



United States
Department of
Agriculture

Natural Resources
Conservation
Service

222 Fourth Avenue South
P.O. Box 348
Clear Lake, SD 57226-0348

Document #12

November 17, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

James Peterson
16952 482nd Ave
Reville, SD 57259

Dear Mr. Peterson,

As a result of your request for a certified wetland determination via form AD-1026, Highly Erodible Land Conservation (HELCO) and Wetland Conservation (WC) Certification, from the Deuel County Farm Service Agency Office, based on a site visit of 11/4/08, I have made a preliminary certified wetland determination on a portion of tract 305 located in Section 24, T117N R48W, in Deuel County, South Dakota (SD).

Please refer to the attached certified wetland map provided as a part of this preliminary technical determination to help you understand the explanations contained in this letter.

All areas identified on the attached certified wetland determination maps are considered part of the preliminary technical determination. The remaining areas of the tract not covered by this preliminary technical determination retain their original wetland determination. Please also refer to Section 2 of the NRCS-CPA-026E, Highly Erodible Land and Wetland Conservation Determination, for a listing of the wetlands identified.

This determination is neither a county drainage permit nor a United States Army Corps of Engineers (COE) 404 permit, which may also be required. You are responsible for complying with other federal, state, and local regulations as they apply to altering wetlands and drainage flows. You are also responsible to make all necessary arrangements with other landowners affected by your proposed actions should you choose to proceed.

It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (FWS) or any other conservation easement. For any questions regarding FWS conservation easements on the tract or adjacent land, please contact the wetland management district office located in Madison, SD, at (605) 256-2974. For any other easements, please contact the local Natural Resources Conservation Service (NRCS) office.

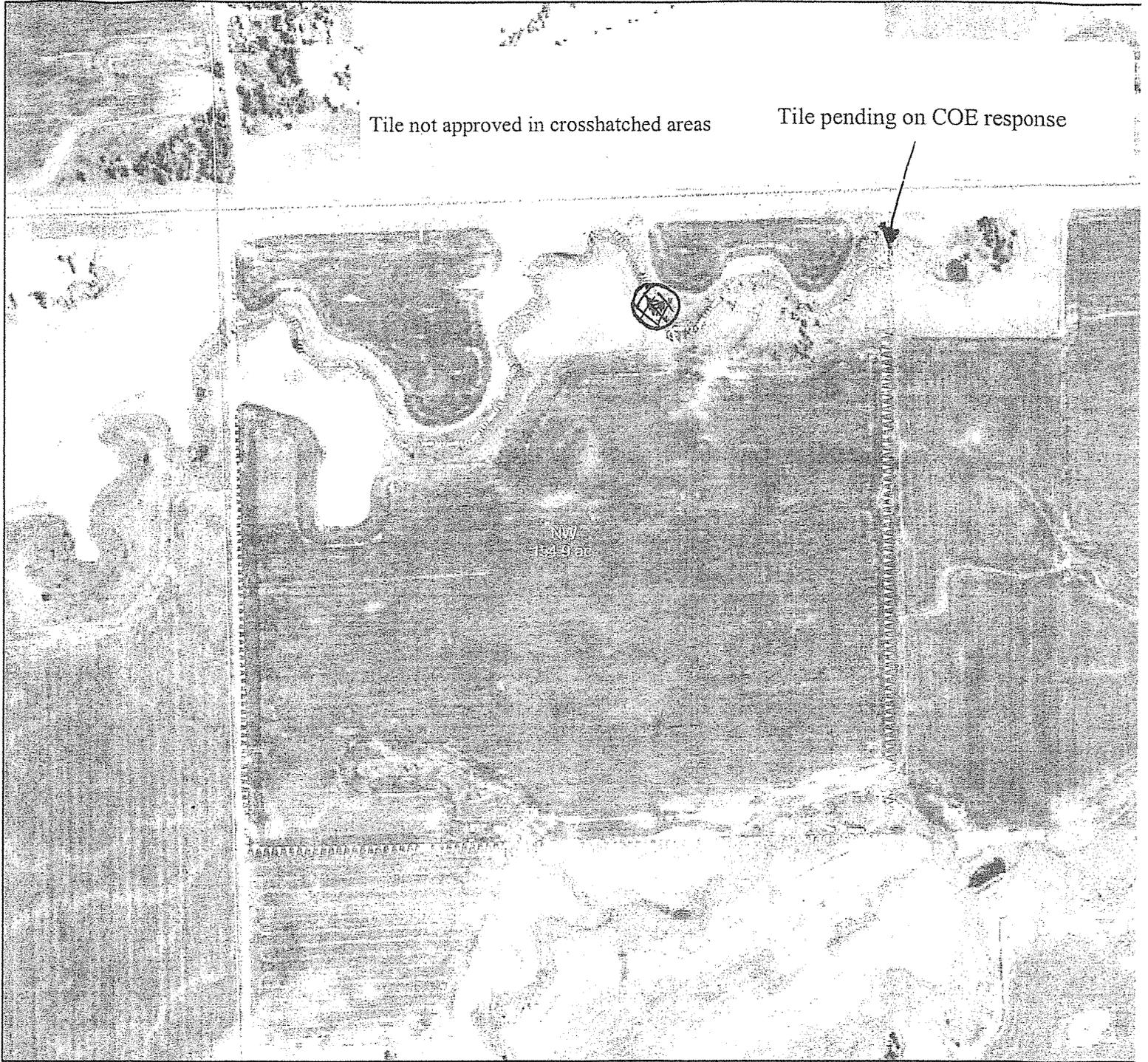
The Wetland Conservation (WC) Provisions of the Food Security Act (FSA) of 1985 prohibit United States Department of Agriculture (USDA) program participants from converting wetlands to agricultural use. Persons who convert wetlands (CW) after November 28, 1990, are ineligible for USDA program benefits, until the CW's are restored or mitigated.

