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Certificate of Adoption

Davison County Drainage Plan

The Davison County Board of Commissioners hereby approve the Davison County Drainage Plan as the Official Plan for Davison County.

Commissioner

Commissioner

Commissioner

Commissioner

Chairman Board of Commissioners

Dated this _____ day of _____, _____.

Davison County Drainage Plan

Purpose and Scope

This plan is formulated in accordance with SDCL 46A-10A and is intended to provide the basic guidance needed by the county drainage board in carrying out the duties of that office. It is further intended to provide a framework for landowners for Davison County by which to plan and execute drainage activities which could affect not only their own land, but that of others as well.

This plan may be amended at anytime the Drainage Board deems it necessary and will be done in accordance with the provisions of 46A-10A.

Variances or exceptions to the ordinances found herein may also be issued by the board should the individual situation warrant such exceptions in the opinion of the board. Such exceptions must comply with 46A-10A-20 of the South Dakota Code.

Structure of the Board

The Davison County Drainage Board shall consist of the five members of the Davison County Commission as voting members of the Board. Members of the Drainage Board will hold one-year terms to be appointed at the first meeting of the Board of Commissioners in January.

Drainage board members votes shall be a majority with motions to be made and voted upon by roll call.

Ex-officio members of the Board shall be the Director of Emergency Management, Highway Superintendent, Director of Equalization and Planning & Zoning Administrator who shall act as the advisor(s) to the board and who shall have no voting power and the Davison County Auditor who shall act as recorder of the official minutes of the board who also shall have no voting power. The Drainage Administrator shall be the person in charge of accepting all applications, making sure all paperwork is in proper order and submitting to the Drainage Board.

The Drainage Administrator is responsible for all inspections pertaining to the administration process and acceptance of complaints. All complaint driven investigations shall be handled through the direction of the State's Attorney's Office and /or Davison County Sheriff's Office.

This structure shall remain in effect until such time as the board deems it appropriate to exercise its' prerogative under chapter 46A-10A to appoint a separate commission for the purpose of serving as a drainage board.

Further, nothing shall prevent the board from appointing such other ex-officio members as the board may deem appropriate.

General Provisions

DCDL-1 Elevation Map

The official elevation map of the county shall be the Davison County Topographic map on file with the Equalization Office.

DCDL-2 County Drainage Permit

All proposed drainage activities will require a county drainage permit. The fee for this permit shall be \$100.00, which should be paid at the time that the application is submitted to the Drainage Administrator. This fee will be immediately deposited with the Davison County Treasurer. The application fee is non-refundable.

DCDL-3 Filing of Permit with Register of Deeds

Upon receiving a drainage permit, persons receiving such permits shall not proceed with drainage construction until such time as such permit and application is filed and recorded with the county register of deeds office.

DCDL-4 Application for Permits and Vesting Rights

Applications for drainage permits and applications for vesting of existing drainage rights may be obtained at the county Planning & Zoning Office through the Drainage Administrator.

DCDL-4A

When an application for a drainage permit is received by the board, within five days of receipt of such application, the board chairman of township supervisors in the township or townships in which the drainage is proposed shall be notified in writing of such proposed drainage and further advised of when the said application will be considered by the board.

DCDL-5 Drainage Permit

A drainage permit shall be required of any and all drains to include changes in systems already in place. (See 5A)

DCDL-5A

Any and all drains shall mean man-made, either open or covered, or natural, with man-made modifications.

DCDL-6 Approved Drainage – Registration and Plotting

Drainage systems for which a permit has been issued or a vested right recorded, shall be retained as part of the drainage records of Davison County and applicant informed in writing of the approval.

DCDL-7 Rejected Drainage Applications

Drainage applications which are rejected by the board shall be returned to the person making application along with a written explanation as to why said application was rejected.

DCDL-8 Request for hearing on rejected applications

Persons having drainage applications rejected will have two(2) weeks in which to either (1) ask for a hearing before the board on the original application, at which time witnesses or evidence may be presented as to why the application should not have been rejected or (2) re-submit the application reflecting those changes necessary for application approval.

DCDL-9 Drainage Disputes

Any person objecting to either (a) proposed drainage or (b) drainage projects already in place by another person may request a hearing before the board reference the said project. The board shall set a time and place for such hearing and notify both parties in writing of time and place. Both parties will be allowed to present evidence in their own behalf in support of their argument for or against the project.

After hearing both sides of the issue, the board shall make a decision in the matter and advise both parties in writing of that decision and the reason therefore.

