

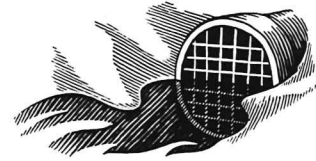


Davison County Drainage

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 19, 2026, in the Davison County Commissioners' Room in the North Offices Building, 1420 N Main St., Mitchell, SD 57301.

1. Call the order by Chairperson Larson at 7:00 PM.
2. Roll Call
3. Meeting expectations.
4. Consider the agenda.
5. Declare conflicts of interest.
6. Consider the minutes from the March 17, 2026, meeting.
7. Public comment and citizen complaints for items not on the agenda-no action will be taken.
8. Adam Bormann has applied to the Davison County Drainage Commission to recommend granting a drainage permit. This request is due to the violation of Article 2, Sections 2:01 & 2:03 and Article 6, Section 6:04 of the Davison County Drainage Ordinance adopted on 8/27/2013 as work was started without a permit. The property drained, or involved in the project, is legally described as SW ¼ of Section 5, T 102 N, R 62, West of the 5th P.M., Davison County, South Dakota. The outlet will be in the same quarter.
9. Johnson/Fraser vs. Vlieger drainage complaint review to determine if the complaint arises under Article 4., Section 4:01., et. seq. of the ordinance relating to drainage district repair/maintenance or under Article 5. of the ordinance relating to drainage disputes, and Section 5:01., thereof, relating to accepting or declining jurisdiction.
10. Administratively Approved Applications
 1. Hostler Farms LLC
11. Miscellaneous items.
12. Set time and date for the next drainage meeting – June 16, 2026, @ 7:00 P.M.
13. Adjournment.

Karen Wegleitner

Karen Wegleitner

Acting Director of Planning & Zoning/EM/Drainage

Davison County

karenw@davisoncounty.org

605-995-8615

605-299-6059

DRAINAGE BOARD

March 17, 2026

CALL TO ORDER

Chairperson Larson called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Auditor Wingert took roll call as follows: Members of the Board present were Larson, Bult, Blaalid, Edinger, Buchholz, Klumb, & Nebelsick. The members absent were none. Ex-Officio members present were Acting Administrator Wegleitner. Ex-Officio members absent were Director of Equalization Vissia & Highway Superintendent Weinberg.

Guests: Spencer Neugebauer (applicant), Derek Evans, and Bryce Gillen from Gridline.

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 the Drainage Administrator's office.

APPROVE AMENDED AGENDA

Acting Administrator Wegleitner added three additional administratively approved applications: Gordon Stahl, Richard Gerlach, & Jarod & Angie Klock.

Motion by Edinger, seconded by Bult, to approve the amended agenda for the March 17, 2026, meeting. All members voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairperson Larson asked for any conflicts of interest. Nebelsick was unsure if he had a conflict because he was renting the SW ground from his grandparents. The board decided he was okay to vote.

APPROVE MINUTES

Motion by Buchholz, seconded by Bult, to approve the minutes of the February 17, 2026, meeting. All members voted aye. Motion carried.

PUBLIC INPUT & CITIZEN COMPLAINTS

Chairman Larson asked for any public input for items not on the agenda and reminded all in attendance that no action would be taken. Hearing none, the meeting moved forward.

CONSIDER SPENCER NEUGEBAUER'S DRAINAGE APPLICATION

Motion by Bult, seconded by Edinger, based on findings, to grant a drainage permit to drain the following, the NW ¼ of Section 4, T 101 N, R 60, West of the 5th P.M., Davison County, SD, as requested by Spencer Neugebauer.

The plan is to install approximately 200' of a solid 12" line and 36,715' of perforated 4", 6", 8", and 10" line in the NW ¼ in Section 4, T 101 N, R 60, West of the 5th P.M., Davison County, South Dakota, with a 12" solid line out letting on the same property. The water will flow into an intermittent stream of

Twelve Mile Creek on land described by the SW ¼ of Section 33-102-60, travel NE, then under Highway 37 South into the NW ¼ of Section 35-102-60, then head SE into Twelve Mile Creek. The water will then continue to travel SE into Hanson County, and eventually into the James River in Hutchinson County.

Application received February 18, 2026.

Applicant and necessary neighbors were notified on March 3, 2026.

Published in the paper on March 7, 2026.

Acting Administrator Wegleitner explained that she had one landowner, George Ryks, who had concerns about the proposed drainage project. Mr. Ryks stated the current plan pushes all the water onto his property, which is already wet.

Derek Evans of Gridline Field Tile submitted a revised drainage plan on behalf of Spencer Neugebauer after concerns were raised by neighboring landowner George Ryks regarding the original design. Initially, all proposed drainage was directed northwest toward Ryks' property, which prompted objections. In response, the revised plan incorporates an additional outlet to the southeast, splitting the drainage between two directions and substantially reducing the volume of water flowing toward Ryks. The southeast outlet routes water across downstream properties owned by Nebelsick and Miller, both of whom have signed the required consent forms (Appendix b) authorizing drainage across their land. To support this change, the plan includes a one-time maintenance and cleanout of an existing ditch on those properties to ensure adequate capacity and proper conveyance of water to Twelvemile Creek. Mr. Evans notes that while some water will continue to flow northwest, the amount has been greatly reduced and is not expected to negatively impact Ryks' property. Ryks has reviewed the updated design and indicated that his concerns have been satisfactorily addressed. Based on the revised drainage pattern, landowner approvals, and planned improvements, Mr. Evans concludes that the project complies with applicable county and state drainage regulations and does not impose an unreasonable burden on adjacent or downstream properties.

The board asked whether both outlets discharge into a blue line, and Mr. Evans confirmed that they do. The board had no concerns with the original plan or the revised plan with the addition of the extra outlet.

Board members were given a few minutes to review the items to consider before 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.

Special Conditions: None.

A roll call vote was taken as follows. Buchholz-aye, Bult-aye, Edinger-aye, Larson-aye, Blaalid-aye, Nebelsick-aye, Klumb-aye. Motion carried.

ADMINISTRATIVELY APPROVED APPLICATION

Acting Administrator Wegleitner informed the board that there have been four Administratively Approved Applications since the last meeting.

Jared Deinert's application was approved on February 18, 2026, for routine maintenance on an existing ditch located on the SE ¼ of Section 32, T 104 N, R 61 in Davison County. The applicant rents the land

from the Annschell Family Limited Partnership LLP and would like to clean out the ditch located on the property. He has no plans to change or alter, only cleanout to its original state.

Gordon Stahl's application was approved on March 10, 2026 for the Installation of approximately 105,000' of drain tile in the S ½ of the SW ¼ of Section 8, the NW ¼ of Section 17, & the NE ¼ of Section 18, all in T 102 N, R 60, in Davison County, with the outlet in the SW ¼ of the SW ¼ of Section 17, T 102 N, R 60, in Davison County. The water will drain into Enemy Creek, which will drain into the James River in Hanson County.

Richard Gerlach's application was approved on March 12, 2026, for routine maintenance on an existing ditch located on the N ½ of the NE ¼ of Section 18, T 101 N, R 61 in Davison County. The applicant is requesting to fill in a small portion of a ditch located on their property in order to improve the area for agricultural use. Over time, erosion has widened and deepened the ditch, making the surrounding land difficult to farm. The applicant intends to bring in dirt to stabilize the area and make the land adjacent to the ditch more suitable for farming operations. The ditch ultimately drains into Twelve Mile Creek, which then flows into the James River. The applicant has stated that there is no intention to fill the entire ditch, alter the natural drainage pattern, redirect water flow, or obstruct the movement of water. The proposed work is intended to be routine maintenance and minor land improvement to address erosion and allow for continued agricultural use of the property.

Jarod & Angela Klock's application was approved on March 12, 2026, for routine maintenance on an existing ditch located on SE ¼ of Section 30, T 101 N, R 61 in Davison County. The applicant is requesting to fill in a small portion of a ditch located on their property in order to improve the area for agricultural use. Over time, erosion has widened and deepened the ditch, making the surrounding land difficult to farm. The applicant intends to bring in dirt to stabilize the area and make the land adjacent to the ditch more suitable for farming operations. The ditch ultimately drains into Twelve Mile Creek, which then flows into the James River. The applicant has stated that there is no intention to fill the entire ditch, alter the natural drainage pattern, redirect water flow, or obstruct the movement of water. The proposed work is intended to be routine maintenance and minor land improvement to address erosion and allow for continued agricultural use of the property.

MISCELLANEOUS ITEMS: None.

SET DATE AND TIME FOR THE NEXT MEETING

Chairperson Larson set April 21, 2026, at 7:00 p.m. as the next meeting date and time.

ADJOURN

At 7:39 PM, Chairperson Larson adjourned the meeting.

