
WATER LAW - SOUTH DAKOTA

Little v. Hanson County Drainage Board, Hanson County

Supreme Court of South Dakota - October 26, 2022 - N.W.2d - 2022 WL 15115230 - 2022 S.D. 63

Objectors brought action against county drainage board, alleging that the board failed to follow approval procedures outlined in its ordinances and state statutes when granting drainage permit application to clean out pre-existing ditch located in township road's right-of-way.

The Circuit Court affirmed board's decision. Objectors appealed.

The Supreme Court held that:

- Objectors were required to directly appeal township's approval of application in order to challenge township's consent to permit;
- Board complied with procedures outlined in its ordinances for examining drainage permit application to determine whether township provided necessary written approval;
- Board complied with public notice requirements;
- Board did not violate its ordinance requiring applicant to post notice on the property at county's direction by failing to require applicant to post notice on his property;
- Board did not abuse its discretion in approving application without considering applicant's alleged prior improper removal of driveway and culvert; and
- Proffered evidence that objectors alleged would establish that township's consent to permit was invalid was not relevant in determining whether board complied with its ordinances in granting application.

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