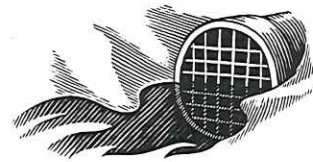


Davison County Drainage

200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615



Davison County Drainage Board Agenda

The following is the agenda for the Davison County Drainage Board meeting to be held on Tuesday, May 21, 2024, in the Davison County Commissioners Room in the North Offices Building, 1420 N Main St., Mitchell, SD 57301.

1. Call to order by Chairman Larson at 7:00 PM.
2. Roll Call
3. Oath of Office (Edinger, Nebelsick).
4. Meeting expectations.
5. Consider the agenda.
6. Declare conflicts of interests.
7. Consider the minutes from the January 16, 2024, meeting.
8. Public comment and citizen complaints for items not on the agenda-no action will be taken.
9. Myles Bialas has applied to the Davison County Drainage Commission to recommend granting a drainage permit. This request is pursuant to Article 2 of the Davison County Drainage Ordinance as adopted on 8/27/2013. The property to be drained, or involved in the project, is legally described as the SW $\frac{1}{4}$ of Sec. 13, T 101 N, R 62, and the NE $\frac{1}{4}$ in Sec. 13, T 101 N, R 62, except Lot A of M.R. Miiller's First Addition, all in Davison County, SD. The outlet will be in Lot A of M.R. Miiller's First Addition, a Subdivision of the NE $\frac{1}{4}$ of Sec. 13, T 101 N, R 62, Davison County, SD.
10. Drainage violation determination.
11. Administratively Approved Applications
 1. Chris Nebelsick-the SW $\frac{1}{4}$, EX A, B, B-1, C & D and EX the N86' of the W170' & EX the RR ROW of Section 20, T 103 N, R 60, Davison County, SD.
12. Miscellaneous items.
13. Set time and date for the next drainage meeting – June 18, 2024 @ 7:00 P.M.
14. Adjournment.

Jeffrey Bathke, M.S.A.

Jeff Bathke
Director of Planning & Zoning/EM/Drainage
Davison County
jeffb@davisoncounty.org
605-995-8615
605-999-2863

DRAINAGE BOARD

January 16, 2024

CALL TO ORDER

Auditor Kiepke called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Auditor Kiepke took roll call as follows: Members of the Board present were Jay Larson, Gregg Bult, Mark Klumb, Jerry Buchholz, Commissioner Kiner. Ex-Officio members present were Drainage Administrator Bathke, Assistant Wegleitner and Auditor Kiepke. Absent Edinger, Nebelsick, Highway Superintendent Weinberg and DOE Weber.

Guests in attendance were Bryce Gillan, John Millan, Mike Deinert, Dave Deinert.

OATH OF OFFICE

As this is the first meeting of the year, Auditor Kiepke administered oath of office all Drainage Board members present.

ELECT CHAIRPERSON

Auditor Kiepke called for nominations for a chairperson. Motion by Kiner, second by Bult to nominate Larson as chairperson. Auditor Kiepke called for other nominations three times. Hearing none, motion by Klumb, second by Bult that nominations cease, and a unanimous ballot be cast for Larson. A roll call vote was taken as follows. Buchholz – aye, Bult – aye, Edinger – absent, Larson – abstain, Kiner – aye, Nebelsick – absent, Klumb – aye. Motion carried.

ELECT VICE-CHAIRPERSON

Auditor Kiepke called for nominations for a vice-chairperson. Motion by Bult, second by Klumb to nominate Edinger as vice-chairperson. Auditor Kiepke called for other nominations three times. Hearing none, motion by Kiner, second by Buchholz that nominations cease, and a unanimous ballot be cast for Edinger. A roll call vote was taken as follows. Bult – aye, Buchholz – aye, Edinger – absent, Klumb – aye, Kiner – aye, Nebelsick – absent, Larson – aye. Motion carried.

CHAIRPERSON TAKES OVER MEETING

At this time, Chairperson Larson took over the remainder of the meeting.

MEETING EXPECTATIONS

Chairperson Larson recited expectations of the meeting.

A checklist of items required in accordance with the Davison County Drainage Ordinance and SDCL 46A-10A will be considered on each permit. The checklist is on file in the Davison County Auditor's office and Drainage Administrator's office.

APPROVE AGENDA

Motion by Bult, second by Klumb to approve the agenda for the January 16, 2024, meeting. All members voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairperson Larson asked for any conflicts of interests. No conflicts were declared.

APPROVE MINUTES

Motion by Buchholz, second by Bult to approve the minutes of the October 17, 2023, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

Chairperson Larson asked for any public input public input for items not on the agenda and reminded the public that no action will be taken. Hearing none, the meeting moved forward.

CONSIDER MILLAN ACRES, LLC DRAINAGE REQUEST

Motion by Klumb, second by Kiner, based on findings, to grant a drainage permit to drain the following, the E ½ of the SW ¼ of Section 36, T 103 N, R 62, W of the 5th P.M., Davison County, South Dakota, as requested by John Millan.

The plan is to install approximately 51,464' of perforated 4", 6", and 8" pipe in the E ½ of the SW ¼ of Section 36, T 103 N, R 62, W of the 5th P.M., Davison County, South Dakota, with a 10" perforated outlet transferring the water the SW ¼ of Section 30, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota. The water will then travel north in an un-named stream to the Dry Run Creek, then into the lower Firesteel Creek, then the James River, then to the Missouri River.

Application received: December 27, 2023

Applicant and necessary neighbors notified: December 29, 2023

Published: January 3, 2024

Administrator Bathke stated there was one call from abutting property owners or other residents. After receiving an explanation, the person decided not to attend the meeting.

Mike Deinert spoke in favor of granting the permit. He said that he had talked to neighbors and his brother David. It was agreed there would be no detriment to neighboring landowners.

Mr. Millan stated that he would be responsible if there are no easements in place with landowners.

Board members were given a few minutes to review the items to consider prior to making a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

A roll call vote was taken as follows.

Klumb – aye, Kiner – aye, Buchholz – aye, Bult – aye, Larson – aye, Edinger – absent, Nebelsick - absent. Motion carried.

ADMINISTRATIVELY APPROVED DRAINAGE APPLICATIONS

Administrator Bathke informed the Board there were no administratively approved applications since last meeting.

MISCELLANEOUS ITEMS

Administrator Bathke informed the board the Kibbee Ditch Drainage Project has been completed and we expect the Judge to sign off on dismissing the Bechen lawsuit. In the end, this lawsuit against the City of Mitchell cost Davison County \$84,137 (68%) and the City of Mitchell \$40,502 (32%). The City of Mitchell refused to pay Davison County \$2,762.50 for half the installation costs of the culverts.

SET DATE AND TIME FOR NEXT MEETING

Chairperson Larson set February 20, 2024, at 7:00 p.m. as the next meeting date and time.

ADJOURN

At 7:34 p.m., Chairman Larson adjourned the meeting.

ATTEST

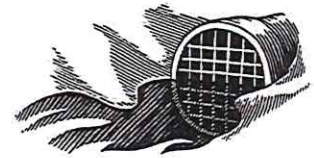
Susan Kiepke, Auditor

Jay Larson, Chairman

Publish Once
Approximate Cost



Davison County Planning & Zoning
 200 E. 4th Ave.
 Mitchell, SD 57301-2631
 Phone (605) 995-8615
 Fax (605) 995-8618



Appendix A
DAVISON COUNTY DRAINAGE APPLICATION

I.

