

February 23, 2021

# AGENDA

## YANKTON COUNTY DRAINAGE COMMISSION

☐ Dan Grant  
☐ Frank Kralicek, Jr.  
☐ Kevin Kirschenman  
☐ Craig Hansen  
☐ Tom Bixler

☐ Cheri Loest  
☐ David Healy  
☐ Dylan Tacke  
☐ Casey Kruse

**7:00 P.M.**

### OPENING BUSINESS

1. Call Meeting to Order
2. Roll Call
3. Items to be added to Agenda
4. Approval of Agenda
5. Approve previous meeting minutes
6. Declare Conflict of Interest

**7:05 P.M.**

### Gerald Eilers

Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NE1/4 NE1/4 Exc LT H1 and the S1/2 NE1/4, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

**7:10 P.M.**

### Greg Schmidt

Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NW1/4 NE1/4 Exc LT H1 and the E1/2 NW1/4 Exc LT H1, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

**7:15 P.M.**

### JHGAS Farms LLC

Applicant is requesting a Modification of Drainage Permit to move newly installed tile from the NE1/4 of Section 16, T95N, R55W to the SW1/4 of Section 10, T95N, R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota.

**7:20 P.M.**

### Larry Lyngstad

Applicant is requesting connection to the JHGAS Farms LLC project and a Drainage Permit to install drain tile in the SW1/4 of Section 10, T95N, R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota.

**7:25 P.M.**

### PUBLIC COMMENT

**7:30 P.M.**

**Discussion on possible ordinance changes**

Meeting (Entity): Drainage Regular or Special Meeting: Regular

Date: 1/26/2021 Time: 7:00PM Location: Chambers

DC ATTENDANCE: ☒ GRANT ☒ KRALICEK ☒ KIRSCHENMAN ☒ HANSEN ☐ BIXLER ☒ LOEST  
☒ HEALY ☒ TACKE ☐ KRUSE

STAFF ATTENDANCE: Vetter/Conkling

APPROVAL OF MINUTES: MOTION BY: Hansen SECOND BY: Healy

DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ KIRSCHENMAN ☒ HANSEN ☐ BIXLER ☒ LOEST  
☒ HEALY ☒ TACKE ☐ KRUSE

APPROVAL OF AGENDA: MOTION BY: Kralicek SECOND BY: Kirschenman

DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ KIRSCHENMAN ☒ HANSEN ☐ BIXLER ☒ LOEST  
☒ HEALY ☒ TACKE ☐ KRUSE

AGENDA ITEM: John Gunderson – JHGAS Farms  
ADDRESS/LEGAL: NW4 10/95/55 and SW1/4 Exc W33' 10/95/55  
COMMENTS: Applicant asked Commissioner Healy to recuse himself. The board discussed the request and Commissioner Healy stated he would abstain from voting but would participate in the discussion.

MOTION: Motion to continue the application to the next meeting with the conditions applicant is to send notifications and obtain updates easement from the township.

APPROVAL: MOTION BY: Kralicek SECOND BY: Grant  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ KIRSCHENMAN ☒ HANSEN ☐ BIXLER ☒ LOEST  
☐ HEALY ☒ TACKE ☐ KRUSE

AGENDA ITEM: Larry Lyngstad  
ADDRESS/LEGAL: SE1/4 of Section 10, Township 95, Range 55, West of the 5<sup>th</sup> PM, Yankton County, South Dakota  
COMMENTS:

MOTION: Motion to continue the application to the next meeting with the conditions applicant is to send notifications and obtain updates easement from the township.

APPROVAL: MOTION BY: Kralicek SECOND BY: Grant  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ KIRSCHENMAN ☒ HANSEN ☐ BIXLER ☒ LOEST

☐ HEALY ☒ TACKE ☐ KRUSE

AGENDA ITEM: Discussion of the Ordinance  
ADDRESS/LEGAL:  
COMMENTS:

MOTION:

APPROVAL: MOTION BY: SECOND BY:  
DRAINAGE: ☐ DUMMER ☐ KRALICEK ☐ KIRSCHENMAN ☐ HANSEN ☐ BIXLER ☐ LOEST  
☐ HEALY ☐ GUNDERSON ☐ KRUSE

AGENDA ITEM:  
ADDRESS/LEGAL:  
COMMENTS:

MOTION:

APPROVAL: MOTION BY: SECOND BY:  
DRAINAGE: ☐ GRANT ☐ KRALICEK ☐ KIRSCHENMAN ☐ HANSEN ☐ BIXLER ☐ LOEST  
☐ HEALY ☐ TACKE ☐ KRUSE

AGENDA ITEM:  
ADDRESS/LEGAL:  
COMMENTS:

MOTION:

APPROVAL: MOTION BY: SECOND BY:

DRAINAGE:      ☐ GRANT   ☐ KRALICEK   ☐ KIRSCHENMAN   ☐ HANSEN   ☐ BIXLER   ☐ LOEST  
                 ☐ HEALY   ☐ TACKE   ☐ KRUSE

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_  
\_\_\_\_\_

APPROVAL:      MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
DRAINAGE:      ☐ GRANT   ☐ KRALICEK   ☐ KIRSCHENMAN   ☐ HANSEN   ☐ BIXLER   ☐ LOEST  
                 ☐ HEALY   ☐ TACKE   ☐ KRUSE

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_  
\_\_\_\_\_

APPROVAL:      MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
DRAINAGE:      ☐ GRANT   ☐ KRALICEK   ☐ KIRSCHENMAN   ☐ HANSEN   ☐ BIXLER   ☐ LOEST  
                 ☐ HEALY   ☐ TACKE   ☐ KRUSE

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_  
\_\_\_\_\_

APPROVAL:      MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
DRAINAGE:      ☐ GRANT   ☐ KRALICEK   ☐ KIRSCHENMAN   ☐ HANSEN   ☐ BIXLER   ☐ LOEST



☐ HEALY ☐ TACKE ☐ KRUSE

**Yankton County Drainage Commission**  
**Yankton County Drainage Board**

Applicant:

**Gerald Eilers**

Drainage type:

- ☐ Lower Landowners    ☐ Statewide / Intercounty  
☐ Emergency Drainage    ☐ Waive Permit    ☐ Roadways

Section:

- ☒ Section 3.05    ☐ Section 3.06    ☐ Section 3.07    ☐ Section 3.09  
                                 ☐ Section 5.09  
0 Section 3.10    ☐ Section 3.11    ☐ Section 3.12    ☐ Section 3.13

Outlet size: 8"

Total feet of tile: 25800 ft

Waiver Required: YES

Township / County ROW Approval: No

Watercourse depth and grade: depth greater than two (2) feet and grade greater than .3%

☐ Appeal of Drainage Administrator

- ☐ Section 5.01    ☐ Section 5.02    ☐ Section 5.03    ☐ Section 5.04

DC: Article III, Section 3.05

# YANKTON COUNTY DRAINAGE PERMIT APPLICATION

Each drainage site must have a separate site plan

*Applicant to complete numbered spaces only.*

<b>1. Job Address</b>	SW of Intersection of 437 Ave & Hwy 46		
<b>2. Legal Description of Drainage Site</b>	E 1/2 & SW 1/4 of the NE 1/4 of 95-56-4		
<b>3. Owner</b>	<b>Mail Address</b>	<b>Zip</b>	<b>Phone</b>
Gerald Eilers	43724 SD Hwy 46 Utica SD 57067	57067	364 7472
<b>4. Contractor</b>	<b>Mail Address</b>	<b>Zip</b>	<b>Phone</b>
Gridline	25443 413th Ave Mitchell SD 57301	57301	680 2900
<b>5. Feet of drainage pipe and outlet size</b>			
25800ft pipe 8" outlet			
<b>6. Class of Work (Check One)</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove			
<b>7. Describe Work:</b> Installation of drain tile			
<b>8. Valuation of Work:</b> \$ 35000			

Job Address  
Owner

For Official Use Only-

SPECIAL CONDITIONS:

Application Accepted By: Site Plans Checked By: Approved for Issuance By:

PERMIT FEE 100

Check # 5051

## NOTICE

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED EIGHTEEN (18) MONTHS OF ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

*Gerald Eilers* 2-14-2020  
Signature of Contractor or Authorized Agent Date

Signature of Owner (if owner builder) Date  
BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

Type of Construction

☐ Blue Line Outlet

Total Feet of Pipe

☐ Drainage Ditch Outlet

Outlet Size

☐ Lake / Pond / Wetland Outlet

☐ Administrative Permit

☐ Drainage Board Permit

## For County Officials Use Only

When properly validated (in this space), this is your permit.

The above application is hereby approved.

Drainage Permit Number: DP-20013

Post Construction? Y N

*[Signature]*  
Drainage Administrator or Authorized Representative

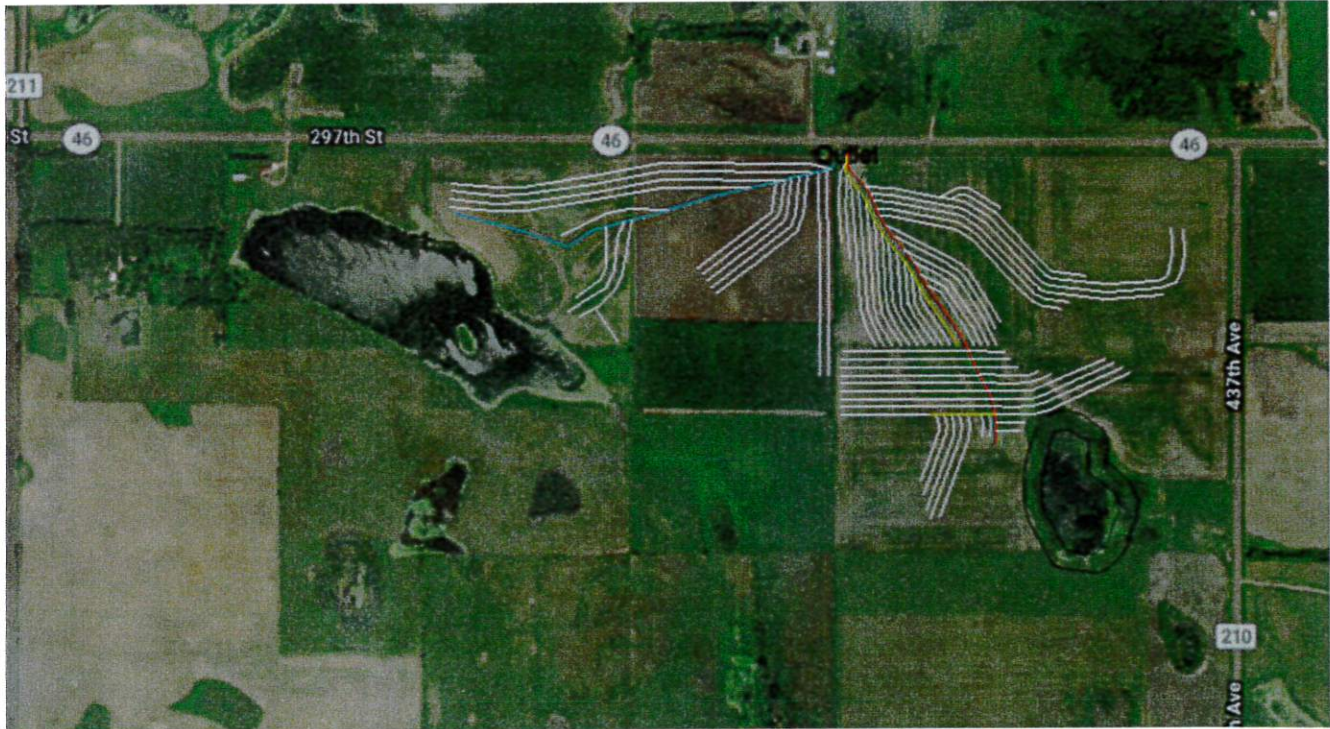
Date



# GRIDLINE

## FIELD TILE INSTALLATION

Eilers & Schmidt - 4 - 95N 56W - Tile Map Estimate - 3/27/2020



4 in	61135 ft
6 in	1870 ft
8 in	2129 ft
10 in	2669 ft

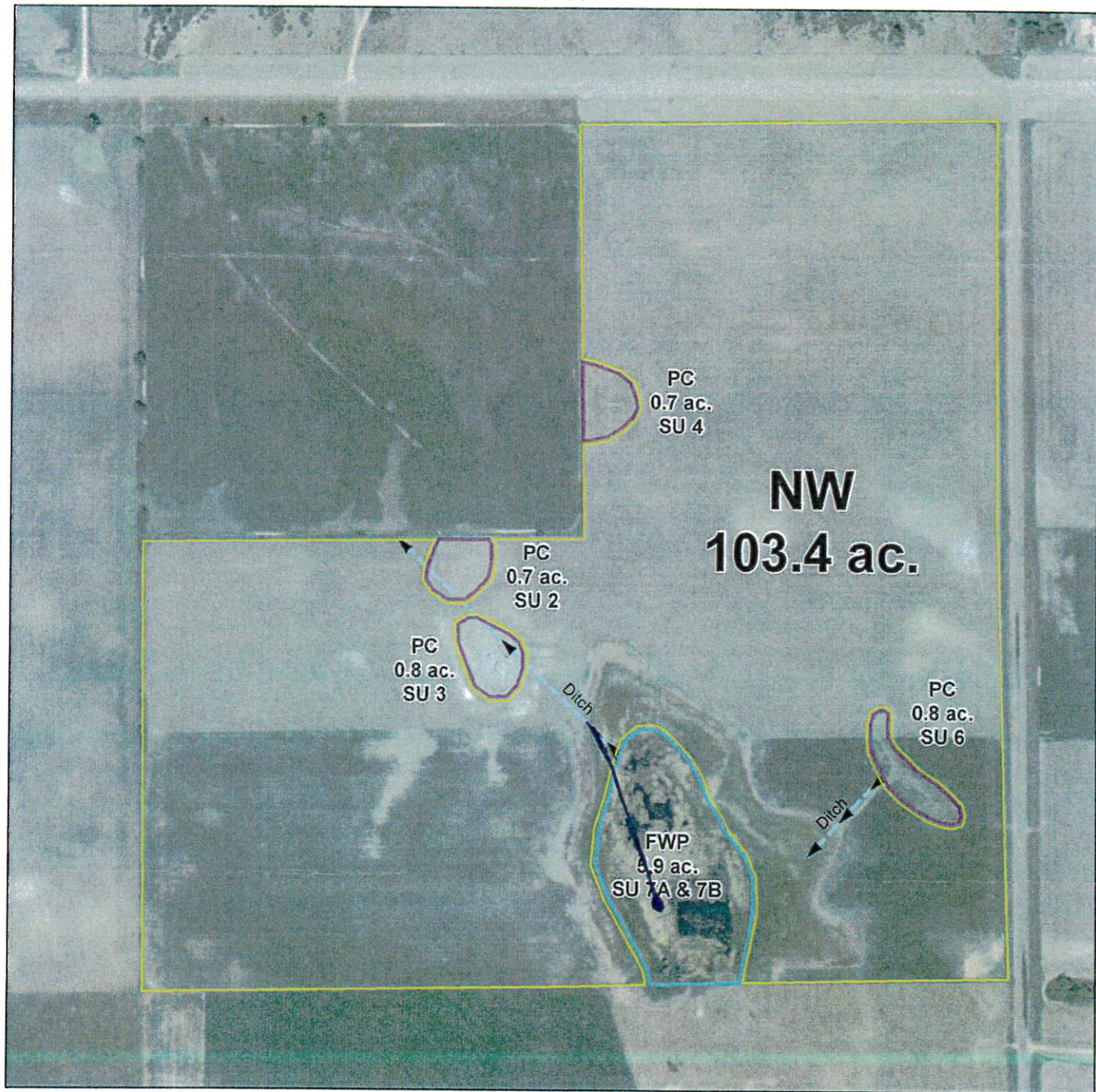




## Certified Wetland Determination

Field Office: Yankton FO  
Certified By: B. Stemper  
Legal Description: NE4NE4 & S2NE4 4-95-56

Agency: USDA-NRCS  
Certified Date: 8/29/2019  
Tract: 5732



0 345 690 1,380 2,070 2,760 Feet

### Legend



W Wetland  
FW Farmed Wetland drained or modified & cropped  
prior to 12-23-1985, but still meets wetland criteria  
PC Prior Converted  
NW Non Wetland  
See NRCS CPA-026E for definitions and additional info.



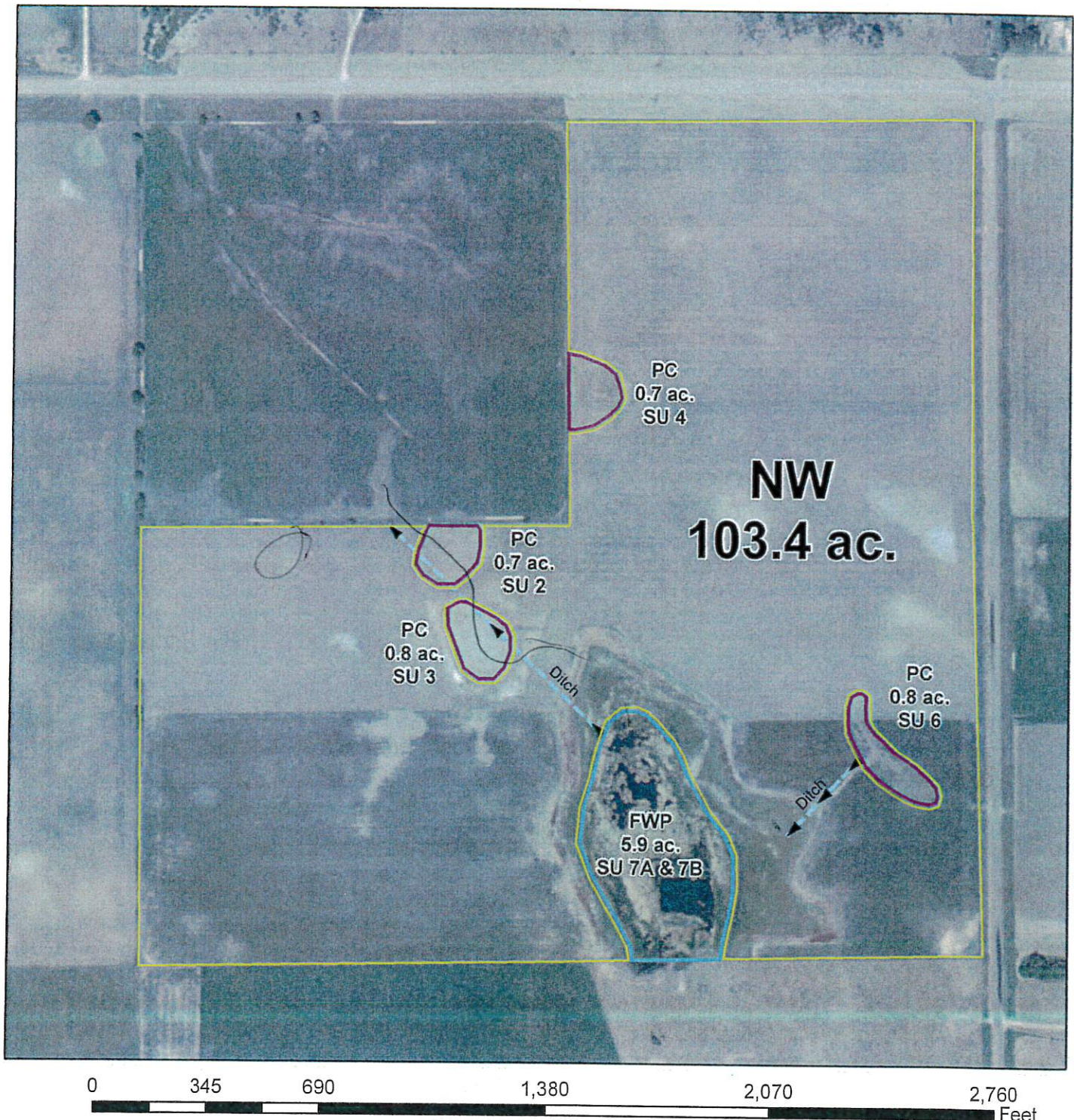




# Certified Wetland Determination

Field Office: Yankton FO  
Certified By: B. Stemper  
Legal Description: NE4NE4 & S2NE4 4-95-56

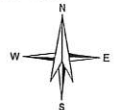
Agency: USDA-NRCS  
Certified Date: 8/29/2019  
Tract: 5732



## Legend



W Wetland  
FW Farmed Wetland drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria  
PC Prior Converted  
NW Non Wetland  
See NRCS CPA-026E for definitions and additional info.





## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	Gerald Eilers 43724 SD Hwy 46 Ulfic, SD 57067	Request Date:	6/24/19	County:	Yankton
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	5732	FSA Farm No:	4382

## Section I - Highly Erodible Land

(Y/N)

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.	

[illegible]

The Highly Erodible Land determination was completed in the

## Section II - Wetlands

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.

[illegible]

The wetland determination was completed in the	It was mailed to the person on 8/30/2019
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Remarks:	
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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.

Signature	Designated Conservator/Artist	Date
		8/30/2019

U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency**HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND  
WETLAND CONSERVATION (WC) CERTIFICATION**

Read attached AD-1026 Appendix before completing form.

**PART A - BASIC INFORMATION**

1. Name of Producer GERALD EILERS	2. Tax Identification Number (Last 4 digits) 0138	3. Crop Year 2019
4. Names of affiliated persons with farming interests. Enter "None," if applicable. NONE		
Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.		
5. Check one of these boxes if the statement applies; otherwise continue to Part B.		
<p>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.</p> <p>B. <input type="checkbox"/> The producer in Part A meets all three of the following:</p> <ul style="list-style-type: none"> <li>• does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance.</li> <li>• only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and</li> <li>• has not converted a wetland after February 7, 2014.</li> </ul> <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. If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.	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?		X
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:	X	
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): 2019		
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s):		X
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): 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.		X
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.		
8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.		
<p>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 first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.</p> <p>B. <input type="checkbox"/> Check this box if either of the following applies to the producer and crop year entered in Part A:</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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).</li> </ul>		

**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:	F4382M T5732 If unknown, contact the Farm Service Agency at the nearest USDA Service Center.
B. Activity:	INSTALL DRAIN TILE
C. Current land use (specify crops):	CROPLAND
D. County:	YANKTON



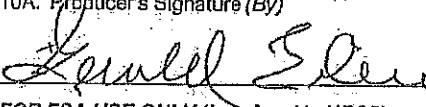
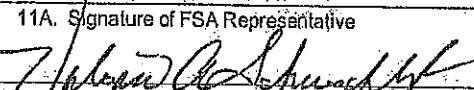
**PART D - CERTIFICATION OF COMPLIANCE**

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) 	10B. Title/Relationship (If Signing in Representative Capacity)	10C. Date (MM-DD-YYYY) 6-24-19
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative 	11B. Date (MM-DD-YYYY) 6-24-19

**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 552a - 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.**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

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](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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.

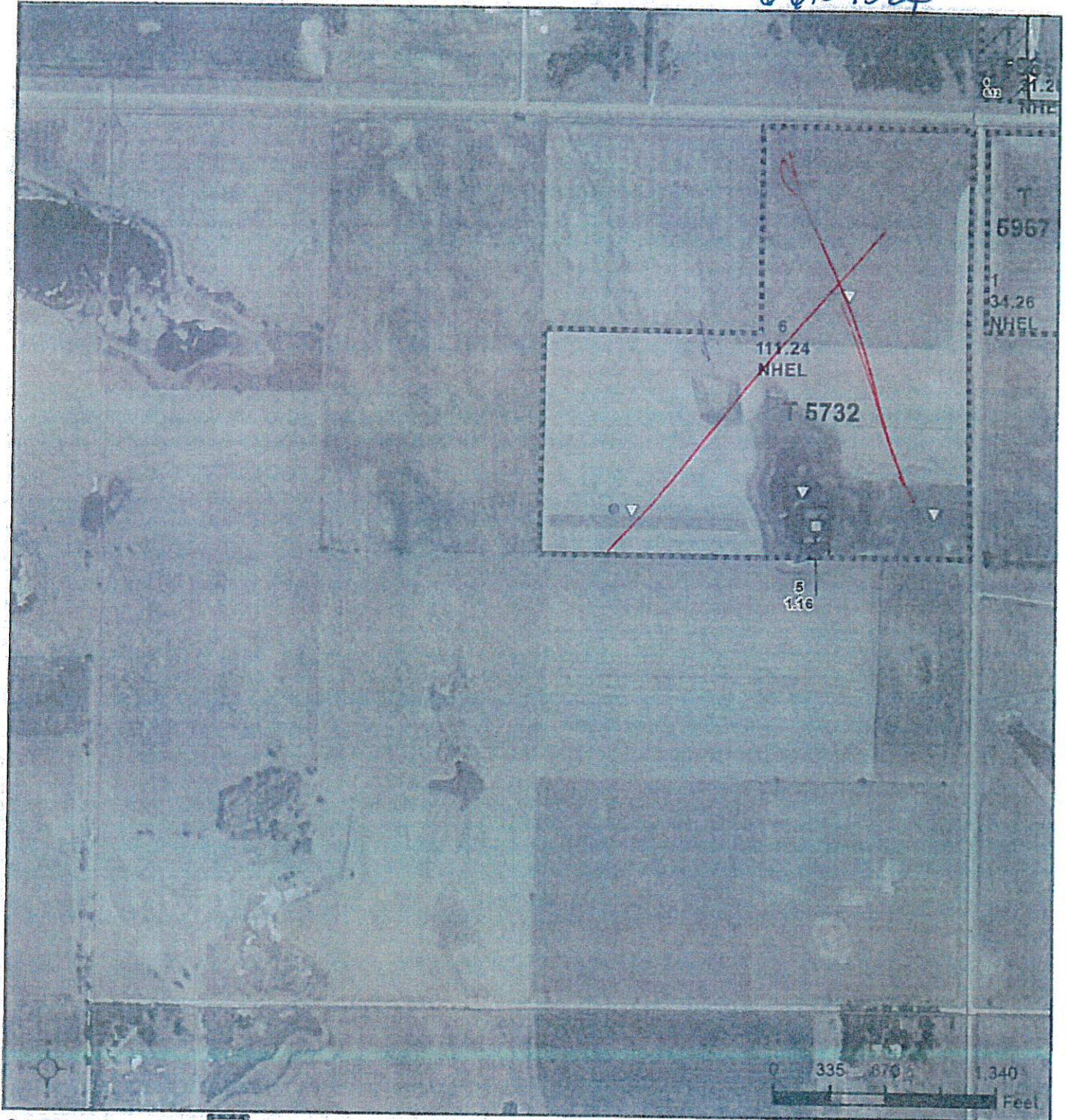






United States  
Department of  
Agriculture

Yankton County, South Dakota




Cont - 661-7324



Common Land Unit  Tract Boundary

 Non-Cropland  
 Cropland

Wetland Determination Identifiers

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

2019 Program Year

Map Created April 05, 2019

Farm 4382

4 -95N -56W

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).





8/29/2019

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Gerald Eilers  
43724 SD Hwy 46  
Utica, SD 57067

Dear Gerald:

As a result of your request for an evaluation of proposed wetland activity via form AD-1026, Natural Resources Conservation Service (NRCS) is issuing a preliminary certified wetland determination.

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 (7 CFR) §12. The purposes of the provisions are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

The regulations describe several exemptions (7 CFR §12.5 (b)) from ineligibility and outline the NRCS involvement in implementing the WC Compliance provisions. This determination was conducted in accordance with the current federal wetland delineation procedures as found in the most current versions of the National Food Security Act Manual (NFSAM), the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions.

With this letter the NRCS is issuing a **preliminary technical determination**, in accordance with the WC Compliance provisions. This preliminary technical determination was conducted by the NRCS on 8/29/19. 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 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 §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 Food Security Act 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 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:

Yankton Service Center  
2914 N Broadway Ave  
Yankton, SD 57078

- **If you do not request a field review, you may request mediation** of the preliminary technical determination 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 in writing **no later than 30 days** from the date that you receive this notification the office of:

Asst 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:

Jeffrey J. Zimprich  
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 preliminary technical determination will become both a final technical determination in accordance with 7 CFR §614.8(a)(1) and a certified wetland determination in accordance with 7 CFR §12.30(c). A technical determination becomes a final USDA decision when the time to request appeal expires without appealing the decision. A final technical determination becomes appealable 30 days after receipt of the preliminary technical decision.

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

- Appeal to the Yankton Farm Service Agency County Committee  
OR
- Appeal to the 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

It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (FWS) or any other conservation easement. For any questions regarding FWS conservation easements on the tract or adjacent land, please contact the wetland management district office located in Lake Andes, SD, at **(605) 487-7603**. For any other easements, please contact the local NRCS office.

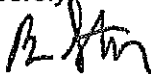
This preliminary technical determination has been conducted for the purpose of implementing the WC compliance provisions of the 1985 Food Security Act, as amended. This determination may not be valid for the Clean Water Act. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or Other Waters, you should request a jurisdictional determination by contacting the United States Army Corps of Engineers (USACE) at **(605) 224-8531**, Pierre, SD, before starting the work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (W's), farmed wetlands (FW's), 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 can not 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,



**Brian Stemper**  
**Wetland Specialist**

Cc:

David Charles, CED, FSA, Yankton FO  
Ryan Frickel, DC, NRCS, Yankton FO



10/25/2019

Gerald Eilers  
43724 Hwy 46  
Utica, SD 57067

**SUBJECT: Replacing Ditch with a Tile Line**

Dear Gerald,

I have enclosed the signed agreement for replacing the ditch coming out of the Farmable Wetland (FW) with a tile inlet riser/tile line in Tract 5732 4-95N-56W located in Yankton County. As we discussed in the field on October 17<sup>th</sup>, 2019, the inlet riser can be set to an elevation that allows for no ponding as would normally occur if the ditch was maintained to the original scope and effort. Also as stated in the agreement the ditch would then have to be filled, and the producer would provide NRCS with the map following completion showing location of the tile inlet/tile lines.

If you have any other questions, especially after you talk to the tiling contractor, please contact me either at the Yankton County NRCS office at 605-665-2662 or by calling my work cell phone at 605-419-1887.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Stemper", with a stylized flourish at the end.

Brian Stemper  
Wetland Specialist

### GUIDELINES FOR REPLACING A DITCH WITH A TILE LINE

Replacing a ditch with a tile line into or near a wetland identified on the attached photo is acceptable provided the following conditions are met.

1. The producer is responsible for obtaining all federal, state, Tribal, and local permits that apply to this activity. If tile will be placed inside a wetland boundary (including prior converted (PC)), or if the ditch itself is determined to be "Waters of the United States" by the U.S. Army Corps of Engineers (COE), a "404" permit from the COE will be needed prior to approval by the Natural Resources Conservation Service (NRCS) (COE telephone (605) 224-8531). Forms are available on the Internet at: <http://www.usace.army.mil/inet/usace-docs/forms/>.
2. The flow line of the tile can be no deeper than the bottom of the original ditch flow line if perforated tile is used. Tile below the ditch bottom must be nonperforated (solid) tile.
3. The ditch will be plugged by one of the following two methods (check to indicate which method is selected):
  - ☒ A. The entire ditch shown on the attached photo will be filled and compacted with like soil to an elevation that is consistent with the natural ground level. That condition must be maintained in the future.
  - ☐ B. The ditch will be plugged and compacted with like soil at the location shown on the attached photo. The ditch plug will meet South Dakota NRCS standards and dimensions as shown on the attached form SD-ENG-14. That condition must be maintained in the future.
4. Any size of tile is acceptable, provided tile capacity does not exceed ditch capacity. Tile made of any material may be used.
5. Surface inlets are only allowed as marked on the attached map. Inlets or other stand pipes installed within wetland basins will be constructed of nonperforated (solid) pipe below the existing wetland outlet elevation. Existing wetland water levels must be maintained.
6. The tile line must outlet in the same drainageway and upstream of any wetlands located in the drainageway. (Water must not bypass downstream wetlands.)
7. The producer agrees to provide the NRCS with a map of the constructed tile line(s) with construction receipts. The map must show the locations and depths (or elevations) of both perforated and nonperforated tile.
8. No trees will be removed from wetlands without first obtaining a Minimal Effect Agreement from the NRCS.
9. Other wetlands will not be altered.
10. Any change from what is planned could potentially result in a converted wetland (CW+year), loss of benefits, and/or a violation of the Clean Water Act.
11. Both parties must agree to these guidelines prior to construction.

Producer Chad M Eilers Date Oct 17 19  
NRCS Rep. RH Date 10/17/19  
Representing Gerald L Eilers

AFFIDAVIT OF MAILING  
Yankton County Drainage Ordinance #19

I, Gerald Eilers, hereby certify that on the 14 day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Drainage Action to all owners of property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Drainage Action notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 16 day of July, 2020.

Gerald Eilers

(Name)

Affiant

Subscribed and sworn to before me this 16<sup>th</sup> day of July, 2020.

Lita K. Mueller

Notary Public – South Dakota

My commission expires: 8-1-2021

(SEAL)



## NOTIFICATION OF DRAINAGE ACTION

July 17, 2020

Gerald Eilers  
43724 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NE1/4 NE1/4 Exc LT H1 and the S1/2 NE1/4, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:05 P.M. on the 28<sup>th</sup> day of July, 2020, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Gerald Eilers  
Petitioner

EILERS, GERALD REVOCABLE TRUST (D)  
43724 SD HWY 46  
UTICA SD 57067

JAMESVILLE HUTTERIAN BRETHREN (D)  
29568 436 AVE  
UTICA SD 57067

SCHMIDT, ANALYN FMLY PRTCTN TR (D)  
% KIM AUCH  
2921 JULIE ST  
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

AFFIDAVIT OF MAILING  
Yankton County Drainage Ordinance #19

I, Gerald Eilers, hereby certify that on the 9 day of Sept, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Drainage Action to all owners of property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet to the most recent address of the recipient known to your Affiant. A true and correct copy of the Notice of Drainage Action notification letters are attached as Exhibit #1 or #2.  
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 9 day of Sept, 2020.

Gerald Eilers

(Name)

Affiant

Subscribed and sworn to before me this 9th day of September, 2020.

Deanna Johnson

Notary Public – South Dakota

My commission expires: 5-3-23

(SEAL)

## NOTIFICATION OF DRAINAGE ACTION

September 12, 2020

Gerald Eilers  
43724 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Continuance of request for Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NE1/4 NE1/4 Exc LT H1 and the S1/2 NE1/4, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:05 P.M. on the 22<sup>nd</sup> day of September, 2020, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Gerald Eilers  
Petitioner

EILERS, GERALD REVOCABLE TRUST (D)  
43724 SD HWY 46  
UTICA SD 57067

JAMESVILLE HUTTERIAN BRETHERN (D)  
29568 436 AVE  
UTICA SD 57067

SCHMIDT, ANALYN FMLY PRTCTN TR (D)  
% KIM AUCH  
2921 JULIE ST  
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

Meeting (Entity): Drainage Regular or Special Meeting: REGULAR  
Date: 09/22/20 Time: 7 PM Location: Commission Chambers  
DC ATTENDANCE: ☒ GRANT ☒ KRALICEK ☐ KIRSCHENMAN ☐ HANSEN ☒ BIXLER ☐ LOEST  
☐ HEALY ☒ TACKE ☒ KRUSE  
STAFF ATTENDANCE: Atkinson, Vetter  
APPROVAL OF MINUTES: MOTION BY: Kralicek SECOND BY: Grant  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ BIXLER ☒ TACKE ☒ KRUSE

APPROVAL OF AGENDA: MOTION BY: Kralicek SECOND BY: Bixler  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ BIXLER ☒ TACKE ☒ KRUSE

AGENDA ITEM: **GERALD EILERS - Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert**  
ADDRESS/LEGAL: NE1/4 NE1/4 Exc LT H1 and the S1/2 NE1/4, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota  
COMMENTS: Bryce Gillen spoke on behalf of applicant  
  
  
MOTION: Move to Deny Permit  
  
  
APPROVAL: MOTION BY: Grant SECOND BY: Bixler  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ BIXLER ☒ TACKE ☒ KRUSE

AGENDA ITEM: **Greg Schmidt - Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert**  
ADDRESS/LEGAL: NW1/4 NE1/4 Exc LT H1 and the E1/2 NW1/4 Exc LT H1, Section 4, T95N, R56W  
COMMENTS: Bryce Gillen spoke on behalf of applicant  
  
  
MOTION: Motion to Deny until easements are obtained  
  
  
APPROVAL: MOTION BY: Kralicek SECOND BY: Grant  
DRAINAGE: ☒ GRANT ☒ KRALICEK ☒ BIXLER ☒ TACKE ☒ KRUSE

Adjourn: Motion: Kralicek Second: Bixler

AFFIDAVIT OF MAILING  
Yankton County Drainage Ordinance #19

I, Gerald E. Ebers hereby certify that on the 2nd day of Feb, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Drainage Action to all owners of property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Drainage Action notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 2nd day of Feb, 2021.

Gerald E. Ebers

(Name)

Affiant

Subscribed and sworn to before me this 2nd day of Feb, 2021.

Debra K. Mueller

Notary Public – South Dakota

My commission expires: 8-1-2021

(SEAL)

## NOTIFICATION OF DRAINAGE ACTION

January 22, 2021

Gerald Eilers  
43724 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Request for Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NE1/4 NE1/4 Exc LT H1 and the S1/2 NE1/4, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:05 P.M. on the 23rd day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Gerald Eilers  
Petitioner



Permit No. \_\_\_\_\_

## WAIVER FOR PERFORMING DRAINAGE WORK YANKTON COUNTY, SOUTH DAKOTA

South Dakota Department of Game, Fish & Parks \_\_\_\_\_ are aware of the proposed drainage work being  
(Downstream Property Owner)  
Proposed by Gerald Eilers In the NE4 NE4 Exc LT H1 & S2 NE4 Sec. 4, T95, R56  
(Upstream Property Owner) (Legal Description)

And do not object to the drainage as proposed to run through my property.

