

West half of Section 2, as I considered inadvisable to attempt to drain into this Lake without first providing a suitable outlet for the same,

Therefore, I recommend, that a ditch of the width of two feet on the bottom and with slope of one to one be constructed from a point approximately two hundred feet Southeast from the Northwest corner of Section 11, to a point in said large Lake in the part of section 3; Thence continuing along the line of the main drain with a covered drain constructed of tile of such size, depth and location, as is shown on the accompanying plat and profile.

I further recommend, In order to completely and successfully drain the lands included in this drainage project to an equal degree, that laterals drains A" to " G, inclusive be constructed of such size and location as is shown on said plat.

The plat and profile above referred to and accompanying his report are herewith made a part of the same.

Arthur A. Loft.
Engineer.

Filled in my office May 3rd 1921,

Judson Smith
County Auditor.

Lake Andes, S.D. May 3rd, 1921.

The Board of County Commissioners meet as a Drainage Board in the matter of the Bovee Tile Drain, the following members were present, Astin, Mc Bride, and Brazzill. also the County Auditor.

On Motion by Brazzill, seconded by Astin, the following resolution was adopted,
RESOLUTION.

WHEREAS, A petition signed by T.S. Braithwait and other property owners requesting that a drainage ditch be established and constructed across part of the Southeast Quarter of Section 4, the Northeast Quarter of section 9, The Northwest Quarter of Section 10, the Southwest Quarter and the Southeast Quarter of Section 3, and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 98, Range 67, has been received and accepted by the Board of County Commissioners and a copy of the said petition having been filed with the State Engineer as required by law, and the Board of County Commissioners having examined the said proposed drainage project and deeming the same necessary for the purpose of draining agricultural lands and a survey and report of said said proposed drainage having been made by Arthur A. Loft, Yankton South Dakota, and a Copy of the same having been presented to the Board of County Commissioners, NOW THEREFORE,

Be It Resolved, that the report of such survey as made by the said Arthur A. Loft together with plat and profile of the same as presented to the County Commissioners, be accepted, and that the same be and is herewith ordered filed with the County Auditor, and that the exact line, grade, size and shape of said proposed drainage, and of the material to be used in its construction shall be as shown on the plat and profile of such survey, and

Be It Further Resolved, that Tuesday June 7th 1921, at 2 o'clock P.M. be fixed as the time for hearing all protests to the establishment of said drainage and for the purpose of hearing all persons who consider themselves damaged by the construction of said drainage or claiming compensation for lands taken, and

Be It Further Resolved, that the above mentioned drainage project shall henceforth be known and referred to as the Bovee Tile Drain,

Roll Call, members voting 'aye' Astin, M. Bride, Brazzill, carried.

Attest : *Judson Smith*
County Auditor,

Chairman, of Board of
County Commissioners,

Motion by Mc Bride, seconded by Brazzill, that the County Auditor be instructed to publish notices of the hearing to be held on the 7th day of June, 1921. as required by law, Roll call. members voting 'aye' Astin, McBride, Brazzill.

Motion to adjourn being in order, therefore, moved by McBride seconded by Brazzill that the Drainage Board adjourn to meet on June 7th, 1921,

Roll Call, members voting 'aye' Astin, McBride, Brazzill.

NOTICE TO PROPERTY OWNERS

BOVEE TILE DRAIN

Notice is hereby given that on the 7th day of June 1921 at 2 o'clock P.M. at the Court House Lake Andes, South Dakota, the Board of County Commissioners will be in session for the purpose of hearing objections to the establishment and construction of a drainage ditch in Rhoda Township. Charles Mix County, South Dakota, general rout of which is described as follows, Beginning at a point in the Northwest Quarter of the Northwest Quarter of Section 11, approximately 300 feet Southeast of the Northwest corner thereof; Thence running in a Northwesterly direction to a point near the said Northwest corner of section 11, Thence continuing in a Northwesterly direction across part of the East half of the Southeast Quarter of Section 3, Thence in a Southwesterly direction across part of the West one half of the South East Quarter, and the Southeast Quarter of the Southwest Quarter of Section 3, part of the Northwest Quarter of Section 10, The North east Quarter of Section 9 being the Town of Bovee, to a point in the Southeast Quarter of Section 4, all in Township 98, Range 67. and