Permit (Parcel) Number(s): 02000-10162-133-00 &
02000-10162-131-00

Name: Myles Bialas

Date Filed with Register of Deeds: _____

Address: 301 S. Ben St.
Parkston, SD 57366

Date received: 4/19/2024.

Phone: 605-505-0144

Email: myles.bialas@gmail.com

Submitting Application to: Drainage Board Administrator for Administrative Approval

NOTE: This application must be accompanied by a detailed site plan, showing:

1. The location of the proposed drainage system; to include the inlet, outlet, & all drains.
2. The direction of the water flow.
3. The destination of water from the outlet, up to 1 mile.

Landowners affected will be notified by the Drainage Administrator. The Township Board Chairman will also be notified, and a copy of this application will be attached. For Administrative Approval, provide waivers (Appendix B) from landowners ½ mile upstream, 1 mile downstream, and a ¼ mile buffer on both sides of the drainage area.

List of all landowners ½ mile upstream, 1 mile downstream, and ¼ mile buffer on both sides:

NAME	ADDRESS
1. <u>Roger Gerlach Living Trust</u>	<u>P.O. Box 544. Salem, SD 57058</u>
2. <u>Jared & Leah Storm JRL Trust</u>	<u>40521 266th St., Ethan, SD 57334</u>
3. <u>Marjorie Mathers Living Trust</u>	<u>110 N. Cotton St., Mt. Vernon, SD 57363</u>
4. <u>Marcella Miiller Living Trust</u>	<u>4510 S. Prince of Peace, Sioux Falls, SD 57103</u>
5. <u>Doris Herbst RL Trust</u>	<u>2412 S. Dartmoor Circle, Sioux Falls, SD 57106</u>
6. <u>Eldon Baier RL Trust/Baier Family LP</u>	<u>26955 399th Ave., Dimock, SD 57331</u>
7. <u>Neugebauer Brothers</u>	<u>39865 266th St., Mt. Vernon, SD 57363</u>
8. <u>Ronald & Marlene Jendersee</u>	<u>1207 W. Hurst Ave., Mitchell, SD 57301</u>
9. <u>Kyle & Shae Gerlach</u>	<u>26461 399th Ave., Mt. Vernon, SD 57363</u>
10. <u>Timothy Herrmann</u>	<u>P.O. Box 873, Parkston, SD 57366</u>
11. <u>Ryan Herrmann</u>	<u>600 W. 16th Ave., Mitchell, SD 57301</u>
12. <u>Tyson & Julia Bialas JRL Trust</u>	<u>26106 398th Ave., Mt. Vernon, SD 57363</u>
13. <u>Steve & Jennifer Herrmann</u>	<u>P.O. Box 1133, Mitchell, SD 57301</u>
14. <u>Rodney Mathers</u>	<u>39995 264th St., Mt. Vernon, SD 57363</u>

BY SIGNING THIS APPLICATION, AS OWNER OF RECORD OF THE FOLLOWING PARCEL OF LAND FOR A DRAINAGE APPLICATION, ALLOWS PERMISSION TO THE DESIGNATED DRAINAGE ADMINISTRATOR TO ENTER UPON THE FOLLOWING PROPERTIES, FOR THE PURPOSE OF INSPECTION AND OBTAINING INFORMATION FOR THE ADMINISTRATIVE OR DRAINAGE COMMISSION'S DECISION. (INITIALS MLB)

II. Location

- Location of land to be drained:

SW1/4 in Sec. 13, T 101 N, R 62, Davison County

NE1/4 in Sec. 13, T 101 N, R 62, except Lot A of M.R. Miiller's First Addition, Davison County

- Location of outlet end of proposed drain:

Lot A of M.R. Miiller's First Addition, a Subdivision of the NE1/4 of Sec. 13, T 101 N, R 62, Davison County

- Any structures unable to be altered in the drainage path: None.

Name or description (if any) of any watercourse, lake, slough, draw, natural drain-way, stream, creek, river, drain or ditch that is involved in this application: Outlet will drain into Twelve Mile Creek, which is a 3-dot blue line creek.

III. Description of Proposed Drainage System:

Open Drainage Ditch

- Approximate size of area being drained (Acres):
- Elevation changes from the inlet to the outlet (Feet):
- Bottom Width (Feet):
- Side Slope (Feet):
- Maximum Cut (Feet):
- Any boring under roadway:
- Explanation of Drain Design:

Closed Drainage Ditch (Underground drain tile)

- Approximate size of area being drained (Acres): 131 acres.
- Elevation changes from the inlet to the outlet (Feet): Inlet: 1.514' to Outlet: 1.494'
- Length of Solid Drain (Feet): 20 feet
- Length of Perforated Drain (Feet): 135,472 feet
- Total Length of all Drain (Feet): 135,492 feet
- Diameter(s) of Drain (Inches): 4", 8", 10", 12" & 15"
- Any boring under roadway: No
- Explanation of Drain Design: Installation of approximately 135,492 ft of drain tile starting from the inlet in the SW ¼ in Section 13, T 101 N, R 62, with the outlet draining into Twelve Mile Creek in Lot A of M.R. Miller's First Addition, a Subdivision of the NE ¼ of Section 13, T 101 N, R 62. The water will eventually merge with the James River in Hutchinson County.

Other Type of Drainage Ditch:

- Approximate size of area being drained (Acres): _____
- Elevation change from the inlet to the outlet (Feet): _____
- Any boring under roadway: _____
- Explanation of Drain Design: _____

IV. South Dakota One Call Locate Date: 48 hours prior.

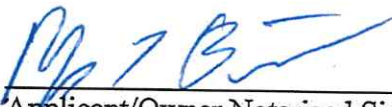
V. General Considerations:

State any facts or reasons you believe are pertinent to the proposed drainage system that may assist the Administrator or Board in consideration of this application.

VI. Required Signatures:

If the drainage system allows water to enter a Road Right of Way, a signature from the appropriate Road Authority is also required. This includes Township, County, and State roads.

Road Authority Signature



Applicant/Owner Notarized Signature

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

On this 19TH day of April, 2024, before me, the undersigned officer, personally appeared MYLES LEE BIALAS, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.





Notary Public

4-4-2030

My Commission Expires

7

Applicant Renter Notarized Signature

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

On this _____ day of _____, _____, before me, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

Notary Public

My Commission Expires

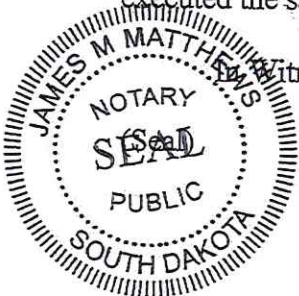


Contractor Notarized Signature

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

On this 26TH day of APRIL, 2024, before me, the undersigned officer, personally appeared SCOTT R. HANSON, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.