ATTEST

Kathy Wingert, Auditor

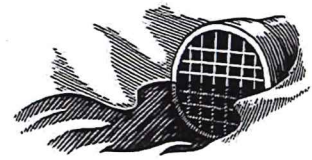
Jay Larson, Chairman

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): 12000-10262-053-00

Name: Adam Bormann

Date Filed with Register of Deeds: _____

Address: 26540 392nd Ave.
Stickney, SD 57375

Date received: 5/4/2026

Phone: 605-999-2122

Email: bormannfarm@midstatesd.net

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. Austin Bormann Irrevocable Trust	100 N. Mystic Creek Circle, Sioux Falls, SD 57107
2. Marcella Müller Living Trust	4510 S. Prince of Peace Pl., #121, Sioux Falls, SD 57103
3. Ethel Pavlin	2113 S. Lyndale, Sioux Falls, SD 57105
4. Thomas & Trudy Pavlin	817 E. Hanson Ave., Mitchell, SD 57301
5. Craig & Betty Moller Living Trust	41278 Old Mill Road, Mitchell, SD 57301
6. Kay Schoenfelder	1701 Charles Ave., Mitchell, SD 57301
7. David Deinert	2203 Dean Drive, Mitchell, SD 57301
8. Ronnie & Sandra Long	25607 396 th Ave., Mt. Vernon, SD 57363
9. Chipp & Natalie Gerlach	25764 396 th Ave., Mt. Vernon, SD 57363
10. Betty Welch	25759 396 th Ave., Mt. Vernon, SD 57363

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 _____)

II. Location

- Location of land to be drained:

_____ ¼ of the SW _____ ¼ of Sec 5 _____ Twp 102 _____ Rge 62 _____ County DAVISON
_____ ¼ of the _____ ¼ of Sec _____ Twp _____ Rge _____ County _____

- Location of outlet end of proposed drain:

_____ ¼ of the SW _____ ¼ of Sec 5 _____ Twp 102 _____ Rge 62 _____ County DAVISON

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: N/A

- Any structures unable to be altered in the drainage path: _____

III. Description of Proposed Drainage System:

Open Drainage Ditch

- Approximate size of area being drained (Acres): 2 Acres
- Elevation change from the inlet to the outlet (Feet): Original topography followed.
- Bottom Width (Feet): Back to original state. See Ditch #2 description in Vested Drainage Right Doc. #474 attached to app.
- Side Slope (Feet): Back to original state. See Ditch #2 description in Vested Drainage Right Doc. #474 attached to app.
- Maximum Cut (Feet): Back to original state. See Ditch #2 description in Vested Drainage Right Doc. #474 attached to app.
- Any boring under roadway: No
- Explanation of Drain Design: Routine Maintenance of Vested Drainage Right Ditch filed at the Davison County Courthouse to restore to original state.
NRCS approved an additional ditch created along the east fence line to intercept water from pre-1965 ditch & natural topography to accommodate & improve neighboring landowner's crop ground.
Additional ditch will reduce "oozing" of water that occurs from natural topography across the fence line; thereby, improving their crop ground.

Closed Drainage Ditch (Underground drain tile)

- Approximate size of area being drained (Acres): _____
- Elevation change from the inlet to the outlet (Feet): _____
- Length of Solid Drain (Feet): _____
- Length of Perforated Drain (Feet): _____
- Total Length of all Drain (Feet): _____
- Diameter(s) of Drain (Inches): _____
- Any boring under roadway: _____
- Explanation of Drain Design: _____

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

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

Mitchell Service Center/Mitchell NRCS
1820 N Kimball St
Suite 4
Mitchell, SD 57301

April 23, 2026

Adam Bormann
26540 392nd Ave
Stickney, SD 57375-6216

Dear Mr. Bormann:

This letter is in response to AD-1026 referral, dated 4/23/2026, that we received from the Plankinton Farm Service Agency (FSA) office requesting maintenance of an existing drainage system that had not been evaluated by NRCS on the following land(s):

Farm No. 3929; Tract No. 120, SW1/4, section 5-102-62, Davison County, SD.

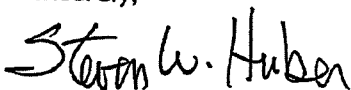
This determination is being made using the most current wetland mapping conventions and is for USDA purposes only. It is not a county drainage permit, nor is it a US Army Corps of Engineers (USCOE) 404 Permit, which may also be required. You are responsible for complying with other federal, state, or local regulations and obtaining other permits as they apply to altering wetlands and drainage flows. Contact the appropriate agencies for more information. Pierre, SD, US Army Corps of Engineers; (605) 224-8531.

Any erosion gullies may be filled in or re-shaped and pre-12/23/85 drainage ditches may be filled in or re-shaped. **Avoid making surface water drainage ditches, deeper than pre-12/23/85 Farm Bill conditions.** Do not place sediment removed from pre-12/23/85 drainage ditches into any potential wetlands.

It is recommended that any erosion gullies/drainage ditches be seeded to grass to prevent soil erosion and improve water quality.

If you have any questions, you can reach me at 605-299-3363.

Sincerely,



Steven W. Huber
Compliance Specialist
NRCS - Mitchell, SD

Attachment: FSA map, AD-1026

cc: Mitchell NRCS Field Office (FO)
Plankinton FSA FO

**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 ADAM BORMANN	2. Tax Identification Number (Last 4 digits) 4099	3. Crop Year 2026
-------------------------------------	--	----------------------

4. Names of affiliated persons with farming interests. Enter "None," if applicable.
 ADAM BORMANN IRREVOCABLE TRUST; ADAM & MCKENZIE BORMANN LIVING TRUST

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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): _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

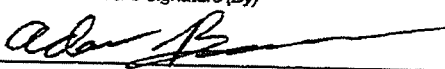
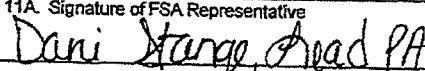
9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

A. Farm and/or tract/field number: F3929, T120
 if unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity: FIX EROSION & MAINTAIN DITCH

C. Current land use (specify crops): CROPLAND

D. County: DAVIDSON COUNTY, SD

PART D - CERTIFICATION OF COMPLIANCE		
<p>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:</p> <ul style="list-style-type: none"> • 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. 		
<p>Producer's Certification: I hereby certify that the information on this form is true and correct to the best of my knowledge.</p>		
10A. Producer's Signature (By)	10B. Title/Relationship (If Signing in Representative Capacity)	10C. Date (MM-DD-YYYY)
		4/23/2026
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)
		04-23-2026

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.

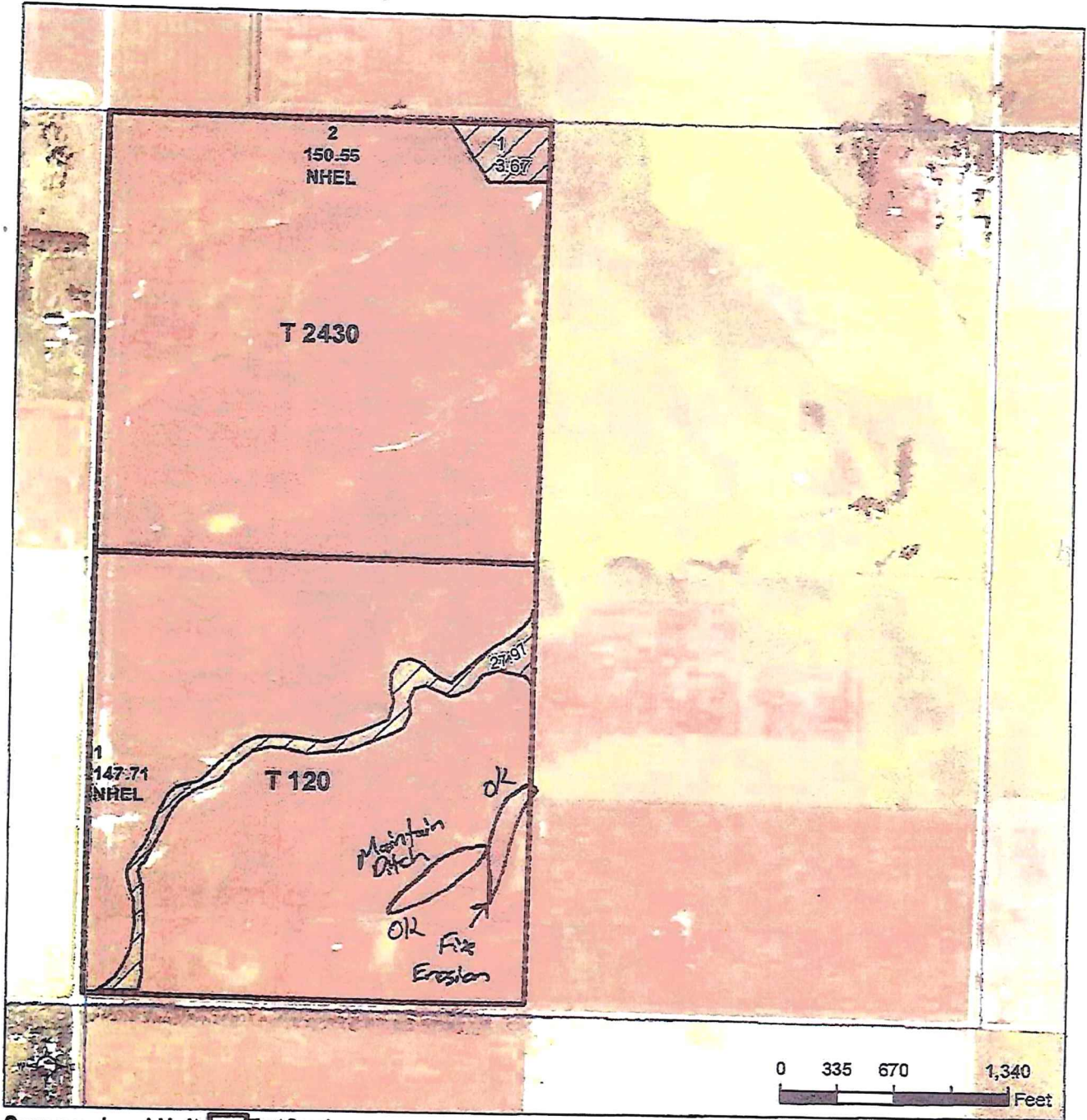
This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title II, Subtitle G, Funding and Administration). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE.**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.