Laterals A to G inclusive located across the following tracts of land, The Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section 2, the Northeast Quarter of the Southeast Quarter, the South East Quarter of the Northeast Quarter, the Northeast quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, The Southeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 3, The Northwest Quarter of the Northwest Quarter of section 10, the Southwest Quarter of the Northwest Quarter of section 10, and the Northeast quarter of the Northeast quarter, the Southeast Quarter of the Northeast Quarter, and the Northwest quarter of the Northeast Quarter, of section 9, being the Town of Bovee,

That tracts of land likely to be affected by the construction of said proposed drainage are as follows, The Northwest Quarter of the Northwest Quarter, of section 2, Southwest Quarter of the Northwest Quarter of section 2, The Northwest Quarter of the Southwest Quarter of section 2, the Northeast Quarter of the Northeast Quarter and the Northwest quarter of the Northeast quarter, The Southwest Quarter of the Northeast Quarter, the Southeast quarter of the Southeast Quarter, The Northeast Quarter of the Southeast quarter, The Northwest Quarter of the Southeast Quarter, that Southwest Quarter of the Southeast quarter the South east quarter of the Southeast Quarter, The Northeast Quarter of the Southwest quarter. The Northwest quarter of the Southwest Quarter, The Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 3, The Northeast quarter of the Southeast quarter and the Northwest Quarter of the Southeast quarter

(A) That by such proposed drainage ditch or drain, it is sought and proposed to drain several hundred acres of low land lying to the North and West of said section 11, owned by the undersigned, that in times of heavy rains and melting snow, at times as much as three hundred acres of land within said proposed drainage project is under water, and at places the water accumulates at a depth of several feet, that said proposed drainage ditch is, as shown by the engineers report, insufficient and inadequate to carry off such surface water, and will not render the lands aforesaid fit for agricultural purposes, but will only result in casting a large volume of surface water upon the lands of this objector and others owning and occupying lands to the South and East of said NW 1/4 of said section 11, T 98, R, 67, and render their lands to a large extent unfit for cultivation without any benefits arising in favor of other land owners owning lands within the territory embraced within such drainage project.

(b) That there is no adequate outlet for said proposed drainage ditch or drain and that the said drain as proposed by the engineer's report aforesaid, will cause more injury to growing crops and the proper use of tillable land within the territory affected by said proposed drainage project, that will be compensated for in benefits.

(c) That the costs and expenses of constructing and establishing such proposed drainage ditch or drain, will far exceed the benefits derived therefrom, and will place an unusual and unnecessary burden upon the owners of lands within said proposed drainage district, or the territory affected by such proposed drainage project, and will operate to take the property of the undersigned and other similarly situated without due process of law, and without just compensation.

(2) That the drain of ditch to be established over and across the lands of the undersigned, as shown, described and designated in the said engineer's report, is inadequate and insufficient to care for the surface water proposed to be cast upon the said lands of the undersigned by said drainage system, and will result in flooding her lands destroying her crops, and rendering her lands of little value.

(3) That by said proposed drainage ditch it is proposed, as shown by the said engineer's report, to cut through higher lands and a natural barrier to the northwest of the lands of the undersigned, cast upon her premises the surface water from several hundred acres of land lying to the north and west of her said farm, without providing an adequate or proper means of carrying the water from or across her said premises, that such proposed drain over the lands of the undersigned will result in washing away much of her land and causing by reason of constant flow, a deep irregular water course through her field and tillable land, and result in great and irreparable injury.

Wherefore, the undersigned respectfully protests and objects to the establishment of said proposed drainage project to be known as the "Bovee Tile Drain" as proposed by the engineer's report on file aforesaid.

Respectfully Submitted,
Katherine Livingston,
Owner of the NW 1/4 of Sec 11, Twp 98, Range 67,
Charles Mix County, S.D.

Filed in my office, June 7, 1921,
Judson Smith,
County Auditor.

CLAIM FOR DAMAGES.

State of south Dakota
County of Charles Mix

In the matter of the Establishment of a proposed drainage ditch in Charles Mix County, S.D. to be known as "Bovee Tile Drain".