Notary Public

4-4-2030

My Commission Expires

VII. Administrator or Drainage Board Decision:

This Application to drain is hereby:

Approved

Disapproved

Date:

Attached hereto and incorporated herein are special conditions on this permit:

Planning & Zoning Administrator

Drainage Commission Chairperson

County Auditor

Appendix B

WAIVER FOR PERFORMING DRAINAGE WORK
DAVISON COUNTY, SOUTH DAKOTA

I, Marjorie Mathers Irrevocable Trust of 110 N. Cotton Street Mt. Vernon, SD, am
(Upstream/Downstream/Buffer Property Owner) (Address)

aware of the proposed drainage work being proposed by Myles + Katie Bialas
(Drainage Property Owner)

in the following location: SW 1/4 of Section 13, Township 101N, Range 62W
(Full Legal Description of Property, including Ditch name/number if known)

(Baker Township) Davison County, South Dakota.

_____ and do not object to the drainage as proposed.

Additional Comments/Notes: Myles + Katie Bialas will be grid tiling the SW 1/4 of
13-101N-62W, the main line of the project will be running, the shortest
distance possible, through the East 1/2 of 13-101N-62W to outlet into
Twelve Mile Creek.

Signature: Marjorie Mathers Irrevocable Trust
Address: 39995 264th St ^{Trustee/ Rodney Mathers}
City, State, Zip Mt. Vernon SD 57363
Phone: 605-999-4000

*Each upstream, downstream, or buffer property owner should complete a separate Appendix B form.

Appendix B

WAIVER FOR PERFORMING DRAINAGE WORK
DAVISON COUNTY, SOUTH DAKOTA

I, Marcella Miller Living Trust of 6208 S. Monterey Pl. Sioux Falls, SD. am
(Upstream/Downstream/Buffer Property Owner) (Address)

aware of the proposed drainage work being proposed by Myles & Katie Bialas
(Drainage Property Owner)

in the following location: SW 1/4 of Section 13, Township 101N, Range 62W
(Full Legal Description of Property, including Ditch name/number if known)

(Baker Township) Davison County, South Dakota.

_____ and do not object to the drainage as proposed.

Additional Comments/Notes: Myles & Katie Bialas will be grid tiling the SW 1/4
of 13-101N-62W, the main line of the project will be running, the shortest
distance possible, through the east 1/2 of 13-101N-62W to outlet into
Twelve Mile Creek.

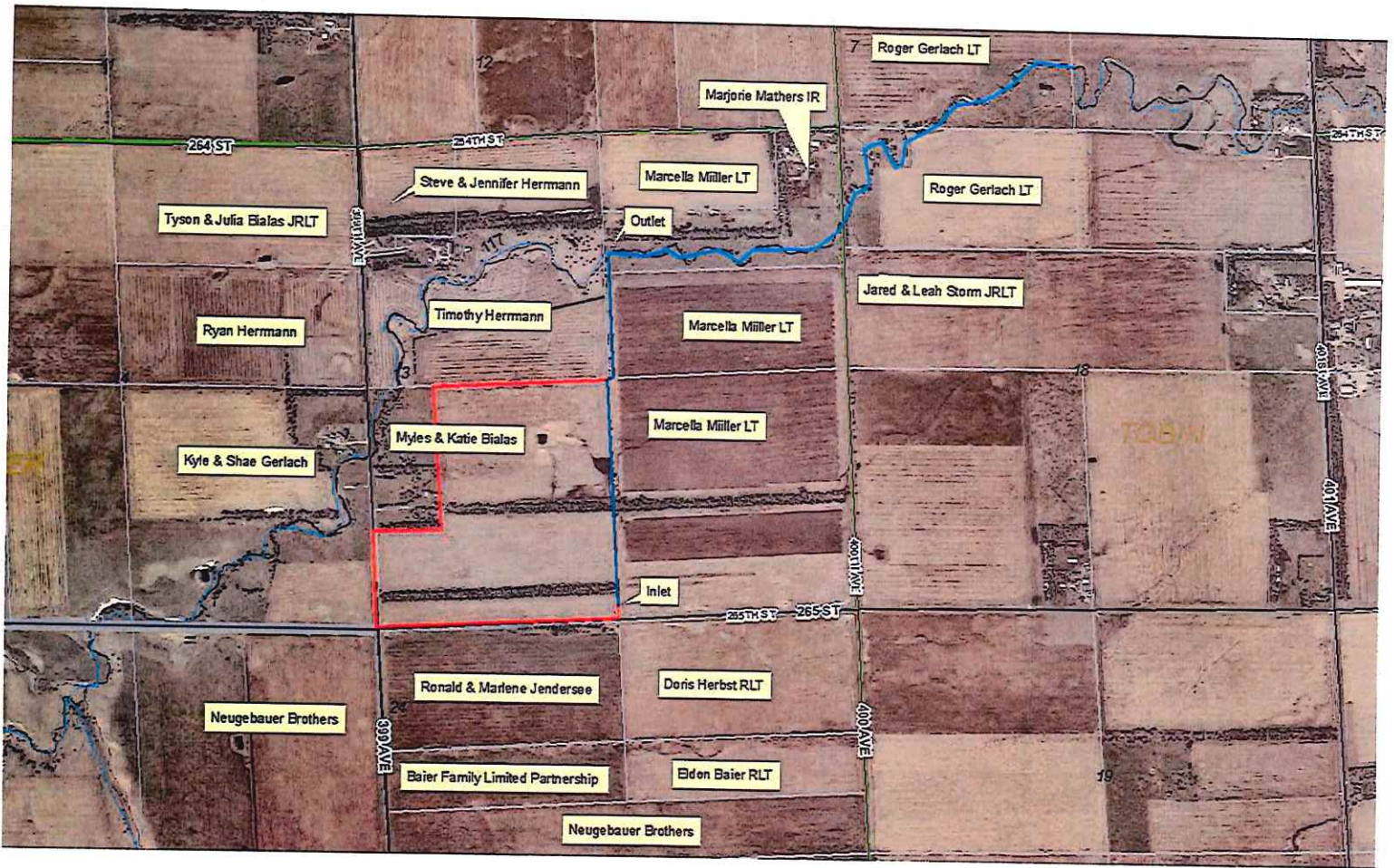
Signature: Marcella Miller

Address: 4510 S. Prince of Peace

City, State, Zip Sioux Falls, S.D. 57103

Phone: 605-770-7701

*Each upstream, downstream, or buffer property owner should complete a separate Appendix B form.



BIALAS-ZIMMERMANN PROJECT



Size	Quantity in Feet	Price
4"	NA	
8"	131,500	410
10"	341	546
12"	617	2,058
12" DW FLEX		20
15" DW FLEX		1
15" DW NP		
Outlet		
Concrete Outlet	TBD	
Trucking	1	
Misc M/L	0.03	
Total		\$ - plus tax

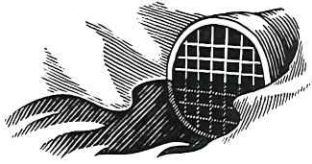


EAST RIVER
LAND IMPROVEMENT
 605-413-6737 Canistota, SD
 "Our Brand... to Maximize Your Land"

3.22.24

Due to the changing resin market, pipe pricing cannot be guaranteed



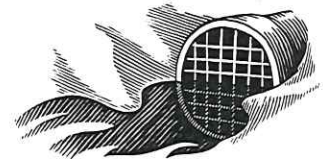


Davison County Drainage

200 E. 4th Ave.

Mitchell, SD 57301-2631

Phone (605) 995-8615



May 2, 2024

Glen Lowrie
PO Box 68
Mitchell, SD 57301

Mr. Lowrie,

On June 18, 2013, the Drainage Board approved a permit in the W ½ of the NE ¼ of Section 9, T 101 N, R 60 W, pending stipulations. You installed the drainage project, yet failed to comply with the stipulations, rendering the project illegal. You presented other ideas to remedy the situation but failed to follow through with any of them.