This preliminary technical determination has been conducted for the purpose of implementing the WC Provisions of the FSA of 1985. This determination may not be valid for identifying the extent of the COE Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or Other Waters, you should request a jurisdictional determination by contacting the COE, (605) 224-8531, Pierre, SD, before starting the work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (W's), farmed wetlands (FW's), and farmed wetland pasture (FWP), found in this determination. Mitigation is the

Field Office: Clear Lake FO
Certified By: M. Dickman
Legal Desc: S 24, T 117N, R 48W

Agency: USDA-NRCS
Certified Date: 11-17-08
Tract: 305



Legend

Certified Wetland
Determination Boundary

Wetlands

Wetlands

▶ ▶ ▶ Ditch

NI

NI\Ditch

Tile

0 180 360 720 1,080 1,440 1,800 2,160
Feet

W Wetland
FW Farmed Wetland Drained or modified & cropped
prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
NI Not Inventoried Potential Waters of the US
See NRCS CPA-O26E for definitions and additional info.



*DEFINITIONS OF WETLAND LABEL CODES

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AW/FW	An area that contains both AW and FW.
AW/W	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CMW	An area that receives a Categorical Minimal Effect determination.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990. IN any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWNA	Converted Wetland Non-Agricultural use. A wetland area converted to other than agricultural commodity production.
CWTE	Converted Wetland Technical Error. An area converted or commenced based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland; was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	Mitigation Wetlands. Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990. A converted wetland, farmed wetland, or farmed wetland pasture on which functions and values were lost are compensated for through wetland restoration, enhancement or creation.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.
MWM	An area determined to be minimal effect with mitigation.
NI	Not Inventoried – No wetland determination has been completed.
NW	Non-Wetland. An area that does not contain a wetland.
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
OW	Other Waters of the U.S. Area that fall under the jurisdiction of the Clean Water Act.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria. These are not subject to the wetland conservation provision unless the area reverts to a wetland as a result of abandonment.
PC/NW	An area that contains both PC and NW.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions. If you plan to clear, drain, fill, level or manipulate these areas, contact NRCS and the Army Corp of Engineers prior to any such activity.
WX	A wetland area that has been manipulated after December 23, 1985, but was not, for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.

DEUEL COUNTY FORM DP-1

PERMIT NO. _____
DATE RECEIVED _____

DEUEL COUNTY, SOUTH DAKOTA
APPLICATION TO DRAIN

A. LOCATION:

1) Location of land to be drained:

 $\frac{1}{4}$ $\frac{1}{4}$ Sec. Twp. Rge. _____
 $\frac{1}{4}$ $\frac{1}{4}$ Sec. Twp. Rge. _____
 $\frac{1}{4}$ $\frac{1}{4}$ Sec. Twp. Rge. _____

2) Location of outlet end of proposed drain:

 $\frac{1}{4}$ $\frac{1}{4}$ Sec. Twp. Rge. _____

3) Location of major earth change work or underground drain installation:

 $\frac{1}{4}$ $\frac{1}{4}$ Sec. Twp. Rge. _____

4) Watercourse, lake, slough, draw, natural drainway, drain or ditch into which water will drain: _____

(Name, if any)

This application must be accompanied by a map showing the location of the proposed drain.

B. DESCRIPTION:

1) Pond, slough, or lake to be drained:

a. Maximum surface area _____ acres.

b. Average depth _____ feet.

2) _____ acres contributed surface water to the area where earth change is proposed.

3) Proposed drainage ditch:

a. Length of drain: _____ feet

b. Drain design:

1. Bottom width _____ feet

2. Side Slope _____ :1

3. Maximum cut _____ feet

4) Purpose for draining pond, slough, or lake:

5) 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.

PERMISSION TO DRAIN

I, _____, give permission to _____
to drain water from an outlet on the property owned by or rented by him and located
at (legal description) _____,
onto my property located at _____.

Dated this _____ day of _____ 20__.

Signed: _____

Drainage Permit

Permit Number D09-16

Issued by Deuel County pursuant to SDCL Chapter 46A-10A
And Deuel County Drainage Ordinance 89-02

Issued to: Jim & Heath Peterson

Legal Description of Property to be drained NW 1/4 24-117-48

Love Twp

Deuel County, South Dakota

The Deuel County Drainage Commission has determined that this application does not involve drainage of statewide or interdistrict significance. Approval by the Board constitutes a permit to drain, subject to any conditions as attached hereto and incorporated herein by reference thereto.

Conditions Good for 1 yr.
Aug 4-09 to Aug. 4-2010

Date 8-4-09

Don G Lynde
Drainage Officer

David Hunt
Chairman,
Deuel County Drainage Commission

This application to
drain is hereby:

Approved

Disapproved