- Common Land Unit**
- Non-Cropland
 - Cropland
 - Tract Boundary
 - PLSS
- Wetland Determination Identifiers**
- Restricted Use
 - Limited Restrictions
 - Exempt from Conservation Compliance Provisions

Unless otherwise noted, crops listed below are:

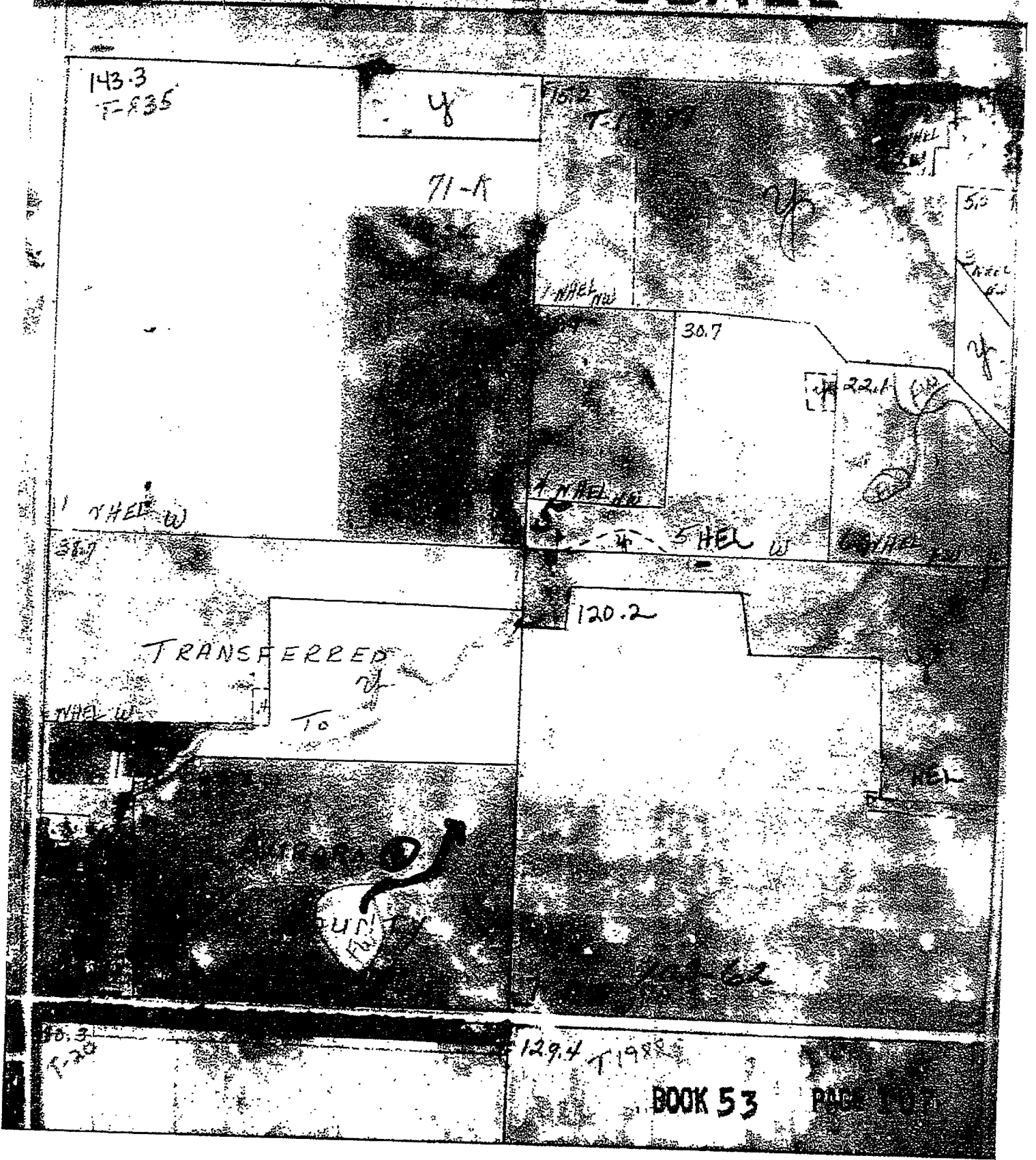
Non-irrigated Intended for Grain	Producer Initial _____
Corn = Yellow	Date _____
Soybeans = Common	
Wheat - HRS or HRW	
Sunflowers = Oil or Non	

2025 Program Year
 Map Created January 08, 2025
Farm 3929

5-102N-62W-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-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

NOT TO SCALE



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F-835

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1 NHEL NW

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TRANSFERRED

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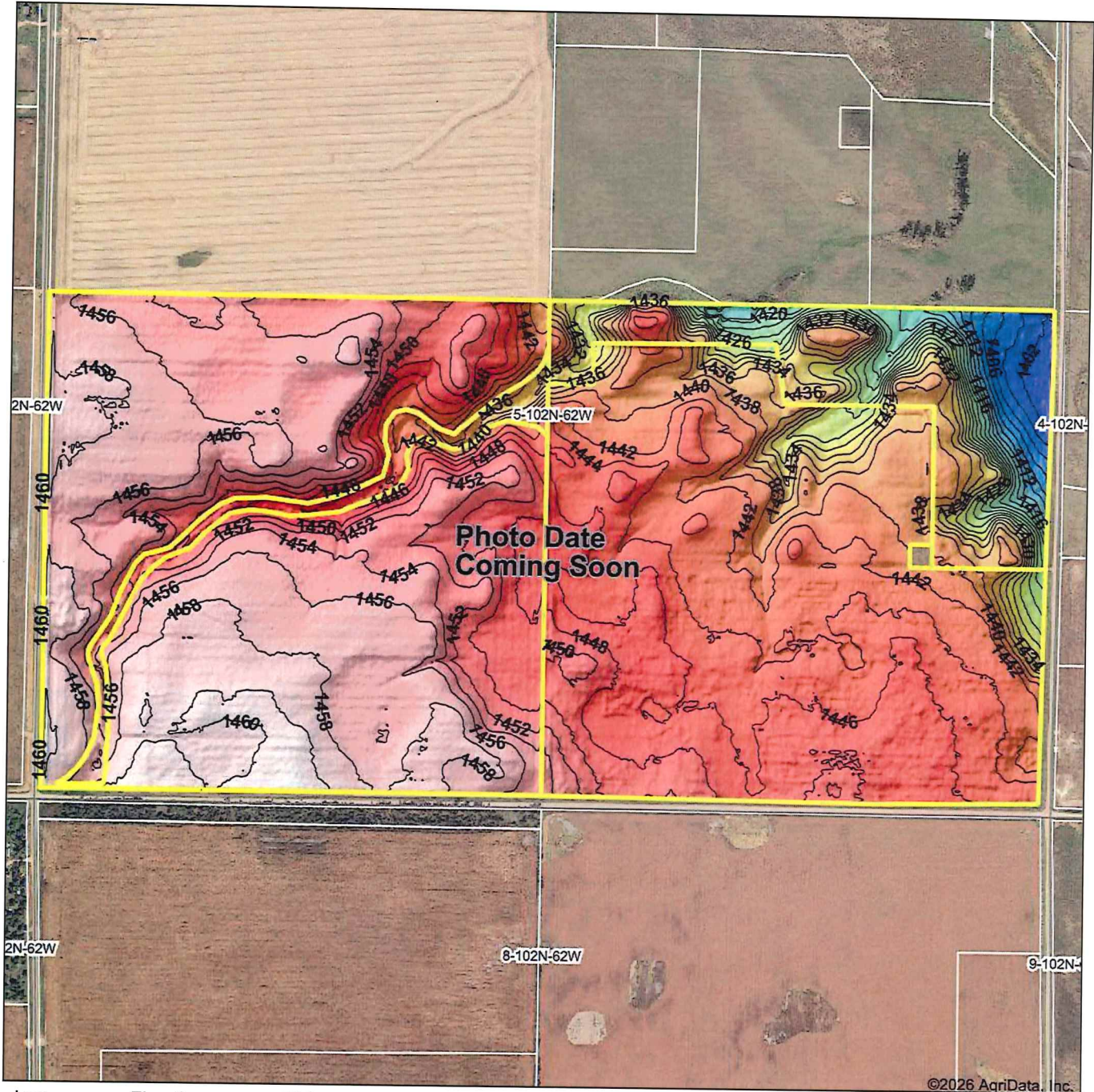
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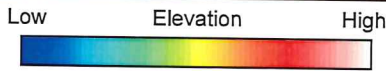
BOOK 53