At the February 19, 2014, Drainage Board Meeting, the board instructed you to install a gate in the drainage system to stop the release of any water.

At the July 15, 2014, Drainage Board Meeting, you presented a plan to utilize the original drainage permit but pump the water from the outlet to the south and connect the transfer pipe to an existing drainage system you have in the SE ¼ of Section 9-101-60.

At the August 20, 2019, Drainage Board Meeting, the board agreed to give you 60 days to complete the revised drainage plan for a permanent power source. Upon the deadline, there would be a fine imposed, as per Section 6:04 of the Drainage Ordinance, of \$250 per day until it is complete. The 60 days came and went without power or an operating pump to the property. However, once again, we allowed you time to remedy the power situation with the PUC. As of the March 17, 2020, meeting it had been 149 days past the deadline, and water was still flowing freely into the ditch and neighboring property.

At the March 17, 2020, board meeting, the board reinstated the \$2,500 penalty, which you paid. The full timeline is attached.

Once again, you have failed to properly maintain the system, allowing water to push to the north and east of the pits. This is considered a violation of the negotiated terms of your permit, which will be considered by the board. The Davison County Drainage Commission will hold a public hearing on said request on Tuesday, May 21, 2024, at 7:00 P.M., in the Commission Room of the Davison County North Offices, located at 1420 N. Main St., Mitchell, SD 57301. You are highly encouraged to attend.

If you have any questions regarding this matter you can reach the Drainage Office at 605-995-8615, email at jeffb@davisoncounty.org, or stop in the office located on the first floor of the Davison County Courthouse.

Jeff Bathke, MSA, CEM-A
Emergency Management Director
Planning & Zoning Director
Drainage/Floodplain/GIS/911 Addressing
Davison County, SD
jeffb@davisoncounty.org
605-995-8615
605-999-2863

cc: Jim Miskimins, Davison County State's Attorney
Jim Taylor, Davison County Deputy State's Attorney
Rusty Weinberg, Davison County Highway Superintendent
Kevin Fergen, Township Chairman

Glen Lowrie Drainage Timeline

- 6-18-2013 The Drainage Board approved a Drainage Permit for Glen Lowrie in the W ½ of the NE ¼ of Section 9, T 101 N, R 60 W, pending 1) written approval from Doug Miiller to cross his land and 2) written approval from the Rome Township Board for the pipe to cross the township road (263rd St.). See Drainage Board Minutes 6-8-13.
- 7-16-13 Drainage Administrator Bathke reported to the Board that Mr. Lowrie had not come in showing that conditions placed on his drainage permit approval on June 18, 2013 had been met. The Board agreed that it may take more time for the conditions to be met. See Drainage Board Minutes 7-16-13.
- 8-27-13 Drainage Administrator Bathke reported to the Board that after last month's meeting he spoke to Mr. Lowrie regarding the fact that he had not come in showing that conditions placed on his drainage permit approval on June 18, 2013 had been met. Mr. Lowrie stated that he still had beans in the field so he has not addressed the issue yet. The Board agreed to give him time to harvest. See Drainage Board Minutes 8-27-13.
- 9-27-13 Again spoke with Glen, nothing had been accomplished.
- 12-17-13 Minutes show Glen Lowrie's violation was on the Agenda, but he re-routed the outlet to drain onto his own property via a lift station and pump, so his case was continued. See Lowrie Lift Station Application.
- 2-19-14 The following discussion was held during the meeting. In June 2013, Glen Lowrie requested a drainage permit to remove excess surface water using 4", 6", 8" and 10" perforated tile. The location of the drainage is the W ½ of the NE ¼ of Section 9, T 101 N, R 60 W; which will outlet into 12 Mile Creek, using solid tile to get from Mr. Lowrie's land to the creek. The "as designed" and "as installed" are not the same, resulting in a change in the outlet and flow of the water. Mr. Lowrie was asked to explain the installation to the board.

Concerns from Doug Miiller were that no matter what Mr. Lowrie does, because of the drainage pipe he had installed different than how it was approved in June of 2013, water will pool up and affect landowners.

After discussion, motion by Weiss, second by Bult to deny the drainage permit requested by Glen Lowrie and along with the denial Mr. Lowrie was informed by the Davison County Drainage Board that he is to gate the drainage pipe on his property by April 1, 2014, at Mr. Lowrie's own expense. A roll call vote was taken as follows. Schilling – aye, Edinger – aye, Larson – aye, Kiner – aye, Buchholz – aye, Weiss – aye, Bult – aye. Motion carried.

4-14-14 Drainage Administrator Bathke reported that two months ago Glen Lowrie was denied a drainage permit and was given two months to put a locked gate on. As of April 1st, 2014, the gate has been installed. The gate is not to be opened without approval from the Drainage Board.

Doug Miiller stated that everybody should be allowed to put a gate in, then. He believes Mr. Lowrie's should be dug out every 50'. But, he stated, the bottom line is he wasn't supposed to do it the way he did.

Don Garves believes there should be more caps mandated for Lowrie. He also believes it is wrong to have caps next to fence. He stated that water will pool next to the township road and will saturate it.

Edinger stated that Mr. Lowrie is not able to drain properly with the means installed. He further stated that if water creates problems, he will have to take additional measures.

Commissioner Kiner believes that it was an illegal act and should be turned over to the States Attorney. Drainage Administrator Bathke will deliver the case to the States Attorney's office.

4-16-14 As Mr. Lowrie had not addressed the drainage system, a letter was sent to him with the following text:

The Davison County Drainage Commission then met on February 19, 2014 at 9:00 A.M., in the Commissioners Chambers of the Davison County Courthouse. The Commission found the drainage was not installed as designed or approved, and the short term decision was made to require you to install a gate in the outlet prior to April 1, 2014; in an attempt to stop water from entering the Township road ditch, until a long term plan could be designed for the drainage system. Section 6:03 of the 2013 Revised Drainage Ordinance of Davison County, as stated below, authorizes the Drainage Commission to prevent the unlawful construction or use of any drainage work.

Recently, at the April 14, 2014 meeting, discussion included the gate installed being sufficient enough to stop water from draining out of the installed pipe and into the ditch. The gate was a short-term plan and not a long-term solution. Upon design of a long-term solution, you will be required to present this to the Drainage Board. However, due to the installation without a legal permit; the Drainage Board has decided to turn this matter over to the States Attorney's Office for prosecution.

5-20-14 Board Meeting Minutes: Glen Lowrie whose property is legally described as the W ½ of the NE ¼ of Section 9, T 101 N R 60 W of the 5th P.M., Rome Twp, Davison County, SD had previously been granted a drainage permit but failed to

comply with the provisions of the permit, appeared before the Board to ask that he be allowed to install a small lift station to the north where the drain is capped.

Don Garvis wondered if the water still wouldn't pool. Mr. Lowrie stated that he will back-up the lift station to help prevent pooling.

Doug Miiller expressed that he would like the lift station backed up to the south.

Tim Kummer is concerned about the amount of water this will cause to go into his field.

Delmar Mueller was concerned because when he left the April drainage meeting, he was under the understanding that drainage would not be allowed on the 80 acres in question.