Additional Notes:

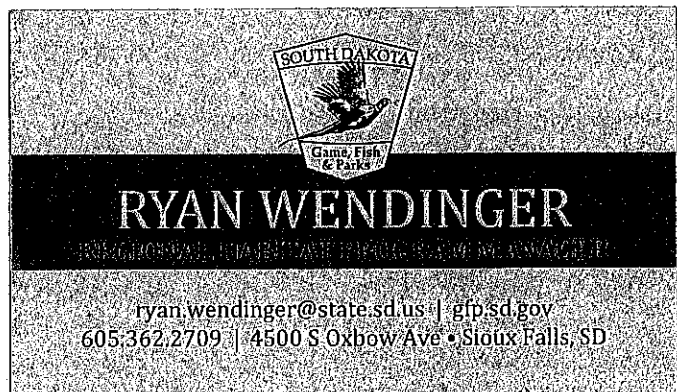
Dated this 17th day of December, 20 20

Signature

Address

City, State, Zip

Phone



**Yankton County Drainage Commission**  
**Yankton County Drainage Board**

Applicant:

**Greg Schmidt**

Drainage type:

- ☐ Lower Landowners   ☐ Statewide / Intercounty  
☐ Emergency Drainage   ☐ Waive Permit   ☐ Roadways

Section:

- ☒ Section 3.05   ☐ Section 3.06   ☐ Section 3.07   ☐ Section 3.09  
☐ Section 5.09  
0 Section 3.10   ☐ Section 3.11   ☐ Section 3.12   ☐ Section 3.13

Outlet size: 4", 6", 8"

Total feet of tile: 5000, 2000, 2000 ft

Waiver Required: YES

Township / County ROW Approval: No

Watercourse depth and grade: depth greater than two (2) feet and grade greater than .3%

☐ Appeal of Drainage Administrator

- ☐ Section 5.01   ☐ Section 5.02   ☐ Section 5.03   ☐ Section 5.04

DC: Article III, Section 3.05

**YANKTON COUNTY  
DRAINAGE PERMIT APPLICATION**

Each drainage site must have a separate site plan

*Applicant to complete numbered spaces only.*

1. Job Address	43646 SD Hwy 46 Utica SD		
2. Legal Description of Drainage Site	T-95-N R-56-W Section 4 Central township Yankton Co.		
3. Owner	Greg Schmidt	Mail Address	43646 SD Hwy 46 Zip 57067 Phone 605-661-0588
	Analya Schmidt trust	Utica SD	57067
4. Contractor	GridLine	Mail Address	Zip Phone
5. Feet of drainage pipe and outlet size	5000 Ft 4" 2000' - 6" 2000' 8" 8" & 6" outlets		
6. Class of Work (Check One)	<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove
7. Describe Work:	Install Drainage tile on approximately 80 Acres		
8. Valuation of Work:	\$ 40,000 - 50,000		

Owner Analya Schmidt trust

Job Address 43646 SD Hwy 46 Utica SD

For Official Use Only-

SPECIAL CONDITIONS:

Application Accepted By: Site Plans Checked By: Approved for Issuance By:

PERMIT FEE 100.00

Check # 8934

**NOTICE**

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED EIGHTEEN (18) MONTHS OF ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

Signature of Contractor or Authorized Agent

Date

Signature of Owner (if owner builder)

Date

BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

Type of Construction

☐ Blue Line Outlet

Total Feet of Pipe

☐ Drainage Ditch Outlet

Outlet Size

☐ Lake / Pond / Wetland Outlet

☐ Administrative Permit

☐ Drainage Board Permit

**For County Officials Use Only**

When properly validated (in this space), this is your permit.

The above application is hereby approved.

Drainage Permit Number:

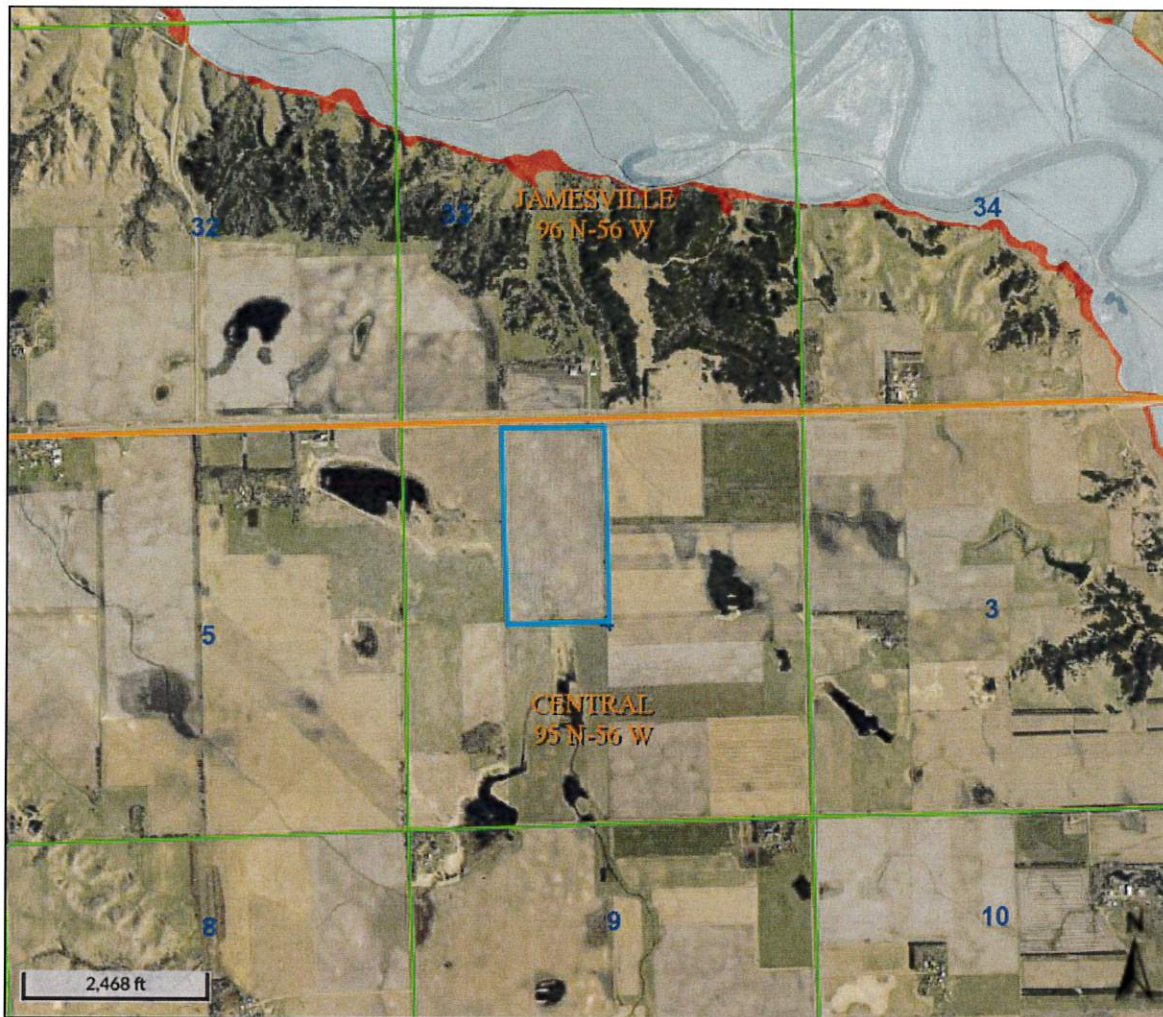
DP-20-04

Post Construction? Y N

Drainage Administrator or Authorized Representative

Date





#### Overview



#### Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads
-  City ETJ (Extra Territorial Jurisdiction)
-  <all other values>
-  0
-  Floodplain
-  100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
-  500 YEAR FLOOD

Parcel ID - 11.004.400.100

Owner - SCHMIDT, ANALYN FMLY PRTCTN TR (D)

Acres - 77.37

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 9/15/2020

Last Data Uploaded: 9/15/2020 9:34:35 AM

Developed by  Schneider  
GEOSPATIAL

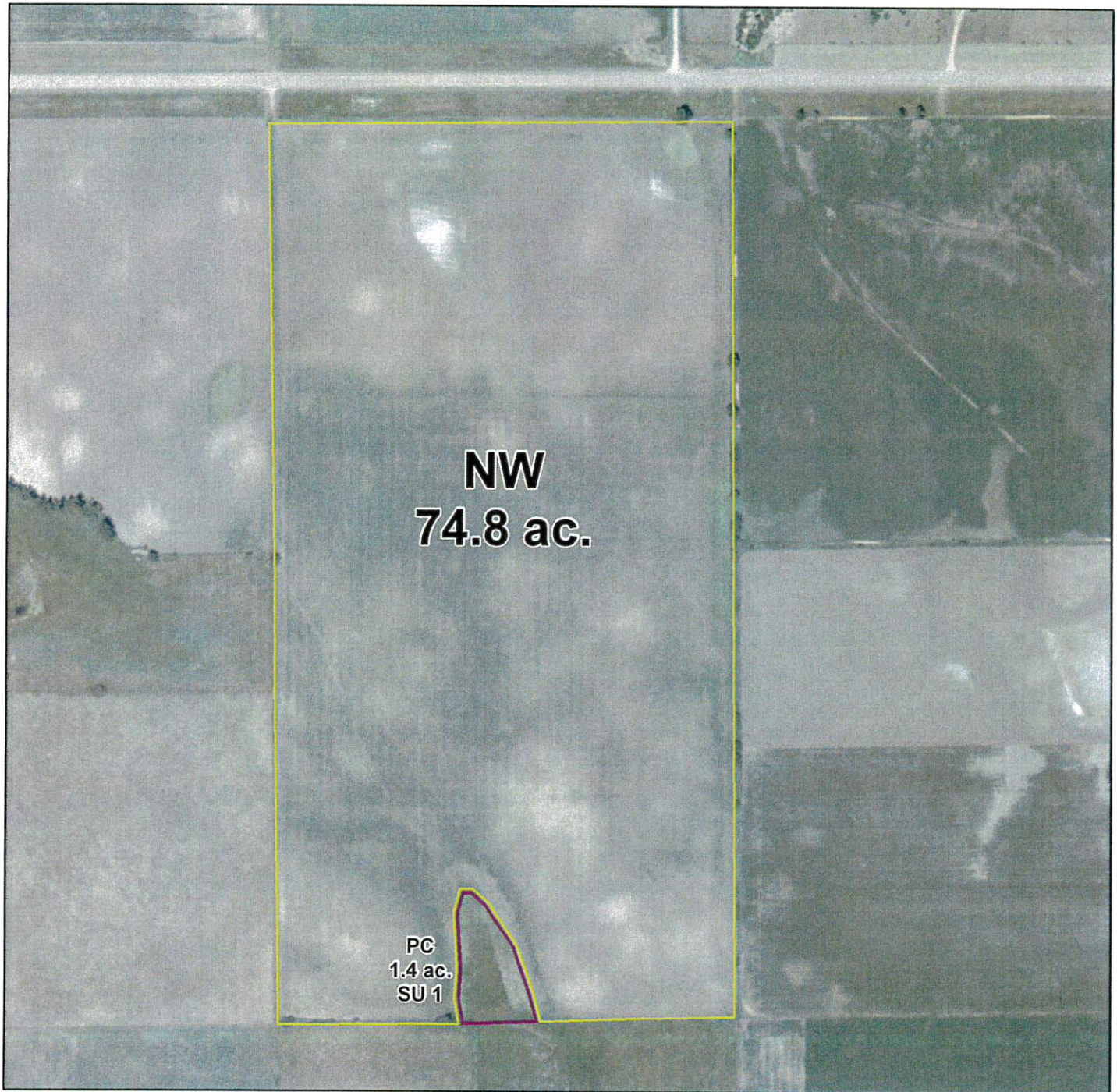




# Certified Wetland Determination

Field Office: Yankton FO  
Certified By: B. Stemper  
Legal Description: E2NW4 4-95-56

Agency: USDA-NRCS  
Certified Date: 12/18/2019  
Tract: 343



0 335 670 1,340 2,010 2,680 Feet

## Legend

PC NW

W Wetland  
FW Farmed Wetland drained or modified & cropped  
prior to 12-23-1985, but still meets wetland criteria  
PC Prior Converted  
NW Non Wetland  
See NRCS CPA-026E for definitions and additional info.





12/18/2019

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Greg Schmidt**  
**43646 SD Hwy 46**  
**Utica, SD 57067**

Dear **Greg**:

As a result of your request for an evaluation of proposed wetland activity via form AD-1026, Natural Resources Conservation Service (NRCS) is issuing a preliminary certified wetland determination.

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 (7 CFR) §12. The purposes of the provisions are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

The regulations describe several exemptions (7 CFR §12.5 (b)) from ineligibility and outline the NRCS involvement in implementing the WC Compliance provisions. This determination was conducted in accordance with the current federal wetland delineation procedures as found in the most current versions of the National Food Security Act Manual (NFSAM), the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions.

With this letter the NRCS is issuing a **preliminary technical determination**, in accordance with the WC Compliance provisions. This preliminary technical determination was conducted by the NRCS on 12/18/19. 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 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 §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 Food Security Act 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 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:

Yankton Service Center  
2914 N Broadway Ave  
Yankton, SD 57078

- **If you do not request a field review, you may request mediation** of the preliminary technical determination 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 in writing **no later than 30 days** from the date that you receive this notification the office of:

Asst 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:

Jeffrey J. Zimprich  
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 preliminary technical determination will become both a final technical determination in accordance with 7 CFR §614.8(a)(1) and a certified wetland determination in accordance with 7 CFR §12.30(c). A technical determination becomes a final USDA decision when the time to request appeal expires without appealing the decision. A final technical determination becomes appealable 30 days after receipt of the preliminary technical decision.

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

- Appeal to the Yankton Farm Service Agency County Committee  
OR

- Appeal to the 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

It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (FWS) or any other conservation easement. For any questions regarding FWS conservation easements on the tract or adjacent land, please contact the wetland management district office located in Lake Andes, SD, at **(605) 487-7603**. For any other easements, please contact the local NRCS office.

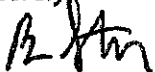
This preliminary technical determination has been conducted for the purpose of implementing the WC compliance provisions of the 1985 Food Security Act, as amended. This determination may not be valid for the Clean Water Act. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or Other Waters, you should request a jurisdictional determination by contacting the United States Army Corps of Engineers (USACE) at **(605) 224-8531**, Pierre, SD, before starting the work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (W's), farmed wetlands (FW's), 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 can not 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,



**Brian Stemper**  
**Wetland Specialist**

Cc:

David Charles, CED, FSA, Yankton FO  
Ryan Frickel, DC, NRCS, Yankton FO



### HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	Greg Schmidt	Request Date:	10/31/19	County:	Yankton
Address:	43646 SD Hwy 46 Utica, SD 57067				
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	343	FSA Farm No:	3280

## Section I - Highly Erodible Land

(Y/N)

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.	


[illegible]

The Highly Erodible Land determination was completed in the

## Section II - Wetlands

[illegible]

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.

Signature	Designated Conservationist	Date
		12/18/2019

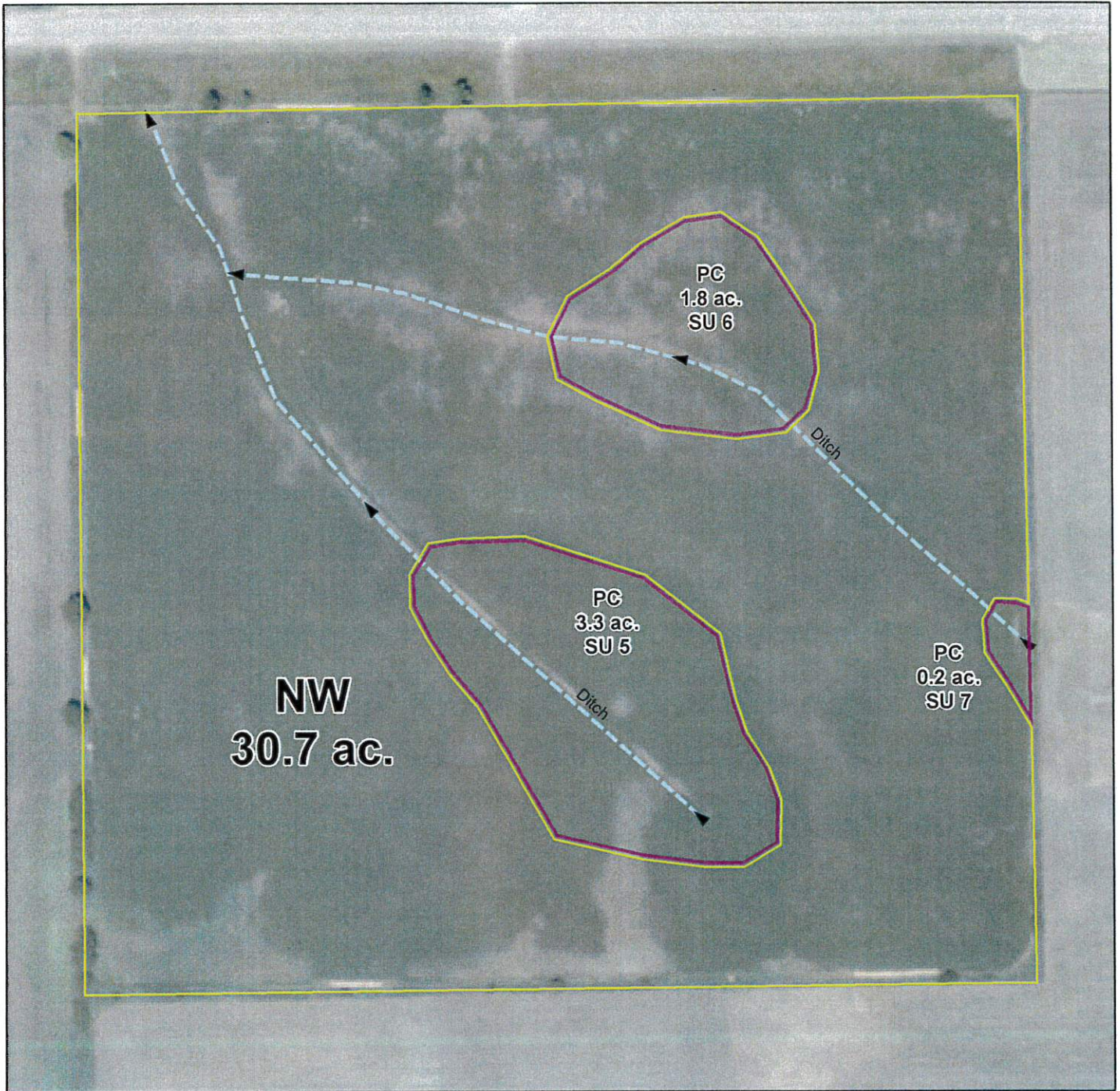




# Certified Wetland Determination

Field Office: Yankton FO  
Certified By: B. Stemper  
Legal Description: NW4NE4 4-95-56

Agency: USDA-NRCS  
Certified Date: 12/18/2019  
Tract: 345



0 162.5 325 650 975 1,300 Feet

## Legend



W Wetland  
FW Farmed Wetland drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria  
PC Prior Converted  
NW Non Wetland  
See NRCS CPA-026E for definitions and additional info.





### HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	Greg Schmidt	Request Date:	10/31/19	County:	Yankton
Address:	43646 SD Hwy 46 Utica, SD 57067				
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	345	FSA Farm No:	3280

### Section I - Highly Erodible Land

(Y/N)

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.	

[illegible]

The Highly Erodible Land determination was completed in the

## Section II - Wetlands

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.


[illegible]

The wetland determination was completed in the

It was mailed to the person on	12/19/2019
--------------------------------	------------

Remarks:

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.

Signature	Designated Conservationist	Date
		12/18/2019

AD-1026  
(10-30-14)U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency**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  
Greg Schmidt43646 SD Highway 46  
Utica, SD 570672. Tax Identification Number (Last 4 digits)  
67883. Crop Year  
2019

4. Names of affiliated persons with farming interests. Enter "None," if applicable.

None

Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.

5. Check one of these boxes if the statement applies; otherwise continue to Part B.

- A. ☐ 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. ☐ The producer in Part A meets all three of the following:
- 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.

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.

**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.

**PART B - HELC/WC COMPLIANCE QUESTIONS**

Indicate YES or NO to each question.

If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.

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): 2019

✓

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):  
**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.

✓

**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.

8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.

A. ☐ Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.

B. ☐ Check this box if either of the following applies to the producer and crop year entered in Part A:

- 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: Farm #3280, tract #343 and #345, fields 1 and 3.

If unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity: Install new drain tile.

C. Current land use (specify crops): beans, corn, and cover crops.

D. County: Yankton

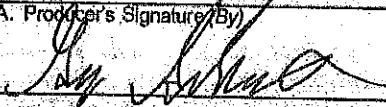
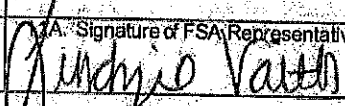
**PART D - CERTIFICATION OF COMPLIANCE**

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) 	10B. Title/Relationship (If Signing In Representative Capacity)  	10C. Date (MM-DD-YYYY)  10/30/19
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative 	11B. Date (MM-DD-YYYY)  10/31/2019

**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 552a - 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.**

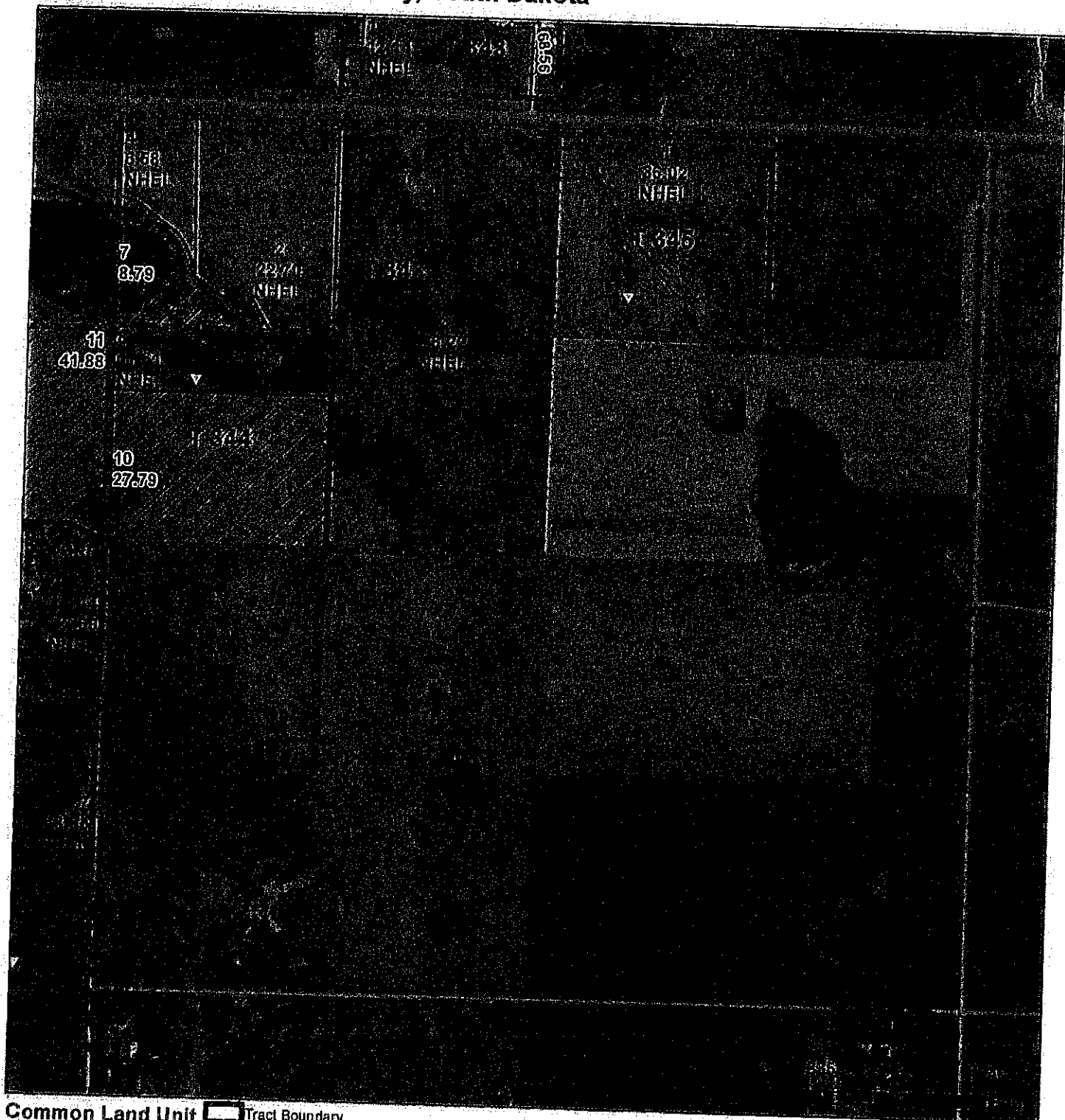
The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.eser.usda.gov/complaint\\_filing\\_cust.html](http://www.eser.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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.



United States  
Department of  
Agriculture

## Yankton County, South Dakota



Common Land Unit ☐ Tract Boundary

☒ Non-Cropland  
☐ Cropland

### Wetland Determination Identifiers

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

2019 Program Year

Map Created April 05, 2019

Farm 3280

4 -95N -56W

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).



AFFIDAVIT OF MAILING  
Yankton County Drainage Ordinance #19

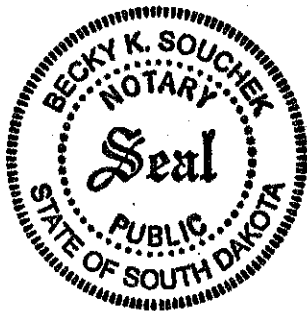
I, Corey Schacht hereby certify that on the 13 day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Drainage Action to all owners of property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet to the most recent address of the recipient known to your Affiant. A true and correct copy of the Notice of Drainage Action notification letters are attached as Exhibit #1 or #2. A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 13<sup>th</sup> day of July, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 13<sup>th</sup> day of July, 2020.

(SEAL)



Becky K Soucek  
Notary Public – South Dakota  
My commission expires: 12-01-2022

## NOTIFICATION OF DRAINAGE ACTION

July 17, 2020

Greg Schmidt  
43646 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Applicant is requesting a Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NW1/4 NE1/4 Exc LT H1 and the E1/2 NW1/4 Exc LT H1, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:10 P.M. on the 28<sup>th</sup> day of July, 2020, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Greg Schmidt  
Petitioner



EILERS, GERALD REVOCABLE TRUST (D)  
43724 SD HWY 46  
UTICA SD 57067

JAMESVILLE HUTTERIAN BRETHREN (D)  
29568 436 AVE  
UTICA SD 57067

SCHMIDT, ANALYN FMLY PRCTN TR (D)  
% KIM AUCH  
2921 JULIE ST  
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

## NOTIFICATION OF DRAINAGE ACTION

September 12, 2020

Greg Schmidt  
43646 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Continuance of request for Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NW1/4 NE1/4 Exc LT H1 and the E1/2 NW1/4 Exc LT H1, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:10 P.M. on the 22<sup>nd</sup> day of September, 2020, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Greg Schmidt  
Petitioner

EILERS, GERALD REVOCABLE TRUST (D  
43724 SD HWY 46  
UTICA SD 57067

JAMESVILLE HUTTERIAN BRETHREN (D)  
29568 436 AVE  
UTICA SD 57067

SCHMIDT, ANALYN FMLY PRTCTN TR (D)  
% KIM AUCH  
2921 JULIE ST  
YANKTON SD 57078

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

## NOTIFICATION OF DRAINAGE ACTION

January 22, 2021

Greg Schmidt  
43646 SD Hwy 46  
Utica, SD 57067

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Request for Drainage Permit to install drain tile which outlets in a culvert at the property legally described as NW1/4 NE1/4 Exc LT H1 and the E1/2 NW1/4 Exc LT H1, Section 4, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:10 P.M. on the 23 day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Greg Schmidt  
Petitioner

AFFIDAVIT OF MAILING  
Yankton County Drainage Ordinance #19

I, Gerald Eilers, hereby certify that on the 9  
day of Sept, 2020, I mailed by first class mail, postage  
prepaid, a true and correct copy of the Notice of Public Hearing  
to all owners of real property lying within 2,640 feet upstream  
and owners of real property lying within 5,280 feet downstream of  
the proposed project to the most recent address of the recipient  
known to your Affiant.

A true and correct copy of the Notice of Public Hearing  
notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real  
property is attached as Exhibit #1A or #2A.

Dated the 9 day of Sept, 2020.

Gerald Eilers  
(Name)

Affiant

Subscribed and sworn to before me this 9<sup>th</sup> day of  
September, 2020.

Deanne Johnson

Notary Public - South Dakota

My commission expires: 5-3-23

(SEAL)

Permit No. \_\_\_\_\_

## WAIVER FOR PERFORMING DRAINAGE WORK YANKTON COUNTY, SOUTH DAKOTA

South Dakota Department of Game, Fish & Parks \_\_\_\_\_ are aware of the proposed drainage work being  
(Downstream Property Owner)  
Proposed by Greg Schmidt \_\_\_\_\_ In the NW4 NW4 Exc LT H1 & E2 NW4 Exc LT H1 & NW4  
(Upstream Property Owner) \_\_\_\_\_ NE4 Exc LT H1 Sec. 4, T95, R56  
(Legal Description)

And do not object to the drainage as proposed to run through my property.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 17th day of December 2020

Signature

E. J. Keyser, Regional Supervisor  
4500 S. Oxbow Ave

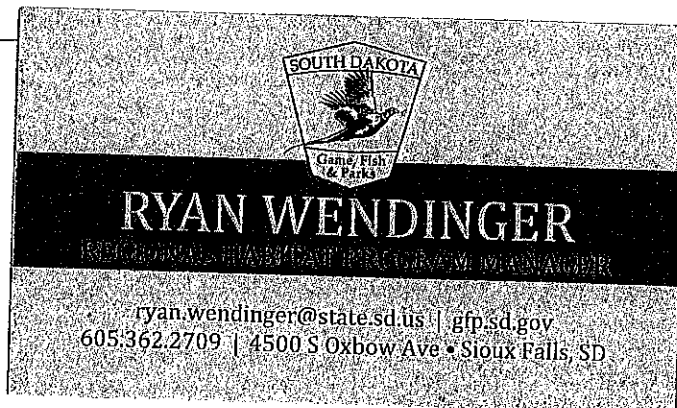
Address

Sioux Falls, SD 57106

City, State, Zip

605-362-2700

Phone



For information on this permit or the appeal process,  
contact Yankton County Planning & Zoning at 605-260-4445.  
All drainage permits are subject to the appeal process.

# DRAINAGE PERMIT

Issued by

**Yankton County**

Permit No. DP-20-015 Date 8/6/20

Work Authorized Drain Tile

Located at NW 1/4 & SW 1/4 Ex. 10333'  
10-9555

Expires 18 months from date of issue.

NOTICE: This notice is posted along property's frontage visible  
from the nearest public access point or upon the available right-of-way and  
upon the property in a conspicuous location.

VIOLATIONS ARE SUBJECT TO PROSECUTION.

*pu*

# YANKTON COUNTY DRAINAGE PERMIT APPLICATION

Each drainage site must have a separate site plan

07.010.300.100  
07.010.400.100

*Applicant to complete numbered spaces only.*

1. Job Address			
2. Legal Description of Drainage Site	NW 1/4 10/95/55 & SW 1/4 EXC W33' 10/95/55		
3. Owner	Mail Address	Zip	Phone
JHARRIS Farms LLC	29875 443 AVE IRENE SD	57037	505 7037
4. Contractor	Mail Address	Zip	Phone
Bohler Hlavak Const, IRENE SD			
5. Feet of drainage pipe and outlet size	20,000 Feet 12" Out let (south west) 12" Connection New 6" Connection New Existing		
6. Class of Work (Check One) <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input checked="" type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove			
7. Describe Work: Install Tilt Drainage & Repair Existing			
8. Valuation of Work: \$ 30,000			

Owner

Job Address

For Official Use Only-

SPECIAL CONDITIONS:

Application Accepted By: *ja* Site Plans Checked By: *ja* Approved for Issuance By: *ja*

PERMIT FEE 100

Check #

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED EIGHTEEN (18) MONTHS OF ISSUANCE.  
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

Signature of Contractor or Authorized Agent: *JA Coudersson* Date: *16th Aug 2020*

Signature of Owner (if owner builder) \_\_\_\_\_ Date \_\_\_\_\_  
BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

Type of Construction

Total Feet of Pipe

Outlet Size

☒ Administrative Permit

☐ Blue Line Outlet

☐ Drainage Ditch Outlet

☐ Lake / Pond / Wetland Outlet

☐ Drainage Board Permit

For County Officials Use Only

When properly validated (in this space), this is your permit.

The above application is hereby approved.

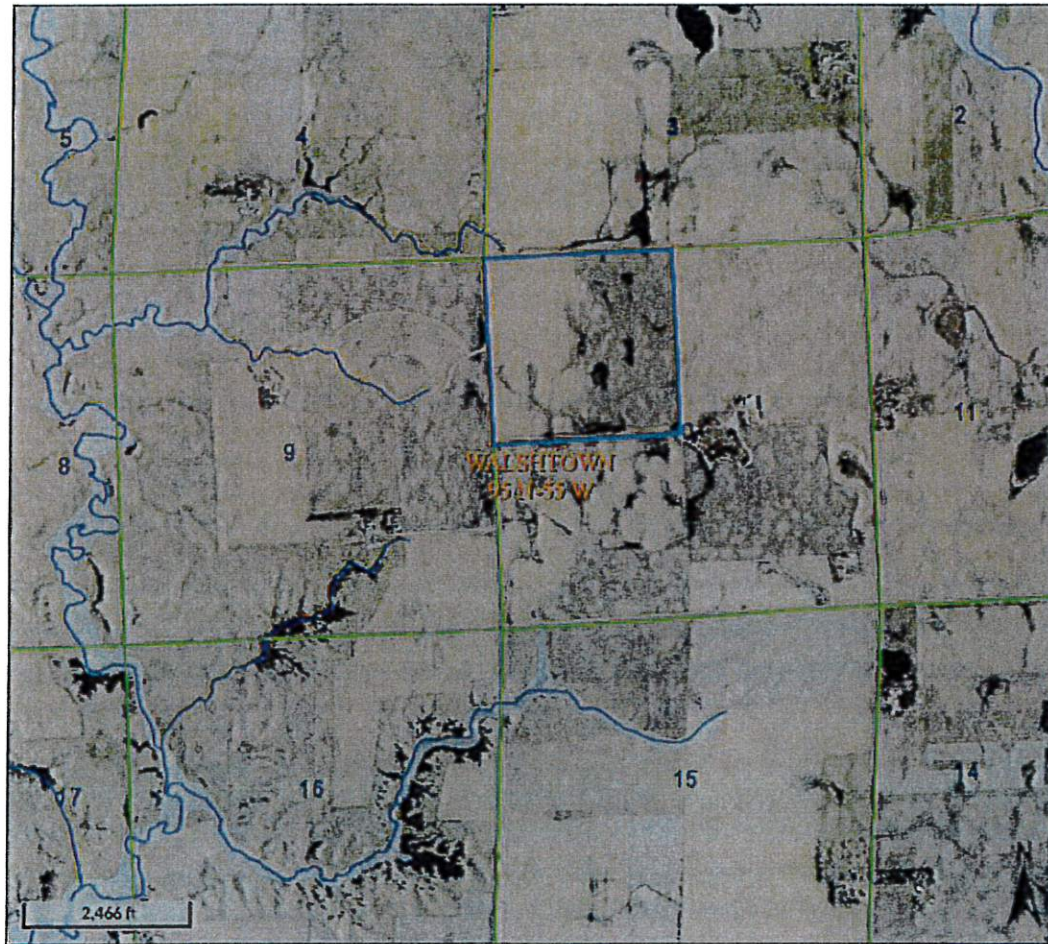
Drainage Permit Number: *DP-20-015*

Post Construction? Y ☒ N

Drainage Administrator or Authorized Representative

Date





#### Overview



#### Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads
- County Zoning District
  -  <all other values>
  -  COMMERCIAL
  -  ETJ
  -  HIGH DENSITY RESIDENTIAL
  -  LAKE SIDE COMMERCIAL
  -  LOW DENSITY RESIDENTIAL
  -  MODERATE DENSITY RESIDENTIAL
  -  PLANNED UNIT DEVELOPMENT
  -  PUBLIC
  -  RURAL
  -  TRANSITIONAL
-  Streams
- Floodplain
  -  100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
  -  500 YEAR FLOOD

Parcel ID - 07.010.400.100  
 Owner - JHGAS FARMS LLC (D)  
 Acres - 156

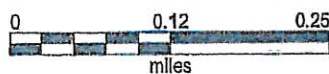
**Disclaimer:** Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 8/6/2020  
 Last Data Uploaded: 8/5/2020 10:09:57 PM

Developed by

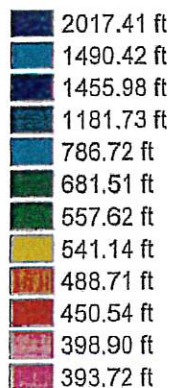


Existing + Proposed Tiles      driveway Length      Opt A  
 SW 1/4 Sec 10      SE 1/4 Sec 9



----- Proposed

Client: John G  
 Farm: south of  
 Field: driveway  
 Name: Drainage - Planned





# Untitled Map

Write a description for your map.