PAGE 107

Topography Hillshade



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Source: USGS 3 meter dem

Interval(ft): 2

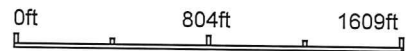
Min: 1,400.6

Max: 1,461.7

Range: 61.1

Average: 1,446.7

Standard Deviation: 11.02 ft

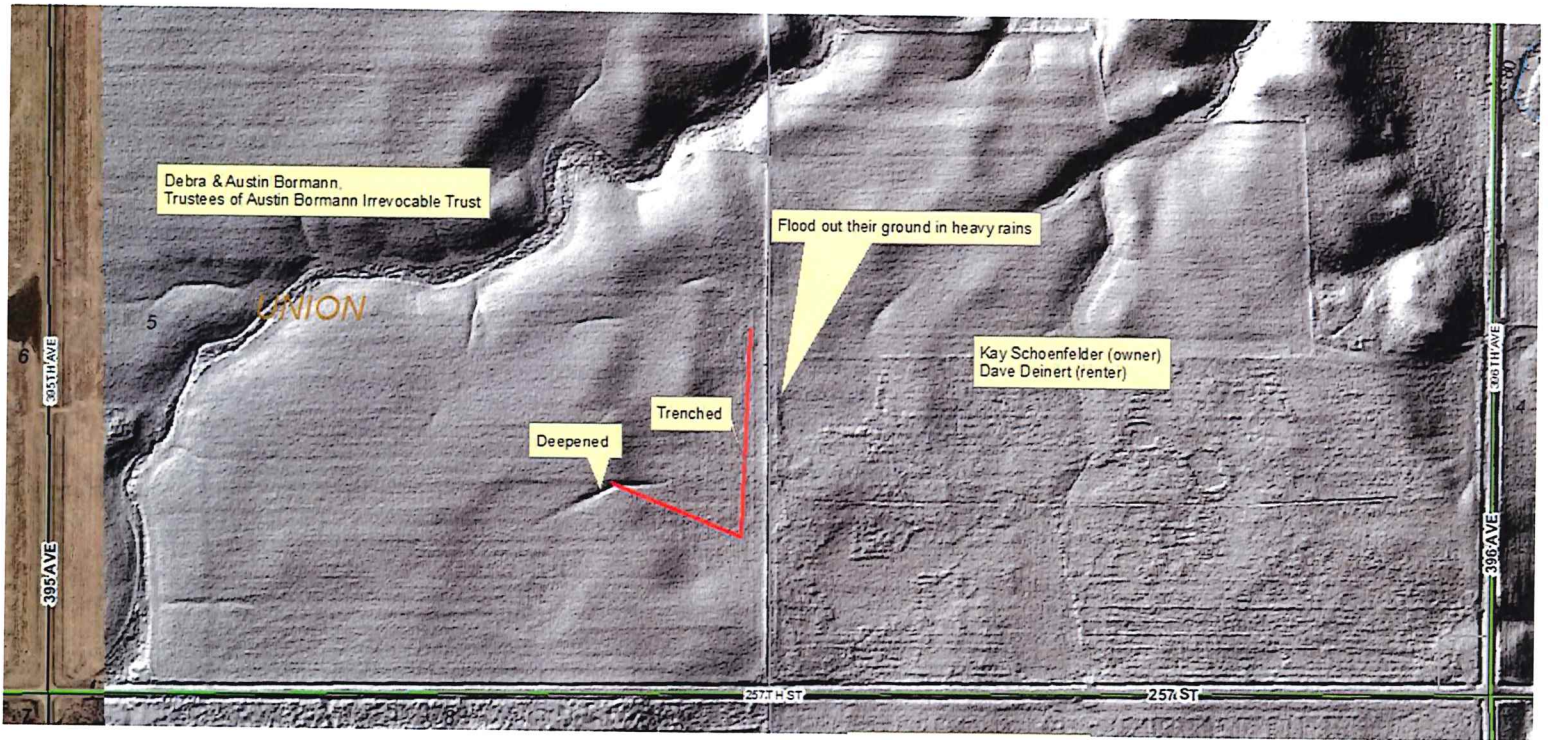
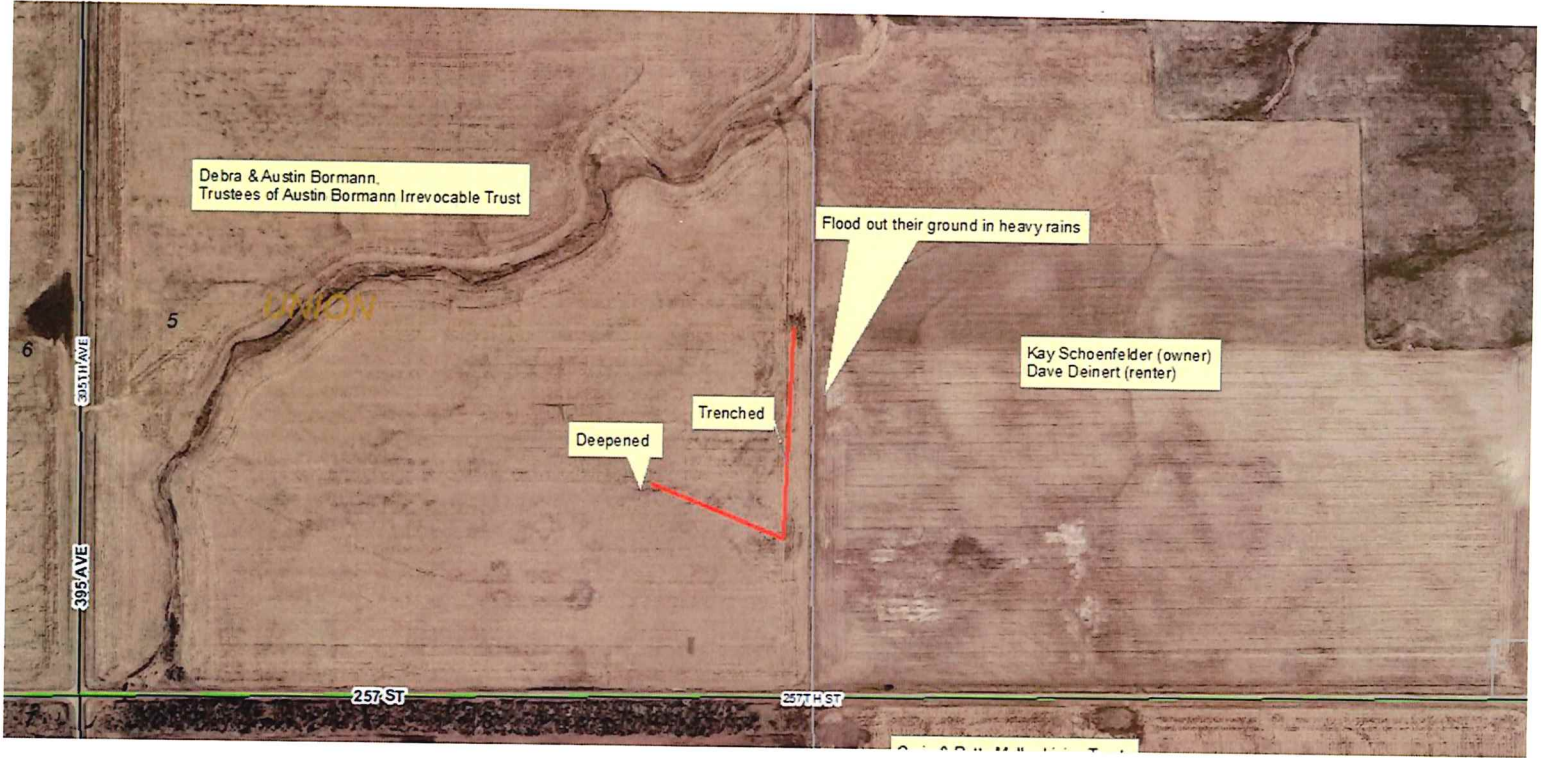


5-102N-62W
Davison County
South Dakota

Boundary Center: 43° 39' 45.31, -98° 17' 43.99



© AgriData, Inc. 2025 www.AgriDataInc.com
 Field borders provided by Farm Service Agency as of 5/21/2008.



On April 20, 2026, I received calls from board members regarding the Bormann project. Later that day, Willard Schoenfelder and David Deinert stopped by my office to discuss their concerns. On April 21, 2026, I contacted Adam Bormann regarding the complaint.

A site meeting was held on April 22, 2026, at 10:00 AM at the Bormann property, legally described as the SW ¼ of Section 5, Township 102 North, Range 62 West, to review an alleged drainage violation. Those present included Karen Wegleitner, Adam Bormann, David VanderPol (contractor), Willard and Kay Schoenfelder, Dave Deinert, and Ronnie Long.

During the meeting, it was explained that Adam Bormann had hired David VanderPol to complete drainage work on the property. The work included deepening an existing drainage impression, followed by trenching east and then north along the fence line. This alteration directs water east onto the Schoenfelder property (see attached map).

Willard Schoenfelder and Dave Deinert stated they did not provide approval for the project. Ronnie Long noted he had been contacted regarding the possible removal of fencing but was not informed of any drainage work.

Discussion between the parties indicated disagreement regarding natural water flow patterns and existing flooding conditions. While both parties acknowledged ongoing drainage issues on their respective properties, the Schoenfelders expressed opposition to any additional water being directed onto their land. They stated that a permit and their signed permission should have been obtained prior to completing the work.

Dave Deinert formally requested that this matter be brought before the board. I advised Adam Bormann and the contractor to consult with NRCS, develop a drainage plan agreeable to all parties, and submit the plan to my office for review. It was unclear whether Adam Bormann or the contractor contacted NRCS or obtained any appropriate permits from the state.

I advised Adam Bormann that drainage violations are \$500 plus the \$100 application fee. I also advised all parties that the board will listen to everyone and try to come up with a resolution that satisfies both parties but will not decide what will happen, as that will be the court's decision.