Bathke stated that the original plan was approved, pending landowners to the north approval which didn't happen. Mr. Lowrie was instructed to come back with a suitable plan. He was further instructed that the drain would need to be capped until an approvable plan was brought to the Board.

Motion by Kiner, second by Weiss to approve Lowrie's project pending written approval from adjoining landowner Tim Kummer. A roll call vote was taken as follows. Kiner – aye, Buchholz – aye, Weiss – aye, Larson – aye, Schilling – aye, Edinger – absent. Motion carried.

5-29-14 Another letter was sent to Mr. Lowrie

7-15-14 Board Meeting Minutes: Glen Lowrie whose property is legally described as the W ½ of the NE ¼ of Section 9, T 101 N R 60 W of the 5th P.M., Rome Twp, Davison County, SD and the SE ¼ except Lot A of Glen Lowrie's first addition and except the portion of property measuring 439.01' (ft) N and S and 170' (ft) E and W adjacent to Lot A of Glen Lowrie's first addition of Section 9, T 101 N R 60 W of the 5th P.M., Rome Twp, Davison County, SD presented an updated plan that would utilize the original drainage permit issued in 2013 (minutes are in error and say 2011) with the outlet in the SW ¼ of Section 10.

Mr. Lowrie would like to place a small lift station and pump in the W ½ of the NE ¼. It would be installed this fall about 200' (ft) away from ditch and would run south to the SE ¼ and eventually through Thiesse's property which is all CRP grass.

At the last Drainage Board meeting, Mr. Lowrie was to get written permission from Mr. Tim Kummer for his drainage plan. Mr. Kummer, who was present at the meeting, said this new plan would not affect him.

Motion by Edinger, second by Weiss to approve the new outlet into a blueline creek with a minimum 200' (ft) setback from the north boundary of the property. A roll call vote was taken as follows. Larson – aye, Kiner – aye, Buhholz – aye, Weiss – aye, Bult – aye, Edinger – aye, Schilling – aye. Motion carried.

June 2019 Jeff received several calls from Lyle Lowrie, stating water is still flooding his property.

6-10-2019 Jeff called Tim Kummer to discuss any negative effect he was having to his field in the NW ¼ of Section 10-101-60. Tim stated he is having additional water come his way this year, which he should not have to accept.

The lift station is not maintained, causing water to overflow to the northeast into the road ditch, Lyle Lowrie's property, and Tim Kummer's property. Allowing water to flow into the road ditch is against the Ordinance. The pump runs when Mr. Lowrie wants to put fuel in the pump.

8-20-2019 At the August 20, 2019 Drainage Board Meeting, the board voted to allow Mr. Lowrie 60 days to get this project completed. Upon the deadline, there will be a fine imposed, as per Section 6:04 of the Drainage Ordinance, of \$250 per day until it is complete. Mr. Lowrie is also to report to Drainage Administrator Bathke on a regular basis the progress being made.

9-22-2019 Lyle Lowrie called me and said the pump has not run at all since the 9-11-19 flooding, with the water flooding his pasture.

9-25-2019 Glen reported he had not heard anything from PUC or Central Electric regarding the approval for Central Electric to bring in service. He is hoping to get the service line buried from road to the lift station soon, in anticipation of the PUC and CE approving the service. That way all that needs to be done is hook into the transformer and should be good to go. It is very wet in the field in that corner.

He states he has been pumping it with a transfer pump to keep it below running out of the hole on the north. He feels he has been able to keep up that way except for the big rains we had. He has plans for the electrician to bury the line on 9-25-19. Jeff was out there on 9-25, but did not go in the field. Glen was at the pump, but Jeff did not see a generator. The ground was not overly saturated as one would expect. Doug Miiller stopped while Jeff was there and said Central Electric was in the field a couple days ago.

10-8-2019 Glen informed me Jeff still has not heard from the PUC on the release for Central Electric. He is moving forward with having an electrician get the service wire and panel installed on 10-9-2019; even though he does not have approval from Central Electric to provide power.

- 10-20-2019 60 day deadline to complete the project.
- 10-21-2019 Glen left a message explaining Central Electric is waiting for paperwork from Northwestern Energy and nothing has been submitted to the PUC yet. Glen has installed the service line, which can be connected to the transformer once the PUC approval is completed.
- According to the direction of the board, with no power supplied to the pump by the deadline, this matter is forwarded to the States Attorney's Office for prosecution.
- 10-23-19 Jeff informed the Drainage Board and States Attorney's Office the timeline above. Mr. Taylor responded requesting we contact Central Electric, NWPE, or the PUC prior to any prosecution.
- 10-25-19 Ken Schlingen from Central Electric called to inform me this was not on the PUC's Agenda.
- 11-20-19 Brian Bultje from Central Electric stopped by the office to give an update on the Lowrie project. He said that once they received notice it was an illegal drainage project, they halted everything and tried to get into contact with Glen but had wrong contact information. They have since contacted Glen about the project. This was not on the November PUC agenda, but might be on the December agenda. If approved, they will not be able to do anything till spring assuming the ground will be frozen.
- 11-25-19 Deputy Jenniges drove by the site to see that a wire had been buried from the lift station hole to the right of way with a wire coiled out of the ground (see photos below). There is no generator running and there is water from the hole to the north and into the ditch almost all the way to 409th with some backing up into Lyle Lowrie's land.
- 12-5-19 Letter received from Mr. Taylor recommending more information before we move forward with injunction.
- 12-26-19 Letter received from Mr. Loker recommending we move forward with injunction.

Electric Wire Coil:



Location of pump, but no power or generator.



Water in the road ditch building up to the east, due to no pump running.



11-25-19 Drainage Administrator Bathke spoke with Lorena at the PUC. Northwestern Energy would need to release the customer and Central Electric would need to accept the customer. The PUC has not received a docket yet for this request. PUC meetings are every two weeks, so they can get it on at any time.

1-31-20 Drainage Administrator Bathke spoke with Lorena at the PUC. In a search of the PUC minutes, this request was *not* found on the PUC Agenda. According to Lorena, the PUC has received and approved the request. Email sent to Mr. Taylor. We agreed to give Central Electric time to install the line, since it is now approved by the PUC.

2-3-2020 Jeff informed the board and sent Mr. Lowrie a letter informing him he needs to work with Central Electric to have the service installed as soon as weather permits.