Google Earth

Image: USDA Farm Service Agency

NW 1/4 of Sec 40  
443rd Ave

proposed

Highway 15

1000 ft

Legend

N





NW  $\frac{1}{4}$  of Sec 10





# BLUE LINE Map 95-55





# Grain Harvest 2014 - The Quarter(207-02)



Year : 2014

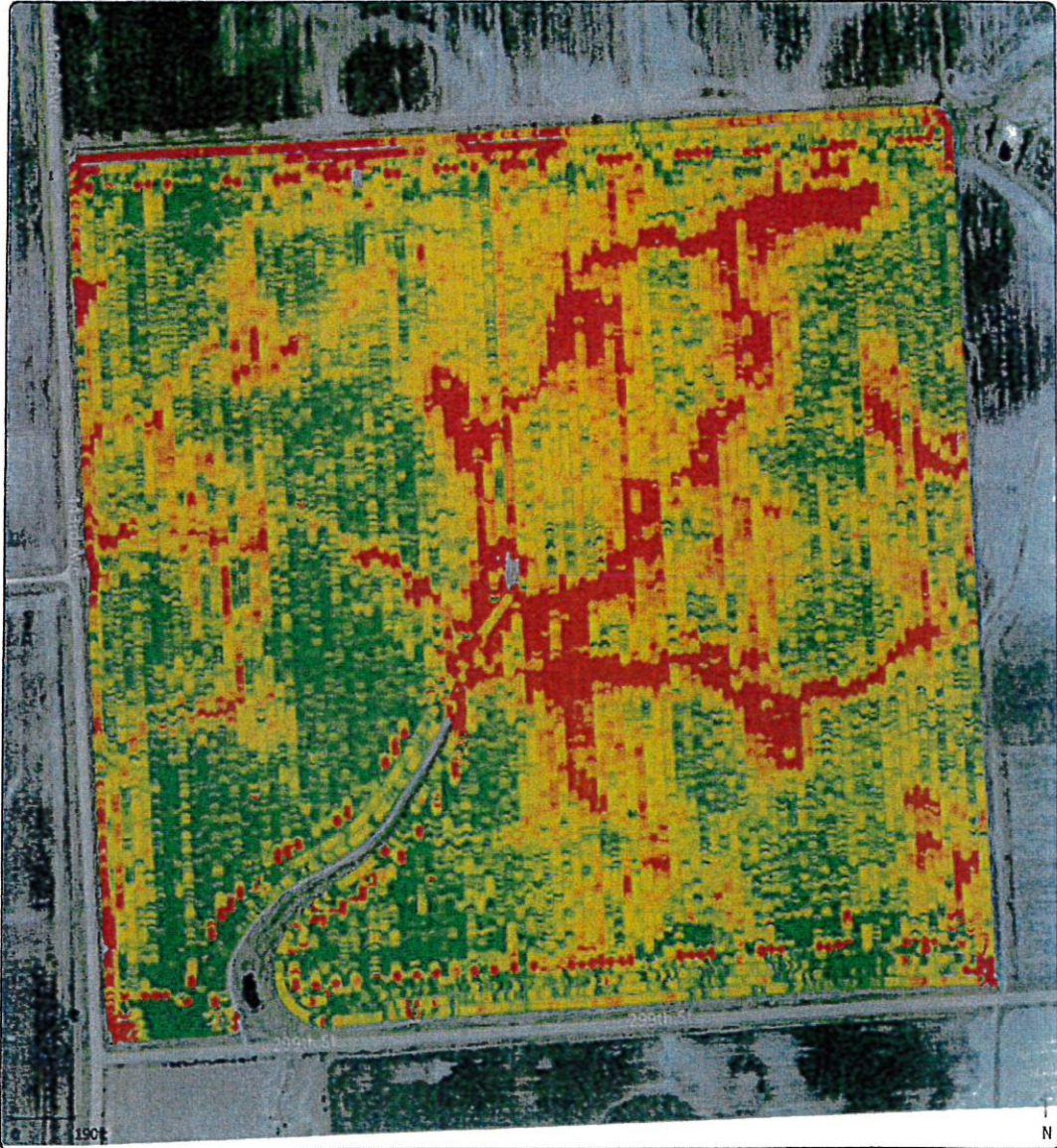
Operation : Grain Harvest

Crop / Product : 207-02

Area : 155.99 ac

Avg. Yield : 178.07 bu/ac

Total Estimated Volume (Dry) : 27,778 bu

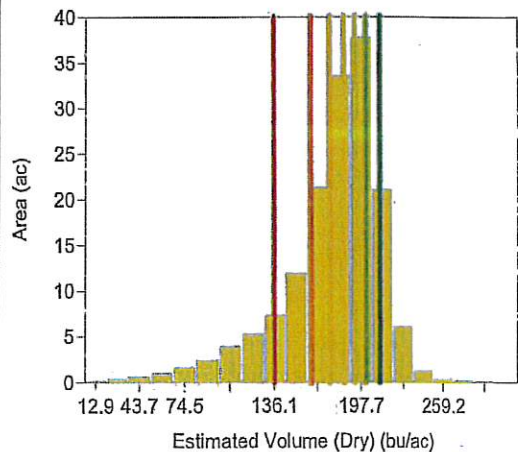


## Estimated Volume (Dry) (bu/ac)

211.06	-	1,747.15	(18.80 ac)
200.96	-	211.06	(19.92 ac)
192.98	-	200.96	(20.14 ac)
185.16	-	192.98	(19.86 ac)
175.37	-	185.16	(20.37 ac)
161.57	-	175.37	(19.87 ac)
135.21	-	161.57	(18.86 ac)
5.24	-	135.21	(18.16 ac)

## John Gunderson | Home | The Quarter 2014 | Grain Harvest | 207-02 | Harvest - 1

Dataset	Area ac	Average Moisture %	Est. Volume (Dry) bu	Avg. Yield (Dry) bu/ac	Date Logged
LO:Harvest	16.41	16.77	2,898.9	176.63	11/05/2014
LO:Harvest	71.84	17.14	12,848	178.83	11/06/2014
LO:Harvest	67.73	17.34	12,031	177.62	11/07/2014
Totals	155.99	17.19 Average	27,778	178.07 Average	11/05/2014 - 11/07/2014





# Untitled Map

Write a description for your map.



Legend

299th St

443rd Ave

1000 ft

N

Google Earth

Image USDA Farm Service Agency



# Untitled Map

Write a description for your map.

## Legend

- AGL M E2 SAGINAW
- AGL M E5

Google Earth

Image © U.S. Geological Survey

1000 ft



299th St

Easement and Right of Way Agreement  
Option A

Grantor: Walshtown Township, Yankton County South Dakota  
Bob Habeck, Chairman (30157 444 Ave Mission Hill, SD 57046)

Grantee: JHGAS Farms LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037)

The Grantor, Walshtown Township, Yankton County South Dakota, for One Dollar (\$1.00) and other consideration does grant a permanent easement to the Grantee, JHGAS Farms LLC, an easement to:

- 1) Cross township road 443 Ave between 298 Street and 299 Street.
- 2) Easement is for field drainage tile. Starting in Section 10, 95-55 and continuing to a defined blue line streams in the Section 9, 95-55, both parcels of land owned by JHGAS Farms LLC.
- 3) The section of the tile drainage that passes through the Township Easement shall be non-perforated tile.
- 4) JHGAS FARMS LLC shall be responsible for repairing and maintaining the roadway for issues caused by the installation of the field drainage tile after construction through the right of way for 5 years.
- 5) The Easement way shall be no wider than forty (40) feet wide.
- 6) Grantee will pay all reasonable costs and expenses that result from the Grantee's, or Grantee's agent(s), that result from the use of the Easement Area. Except to the extent the damages are caused by the negligence, recklessness or willful misconduct of the Grantor, or anyone acting on the Grantor's behalf.
- 7) Both Parties recognize and acknowledge the existence of an underground electrical powerline, previously granted an easement, and installed in the work area. Work in this area is the responsibility of JHGAS Farms LLC and its agents.

For Walshtown Township:

*[Signature]*  
*[Signature]*

For JHGAS Farms LLC

Date

8-4-2020  
8-4-2020

Date

Easement and Right of Way Agreement

Grantor: JHGAS FARMS LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037) Owner of Section 9, and the E1/2 of Sec 15, Twp 95 Rng 55 of the 5<sup>th</sup> PM.

Grantee: JHGAS Farms LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037) Owner of the W1/2 of Sec 10, Twp 95 Rng 55 of the 5<sup>th</sup> PM.

The Grantor, JHGAS Farms LLC, John H Gunderson, Manager, for One Dollar (\$1.00) and other consideration does grant a permanent easement to the Grantee, JHGAS Farms LLC, an easement to:

Easement is for field drainage tile. Starting in Section 10, 95-55 and continuing to a defined blue line streams in the Section 9 and Sec 15 of Twp 95 Rng 55 of the 5<sup>th</sup> PM.

- 1) JHGAS FARMS LLC, or the successor dominant landowner shall be responsible for maintaining the drainage tile for issues caused by the installation of the field drainage tile after construction through the right of way for 5 years. Should the drainage tile usage be shared between the dominant and subservient landowners, costs for repairs and maintenance shall be shared on a pro-rata basis.
- 2) The Easement way shall be no wider than forty (40) feet wide.
- 3) There shall be no open surface inverts to this tile, except for air relief, which would not allow for entry of surface water to the drainage tile system.
- 4) Grantee will pay all reasonable costs and expenses that result from the Grantee's, or Grantee's agent(s), that result from the use of the Easement Area. Except to the extent the damages are caused by the negligence, recklessness or willful misconduct of the Grantor, or anyone acting on the Grantor's behalf.
- 5) Both Parties recognize and acknowledge the existence of an underground electrical powerline, and existing water supply pipelines, previously granted an easement, and installed in the work area. Installation is the responsibility of JHGAS Farms LLC and its agents.
- 6) This easement is binding on all subsequent landowners.

For JHGAS Farms LLC, Grantor

*John H Gunderson*

Date 6 Aug 2020

For JHGAS Farms LLC, Grantee

*John H Gunderson*

Date 6 Aug 2020



**Gary Vetter**

---

**From:** macola@iw.net  
**Sent:** Tuesday, December 1, 2020 9:39 AM  
**To:** Gary Vetter  
**Subject:** Fwd: Gunderson  
**Attachments:** 2020 Corn Quarter Tile Lines.pdf

Mr. Vetter

In compliance with discussions with Rob Kilmish and Cheri Loest, I forward this email to you. Cheri Loest has the easements.

John H Gunderson

----- Original Message -----

**Subject:**Gunderson  
**Date:**2020-11-30 10:30  
**From:**macola@iw.net  
**To:**Cheri Loest <cheri@co.yankton.sd.us>

Cheri

Attached is the sketch of the proposed tile lines and outlet.

I sent the easements on Friday.

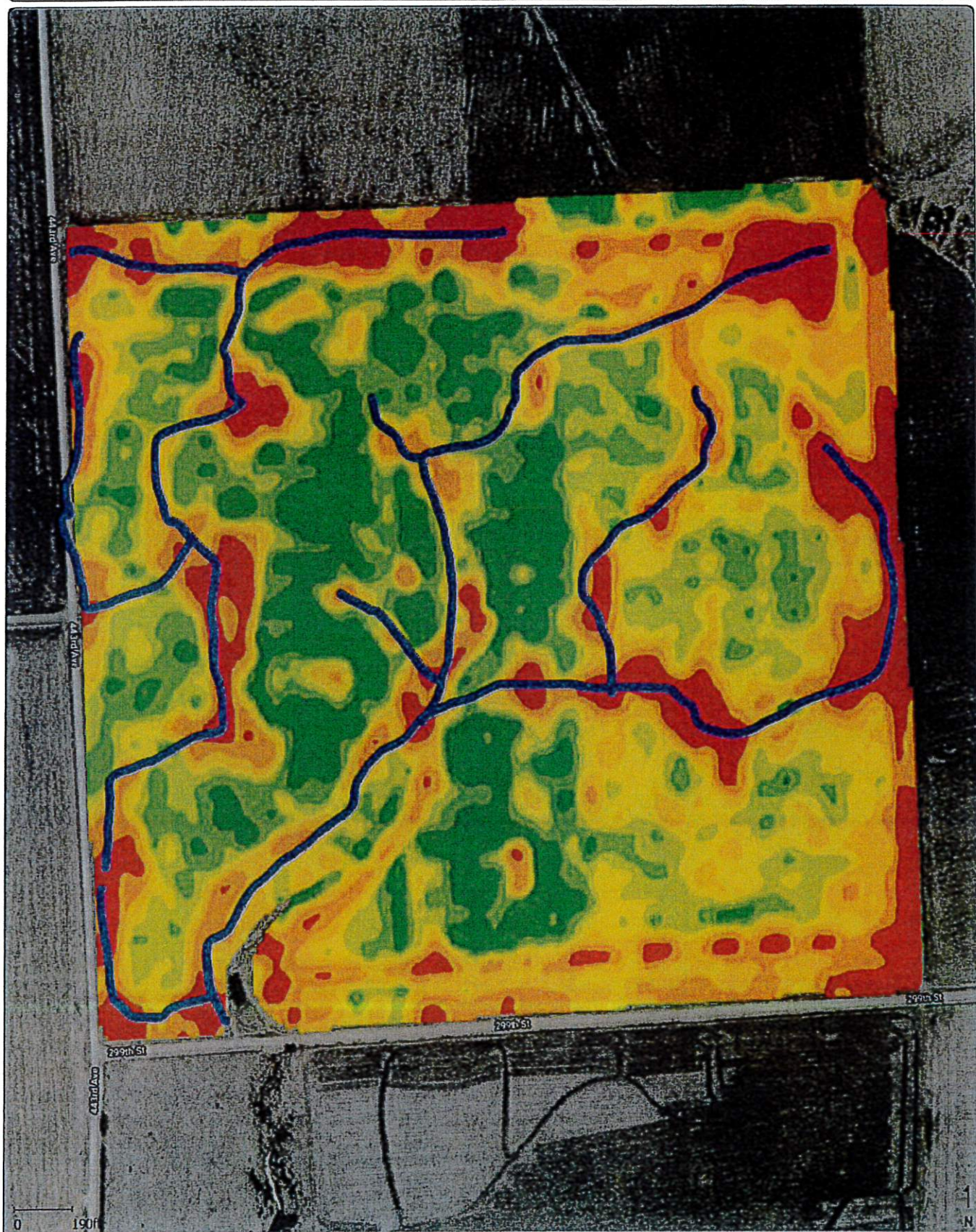
Notes on our Drainage Permits

30 November 2020

To whom it may concern:

- We are moving our outlet for the newly installed tile from the NE1/4 of Sec 16 to the SW1/4 of Sec 10 (See Attached Map). The outlet size is unchanged. The water destination is unchanged.
- All land described lies in Walshtown TWP TWP 95 RNG 55.
- The water from Sec 10 drains into a recognized Blue Line in the NW1/4 of Sec 15.
- As of Friday, 28Nov2020, Larry and Kristi Lyngstad are not interested in installing tile at this time.
- The Lyngstad land, the SE1/4 of Sec 10 drains onto our land the SW1/4 of Sec 10.
- JHGAS land drains onto Lyngstad land in the NW1/4 of Sec 15.
- Lyngstads and JHGAS have acknowledged existing easements from 2013 from their land to ours and from our land to theirs on the NW1/4 of Sec 15.
- JHGAS is leaving a corridor for Lyngstads to drain/tile their land on SW1/4 of Sec 10.

# SMS Map





**Gary Vetter**

---

**From:** macola@lw.net  
**Sent:** Friday, December 11, 2020 10:37 AM  
**To:** Gary Vetter  
**Cc:** Cherl Loest; gaschiefen@lw.net; Andy Gunderson; Annicka Gunderson; Ross Den Herder  
**Subject:** Re: Gunderson  
**Attachments:** 2020 Gunderson Tile Lines as Installed.pdf

Cherl & Gary

The easements remain the same.

Attached is the sketch of our installation.

Lyngstad will provide their sketch.

Our installers are still at work, so this is my sketch, but I hope to have their work-drawing by the meeting.

John

On 2020-12-09 10:16, Gary Vetter wrote:

Good morning,

We will plan on having the Drainage Commission meeting for the Gunderson/Lyngstad project on Tuesday, December 29 at 7PM.

Thanks,  
Gary Vetter  
Development Services Director  
Yankton County  
(605) 260-4445  
[gary@co.yankton.sd.us](mailto:gary@co.yankton.sd.us)

---

**From:** Cherl Loest  
**Sent:** Wednesday, December 9, 2020 10:12 AM  
**To:** macola@lw.net  
**Cc:** Gary Vetter <[gary@co.yankton.sd.us](mailto:gary@co.yankton.sd.us)>  
**Subject:** Re: Gunderson

For the drainage meeting review, please forward a copy of your final plan and updated easements to Gary Vetter for him to include in the packet. *I copied him so you have his email.* This will be a modification of your existing permit.

- Cheri

---

From: Cheri Loest <cheri@co.yankton.sd.us>  
Sent: Sunday, December 6, 2020 12:57 PM  
To: macola@lw.net <macola@lw.net>  
Subject: Re: Gunderson

After looking at your map closer and matching it with the notes I took, I want to clarify one thing.

*Does your tile outlet directly discharge into the blue line?*

From our conversation, I thought you were moving your outlet onto the Lyngstad property so its outlet was *directly* into their blue line. From your drawing, it looks like your outlet is on your property, drains through the ditch and over the Lyngstad land. If that's the case, then it does require Drainage Commission approval in that it "does not outlet into a permanent or intermittent stream".