**DRAINAGE COMPLAINT
DAVISON COUNTY, SOUTH DAKOTA**

Davison County Planning and Zoning
planningzoning@davisoncounty.org
200 E 4th Ave
Mitchell, SD 57301

COMPLAINANT INFORMATION

Landowner: Pamela Johnson
Power of Attorney: John Fraser
Mailing Address: P.O. Box 955 Mitchell, SD 57301
Phone Number: 605-770-9480

Attorney Name: Kiera Leddy
Email Address: kleddy@leutservicespc.com
Mailing Address: 713 S Main St. Dimock, SD 57331
Phone Number: 605-924-0271

PROPERTY INFORMATION

Property Adversely Affected: Parcel ID: 04000-10462-113-00; SW1/4 S11 T104N R62
Property Causing Obstruction: Parcel ID: 04000-10462-141-00; NE1/4 S15 T104N R62

STATEMENT OF FACTS

Fraser, on behalf of Johnson, submits this complaint to formally report a drainage dispute affecting property in Davison County.

On September 16, 2025, during public comment, Fraser, through his attorney, briefed the Davison County Drainage Board that County Coordinated Ditch #2 was obstructed due to prolonged lack of maintenance and inadequate culverts. The obstruction impaired drainage from the Johnson Property into the adjacent parcel owned by Steve Vleiger. Fraser and the tenant attempted to resolve the issue cooperatively with Vleiger, including offering to clean the ditch at no cost, but Vleiger resisted.

On October 7, 2025, Fraser, Attorney Leddy, Scott Estabrook (affected landowner), Tom Bannwarth (tenant), Vleiger, and Vleiger's attorney conducted a site visit. All parties observed significant obstruction caused by accumulated sediment, tree growth, and failed/blocked culverts. This obstruction resulted in considerable damage to the Johnson Property, including flooding, standing water, and crop loss. While some limited maintenance activities, like brush or branch removal, may have occurred, the observed sediment accumulation and drainage impairment indicate that proper sediment removal, depth restoration, and grade maintenance had not been adequately performed for an extended period.

Later in October, Fraser and Attorney Leddy discovered that Vleiger met with the Davison Co. Highway Department to address solutions. They determined that the ditch would be cleaned and the culvert replaced with a bridge. In a phone call, Deputy Administrator Karen Wegleitner stated to Attorney Leddy that the cleaning costs were to be “left up to Rusty and Steve,” and maintenance decisions should be deferred to Rusty.

To our knowledge, the ditch was cleaned out by the Bode Family, who reside near the affected area. Rusty indicated the ditch would be cleaned to its original depth, yet no survey data or measurements were provided to Fraser or his counsel. Rusty further stated the infrastructure for a bridge to be privately used by Vleiger would be “donated.”

Meeting minutes later revealed that on October 21, 2025, Steve Vlieger’s administrative application was added to the Drainage Board agenda. Fraser and Attorney Leddy received no notice of this agenda item or the proposed solutions, despite the county and Vleiger being fully aware of Fraser’s vested interest.

Attorney Leddy and Fraser attempted to schedule a post-cleanout walkthrough with county personnel and Vleiger. Weather delays postponed the meeting to spring. Since the completion of the work, Attorney Leddy has received only one photograph of the ditch. The walkthrough was ultimately cancelled due to Vleiger’s inappropriate and obstructive conduct toward Attorney Leddy. Additionally, Vleiger had intended to restrict access to Fraser and Attorney Leddy, excluding individuals with technical expertise relevant to drainage evaluation.

To date, no survey data, design specifications, or engineering documentation has been provided to demonstrate the adequacy of the ditch cleanout on County Coordinated Ditch #2. A proper drainage restoration requires grade control, elevation verification, and continuity with upstream and downstream conditions. In the absence of survey data or engineering documentation, it is not possible to determine whether the ditch was restored to proper function or design condition.

While administrative approval may not formally require notice to neighboring landowners, Fraser was not informed that cleanout work was occurring until after completion, and that notice came from a third party. Additionally, meeting minutes reflect the Drainage Board’s concern regarding financial responsibility for the ditch cleaning and bridge placement. Subsequent published minutes show no further board discussion of that issue.

REQUESTED RELIEF

Fraser respectfully requests that Davison County take the following actions:

- Conduct a formal inspection of County Coordinated Ditch #2 involving all affected parties and necessary technical specialists with accompaniment by the Davison County Sheriff’s Office to ensure orderly conduct. The inspection should yield adequate information to determine the work performed restored the ditch to its intended drainage capacity or function.

- Provide full documentation of all costs associated with the ditch cleanout and bridge installation, including identification of any expenditure of taxpayer funds and confirmation that proper approval procedures were followed.
- Adopt a maintenance plan for County Coordinate Ditch #2, specifically in the NE1/4 of Section 15, Township 104, to prevent future obstruction, damage, and disputes.

Date: 5/1/26

Signature: John D. Fraser

Printed Name: John Fraser

ARTICLE 4
DRAINAGE DISTRICTS AND COORDINATED DRAINAGE AREAS

Section

- 04:01 Application for repair work on a Drainage District.
- 04:02 County action on maintenance petition.
- 04:03 Application when Drainage District extends into more than one County.
- 04:04 Abandonment of Drainage District.
- 04:05 Petition for Coordinated Drainage Area.
- 04:06 Hearing on Coordinated Drainage Area.
- 04:07 Notice of Hearing.
- 04:08 Coordinated Drainage Area Election.
- 04:09 Assessment of costs to Coordinated Drainage District.

SECTION 4:01. APPLICATION FOR REPAIR WORK ON A DRAINAGE DISTRICT. In the event that maintenance is required in a drainage district in which three or more landowners have voluntarily contributed to the cost of previous maintenance, at least sixty percent of the resident landowners served by the drain may file a petition with the County Auditor requesting the Board of Commissioners to take action regarding the necessary repairs. Such petition shall include a map which shows the boundaries of the benefitted area of the district in which assessments will be made to cover the cost of the proposed work, the official name or number of the district, the initial and terminal points and general or exact course of the drain, a description of the proposed maintenance, a site plan showing the location of the maintenance, and a statement that the owners agree to future maintenance and assessment of the drain by the Board of Commissioners. All maintenance work and assessments shall be completed in accordance with SDCL 46A-10A and 46A-11.

SECTION 4:02. COUNTY ACTION ON MAINTENANCE PETITION. Upon receipt of a petition to maintain an existing drainage district, the Board of Commissioners shall set a date for a public hearing upon the request. The hearing shall be held within 30 days of the receipt of the petition. Any interested person may appear at the hearing in regard to the petition.

SECTION 4:03. APPLICATION WHEN DRAINAGE DISTRICT EXTENDS INTO MORE THAN ONE COUNTY. When the drainage district extends into more than one county, the application shall be made to the county which had jurisdiction over the original drainage district. If the original county with jurisdiction is unknown, application for repair work shall be made to all counties affected.

SECTION 4:04. ABANDONMENT OF DRAINAGE DISTRICT. Any drainage district established prior to July 1, 1985 may be abandoned and abolished after a petition has been filed with the County Auditor by not less than 25 percent of the drainage district property owners. The petition shall include the name of the drainage district. The Board of Commissioners shall publish notice and hold a hearing in conformance with SDCL 46A-10A. If less than a majority of drainage district owners petition for the abandonment of a drainage district, the Board of Commissioners shall schedule an election in accordance with 46A-10A-43 at which the property owners within the district shall decide the fate of the district.

**ARTICLE 5
DRAINAGE COMPLAINTS**

Section

- 05:01 Jurisdiction on drainage disputes.
- 05:02 Filing a complaint.
- 05:03 Resolution of complaints.
- 05:04 Hearing on complaint.
- 05:05 Appeal of Drainage Commission decision.

SECTION 5:01. JURISDICTION ON DRAINAGE DISPUTES. Any landowner may take a drainage dispute directly to circuit court. However, pursuant to SDCL 46A-10A-34, the Drainage Commission may address any drainage disputes in the unincorporated area of Davison County, and those resulting in water entering the county in accordance with Section 2:03 (6). The Drainage Commission may provide that certain types or categories of drainage disputes will not be heard by the Drainage Commission and must be taken directly to circuit court.

SECTION 5:02. FILING A COMPLAINT. Any landowner in the county may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Planning and Zoning Administrator. The complaint shall include:

- 1) The name and address of the complainant.
- 2) The location of the property which has suffered damage or may suffer damage.
- 3) The location of the property against which the complaint is being registered.
- 4) When possible the complaint should detail the type and location of work, and when the work occurred.

The Drainage Commission may require that a drainage dispute include expert reports from a professional engineer or surveyor.

SECTION 5:03. RESOLUTION OF COMPLAINTS. Upon receipt of a drainage complaint the Planning and Zoning Administrator shall make an investigation of the facts, offer a recommendation for resolution to the parties involved and, if requested by any affected party, forward the complaint to the Drainage Commission for a hearing. The Drainage Commission shall make a determination whether they will accept jurisdiction over the particular type or category of drainage which is set forth in the complaint. If the Drainage Commission does not accept jurisdiction the dispute may be taken to circuit court. If the Drainage Commission does accept jurisdiction a date for a public hearing on the drainage complaint shall be set.

SECTION 5:04. HEARING ON COMPLAINT. When a hearing has been scheduled the Drainage Commission shall notify all affected parties of the date and time for the hearing. Any interested individual shall have the opportunity to appear and be heard. The Drainage Commission may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute.

SECTION 5:05. APPEAL OF DRAINAGE COMMISSION DECISION. Any affected party may appeal the Drainage Commission's decision on a drainage dispute to circuit court.

SECTION 4:05. PETITION FOR COORDINATED DRAINAGE AREA. When the landowners of an area propose to develop a coordinated network of drainage projects, a petition shall be filed with the County Auditor requesting the formation of a coordinated drainage area. The petition shall be signed by not less than 25 percent of the landowners within the area and shall conform to the requirements set forth in SDCL 46A-10A-49. The petition shall include an accurate survey and map verified by a licensed surveyor which shows the boundaries and area of land included within the limits of the proposed coordinated drainage area. The petition shall also detail the type or types of drainage projects that will be included in the proposed area. The Board of Commissioners shall place the proposed coordinated drainage area map in a convenient public office for at least twenty days for examination by those having an interest in the application, and shall set a date for a hearing on the petition.