3-17-20 Administrator Bathke gave the board an update on the Glen Lowrie Illegal Drainage Project. At the August 20, 2019 Drainage Board Meeting, the board agreed to give Glen Lowrie 60 days to complete his revised drainage plan. Upon the deadline, there will be a fine imposed, as per Section 6:04 of the Drainage Ordinance, of \$250 per day until it is complete. He needed to get the PUC to agree to allow Central Electric to provide service in Northwestern Energy's territory. His 60 days came and went without power or an operating pump. We were working with the States Attorney's Office to move forward with an injunction. Administrator Bathke had intentions of holding a board meeting in February 2020 to make this action official. Prior to the meeting, Administrator Bathke spoke with the PUC. On January 7, 2020 they approved the utility transfer and closed the docket. As soon as weather allows, Central Electric will install the service. They will not dig any lines until April 1, 2020. Glen has already buried the line from the pit to the road, so Central Electric will only need to install a line across the right of way, and up the road a short distance. Due to this development, we did not have a board meeting, and allowed Central Electric some time to install. Administrator Bathke encouraged Glen to keep in touch with Central Electric to have this completed ASAP. All PUC documents can be found at the following link: <https://puc.sd.gov/Dockets/Electric/2019/EL19-042.aspx>. On March 17, 2020 Mr. Lowrie

was informed he needs to continue to pump the water with his generator until the hard wire is installed. At this time, he has no generator on site, and the field, ditch, and neighboring field is full of water. It has now been 149 days past the deadline. At \$250 per day, the fine would be \$37,250. We have been dealing with this case so long that two of the original complainants have since deceased. The board discussed reinstating the \$250 per day penalty, with a maximum of \$2,500. Motion by Jerry Buchholz, 2nd by Gregg Bult to reinstate the \$250 per day fine, with a maximum penalty of \$2,500. Motion approved on a 6-1 vote. Board Member Brenda Bode voted no but wanted the board to know she was voting no because she feels the penalty should be more than \$2,500. The next board meeting is April 21, 2020. If the pump is not running at that time, the board will review the case and initiate another penalty. Mr. Lowrie was notified by email and followed up with a letter.

4-1-2020 Letter was sent to Glen Lowrie, with penalty and notification of April 21, 2020 meeting. Mark went to the site to see if Glen has set up a generator on his lift station just west of 409 & 263; as well as where the water is going. Lori Kummer is frustrated, as Tim just passed away and she was out there, and her field was very wet. She questioned if Glen was pumping water her way. Mark's report-It was the driest I have seen it by the north pump. There was no water outside the two holes that he had sump pumps in. They were running and sending water south. There was still water in the ditch on 263 and some water on Lyle's field. The lift station to the south was working and collecting all the water, no more water was running northeast and through those culverts. There was standing water northeast of the lift station, I'm assuming from before and it's just sitting there. As long as the pumps are running it should work as planned. I did end up talking with Central Electric. They were looking at the lift station when I first saw them. They are planning to move the power to higher ground once it dries up. Also the direct power for the north pump is high on their list. Depending on amount of precipitation this weekend it could be within the next week or two if not much and stays dry.

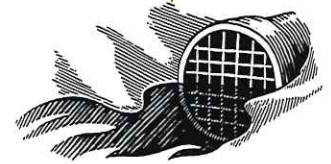
4-29-24 The Drainage Office received several complaints of water pouring out of the pump pits. Upon inspection, it was clear the breakers were not on and a large amount of water had was running to the north and east. Glen was notified. He left a message later that night stating that he corrected the situation.







Davison County Planning & Zoning
 200 E. 4th Ave.
 Mitchell, SD 57301-2631
 Phone (605) 995-8615
 Fax (605) 995-8618



Appendix A
DAVISON COUNTY DRAINAGE APPLICATION

I. Applicant(s):

Name: Nebelsick, Chris

Address: 25830 408th Ave.
Mitchell, SD 57301

Phone: 605-770-1565

Permit (Parcel) Number: 06000-10360-203-10

Date Filed with Register of Deeds: _____

Date received: 2-29-2024

Email: cen33@hotmail.com

Submitting Application to: Drainage Board Administrator for Administrative Approval

NOTE: This application must be accompanied by a detailed site plan, showing:

1. The location of the proposed drainage system; to include the inlet, outlet, & all drains.
2. The direction of the water flow.
3. The destination of water from the outlet, up to 1 mile.

Landowners affected will be notified by the Drainage Administrator. The Township Board Chairman will also be notified, and a copy of this application will be attached. For Administrative Approval, provide waivers (Appendix B) from landowners ½ mile upstream, 1 mile downstream, and a ¼ mile buffer on both sides of the drainage area.

List of all landowners ½ mile upstream, 1 mile downstream, and ¼ mile buffer on both sides:

NAME	ADDRESS
1. <u>Lucinda Bartscher</u>	<u>5411 Eastwind Ave., Sioux Falls, SD 57108</u>
2. <u>Dakota Forb Production, LLC</u>	<u>PO BOX 1008, Mitchell, SD 57301</u>
3. <u>Superior Steel</u>	<u>PO BOX 1145, Mitchell, SD 57301</u>
4. <u>Spencer Quarries</u>	<u>25341 430TH AVE. Spencer, SD 57374</u>
5. <u>Graphic Packaging</u>	<u>1500 Riveredge Pkwy. STE 100, Atlanta, GA 30328</u>
6. <u>Kevin Thurman</u>	<u>2605 W. 8th AVE. Mitchell, SD 57301</u>
7. <u>Nathan DeGeest</u>	<u>2200 W. 3rd Ave., Mitchell, SD 57301</u>
8. <u>James Radke</u>	<u>324 Fair Oaks Ave., Mitchell, SD 57301</u>
9. <u>Ben Hildebrant</u>	<u>1920 W. 3rd Ave., Mitchell, SD 57301</u>
10. <u>Louis Stransky</u>	<u>1901 W. 3rd Ave., Mitchell, SD 57301</u>
11. <u>Calvin Vogel</u>	<u>610 W. Pine Ave., Mitchell, SD 57301</u>
12. <u>Shirley Myers</u>	<u>121 N. Ohlman St., Mitchell, SD 57301</u>

BY SIGNING THIS APPLICATION, AS OWNER OF RECORD OF THE FOLLOWING PARCEL OF LAND FOR A DRAINAGE APPLICATION, ALLOWS PERMISSION TO THE DESIGNATED DRAINAGE ADMINISTRATOR TO ENTER UPON THE FOLLOWING PROPERTIES, FOR THE PURPOSE OF INSPECTION AND OBTAINING INFORMATION FOR THE ADMINISTRATIVE OR DRAINAGE COMMISSION'S DECISION. (INITIALS CMU)

25

II. Location

- Location of land to be drained:

SW ¼, EX A, B, B-1, C & D and EX the N86' of the W170' & EX the RR ROW of Sec 20 Twp 103 Rge 60, Davison County

- Location of outlet end of proposed drain:

SW ¼, EX A, B, B-1, C & D and EX the N86' of the W170' & EX the RR ROW of Sec 20 Twp 103 Rge 60, Davison County

- Any structures unable to be altered in the drainage path: None.

Name or description (if any) of any watercourse, lake, slough, draw, natural drain-way, stream, creek, river, drain or ditch that is involved in this application: Installation of 1,120' of 12" drain tile, which will outlet in the CRP to the north, on the same legal description.

III. Description of Proposed Drainage System:

Open Drainage Ditch

- Approximate size of area being drained (Acres):
- Elevation change from the inlet to the outlet (Feet):
- Bottom Width (Feet):
- Side Slope (Feet):
- Maximum Cut (Feet):
- Any boring under roadway:
- Explanation of Drain Design:

Closed Drainage Ditch (Underground drain tile)

- Approximate size of area being drained (Acres): 17 acres
- Elevation change from the inlet to the outlet (Feet): 17.9' feet (1,331.7'-1,313.8')
- Length of Solid Drain (Feet): 0 feet
- Length of Perforated Drain (Feet): 1,120 feet
- Total Length of all Drain (Feet): 1,120 feet
- Diameter(s) of Drain (Inches): 12"
- Any boring under roadway: No
- Explanation of Drain Design: Installation of approximately 1,120' of 12" drain tile, which will outlet in the CRP to the north, on the same legal description. The line will have an inlet near the prior converted (PC) area where water pools. The soil that has washed to the north will be returned to the field to cover the drainpipe.