Comes now Katherine Livingston and for her claims for damages by reason of the establishment of the above mentioned drain or ditch to be known as "Bovee Tile Drain", over and across her lands premises to-wit, over and across the Northwest Quarter of Section 11, in Township 98 North of Range 67, West of the 5th P.M. in Charles Mix County, S.D. the same being lands owned by her, and submits the following items:

Damages to lands by reason of excavation and taking of a right-of-way for said drain from low lands containing at least 3000 acres lying to the North and West of said premises. Damages to her said lands and premises by reason of flooding same and casting the surface water from low lands containing at least 1000 acres lying to the North and West of said premises, upon said lands by artificial drain, \$50.00 per acre aggregating the total sum of - - - - - \$ 8000.00

Total - - - \$ 9000.00

Said claimant respectfully avers that she will sustain the damages aforesaid by reason of the construction of said proposed drain or ditch, that the construction of such ditch or drain as proposed by the engineer's report on file with the County Auditor of Charles Mix County, S.D. will result in flooding her said farm and rendering it of little value, that her said farm is now reasonable worth the sum of \$20000.00; that with said ditch or drain constructed across said lands it will not be worth to exceed the sum of \$12000.00; that said land is now free from water and needs no drainage; that the ditch proposed to be constructed is inadequate and will render a large portion of her said farm of no value,

That the physical injury caused by constructing the ditch across her farm and the value of the land to be taken for such purpose, will reasonably amount to the sum of \$1000.00.

Respectfully submitted,
Katherine Livingston,
Claimant.

State of South Dakota
County of Charles Mix,

Katherine Livingston being first duly sworn deposes and says, that she is the claimant above named; that the foregoing claim is in all respects, just, true, and correct, as she verily believes; that said claim has not been paid and that there are no offsets thereto to the knowledge of the affiant; that items of damages therein sustained are reasonable and just, as she verily believes.

Katherine Livingston.

(seal) Subscribed and sworn to before me this 6th day of June, 1921. Ernest Beck, Notary Public
Filed in my office, June 7th, 1921, Judson Smith, County Auditor, Charles Mix County, S.D.

Lake Andes, South Dakota. June 7th, 1921

The Board of County Commissioners meet as a Drainage Board in the Matter of the Bovee Tile Drain, this being the time set for the hearing of all protests to the establishment and construction of said drain, and for the purpose of hearing all persons who consider themselves damaged by the construction of the said drainage of claimin compensation for lands taken,

Katherine Livingston, appering by her attorney, A.B. Beckm and having filed a written protest and claim for damages against said proposed drain, and T.H. Vraithwait, appearing for the petit iner's, and all parties interested, having consented and agreed to a postponment of said hearing, Upoj motion made by Mc Bride and sednded by Brazzill. that the hearing of the establishment of said proposed Drainage be postponed abd consinued until Wednesday July 6th, 1921, at 3 o'clock. P.M. upon Roll Call, members voting Aye' Astin, Mc Bride, Brazzill. carried,

Motion for adjournment, moved by Mc Bfide, and seconded by Brazzill. that the Drainage Board adjourn to meet July 6th. 192 1, Roll Call, members voting aye'. A tin, Mc Bride, Brazzill.

Lake Andes, July 6th. 1921,

The Board of County Commissioners meet as a Drainage Board in the matter of the Bovee Tile Drain, with all members present.

This being the time set for the hearing of all protests to the establishment and construction of said drainage, and for the purpose of hearing all persons who considered themselves damaged by the construction of said drainage or claiming compensation for lands taken.

After due consideration of protest's filed and claims for damages, and the Board of Commissioners deeming it necessary to make further investigations of the claijms filed and protests made, it was moved # that the hearing on the same be continued until Jul 7th. 1921.

Motion by Mc Bride. seconded by Astin, and upon roll call, sommissioners voting Aye'. Mc Bride, and Astin, Brazzill not voting.

Motion to adjourn until July 7th. 1921, made and carried.

Lake Andes, South Dakota, July 7th. 1921

The Board of County Commissioners meet as per adjournment, for the further investigation of the Bovee Tile Drain, meet with all members preset.

Motion by Mc Bride. and seconded by Astin, that the further consideration of the Bovee Tile Drain, be postponed until the 8th day of July. 1921. Roll Call, all members voting Aye'

Lake Andes, South Dakota, Kult 8th, 1921

The Board of County Commissioners meet as per adjournment, for the consideration of the Bovee Tile Drain, with all members present, and upon Motion by Mc Bride, and seconded by Astin, that thg following resolution be adopted.