SECTION 4:06. HEARING ON COORDINATED DRAINAGE AREA. The Board of Commissioners, after publishing notice of the hearing, shall hold a hearing on the proposed coordinated drainage area at which any interested person may appear. If the Board of Commissioners is satisfied that the proposed drainage area is in the public interest and that all requirements of SDCL 46A-10A have been met, it may approve the creation of the coordinated drainage district pending the assent of a majority of the landowners within the drainage area at an election to be held within one month of the hearing. However, if the landowners signing the petition represented a majority of the resident landowners in the proposed district, no election need be held.

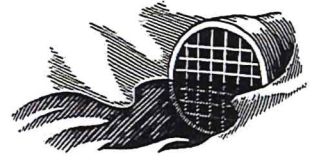
SECTION 4:07. NOTICE OF HEARING. The Board of Commissioners, prior to holding a hearing on a petition to establish a coordinated drainage area, shall publish notice of the hearing in a newspaper of general circulation in the area affected. The notice shall be published at least 14 days in advance of the hearing date.

SECTION 4:08. COORDINATED DRAINAGE AREA ELECTION. Any election regarding a coordinated drainage area shall be held in conformance with SDCL 46A-10A-50 through 46A-10A-54. The Board of Commissioners or the Drainage Commission shall give ten days notice of an election by publication in an official newspaper in the proposed coordinated drainage area. The vote shall be taken by ballot in a form provided by the Board of Commissioners. The ballot shall include the question on whether a coordinated drainage area should be established and a note informing voters that all costs of the drainage area will be paid by the landowners within the area. Establishment of the area shall be effective upon the approval of a majority of landowners within the district. If a majority vote against the establishment of the drainage area, no further proceedings may be taken on a similar request for a period of two years.

SECTION 4:09. ASSESSMENT OF COSTS TO COORDINATED DRAINAGE DISTRICT. All costs associated with the coordinated drainage area shall be paid by the landowners within the district. The County may perform necessary construction and/or maintenance and recover the costs by assessing the benefitted landowners within the coordinated drainage area.



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

• **Applicant(s):** _____ **Permit (Parcel) Number:** 07000-10362-332-00 & 07000-10362-333-00

Name: Hostler Farms LLC **Date Filed with Register of Deeds:** _____

Address: 39886 252nd St. **Date received:** 4/17/26
Mt. Vernon, SD

Phone: 605-770-1321 **Email:** _____

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	PHONE
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

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 _____)

- **Location**

- Location of land to be drained:

W 1/2 of Sec 33 Twp 103 Rge 62 County Davison

- Location of outlet end of proposed drain:

W 1/2 of Sec 33 Twp 103 Rge 62 County Davison

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: NA

- Any structures unable to be altered in the drainage path: _____

- **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: Cleaning out existing ditches, routine maintenance in the W 1/2 of Section 33. Both back to the original.

Closed Drainage Ditch (Underground drain tile)

- Approximate size of area being drained (Acres): _____
- Elevation change from the inlet to the outlet (Feet): _____
- Length of Solid Drain (Feet): _____
- Length of Perforated Drain (Feet): _____
- Total Length of all Drain (Feet): _____
- Diameter(s) of Drain (Inches): _____
- Any boring under roadway: _____
 - Explanation of Drain Design: _____

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

[Signature]
Contractor Notarized Signature

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)



On this 20 day of April, 2026, before me, the undersigned officer, personally appeared Davison County, 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)

[Signature]
Notary Public

10/26/2030
My Commission Expires

• **Administrator or Drainage Board Decision:**

This Application to drain is hereby:

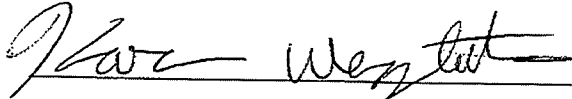
Approved

Disapproved

Date: 4/17/26

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

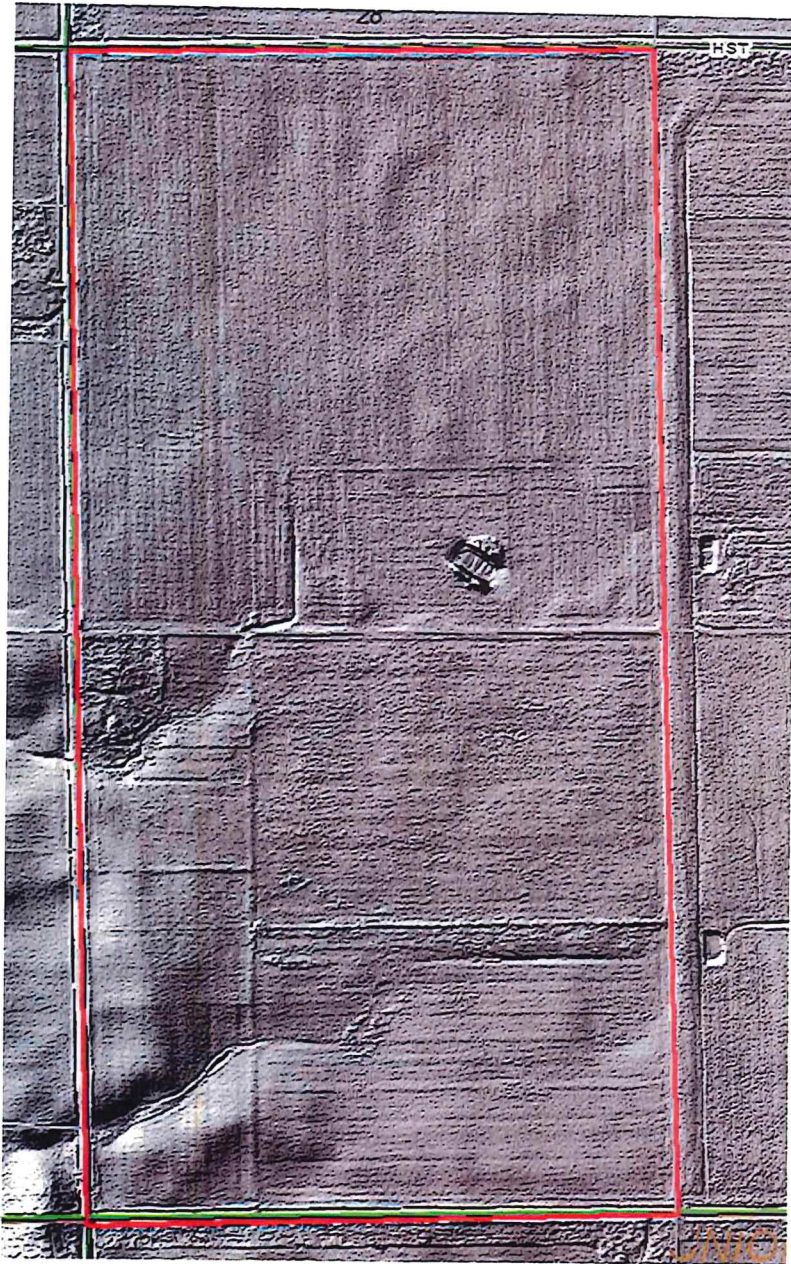
Approved under Section 2:04 (b)-Routine Maintenance of Vested Drainage-The removal of sediment or vegetation from a surface drain, if the maintenance does not exceed the original depth and capacity of the channel; and the original location of the drain is not altered. The applicant will be cleaning silt out of an existing ditch to the original depth.