Other Type of Drainage Ditch:

- Approximate size of area being drained (Acres): _____
 - Elevation change from the inlet to the outlet (Feet): _____
 - Any boring under roadway: _____
 - Explanation of Drain Design: _____
- _____
- _____
- _____

IV. South Dakota One Call Locate Date: 48 hrs. before digging.

V. General Considerations:

State any facts or reasons you believe are pertinent to the proposed drainage system that may assist the Administrator or Board in consideration of this application.

VI. Required Signatures:

If the drainage system allows water to enter a Road Right of Way, a signature from the appropriate Road Authority is also required. This includes Township, County, and State roads.

Road Authority Signature

Applicant/Owner Notarized Signature

STATE OF SOUTH DAKOTA)

COUNTY OF DAVISON) SS
)

On this _____ day of _____, _____, before me, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

Notary Public

My Commission Expires

Ch. Chhhl

Applicant Renter Notarized Signature

STATE OF SOUTH DAKOTA)

COUNTY OF DAVISON) SS
)

On this 5th day of MARCH, 2024, before me, the undersigned officer, personally appeared CHRISTOPHER NEBELSICK, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.



James M. Matthews
Notary Public

4-4-2024
My Commission Expires

Contractor Notarized Signature

STATE OF SOUTH DAKOTA)

COUNTY OF DAVISON) SS
)

On this _____ day of _____, _____, before me, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

Notary Public

My Commission Expires

28

VII. Administrator or Drainage Board Decision:

This Application to drain is hereby:

Approved

Disapproved

Date: 2-29-2024

Attached hereto and incorporated herein are special conditions on this permit:

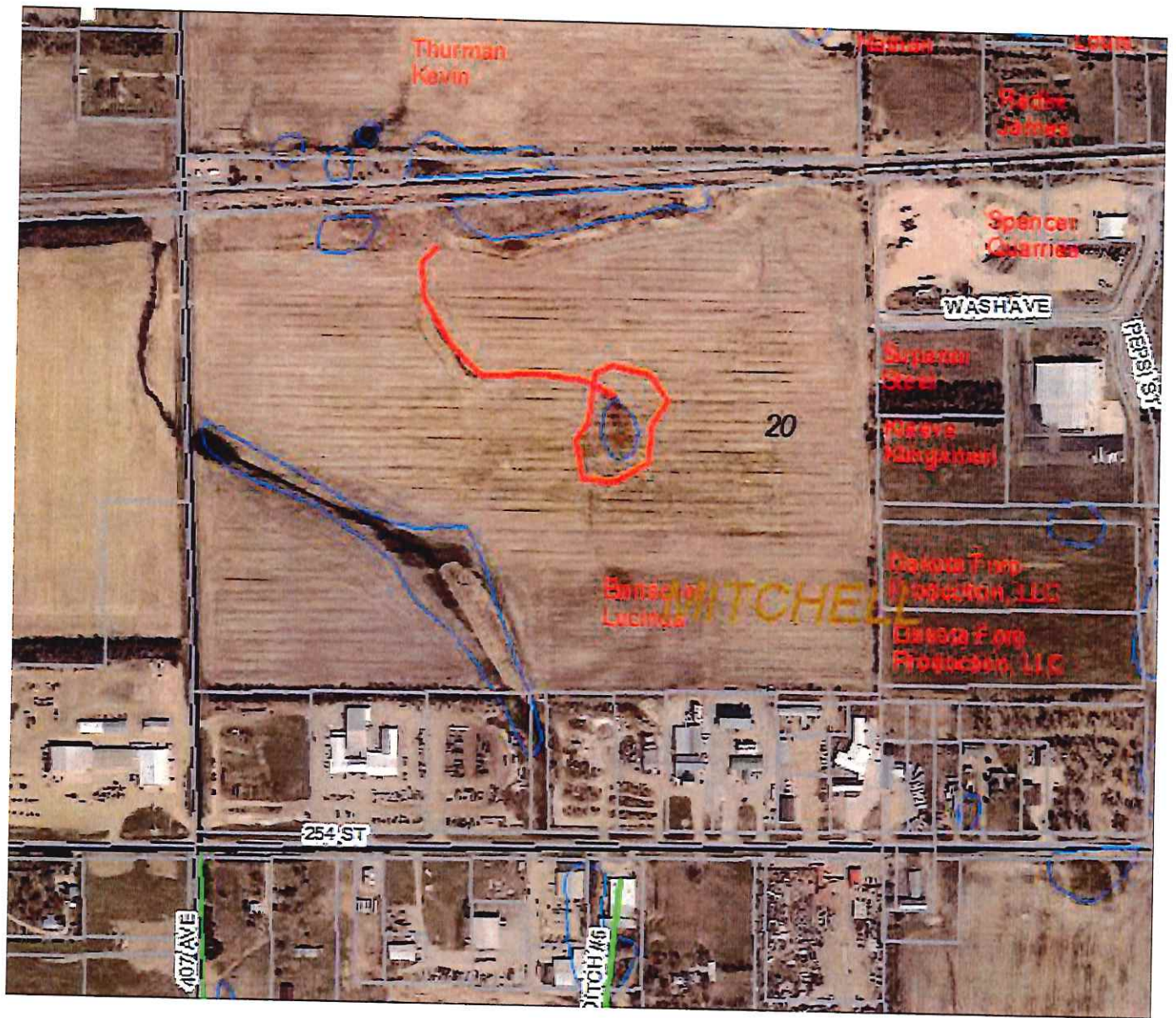
This application can be Administratively Approved under Section 2:04 (3) Routine Maintenance for construction, installation, or repair of a surface or closed drain if located within a watershed area of twenty acres or less.

