may be appealed, **within 30 days**, to either of the following:

- Appeal to the Marshall County Farm Service Agency County Committee

OR

- Appeal to the National Appeals Division (NAD) at the following address:

National Appeals Division, Western Regional Office
755 Parfet Street, Suite 494
Lakewood, Colorado 80215-5506
Phone: (800) 541-0483 or (303) 236-2862
TTY: (800) 497-0253
Fax: (303) 236-2820

Our records indicate that an easement exists on this tract. It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (USFWS) or any other conservation easement. For any questions regarding USFWS conservation easements on the tract or adjacent land, please contact the Wetland Management District Office located in Waubay, SD, at (605) 947-4521. For any other easements, please contact the local NRCS office.

This CWD has been conducted for the purpose of implementing the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. This determination may not be valid for identifying the extent of Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should contact the local district office of the U.S. Army Corps of Engineers at (605) 224-8531, Pierre, SD, prior to starting work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (Ws), farmed wetlands (FWs), and farmed wetland pasture (FWP), found in this determination. Mitigation is the compensation of lost wetlands through wetland restoration, enhancement, or the creation of new wetlands. Mitigation cannot occur at the expense of the federal government. Mitigated wetlands must be in the same local watershed as the wetlands 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,

JESSE : Digitally signed
by JESSE BROOKS
BROOKS Date: 2022.08.17
07:49:24 -05'00'

Jesse Brooks
Compliance Specialist

Attachments:

cc: without attachments
Darah Melroe, CED, FSA, Britton FO
Brandon Laddusaw, DC, NRCS, Britton FO



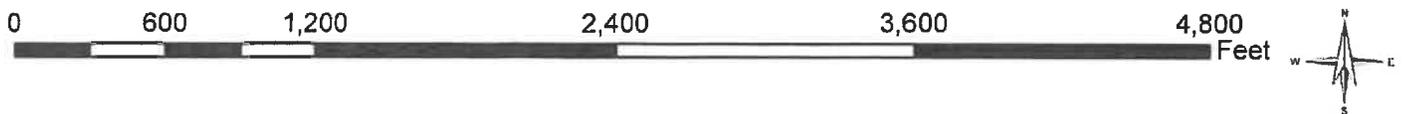
Certified Wetland Determination

Field Office: Britton FO
Created By: Jesse Brooks
Legal Desc: SWSE 16-128-53

Agency: USDA-NRCS
Certified Date: 8/17/2022
Tract: 2271



1:9,236 1 inch = 770 feet



*DEFINITIONS OF WETLAND LABEL CODES

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 amended. This label includes irrigation induced wetlands.
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 in the watershed.
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, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.
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, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.
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 wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.
PC/NW	<u>Prior Converted Cropland/Non-Wetland</u> : An area that contains both PC and NW.
TP	<u>Third-Party Exemption</u> : A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.
W	<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 maintenance agreements.

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, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.



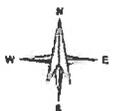
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Field Office: Britton FO
Created By: Jesse Brooks
Legal Desc: E1/2SW 16-128-53

Agency: USDA-NRCS
Certified Date: 8/17/2022
Tract: 2270



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PC	Prior Converted Cropland: 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 wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.
PC/NW	Prior Converted Cropland/Non-Wetland: An area that contains both PC and NW.
TP	Third-Party Exemption: A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.
W	Wetland: 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	Manipulated Wetlands: 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 maintenance agreements.

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, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.



Certified Wetland Determination

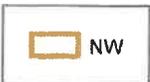
Field Office: Britton FO
Created By: Jesse Brooks
Legal Desc: NWSW 16-128-53

Agency: USDA-NRCS
Certified Date: 8/17/2022
Tract: 2268



1:9,236 1 inch = 770 feet

0 600 1,200 2,400 3,600 4,800 Feet



***DEFINITIONS OF WETLAND LABEL CODES**

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 amended. This label includes irrigation induced wetlands.
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 in the watershed.
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, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.
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, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.
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 wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.
PC/NW	<u>Prior Converted Cropland/Non-Wetland:</u> An area that contains both PC and NW.
TP	<u>Third-Party Exemption:</u> A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.
W	<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 maintenance agreements.

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AD-1026
(10-30-14)

U.S. DEPARTMENT OF AGRICULTURE
FarmServiceAgency

**HIGHLY ERODIBLE LAND CONSERVATION (HEL) AND
WETLAND CONSERVATION (WC) CERTIFICATION**

Read attached AD-1026 Appendix before completing form.