Cheri

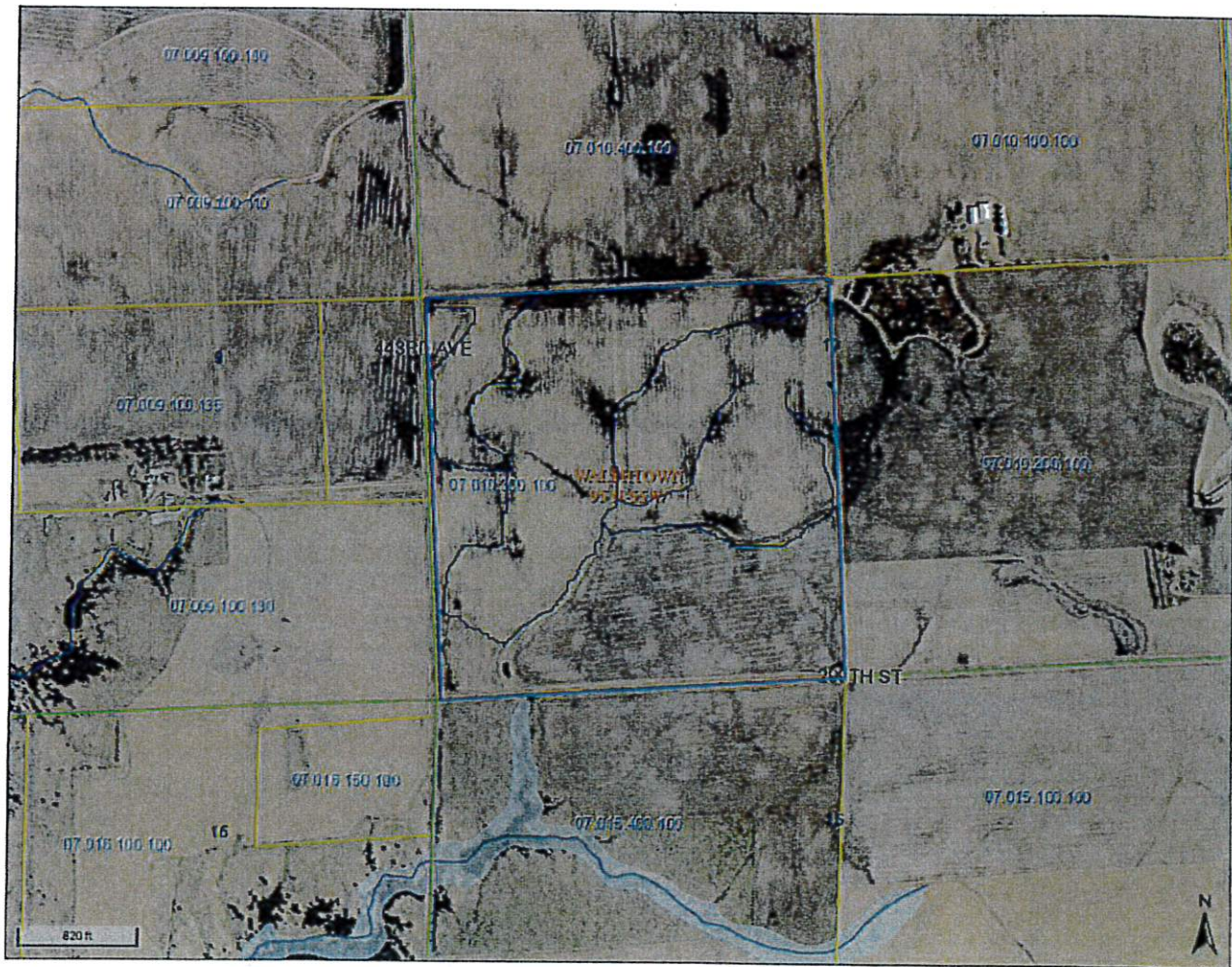
---

From: macola@lw.net <macola@lw.net>  
Sent: Monday, November 30, 2020 10:30 AM  
To: Cheri Loest <cheri@co.yankton.sd.us>  
Subject: Gunderson

Cheri

Attached is the sketch of the proposed tile lines and outlet.  
I sent the easements on Friday.  
Notes on our Drainage Permits  
30 November 2020  
To whom it may concern:

- We are moving our outlet for the newly installed tile from the NE1/4 of Sec 16 to the SW1/4 of Sec 10 (See Attached Map). The outlet size is unchanged. The water destination is unchanged.
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- Lyngstads and JHGAS have acknowledged existing easements from 2013 from their land to ours and from our land to theirs on the NW1/4 of Sec 15.
- JHGAS is leaving a corridor for Lyngstads to drain/tile their land on SW1/4 of Sec 10.





## Gary Vetter

---

**From:** Cheryl Loest  
**Sent:** Tuesday, December 15, 2020 10:34 AM  
**To:** macola@iw.net; Ross Den Herder  
**Cc:** Gary Vetter  
**Subject:** Re: Gunderson

Please copy Gary Vetter on these emails. It ensures all documents are recorded in the office file and are provided at the meeting. - Cheryl

---

**From:** macola@iw.net <macola@iw.net>  
**Sent:** Tuesday, December 15, 2020 10:25 AM  
**To:** Cheryl Loest <cheryl@co.yankton.sd.us>; Ross Den Herder <rossdenherder@dhlaw.co>  
**Subject:** Gunderson.

Cheryl

Below is the letter and addresses for the notification letter for the Drainage Commission Hearing on 29Dec2020. Just to be safe I went a little above and below the 1/2 mile above and 1 mile below required. I did not include the drainages to the north and south as they won't be receiving water from the tile.

Y'Obd'Svt

John

Letter Follows:

John H Gunderson

Grace Ann Schiefen

Andrew H Schiefen Gunderson

Annicka K Schiefen Gunderson

JHG&S FARMS LLC

29875 443 Ave

Irene, SD 57037

605-263-3850

605-661-6752

Parcel ID - 07.016.400.100

SEES, ROSEMARY J (D)

29948 NE JIM RIVER RD

MISSION HILL SD 57046

Dear Rosemary and the family,

We received a drainage permit, DP-20-015 in 2020. We have changed the outlet location for that drainage tile located in Section 10, 95-55 from Section 15 to Section 10. Nothing else, including the size of the outlet, in that permit changed. The only change is in the location of the outlet.

Because of that change of the outlet location, The Yankton County Drainage Commission has requested that we appear at a hearing on December 29, 2020 to review the permit and the changes. You are welcome to attend that hearing at the Yankton County Administrative Building at 7:00 pm on that date. If you have any questions before the hearing, please feel free to call us or stop by to discuss this hearing.

For the Family,

John H Gunderson

Addresses Notice letter was sent to:

Parcel ID - 07.015.400.100

LYNGSTAD, LAWRENCE D & Kristi

29928 444 AVE

VOLIN SD 57072

Parcel ID - 07.010.100.100

HEALY, DAVID J

30848 444 AVE

MISSION HILL SD 57046

Owner - JHGAS FARMS LLC (D)

29875 443 Ave

Irone, SD 57037

Parcel ID - 07.016.300.100

Owner - KEELEY, GERALD A (D)

SCHRAMM, JOANNE REV TRUST

(D)

SCHRAMM, TERRENCE REV TRUST

(D)

44238 302 ST

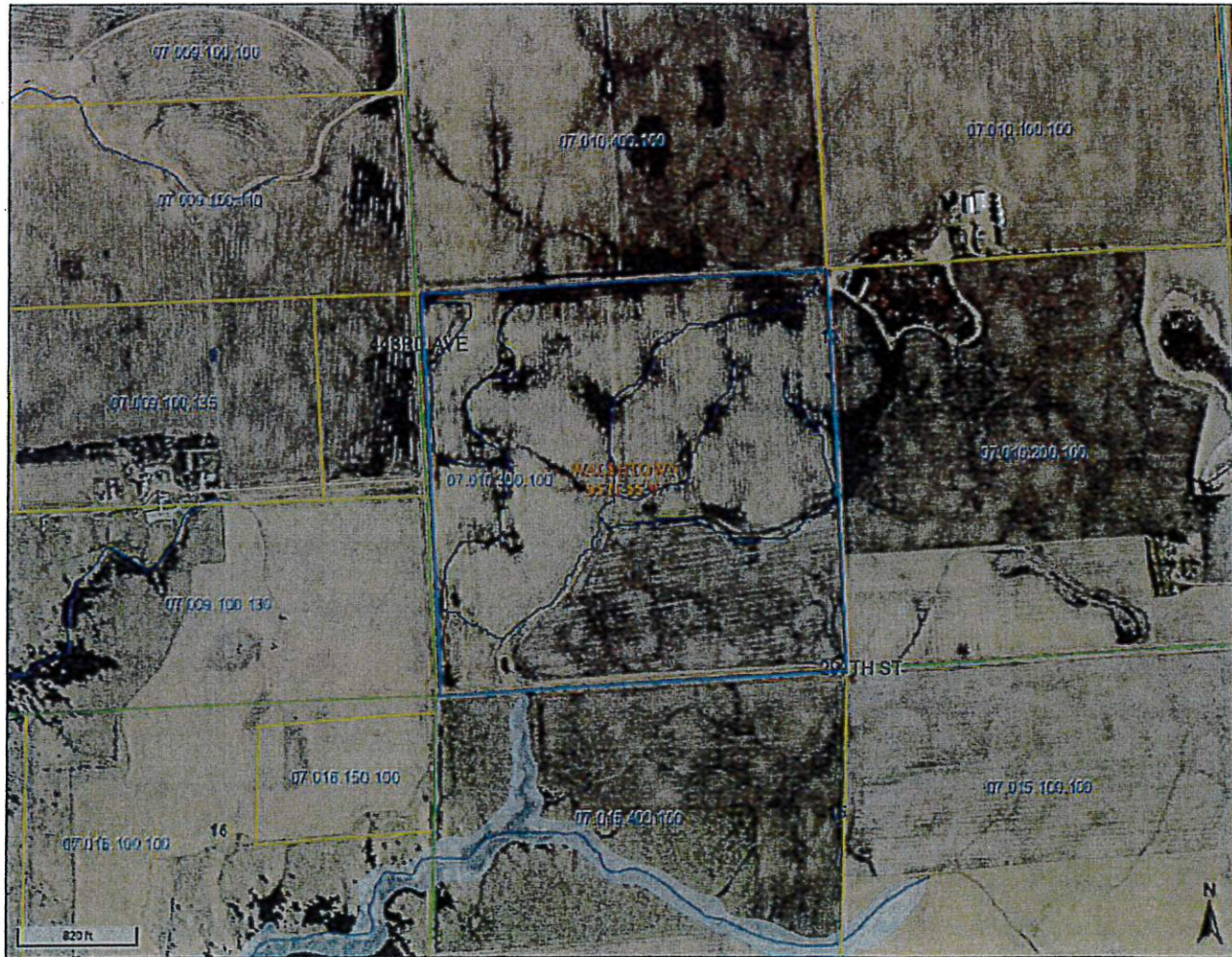
MISSION HILL SD 57046

Parcel ID - 07.016.400.100

SEES, ROSEMARY J (D)

29948 NE JIM RIVER RD

MISSION HILL SD 57046



Parcel ID - 07.010.200.100  
Address - 29891 444 AVE  
Owner - LYNSTAD, LARRY D (D)  
LYNSTAD, KRISTIE (D)

Parcel ID - 07.010.100.100  
Address - 29851 444 AVE  
Owner - HEALY, DAVID J (D)  
HEALY, MARGARET L (D)  
30848 444 AVE  
MISSION HILL SD 57046

Parcel ID - 07.010.400.100  
Owner - JHGAS FARMS LLC (D)  
Acres - 156

Parcel ID - 07.015.400.100  
Owner - LYNSTAD, LAWRENCE D (D)  
LYNSTAD, KRISTIE L (D)  
Deed Holder  
LYNSTAD, LAWRENCE D  
29828 444 AVE  
VOLIN SD 57072

Parcel ID - 07.016.150.100  
Address - 29907 443 ST  
Owner - JHGAS FARMS LLC (D)  
07.016.150.100  
Property Address  
29907 443 ST  
Sec/Twp/Rng  
16/95/55

Deed Holder  
KEELEY, GERALD A  
44238 302 ST  
MISSION HILL SD 57046

Parcel ID - 07.016.300.100  
Address - 44202 300 ST  
Owner - KEELEY, GERALD A (D)  
SCHRAMM, JOANNE REV TRUST (D)  
SCHRAMM, TERRENCE REV TRUST (D)

Parcel ID - 07.016.400.100  
Owner - SEES, ARTHUR L (D)  
SEES, ROSEMARY J (D)  
Acres - 180

Owners  
Deed Holder  
SEES, ARTHUR L

29948 NE JIM RIVER  
RD  
MISSION HILL  
SD 57046

Parcel ID - 07.010.200.100

Parcel ID - 07.015.400.100

LYNGSTAD, LAWRENCE D & Kristi

29928 444 AVE

VOLIN SD 57072

Parcel ID - 07.010.100.100

HEALY, DAVID J

30848 444 AVE

MISSION HILL SD 57046

Owner - JHGAS FARMS LLC (D)

29875 443 Ave

Irene, SD 57037

Parcel ID - 07.016.300.100

Owner - KEELEY, GERALD A (D)

SCHRAMM, JOANNE REV TRUST (D)

SCHRAMM, TERRENCE REV TRUST (D)

44238 302 ST

MISSION HILL SD 57046

Parcel ID - 07.016.400.100

SEES, ROSEMARY J (D)

29948 NE JIM RIVER RD

MISSION HILL SD 57046



John H Gunderson

Grace Ann Schiefen

Andrew H Schiefen Gunderson

Annicka K Schiefen Gunderson

JHGAS FARMS LLC

29875 443 Ave

Irene, SD 57037

605-263-3850

605-661-6752

Parcel ID - 07.016.400.100

SEES, ROSEMARY J (D)

29948 NE JIM RIVER RD

MISSION HILL SD 57046

Dear Rosemary and the family,

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Because of that change of the outlet location, The Yankton County Drainage Commission has requested that we appear at a hearing on December 29, 2020 to review the permit and the changes. You are welcome to attend that hearing at the Yankton County Administrative Building at 7:00 pm on that date.

If you have any questions before the hearing, please feel free to call us or stop by to discuss this hearing.

For the Family,

John H Gunderson

**Addresses Notice letter was sent to:**

**Parcel ID - 07.015.400.100**  
LYNGSTAD, LAWRENCE D & Kristi  
29928 444 AVE  
VOLIN SD 57072

**Parcel ID - 07.010.100.100**  
HEALY, DAVID J  
30848 444 AVE  
MISSION HILL SD 57046

**Owner - JHGAS FARMS LLC (D)**  
29875 443 Ave  
Irene, SD 57037

**Parcel ID - 07.016.300.100**  
**Owner - KEELEY, GERALD A (D)**  
SCHRAMM, JOANNE REV TRUST (D)  
SCHRAMM, TERRENCE REV TRUST (D)  
44238 302 ST  
MISSION HILL SD 57046

**Parcel ID - 07.016.400.100**  
SEES, ROSEMARY J (D)  
29948 NE JIM RIVER RD  
MISSION HILL SD 57046

**YANKTON COUNTY  
DRAINAGE APPLICATION # \_\_\_\_\_**

(Type or Print)

**OWNER:** JHGAS FARMS LLC

**OWNERS ADDRESS:** 29875 443 AVE, IRENE SD 57037

**OWNERS DAYTIME PHONE#:** 605.263.3850

**DATE OF DRAINAGE PERMIT REQUEST:** \_\_\_\_\_

**JOB ADDRESS:** SAME

**DRAINAGE PROPERTY PARCEL NUMBER:** \_\_\_\_\_

**LEGAL:** SW1/4 OF SEC 10 & SE1/4 OF SEC 9 & NE1/4 SEC 15 ALL IN TWP95 RNG55 WEST OF 5THPM

**TOWNSHIP:** WALSHTOWN **SECTION:** 9.10.15

**U.S. NATURAL RESOURCES CONSERVATION SERVICE:** NO WETLANDS

**VESTED DRAINAGE RIGHTS ON PROPERTY:** YES

**TOWNSHIP / YANTKON COUNTY HIGHWAY / SOUTH DAKOTA DOT:** WALSHTOWN

**MUNICIPALITY / COUNTY AFFECTED BY PERMIT:** NONE

**SOUTH DAKOTA GAME, FISH & PARKS:** N/A

**SOUTH DAKOTA DENR:** N/A

**AFFECTED SECTION OF DRAINAGE ORDINANCE:** \_\_\_\_\_

**DRAINAGE DETAILS:** TILE DRAINAGE ON OWNERS PROPERTY TO BLUE LINE LOCATED ON OWNERS PROPERTY

**DRAINAGE PERMIT APPROVAL / DENIAL:** \_\_\_\_\_

**DRAINAGE ADMINISTRATOR SIGNATURE:** \_\_\_\_\_

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) One-Call 811 Request Form
- C) Application Fee(s)

**SCHEDULED FOR DRAINAGE COMMISSION ACTION (Date):** \_\_\_\_\_

**SCHEDULED FOR DRAINAGE BOARD ACTION\* (Date):** \_\_\_\_\_

**\*TENTATIVE DATE:** Final date announced at Drainage Commission Meeting

**APPLICATION FEE:** \_\_\_\_\_

**CHECK #:** \_\_\_\_\_

**RECEIPT #:** \_\_\_\_\_

The undersigned acknowledge/declare that all the facts and representations stated in this application are true and by signing, acknowledge the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent. The undersigned understands all applicable regulations in the Yankton County Drainage Ordinance, Yankton County Floodplain Ordinance and Yankton County Zoning Ordinance.

Name of Applicant

Date

Signature of Applicant/Owner

Date

Easement and Right of Way Agreement

Grantor: JHGAS FARMS LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037) Owner of Section 9, and the E1/2 of Sec 15, Twp 95 Rng 55 of the 5<sup>th</sup> PM.

Grantee: JHGAS Farms LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037) Owner of the W1/2 of Sec 10, Twp 95 Rng 55 of the 5<sup>th</sup> PM.

The Grantor, JHGAS Farms LLC, John H Gunderson, Manager, for One Dollar (\$1.00) and other consideration does grant a permanent easement to the Grantee, JHGAS Farms LLC an easement to:

Easement is for field drainage tile. Starting in Section 10, 95-55 and continuing to a defined blue line streams in the Section 9 and Sec 15 of Twp 95 Rng 55 of the 5<sup>th</sup> PM.

- 1) JHGAS FARMS LLC, or the successor dominant landowner shall be responsible for maintaining the drainage tile for issues caused by the installation of the field drainage tile after construction through the right of way for 5 years. Should the drainage tile usage be shared between the dominant and subservient landowners, costs for repairs and maintenance shall be shared on a pro-rata basis.
- 2) The Easement way shall be no wider than forty (40) feet wide.
- 3) There shall be no open surface inverts to this tile, except for air relief, which would not allow for entry of surface water to the drainage tile system.
- 4) Grantee will pay all reasonable costs and expenses that result from the Grantee's, or Grantee's agent(s), that result from the use of the Easement Area. Except to the extent the damages are caused by the negligence, recklessness or willful misconduct of the Grantor, or anyone acting on the Grantor's behalf.
- 5) Both Parties recognize and acknowledge the existence of an underground electrical powerline, and existing water supply pipelines, previously granted an easement, and installed in the work area. Installation is the responsibility of JHGAS Farms LLC and its agents.
- 6) This easement is binding on all subsequent landowners.