R-E-S-O-L-U-T-I-O-N

Whereas, A petition signed by T.L. Braithwait and other property owners requesting that a drainage ditch be established and constructed across part of the Southeast Quarter of Section 4, The Northeast Quarter of Section 9, The Northwest Quarter of Section 10, The Southwest Quarter of the Southeast Quarter of Section 3, all in Township 98, Range 67. has been recieved and accepted by the Board of County Commissioners, and a copy of said petition haveing been filed i with the State Engineer as required by law, and the Board of County Commissioners having examine said proposed drainage and deeming the same necessary for the propose# of draining agricultural lands, and a survey and report of said drainage having been made by Arthur A. Loft. of Yankton. South Dakota, and said report and surveyb having been approved by the Board of County Commissioner and notice as provided by law having been given of the time and place for hearing all protests to the establishmenr and construction of said drainage and for the purpose of hearing all persons who cnsider themselves damaged by the construction of said drainage or claiming compensation for lands taken and this being the time set for hearing such protests and claoms and there being a written protest and claim for damages filed by Katherine Livingston, owner of the North west Quarter of SSet5dn 11, Twp 98. Range 67. to the amoutn of \$9000.00 and the Board of County Co mmissioners having fully con sidered the protest and claoms of the said Katherine Livingston, now therefore.

BE IT RESOLVED:

First- That the outlet of said drain known as the Bovee Tile Drain, be extended and continued across part of the said Katherine Livingston's land, the Northwest Quarter of Section 11, 98, 67, to a point near the center of said Northwest Quarter at which point it empties into a well defined water course.

Second : That the said Katherine Livingston, owner of the North West Quarter of Section 11-98-67. be allowed the sum of \$225.00 as compensation for right-of-way taken, and an addition sum of \$100.00 as damages resulting from the construction of said proposed drain.

Third : That Mrs C. Skillingstad. owner of the Southeast Quarter of Section 3 98 67 be allowed the sum of \$150.00 as compensation for right-of-way taken, and an additional sum of \$75.00 as damages from the construction of said proposed drain.

Fourth : That the drainage project hereinbefore described and known as the "Bovee Tile Drain " be herewith established and the same ordered constructed.

Fifth : That the Engineer# Arthur A. Loft, be instructed to prepare and present to the Board of County Commissioners as assessment of the proposed drainage among the lands effected.

Attest: Judson Smith
County Auditor._____
Chairman
Board of Commissioners.

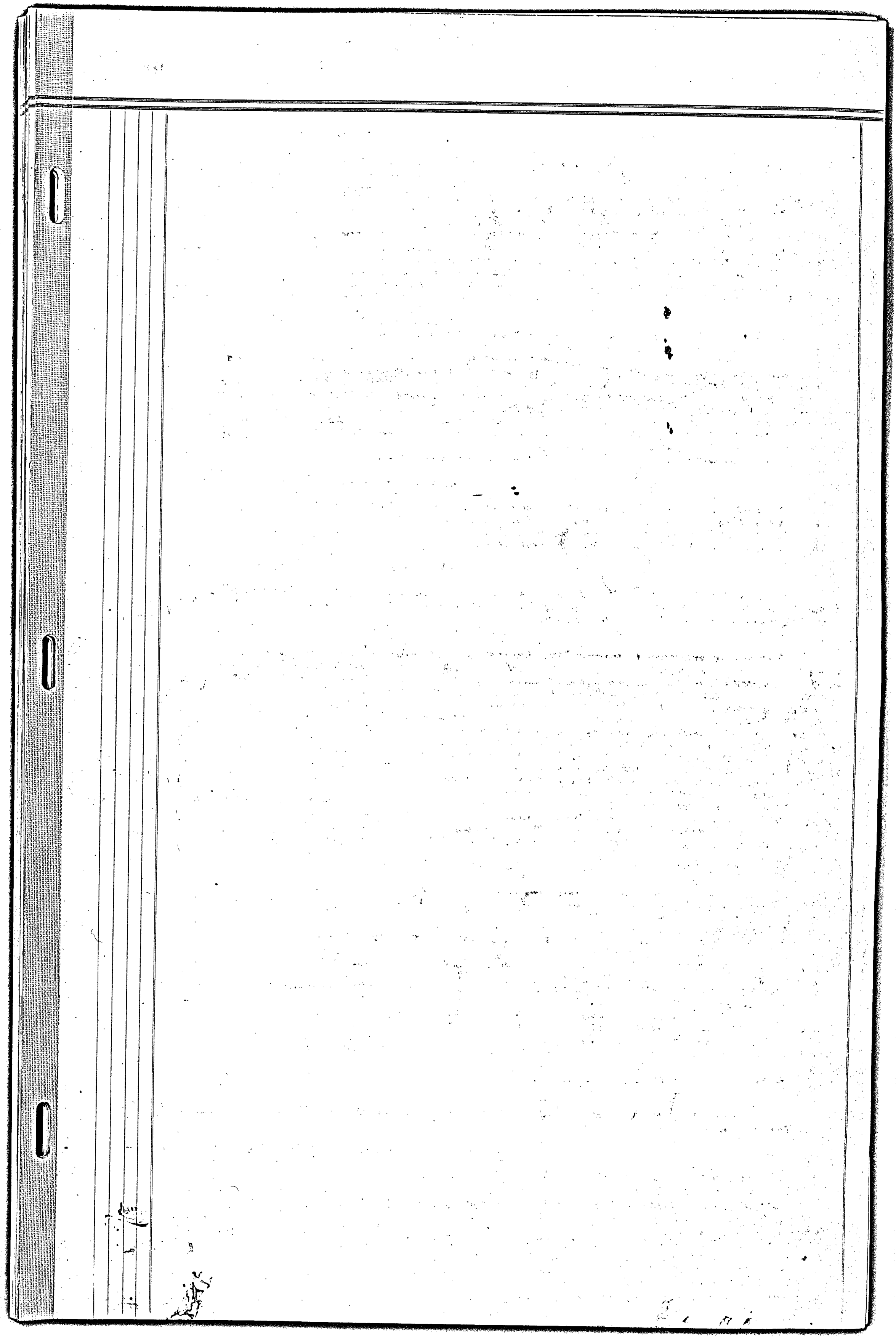
Upon motion by Mc Bride seconded by Astin, that the Drainage Board adjourn, roll Call, all members voting Aye'.