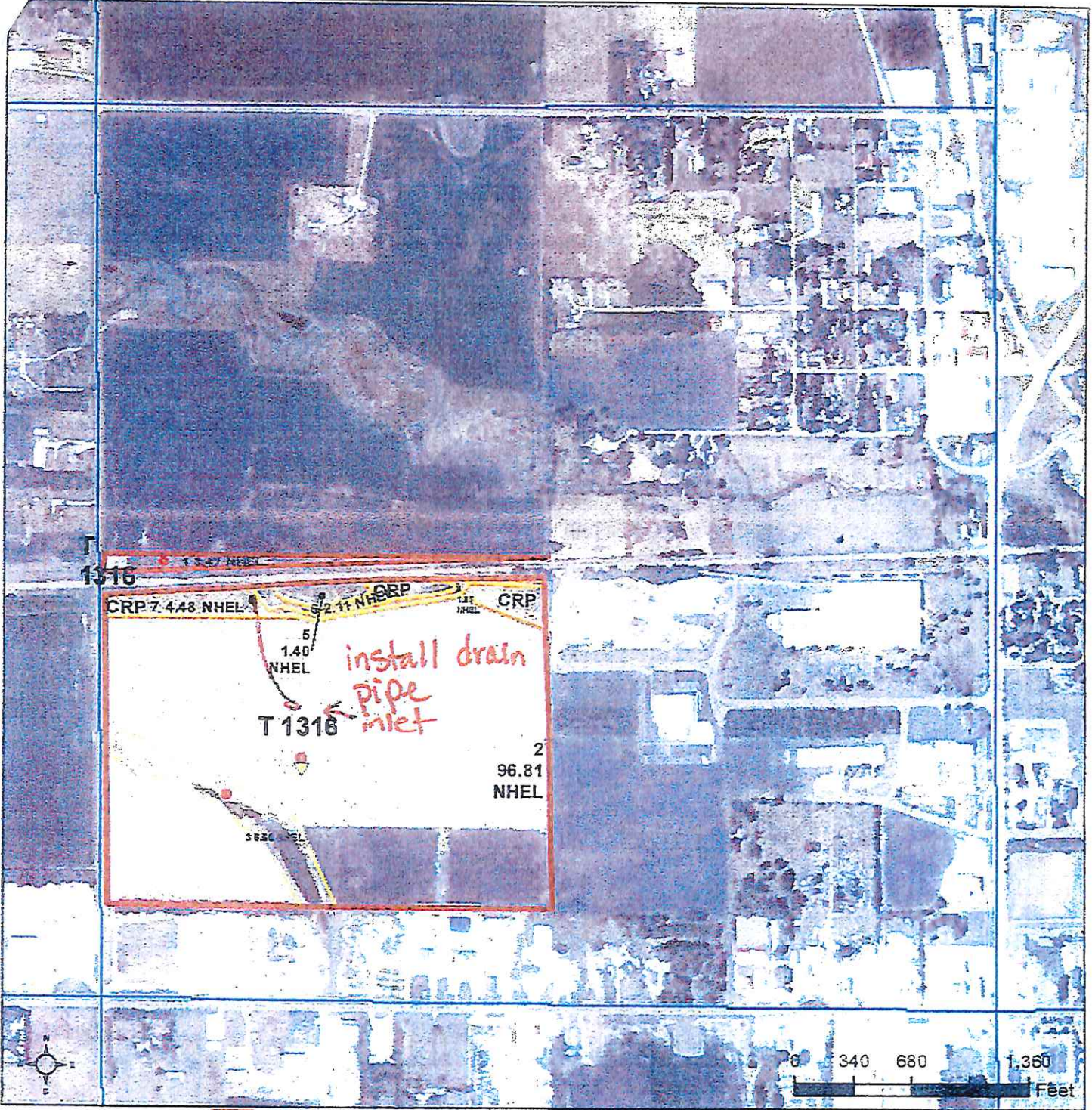


Planning & Zoning Administrator

Drainage Commission Chairperson

County Auditor





Common Land Unit

- Cropland
- CRP

- Tract Boundary
- PLSS

Wetland Determination Identifiers

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

Unless otherwise noted, crops listed below are:
 Non-irrigated
 Intended for Grain
 Corn = Yellow
 Soybeans = Common
 Wheat = HRS or HRW
 Sunflowers = Oil or Non

Producer Initials: *WJ*
 Date: *10/10/2023*

2024 Program Year

Map Created October 10, 2023

Farm 422

20-103N-60W-Davison

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-025 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS)



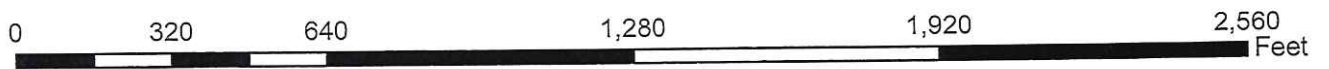
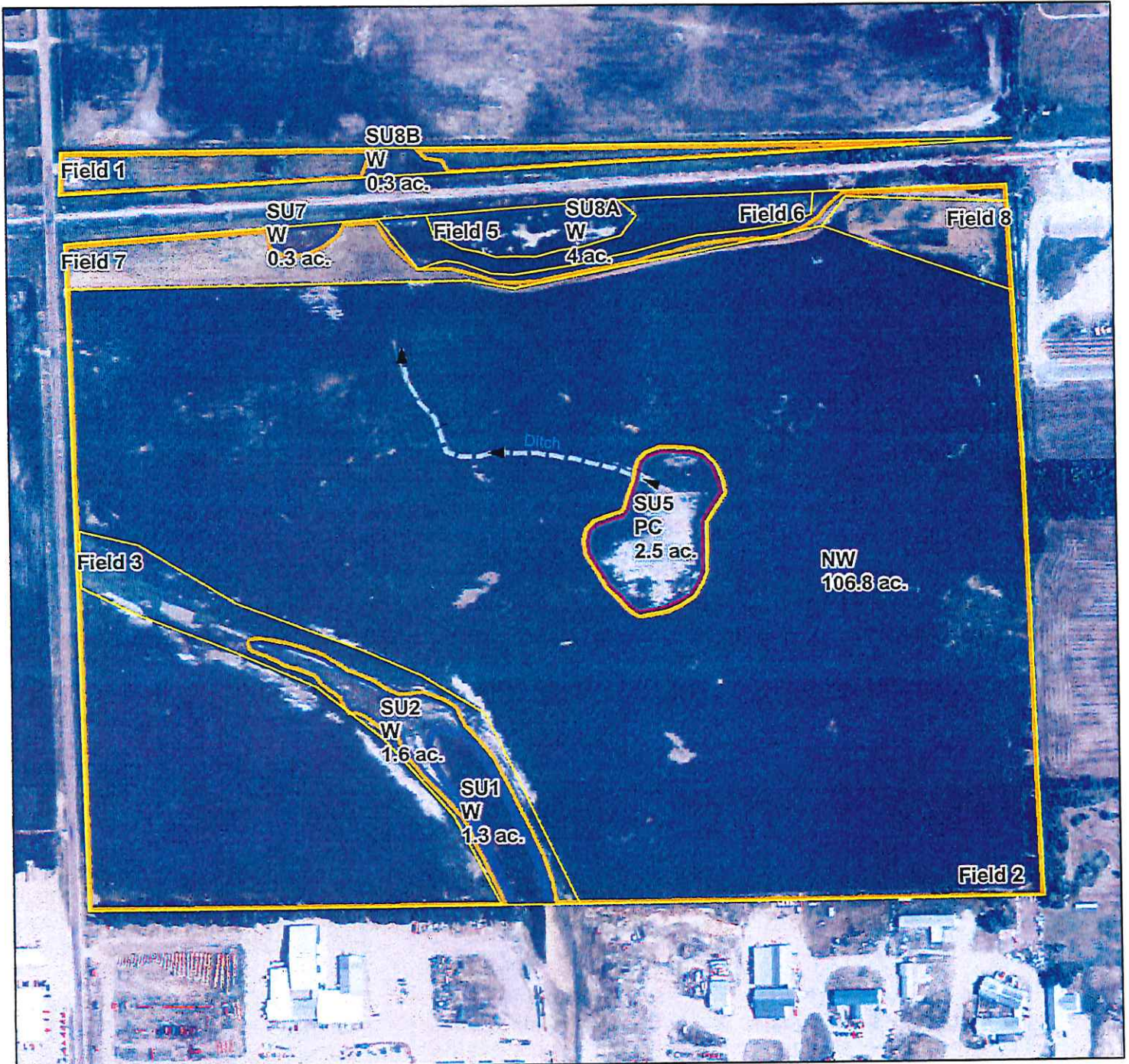
Certified Wetland Determination



Customer: Chris Nebelsick

Tract: 1316, part SW1/4, sec. 20-103-60

11/13/2023



Davison County

1:4,822 1 inch = 402 feet