For JHGAS Farms LLC, Grantor



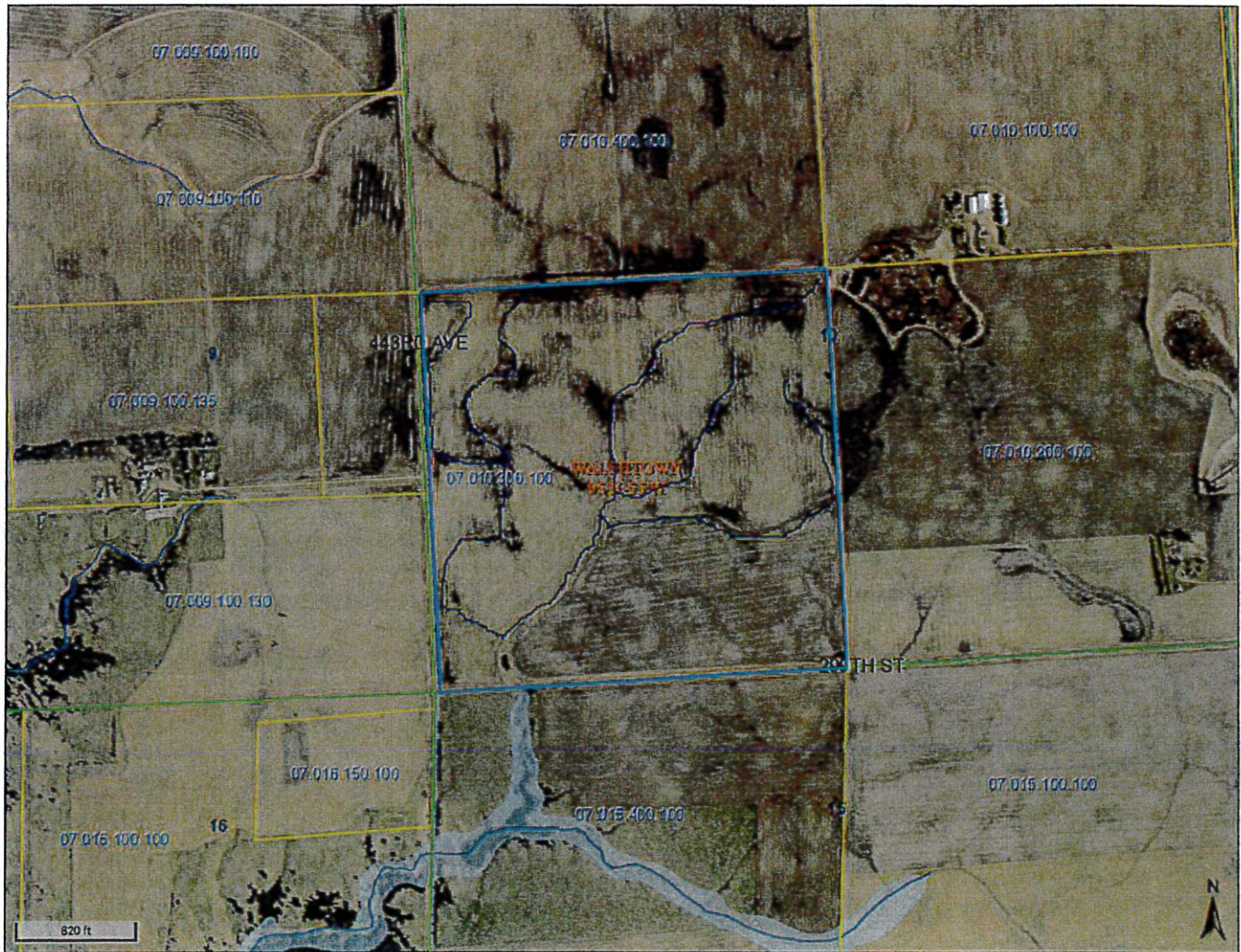
Date 6 Aug 2020

For JHGAS Farms LLC, Grantee



Date 6 Aug 2020





**Picture Index Drainage Permit DP-20-015 JHGAS Farms/ John Gunderson**

**All Photos taken in or near T95-R55 Sections 9, 10, 15, & 16**

**Yankton County, Walshtown township, SD.**

1. Photo taken looking south into Larry & Kristie Lyngstad's steep-sided creek approx. 15-18 feet deep. Location of this steep creek is in the northwestern area of NW1/4 section 15 where outlet water will now be diverted to. Photo was taken while standing on 299<sup>th</sup> St. road surface, showing the exit end of the 4 (four) foot culvert.
2. Photo taken while standing on road surface of 299<sup>th</sup> St. The entrance end of the 4 (four) foot Culvert is under 299<sup>th</sup> St at this location. This photo is looking NE into Gunderson's stock dam approx. 12 feet deep. Note tile outlet location where water from tile will be entering established waterway/stock dam. Location of Gunderson's stock dam is in SW1/4 of Section 10, in the southwest part of the quarter.
3. Looking north at intersection of 299<sup>th</sup> St. and 443<sup>rd</sup> Ave. where outlet pipe was originally to be installed underneath.
4. Ditch on west side of 443<sup>rd</sup> Ave. looking north from driveway at barn site where tile pipe was originally permitted to be located.
5. On 443<sup>rd</sup> Ave looking south from driveway at barn site, where originally the water would have gone down "Clifford Currier's stock dam" hill if outlet had been placed under T intersection at 443<sup>rd</sup> Ave and 299<sup>th</sup> St. Outlet was changed to go into the established waterway pictured in #1 and #2.
6. West side of road on 443<sup>rd</sup> Ave looking north from bottom of steep hill where water from outlet was originally going to flow into blueline at bottom of hill. Much rock and erosion control would have been needed.
7. This photo is looking east down into Gunderson's stock dam showing depth of the culvert (under 299<sup>th</sup> St.) approx. 12 feet below level of road surface. Note: John is wearing orange coat at bottom of stock dam.
8. Photo shows where water from original permitted outlet would have joined blue line. Photo is looking west from 443<sup>rd</sup> Ave. into Gunderson's pasture at bottom of big hill, south of intersection of 299<sup>th</sup> St and 443<sup>rd</sup> Ave approx. ¼ mile.
9. Looking east into Gunderson stock dam on SE corner of SW1/4 of Section 10 in 95-55. Picture taken while standing along the fence line. John standing at culvert opening. This photo is a closeup of photo #7.
10. Photo taken on 443<sup>rd</sup> Ave looking north down big hill south of intersection of 299<sup>th</sup> St and 443<sup>rd</sup> Ave approx. ¼ mile. Note the steepness of the hill. Outlet water will not be running down this hill now.
11. Photo taken on 443<sup>rd</sup> Ave looking north up big hill from bottom of creek which is approx. ¼ mile south of intersection of 299<sup>th</sup> St and 443<sup>rd</sup> Ave.



#1

Looking South  
from top of 299  
ROAD DOWN INTO  
Lyngstad Big  
Creek

Dec 28, 2020 at 10:22:48 AM  
299th St  
Volin SD 57072  
United States



#2

OUTLET  
↓

Looking NE from  
top of 299th St  
into GUNDERSON  
CREEK / STOCK DAM

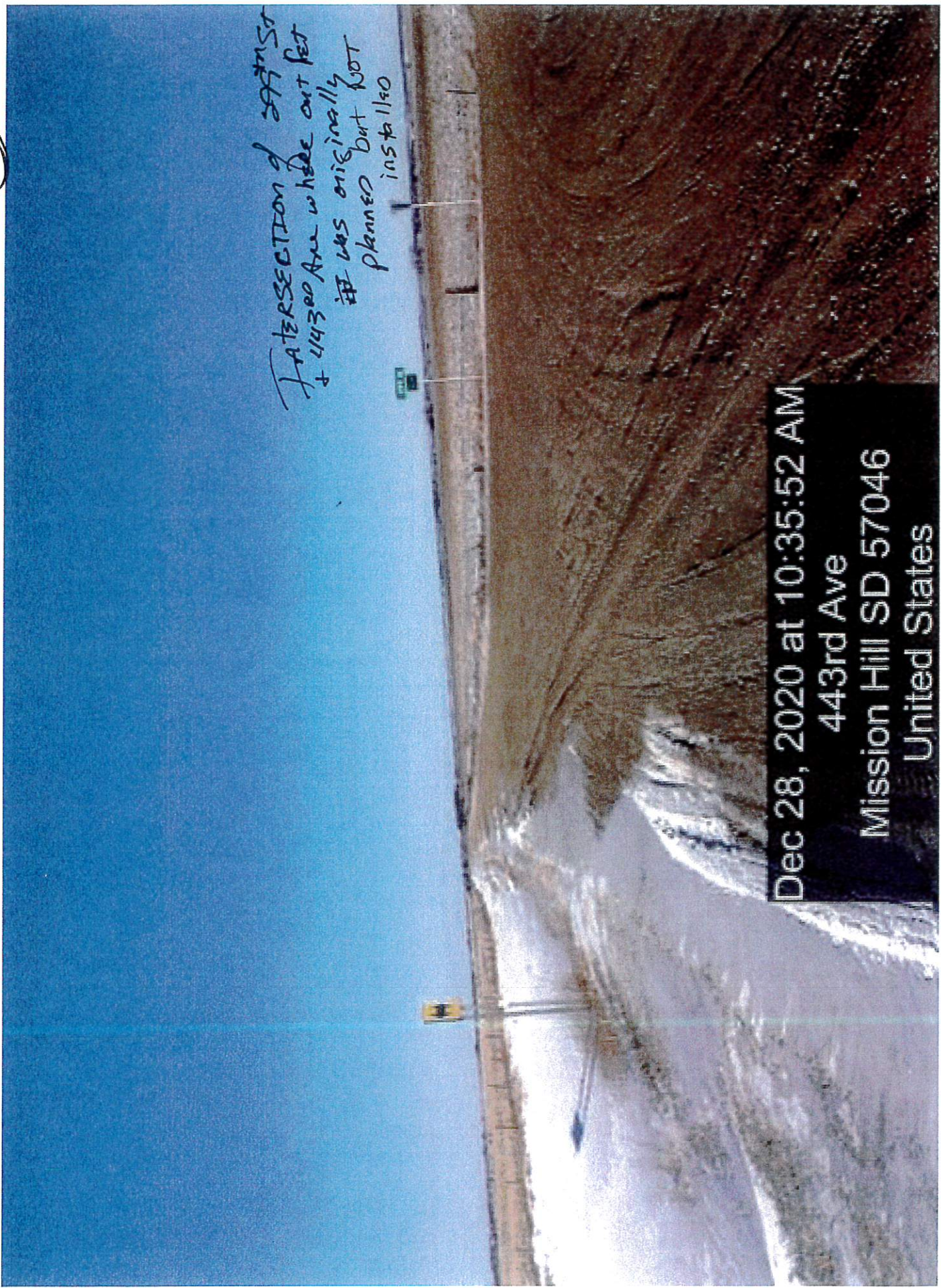
Dec 28, 2020 at 10:26:06 AM  
299th St  
Mission Hill SD 57046  
United States



#3

Intersection of 27th St  
& 443rd Ave where cut set  
it was originally  
planned but not  
installed

Dec 28, 2020 at 10:35:52 AM  
443rd Ave  
Mission Hill SD 57046  
United States





#4

Ditch west side of 443  
Looking north from  
Driveway @ Baen Site  
where outlet flow is  
NOT going to run

Dec 28, 2020 at 10:37:52 AM  
Mission Hill SD 57046  
United States



#5

TAKEN on 443RD Ave.  
looking South down  
big hill, (south of 299th)  
Water would have  
flowed down this hill  
In original permit

Dec 28, 2020 at 10:38:30 AM  
443rd Ave  
Mission Hill SD 57046  
United States



#10

WEST SIDE of ROAD  
ON 443RD Ave. Looking  
North from bottom of  
steep hill where water from  
OUTLET will NOT Run

Dec 28, 2020 at 10:41:09 AM  
443rd Ave  
Mission Hill SD 57046  
United States



#7

Looking EAST down into  
GUNDERSON'S Stockdam  
Showing depth of culvert  
~ 12' Below ROAD level

Dec 28, 2020 at 10:20:16 AM  
299th St  
Volin SD 57072  
United States



Looking West from  
443rd Ave  
Blue line Creek  
into Gunderson's pasture  
@ Bottom of Big-  
Hill South of  
Intersection of  
299+443  
1/4 mile

#8

Dec 28, 2020 at 10:40:51 AM

443rd Ave

Mission Hill SD 57046

United States



Looking into COUNDERSON  
Stockdam on SE corner  
of SW 1/4 of Sec 10  
CULVERT UNDER 299th

#9



Dec 28, 2020 at 10:21:31 AM  
299th St  
Volin SD 57072  
United States



ON 443<sup>rd</sup> Ave Looking <sup>(North)</sup> down big hill S of intersection ~ 299 + 443

Network: Dec 28, 2020 at 10:41:45 AM CST

Local: Dec 28, 2020 at 10:41:45 AM CST ~ 1/4 mile

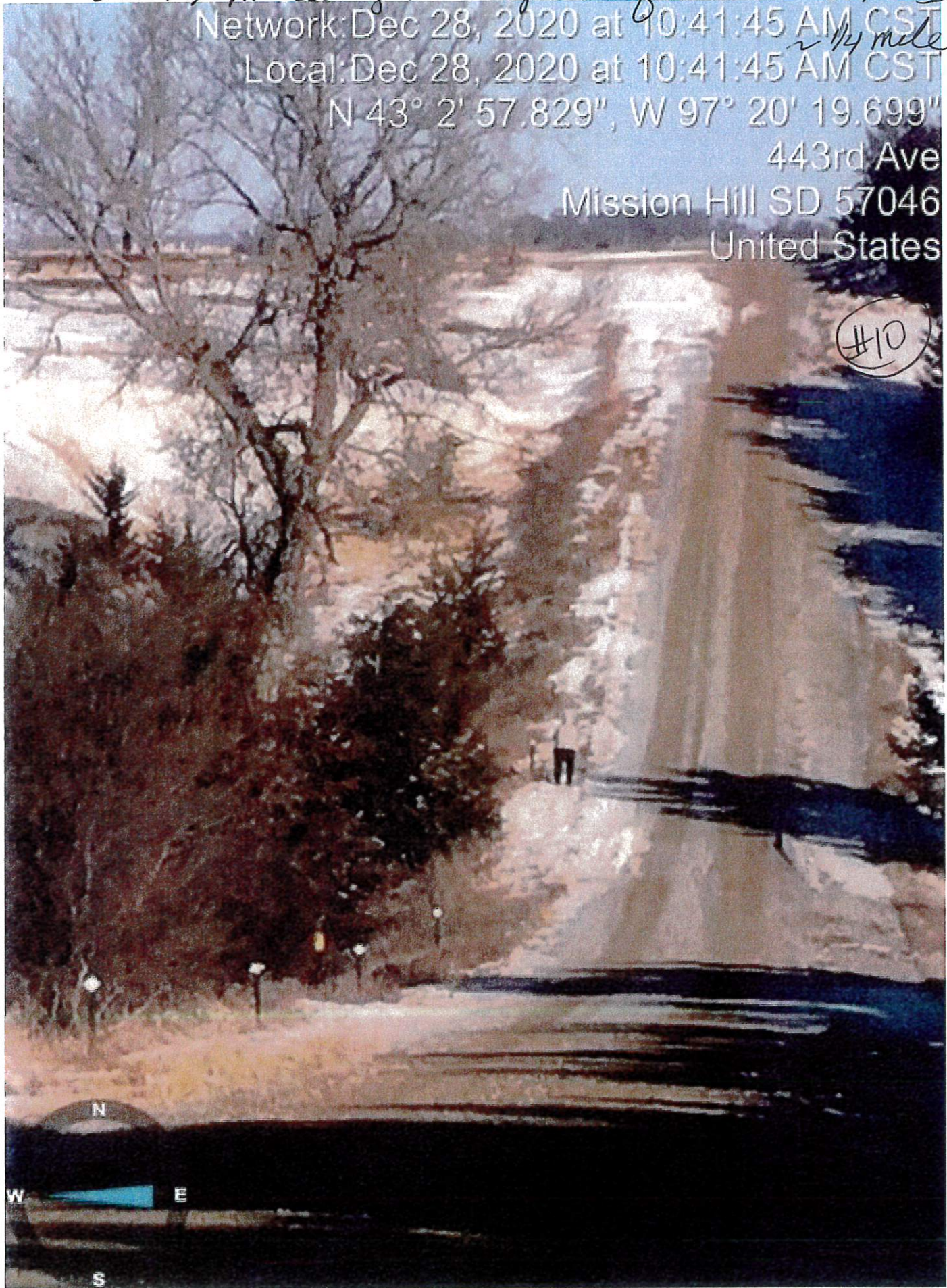
N 43° 2' 57.829", W 97° 20' 19.699"

443rd Ave

Mission Hill SD 57046

United States

#10





Network: Dec 28, 2020 at 10:43:18 AM CST

Local: Dec 28, 2020 at 10:43:18 AM CST

N 43° 3' 2.697", W 97° 20' 19.297"

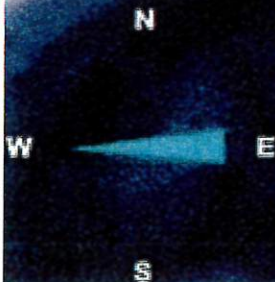
443rd Ave

Mission Hill SD 57046

United States

#11

on 443rd Ave  
Looking N+tr up big hill  
from bottom of Big  
creek. Soil intersection  
of 299+443







Actual



**AFFIDAVIT OF MAILING**

STATE OF SOUTH DAKOTA )

: SS

COUNTY OF YANKTON )

John H Gunderson, being duly sworn on oath, deposes and states as follows:

On January 28, 2021, I mailed a copy of the **NOTICE OF DRAINAGE ACTION** by first-class mail to the following:

Davia J. Healy  
30848 444<sup>th</sup> Ave  
Mission Hill, SD 57046

Rosemary Sees  
29948 NE Jim River Road  
Mission Hill, SD 57046

JHGAS Farms, LLC  
29875 443 Ave  
Irene, SD 57037

Gerald A. Keeley  
44238 302<sup>nd</sup> St  
Mission Hill, SD 5704

Larry & Kristie Lyngstad  
29928 444<sup>th</sup> Ave  
Volin, SD 57072-5608

Dated this 28<sup>th</sup> day of January, 2021.

John H Gunderson  
John H Gunderson

Subscribed and sworn to before me this 28<sup>th</sup> day of January, 2021.

Courtney Strong  
Notary Public, South Dakota  
My commission expires: 03-03-2023





## NOTIFICATION OF DRAINAGE ACTION

January 28, 2021

Jon Gunderson  
29875 443 Ave  
Irene, SD 57073

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Request for Drainage Permit to install drain tile which outlets in a natural drainage at the property legally described as NW1/4 and SW1/4 Exc W33', Section 10, T95N, R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:15 P.M. on the 23 day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Jon Gunderson  
Petitioner

# Easement and Right of Way Agreement

Grantor: Walshtown Township, Yankton County South Dakota  
Larry Sees, Chairman (30157 444 Ave, Mission Hill, SD 57046)

Grantees: JHGAS Farms LLC, John H Gunderson, Manager (29875 443 Ave, Irene, SD 57037)  
Grantees: Larry and Kristie Lyngstad (29928 444 Ave, Volin, SD 57072)  
The Grantor, Walshtown Township, Yankton County South Dakota, for One Dollar (\$1.00) and other consideration does grant a permanent easement to the Grantees, JHGAS Farms LLC, and Larry and Kristie Lyngstad Grantee, an easement and agreement to use the right of way to:

- 1) Continuation of the existing easement and agreement to use the Walshtown Township right of way and culvert, first ratified in 2013.
- 2) Cross township road right-of-way on 299th Street utilizing existing culvert with water from field drainage tiles.
- 3) Easement is for field drainage tiles. Starting from tile located in the SE ¼ of Sec 10, 95-55, owned by Larry and Kristie Lyngstad, and with outlets the SW1/4 of Sec. 10, 95-55, land owned by JHGAS Farms LLC, and continuing to a defined blue line stream owned by Larry and Kristie Lyngstad in the NW1/4, Sec. 15, 95-55.
- 4) The tile drainage water that passes through the Township Easement shall be an existing metal culvert.
- 5) Walshtown Township recognizes that there will be additional drainage tile installed in the future by JHGAS Farms LLC, and by Larry and Kristie Lyngstad to complete the drainage projects.
- 6) Grantees' will pay all reasonable costs and expenses that result from the Grantees', or Grantees' agent(s), that result from the use of the easement area. Said costs to be shared on a per acre drained basis, except to the extent the damages are caused by negligence, recklessness or willful misconduct of the Grantor, or anyone acting on the Grantor's behalf or any damage caused by an act of God or by normal deterioration or corrosion of the culvert.