Planning & Zoning Administrator

Drainage Commission Chairperson

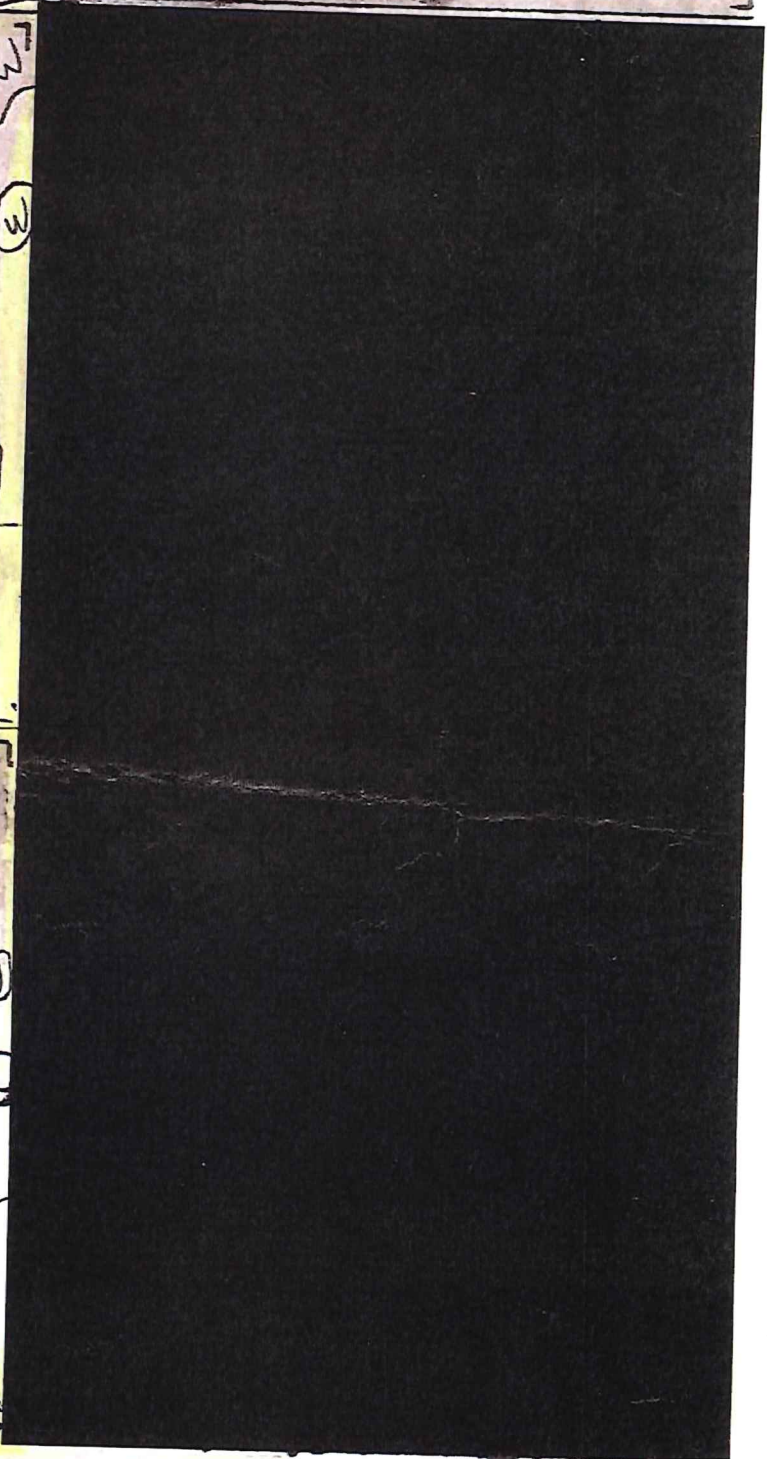
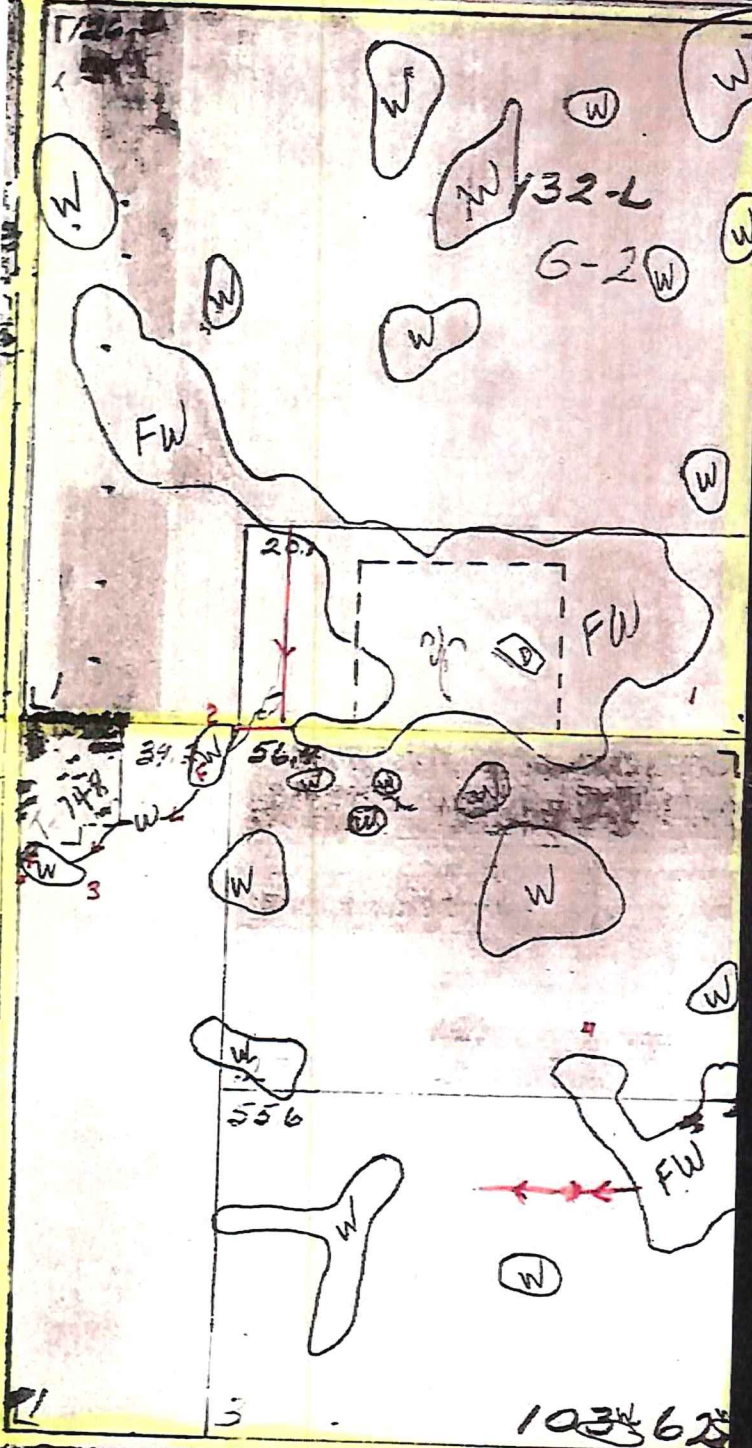
County Auditor





NOT TO SCALE

103-62



Certified Wetland Determination

Field Office: Madison Field Office
 Certified By: Jeremy Todoroff
 Legal Desc: NW4 33-103-62

Agency: USDA-NRCS
 Certified Date: 1/10/2018
 Tract: 749



Legend

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



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.

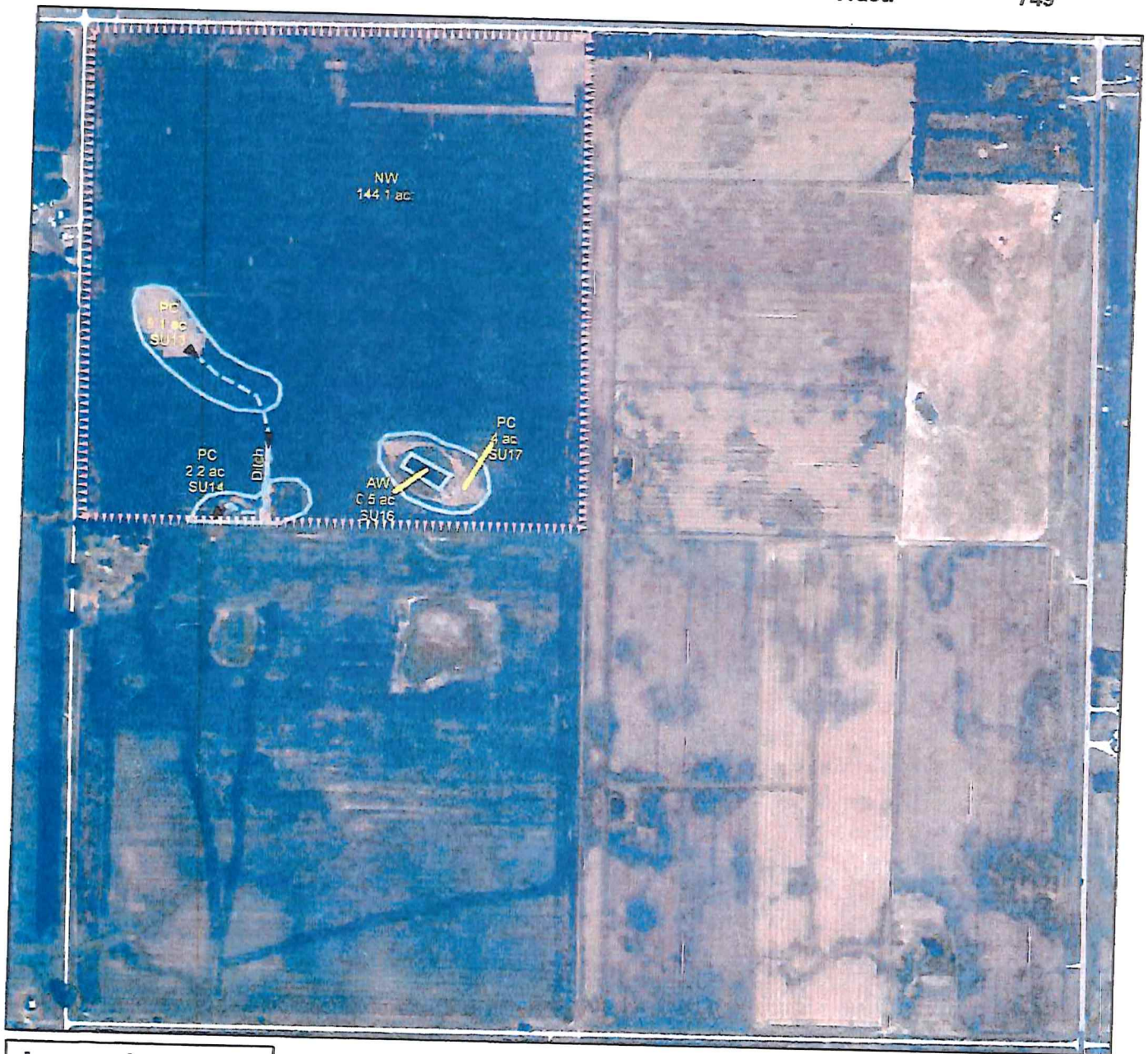


Certified Wetland Determination

Field Office: Madison Field Office
 Certified By: Jeremy Todoroff
 Legal Desc: NW4 33-103-62