Lake Andes, South Dakota. November 1st. 1921

The Board of County Commissioners meet as a Drainage Board, with all members present, for the consideration of the Bovee Tile Drain, moved by Mc Bride, seconded by Brazzill, that the County Auditor, be instructed to draw warrant upon the Bovee Tile Brain fund, in favor of Mrs C. Skillingstad for the amount of \$225.00 as awarded by the County Commissioners in paymenr for damages and right-ofway. for aforesaid Bovee Tile Drain, across the Southeast Quarter of the Southeast Quarter of Section 3, Township 98, Range 67, upon roll call. Commissioners voting aye" Astin, Mc Bride, and Brazzill. motion carried.

Upon motion by Astin, seconded by Brazzill. the bill of Dan Lynch, Sheriff fees for posting notices for \$10.50 be allowed, roll call all members voting Aye'.

Motion to adjourn, moved and carried.



to drain several hundred acres of low land lying to the north and west of said farm owned by the undersigned; that in times of heavy rains and melting snow, at times as much as three hundred acres of land within said proposed drainage project is under water, and places the water accumulates to a depth of several feet. That said proposed drainage drain or ditch is, as shown by the engineer's report, insufficient and inadequate to carry off such surface water, and will not render the lands aforesaid fit for agricultural purposes, but will only result in casting a large volume of surface water upon the lands of this objecter and others owning and occupying lands to the south and east of said NW $\frac{1}{4}$ of said Section 11, T98 R 67, and render their lands to a large extent unfit for cultivation without any benefits arising in favor of other land owners owning lands within the territory embraced with such drainage project.

(b) That there is no adequate outlet for said proposed drainage ditch or drain and that the said drain as proposed by the engineer's report aforesaid, will cause more injury to growing crops and the proper use of tillable land within the territory affected by said proposed drainage project, than will be compensated for in benefits.

(c) That the cost and expense of constructing and establishing such proposed drainage ditch or drain, will far exceed the benefits derived therefrom, and will place an unusual and unnecessary burden upon the owners of lands within said proposed drainage district, or the territory affected by such proposed drainage project, and will operate to take the property of the undersigned and other similarly situated without due process of law, and without just compensation.

(2) That the drain or ditch to be established over and across the lands of the undersigned, as shown, described and designated in the said engineer's report, is inadequate and insufficient to carry off the surface water proposed to be cast upon the said lands of the undersigned by said drainage system, and will result in flooding her lands destroying her crops, and rendering her lands of little value.