For Walshtown Township:

Larry Sees Date 1-28-2021

For JHGAS Farms LLC

Gunderson John H Date Jan 28, 2021  
JHGAS Farms

For Larry and Kristie Lyngstad

Larry Lyngstad Date 1-28-2021

Kristie Lyngstad Date 1-28-2021



GUNDERSON, JOHN H (D)  
29875 443 ST  
IRENE SD 57037

HEALY, DAVID J (D)  
30848 444 AVE  
MISSION HILL SD 57046

JHGAS FARMS LLC (D)  
29875 443 AVE  
IRENE SD 57037

KNODEL FAMILY TRUST (D)  
2606 ELLA LN  
YANKTON SD 57078

LYNGSTAD, LARRY D (D)  
29928 444 AVE  
VOLIN SD 57072

LYNGSTAD, LAWRENCE D (D)  
29928 444 AVE  
VOLIN SD 57072

NICKEL, VICKY (D)  
PO BOX 90948  
SIOUX FALLS SD 57109

SEES, ARTHUR L (D)  
29948 NE JIM RIVER RD  
MISSION HILL SD 57046

# YANKTON COUNTY DRAINAGE PERMIT APPLICATION

Each drainage site must have a separate site plan

*Applicant to complete numbered spaces only.*

1. Job Address	29891 444th Ave Volin, SD 57072		
2. Legal Description of Drainage Site	SW 1/4 Section 10, T95N, R95W, Walsh Township		
3. Owner	Mail Address	Zip	Phone
Larry/Kristie Lyngstad	29891 444th Ave Volin, SD	57072	
4. Contractor	Mail Address	Zip	Phone
Bakke Hlawac Farm Drainage	44650 Hwy 46	57037	661-0609 661-8133
5. Feet of drainage pipe and outlet size			
25,000 Outlet Size 12"			
6. Class of Work (Check One) <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove			
7. Describe Work:			
New Tile			
2644' 12" Tile with 16 Hole in John Cauderson			
8. Valuation of Work: \$ 55,000			

Owner

Job Address

For Official Use Only-

SPECIAL CONDITIONS:

Application Accepted By: Site Plans Checked By: Approved for Issuance By:

## NOTICE

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED EIGHTEEN (18) MONTHS OF ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

*Carey Hlawac*  
Signature of Contractor or Authorized Agent

*12/9/20*  
Date

*Larry Lyngstad*  
Signature of Owner (if owner builder)

*12-9-20*  
Date

BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

## PERMIT FEE

Check #

Type of Construction

☐ Blue Line Outlet

Total Feet of Pipe

☐ Drainage Ditch Outlet

Outlet Size

*12"*

☐ Lake / Pond / Wetland Outlet

☐ Administrative Permit

☐ Drainage Board Permit

## For County Officials Use Only

When properly validated (in this space), this is your permit.

The above application is hereby approved.

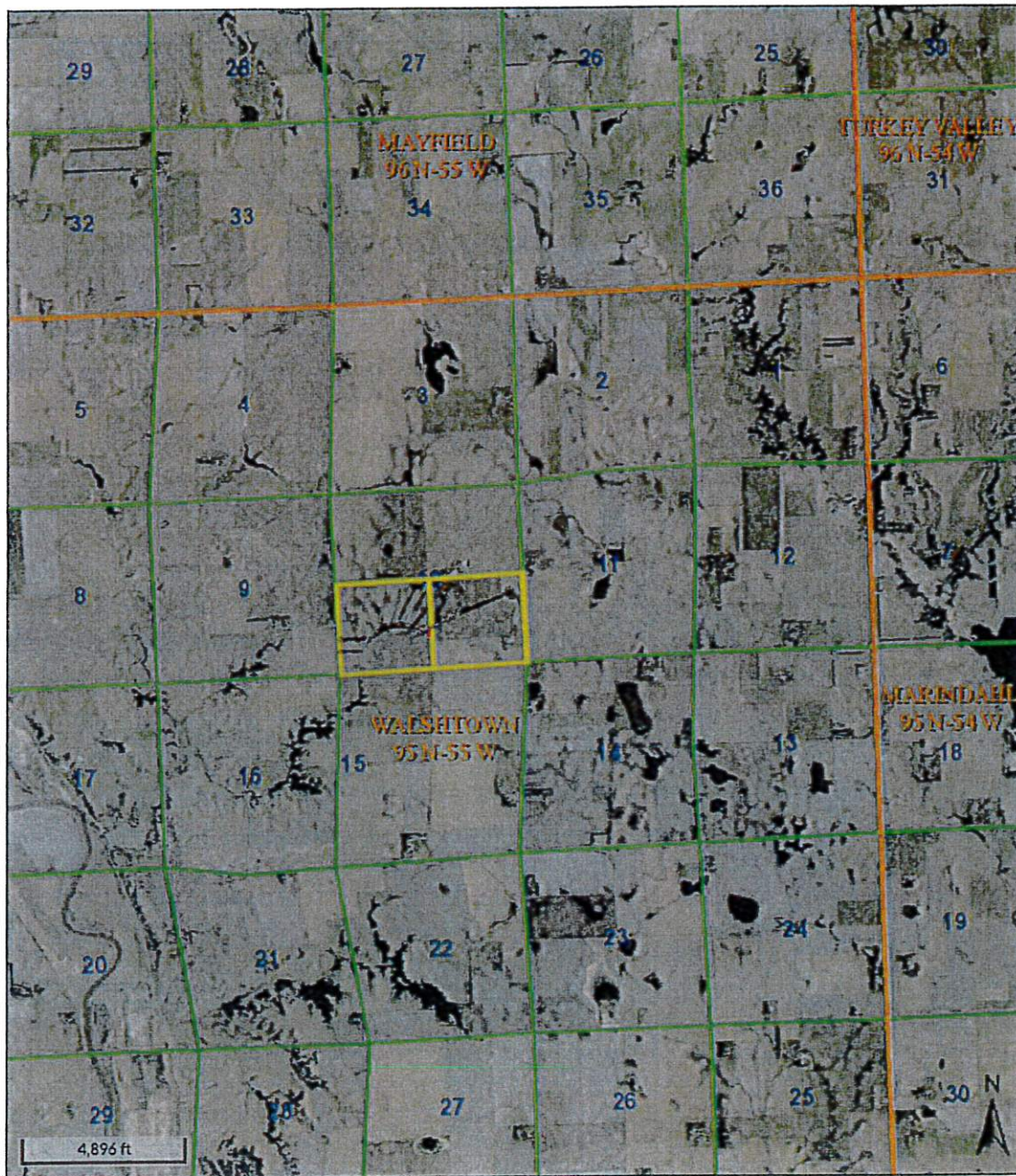
Drainage Permit Number: \_\_\_\_\_

Post Construction? Y N

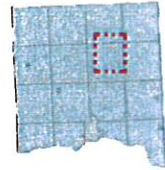
Drainage Administrator or Authorized Representative

Date





Overview



Legend

- Townships
- Sections
- City Limits

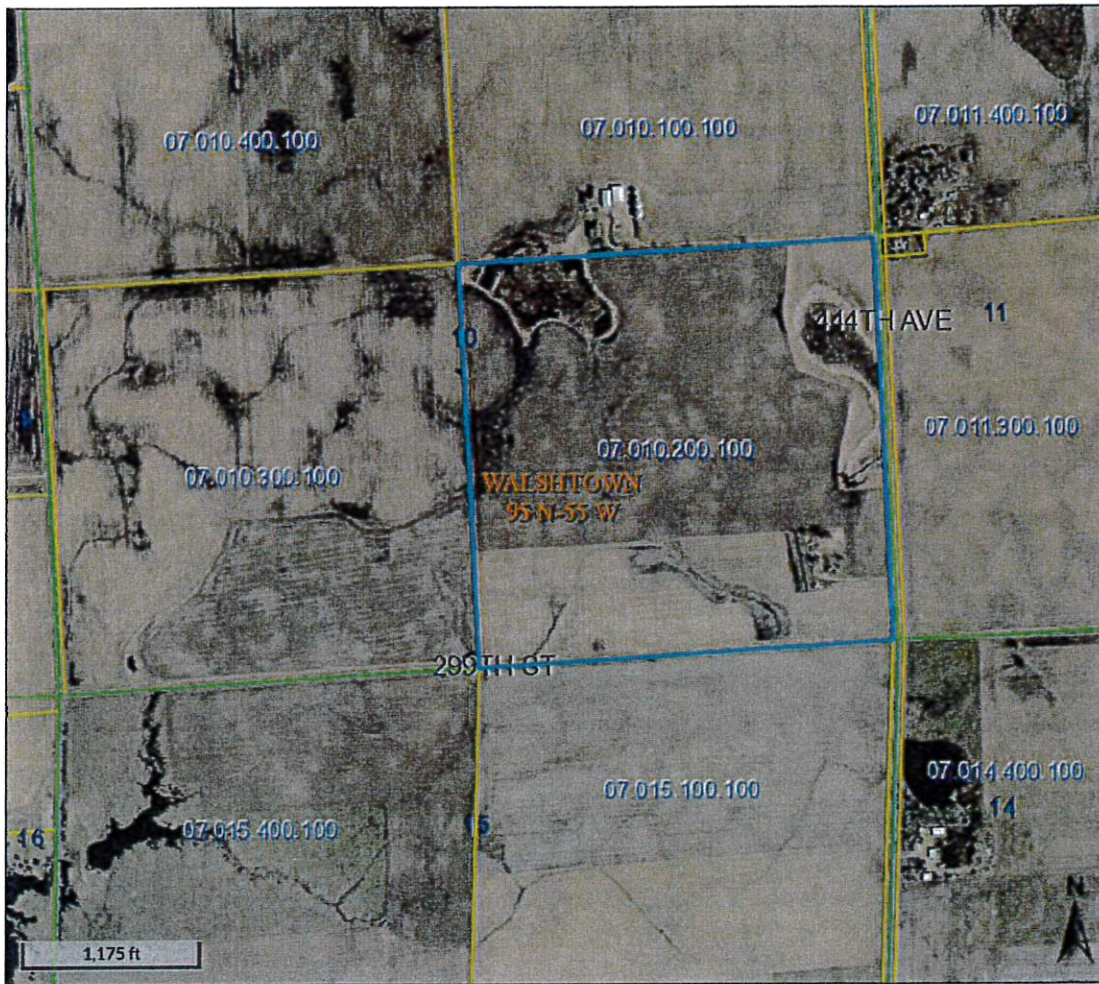
Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 12/8/2020  
Last Data Uploaded: 12/7/2020 10:39:26 PM

Developed by  **Schneider**  
GEOSPATIAL

*2644' 12" in John*





Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads

Parcel ID - 07.010.200.100  
Address - 29891 444 AVE  
Owner - LYGSTAD, LARRY D (D)  
LYGSTAD, KRISTIE (D)  
Acres - 163.67

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 12/9/2020  
Last Data Uploaded: 12/9/2020 8:24:30 AM

Developed by  **Schneider**  
GEOSPATIAL



# Certified Wetland Determination

Field Office: Yankton FO  
 Certified By: Armstrong  
 Legal Desc: S 10, T 95N, R55W

Agency: USDA-NRCS  
 Certified Date: 12/9/13  
 Tract: 5779



## Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NW Ditch
- Tile

0 185 370 740 1,110 1,480 1,850 Feet

W Wetland  
 FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria  
 PC Prior Converted  
 NW Non Wetland  
 See NRCS CPA-O26E for definitions and additional info.





Name:	LARRY LYGSTAD	Request Date:	1/15/13	County:	Yankton
Address:	29928 44TH AVE VOLIN SD 57072				
Agency of Person Requesting Determination:	Farm Service Agency	Tract No:	5779	FSA Farm No.:	6461

(Y/N)

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

[illegible]

The Highly Erodible Land determination was completed in the

## Section II - Wetlands

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 d

[illegible]


The wetland determination was completed in the

Field

It was mailed to the person on

Remarks:

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.

Signature	Designated Conservationist	Date
		12/9/2013

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.

**AFFIDAVIT OF MAILING**

STATE OF SOUTH DAKOTA )  
: SS  
COUNTY OF UNION )

Kristie Lyngstad, being duly sworn on oath, deposes and states as follows:

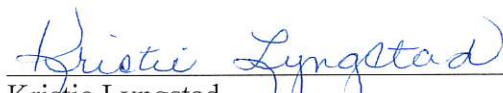
On February 2, 2021, I mailed a copy of the **NOTICE OF DRAINAGE ACTION** by first-class mail to the following:

John D. Gunderson  
29875 443 St  
Irene, SD 57037

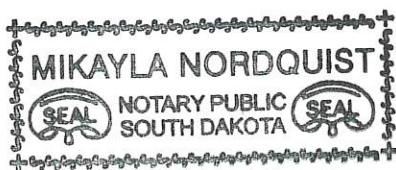
Knodel Family Trust  
2606 Ella Lane  
Yankton, SD 57078

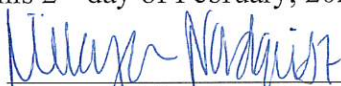
Vicky Nickel  
PO Box 90948  
Sioux Falls, SD 57109

Dated this 2<sup>nd</sup> day of February, 2021.

  
\_\_\_\_\_  
Kristie Lyngstad

Subscribed and sworn to before me this 2<sup>nd</sup> day of February, 2021.



  
\_\_\_\_\_  
Notary Public, South Dakota  
My commission expires: 02-20-2026



COPY

## NOTIFICATION

February 2, 2021

Larry & Kristie Lyngstad  
29928 444<sup>th</sup> Ave  
Volin, SD 57072-5608

RE: Notice of Drainage Action

Dear Yankton County Resident:

Yankton County Drainage Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet (one-half mile) upstream and 5,280 feet (one mile) downstream of the property on which the action is proposed. The notice shall be given to each owner of record as established by the Yankton County Equalization, by depositing such notice in the United States Post Office not less than ten (10) days prior to the drainage permit hearing.

You are hereby notified. Please take a moment to review the notice of drainage action described below.

### NOTICE OF DRAINAGE ACTION

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Board, Yankton County, South Dakota, at 7:00 p.m. on the 23<sup>rd</sup> day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third Street, Yankton, South Dakota.

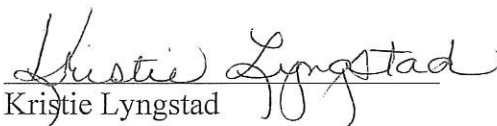
Said Hearing is to consider the following:

Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as SE1/4, S10-T95N-R55W, SW1/4 S10-T95N-R55W and NW1/4 S15- T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third Street, Yankton, South Dakota.

Sincerely,

  
Larry Lyngstad

  
Kristie Lyngstad



Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



FOREVER / USA

Vicky Nickel  
PO Box 90948  
Sioux Falls, SD 57109

Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



FOREVER / USA

Knodel Family Trust  
2606 Ella Lane  
Yankton, SD 57078

Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



FOREVER / USA

John D. Gunderson  
29875 443 St  
Irene, SD 57037



## AFFIDAVIT OF MAILING

Kristie Lyngstad, being duly sworn on oath, deposes and states as follows:

On January 29, 2021, I mailed a copy of the **NOTICE OF DRAINAGE ACTION** by first-class mail to the following:

David J. Healy  
30848 444<sup>th</sup> Ave  
Mission Hill, SD 57046

John Sees  
29948 NE Jim River Road  
Mission Hill, SD 57046

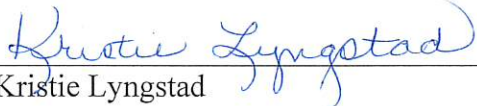
JHGAS Farms, LLC  
29875 443 Ave  
Irene, SD 57037

Terrence Schramm  
30091 US Hwy 81  
Yankton, SD 57078

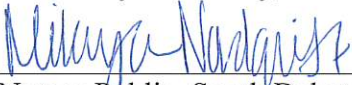
Rosemary Sees  
29948 NE Jim River Road  
Mission Hill, SD 57046

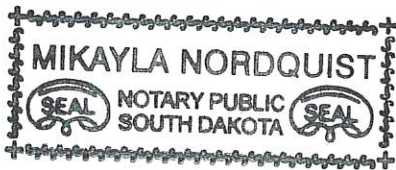
Gerald A. Keeley  
44238 302<sup>nd</sup> St  
Mission Hill, SD 57046

Dated this 29<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
Kristie Lyngstad

Subscribed and sworn to before me this 29<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
Notary Public, South Dakota  
My commission expires: 02-20-2026



COPY

## NOTIFICATION

January 29, 2021

Larry & Kristie Lyngstad  
29928 444<sup>th</sup> Ave  
Volin, SD 57072-5608

RE: Notice of Drainage Action

Dear Yankton County Resident:

Yankton County Drainage Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet (one-half mile) upstream and 5,280 feet (one mile) downstream of the property on which the action is proposed. The notice shall be given to each owner of record as established by the Yankton County Equalization, by depositing such notice in the United States Post Office not less than ten (10) days prior to the drainage permit hearing.

You are hereby notified. Please take a moment to review the notice of drainage action described below.

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Notice is hereby given that a public hearing will be held before the Yankton County Drainage Board, Yankton County, South Dakota, at 7:00 p.m. on the 23<sup>rd</sup> day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third Street, Yankton, South Dakota.


Said Hearing is to consider the following:

Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as SE1/4, S10-T95N-R55W, SW1/4 S10-T95N-R55W and NW1/4 S15- T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third Street, Yankton, South Dakota.

Sincerely,

  
Larry Lyngstad

  
Kristie Lyngstad



Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



FOREVER / USA

David J. Healy  
30848 444<sup>th</sup> Ave  
Mission Hill, SD 57046

Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



FOREVER / USA

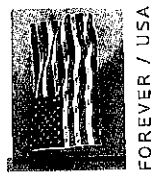
Rosemary Sees  
29948 NE Jim River Road  
Mission Hill, SD 57046

Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072

JHGAS Farms, LLC  
29875 443 Ave  
Irene, SD 57037



Larry & Kristie Lyngstad  
29928 444th Ave  
Volin, SD 57072



John Sees  
29948 NE Jim River Road  
Mission Hill, SD 57046



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Terrence Schramm  
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Yankton, SD 57078

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29928 444th Ave  
Volin, SD 57072



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Gerald A. Keeley  
44238 302<sup>nd</sup> St  
Mission Hill, SD 57046

## NOTIFICATION OF DRAINAGE ACTION

January 28, 2021

Larry Lyngstad  
29891 444 Ave  
Volin, SD 57072

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

*Request for Drainage Permit to install drain tile which outlets in a natural drainage at the property legally described as SE 1/4, Section 10, T95, R55, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

***In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission. Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.***

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such, you are hereby notified that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, commencing at 7:20 P.M. on the 23 day of February, 2021, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Larry Lyngstad  
Petitioner