Hostlers

Agency: USDA-NRCS
 Certified Date: 1/10/2018
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Legend

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

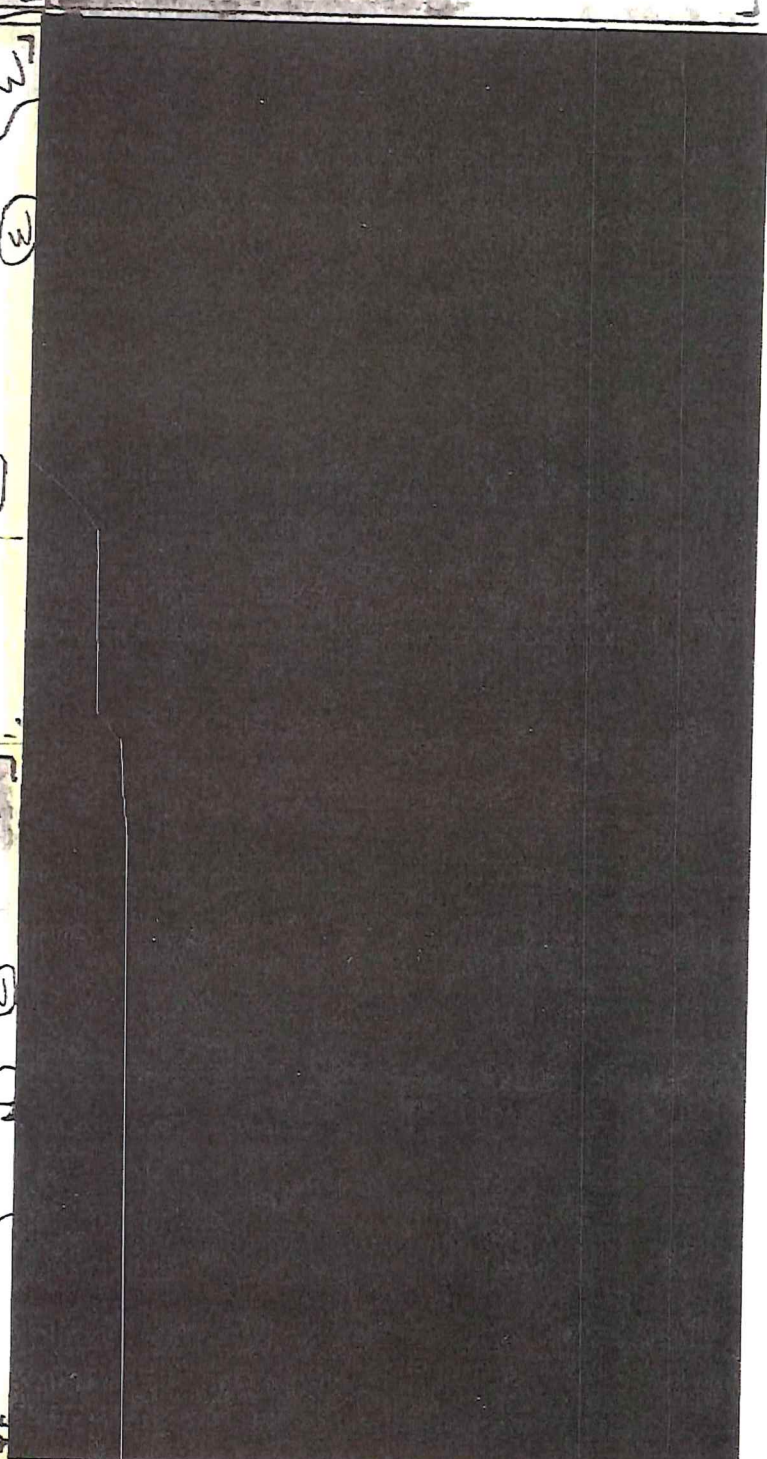
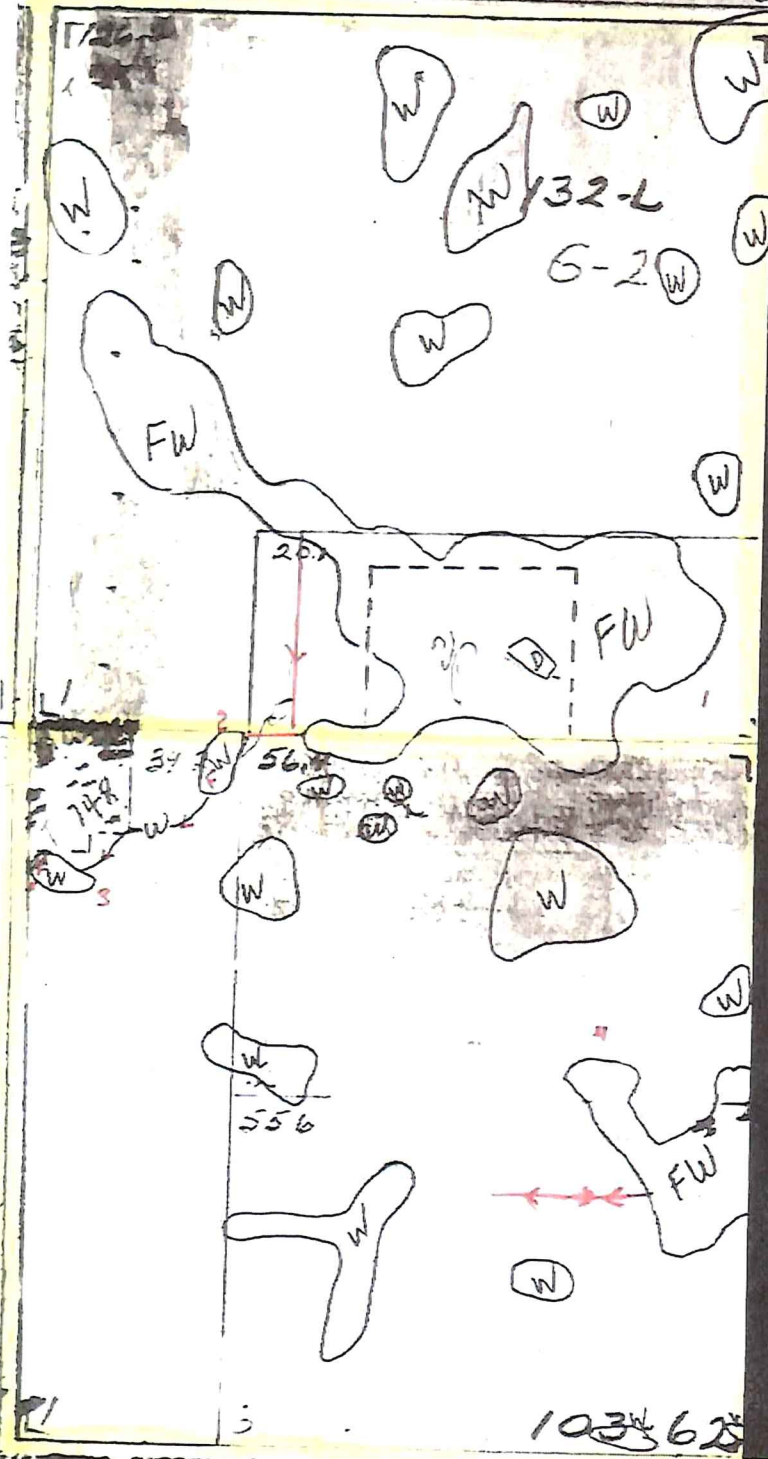


- W Wetland
- FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
- PC Prior Converted
- NW Non Wetland
- See NRCS CPA-O26E for definitions and additional info.



NOT TO SCALE

103-62



APPENDIX B
VESTED DRAINAGE RIGHT
REGISTRATION FORM

1. Claimant of Vested Drainage Right:

Name BOLSEN JOHN R
(Last) (First) (Middle Initial)

Address Box 31
Political Subdivision or Company Name (if applicable)

City Part. VERNON State S. DAK Zip Code 57363

Co-Owner or Other Interest Owner:

Name _____
Address _____
City _____ State _____ Zip Code _____

2. A. State the legal description of the land from which the water is drained (dominant estate):
SW 1/4 of the 1/4 of Sec. 33, Twp. 103, Rg. 67, in the County of DAVISON

B. State the legal description of the land onto which the water is drained (servient estate):
_____ 1/4 of the _____ 1/4 of Sec. _____, Twp. _____, Rg. _____, 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 Sec. _____, Twp. _____, Rg. _____, in the County of _____

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

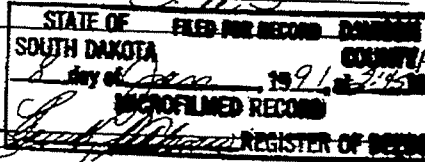
4. The claimed drainage right has existed since:

A. _____ / _____ / _____ or
Month Day Year
B. X Unknown 20-30 yrs.

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

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

A. X Same as paragraph 5; or
B. _____



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

Dated this 8 day of JAN, 1991

John Bolson

STATE OF SOUTH DAKOTA
COUNTY OF DAVIDSON SS

On this 8th day of January 1991, before me, Diana Descombes,
the undersigned officer, personally appeared John Bolson, known to me or satisfactorily
proven to be the person whose name John Bolson subscribed to the within instrument
and acknowledged that he executed the same for the purposes therein contained.

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

Diana Descombes