PART A – BASIC INFORMATION

1. Name of Producer Riverview LLP	2. Tax Identification Number (Last 4 digits)	3. Crop Year 2022
4. Names of affiliated persons with farming interests. Enter "None," if applicable. None		
<i>Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.</i>		
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. <p>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> <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?		✓
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:		
A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): <u>2022</u>	✓	
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____		✓
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? 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.</i>		✓
<i>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.</i>		
8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.		
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: F5152 T2268, T2270, T2271
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

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) <i>X Riverview, LLC by Brent Th</i>	10B. Title/Relationship (If Signing in Representative Capacity) <i>X Partner</i>	10C. Date (MM-DD-YYYY) <i>X 8-9-22</i>
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative <i>Natasha Sluts</i>	11B. Date (MM-DD-YYYY) <i>8-9-22</i>

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 552e - 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.

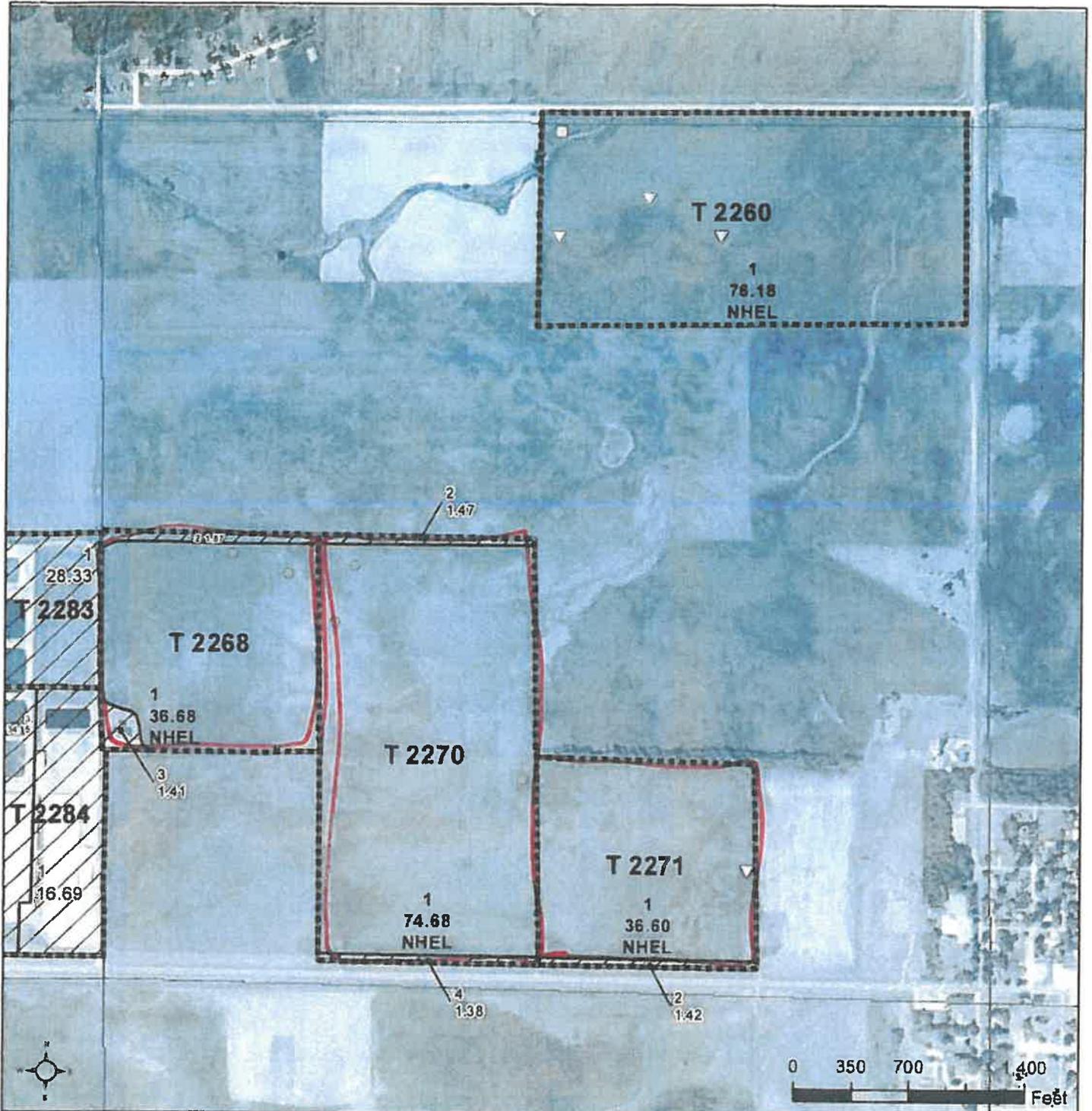
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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request 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.



United States
Department of
Agriculture

Marshall County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland
- Tract Boundary
- PLSS

Wetland Determination Identifiers

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

2022 Program Year

Map Created March 17, 2022

Farm 5152

16-128N-53W-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).