DCDL-10 Appeal

Should either party be dissatisfied with the decision of the board, the right to appeal the decision to the circuit court having jurisdiction shall exist. At the time of issuing a written decision, the board shall also advise both parties as to this option. Any landowner may by-pass the board and take his/her dispute directly to circuit court. 46A-10A-35.

DCDL-11 Drainage Affecting More Than One County

Any drainage activity affecting more than one county will need the approval of both or all counties affected. This may occur either as drainage boards from both counties sitting as one board to hear the application or in the absence of a drainage board, will require approval of the affected county commission. Such approval shall be in writing.

DCDL-12 Enforcement

The official enforcement agency for the county shall be the Davison County Sheriff's Office working in conjunction with the office of the State's Attorney. Violations of county ordinances or SDCL 46A-10A or 46A-11 shall be reported to the State's Attorney who shall direct the Sheriff in whatever actions deemed necessary to remedy the situation.

Appendix A
Davison County, South Dakota
Application to Drain

I. Applicant(s):

Name: _____ **Date Filed:** _____

Address: _____ **Date received:** _____

Phone: _____

NOTE: This application must be accompanied by a map showing the location of the proposed drain and the names and addresses of all landowners both upstream and downstream who will be affected by the proposed drain. These landowners will be notified and a copy of this application will be attached. The Township Board will also be notified and a copy of this application will be attached.

II. Location

1. Location of land to be drained:

_____ 1/4 _____ 1/4 Sec _____ Twp _____ Rge _____ County _____

_____ 1/4 _____ 1/4 Sec _____ Twp _____ Rge _____ County _____

2. Location of outlet end of proposed drain:

_____ 1/4 _____ 1/4 Sec _____ Twp _____ Rge _____ County _____

3. Name (if any) of any Watercourse, lake, slough, draw, natural drain-way, stream, creek, river, drain or ditch that is involved in this application.

III. Description

1. Approximate size in acres of area being drained: _____
acres

2. Proposed drainage ditch:

a) Length of drain: _____ feet

b) Drain design:

1. Bottom width _____ feet

2. Side Slope _____ : 1

3. Maximum cut _____ feet

4. Proposed drainage tile (underground drain pipe):

- a) Length of drain _____ feet
- b) Drain diameter _____ inches
- c) Approximate area contributing runoff to the drain where drain tile is located: _____ acres
- d) Pipe will be solid or perforated: _____

Other types of Drain: (Please explain)

IV. General Description:

1. State the general course and direction of the flow of water by means of proposed drainage

sytem: _____

2. State any facts and reasons you believe pertinent to the proposed drainage that may assist the board in their consideration.

V. Signature:

Applicant

Applicant

Appendix B

**Vested Drainage Right
Registration Form**

1. Claimant of Vested Drainage Right:

Name: _____
(Last) (First) (MI)

Political Subdivision or Company Name (If applicable)

Address: _____
City: _____ State: _____ Zip: _____

Co-Owner or Other Interested Owner: _____
Address: _____
City: _____ State: _____ Zip: _____

2. A. State the legal description of the land from which the water is drained
(dominant estate)

_____ 1/4 of the _____ 1/4 of section _____, Twp. _____,
Range _____, in the County of _____.

B. State the legal description of the land onto which the water is drained
(servient estate):

_____ 1/4 of the _____ 1/4 of section _____, Twp. _____,
Range _____, in the County of _____.

C. State the legal description of the land for which the drainage right is claimed, if different than A, above (prescriptive right):

_____ 1/4 of the _____ 1/4 of section _____, Twp. _____, Range _____, in the County of _____.

3. The man-made modifications consist of _____ (i.e. drain tile, ditch, levee, dike, etc.) Generally described the modifications in terms of length, depth, width, etc. (i.e. a ditch 3 ft. deep and 80 ft. long):

4. The claimed drainage right has existed since:

A. _____ / _____ / _____; or

Mo. Day Year

B. _____ Unknown

5. State the general course and direction of the flow of water by means of the drainage right:

6. State the general course and direction of the natural flow:

A. _____ same as paragraph 5; or

B. _____

7.State any facts you believe relevant to the vested drainage rights:

Dated this _____ day of _____, _____.

_____	_____
Signature	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(s) _____ subscribed to the within instrument and acknowledge that ___he___ executed the same for the purposed therein contained.

In witness whereof I hereunto set my hand and official seal.

(Seal) _____
Notary Public

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(s) _____ subscribed to the within instrument and acknowledge that ___he___ executed the same for the purposed therein contained.

In witness whereof I hereunto set my hand and official seal.

(Seal)

Notary Public