



**DAVISON COUNTY – DRAINAGE**  
**DAN SUDRLA-ADMINISTRATOR**  
**200 E. 4<sup>TH</sup> AVE. \*\*MITCHELL, SD 57301-2631**  
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To: The Public of Davison County

The Davison County Drainage Ordinance has been in effect since 1987. The ordinance requires a Drainage Permit for *any* drainage activity. Failure to obtain a Drainage Permit can result in criminal prosecution and substantial civil penalties:

**SDCL 46A-10A-30. Permit system for drainage--Fee--Modification of drain or use of unrecorded right--Drainage without permit as misdemeanor--Civil penalty.** Any board or commission under the provisions of this chapter and chapter 46A-11 may adopt a permit system for drainage...Any person or the person's contractor draining water without a permit, if a permit is required under the provisions of this section, is guilty of a Class 1 misdemeanor. In addition to or in lieu of any criminal penalty, a court may assess against any person violating the provisions of this section a civil penalty not to exceed one thousand dollars per each day of violation. A permit system is an official control.

The 2011 spring flooding and the large number of drainage problems brought to the attention of the Drainage Board have made it obvious that over the last 24 years there have been drainage projects undertaken in Davison County without proper permits.

**In order to establish a baseline for county drainage Davison County is offering amnesty from prosecution for all unpermitted drainage work undertaken between March 6, 1987, and December 31, 2009. The condition of such amnesty is that a completed application defining the entire work and the \$100.00 permit fee required by the Ordinance be received by the County Drainage Administrator before 5 p.m., November 1, 2011.**

This amnesty will not necessarily resolve any allegations or complaints of injuries to lands upstream or downstream from the previously unpermitted drainage. However, if the application is received and it is determined the previously unpermitted drainage has not caused harm to another property the work will become a legal drain which can be recorded with the Register of Deeds.

If there are objections to the previously unpermitted drainage and allegations that the work has caused harm to other property the County Drainage Board will act as a board of resolution.

Permit applications can be obtained from the Drainage Administrator in the Davison County Courthouse at 200 East 4<sup>th</sup> Avenue, Mitchell, South Dakota, or on line at [davisoncounty.org](http://davisoncounty.org) under the "Department" dropdown and subheading "Drainage."

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Dan Sudrla CAA  
Drainage Administrator

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Davison County Commission  
John Claggett, Chairman