(3) That by said proposed drainage ditch or drain it is proposed, as shown by the said engineer's report, to cut through higher lands and a natural barrier to the north west of the lands of the undersigned, cast upon her premises the surface water from several hundred acres of land lying to the north and west of her said farm, without providing any adequate or proper means of carrying the water from or across her said premises. That such proposed drain over the land of the undersigned will result in washing away much of her land and cause by reason of constant flow, a deep irregular water course through her field and tillable land and result in great and irreparable injury.

WHEREFORE, the undersigned respectfully protests and objects to the establishment of said proposed drainage project to be known as the "Bovee Tile Drain" as proposed by the engineer's report on file aforesaid.

Respectfully Submitted,

Katherine Livingston,

Owner of the NW $\frac{1}{4}$ of Sec 11. Twp. 98
Range 67 Charles Mix County S.D.

Filed in My Office, June 7, 1921

Judson Smith

County Auditor.

Block 4, Town of Boyee
Out Lot E Town of Boyee
Out Lot F Town of Boyee

R. E. Thompson
Edna Thompson
R. E. Thompson

Section 10.

The Northeast Quarter of the Northwest Quarter
The Northwest Quarter of the Northwest Quarter
The Southwest Quarter of the Northwest Quarter

Summit Severson

" "
" "

Section 11.

Northwest Quarter of the Northwest Quarter

Katherine Livingston

All persons affected by the establishment or construction of said proposed drainage or who claim to be damaged or entitled to compensation as a result of the construction of said drain are hereby summoned to appear at said meeting and present their claim.

Dated this 3rd day of May 1921.

Attest:

Ed Carter

Chairman of Board of County
Commissioners of Charles Mix County

County Auditor.

((Seal))

Filed in my office, May, 3, 1921.

Judson Smith,

County Auditor.

Charles Mix County S.D.

SHERIFF'S AFFIDAVIT.

State of South Dakota

ss

County of Charles Mix

Notice to property owners, Boyee Tile Drain.

I, James Dermody, Sheriff of the County of Charles Mix in the State of South Dakota, hereby certify and return that the within notices came into my hands on the 7th day of May 1921 and that I served by posting 3 notices in said

State of South Dakota)
SS)
County of Charles Mix)

In the matter of the Establishment of
a proposed drainage ditch in Charles Mix
County S.D., to be known as "Bovee Tile Drain"

CLAIM FOR DAMAGES

Comes now Katherine Livingston and for her, claims for damages by reason of the establishment of the above mentioned drain or ditch, to be known as "Bovee Tile Drain" over and across her lands premises to-wit: over and across the Northwest Quarter of Sec 11, in Township 98, North of Range 67, West of the 5th P.M. in Charles Mix County, S.D., the same being lands owned by her, and submits the following items:

Damage to lands by reason of excavation and taking of a right of way for said
drain----- \$ 1000.00

Damage to her said lands and premises by reason of flooding same and casting the
surface ~~with~~ water from low lands containing at least 1000 acres lying North and
West of said premises, upon said lands by artificial drain, \$50.00 per acre aggregating
the total sum of ----- \$ 8000.00

Total ----- \$ 9000.00

Said claimant respectfully avers that she will sustain the damage aforesaid by reason of the construction of said proposed drain or ditch. That the construction of such a ditch or drain as proposed by the engineer's report on file with the County Auditor of Charles Mix County, S.D., will result in flooding her said farm and rendering it of little value, That her said farm is now reasonable worth the sum of \$ 20000.00; that with said ditch or drain constructed across said land it will not be worth to exceed the sum of \$12000.00; that said land is now free from water and needs no drainage; that the ditch proposed to be constructed is inadequate and will render a large portion of her said farm of no value. That the physical injury caused by constructing the ditch across her farm and the value of the land to be taken for such purpose, will reasonably amount to the sum of \$ 1000.00

Respectfully submitted,

Katherine Livingston

Claimant.

RESOLUTION.

Whereas, a petition signed by T. S. Braithwait and other property owners requesting that a drainage ditch be established and constructed across part of the South-east quarter of Section 4, the North-east Quarter of section 9, the North-west Quarter of Section 10, the South-west Quarter and the South-east Quarter of Section 3, all in Township 98, Range 67, has been received and accepted by the board of County Commissioners and a copy of said petition having been filed with the state engineer as required by law, and the board of County Commissioners having examined said proposed drainage project and deeming the same necessary for the purpose of draining agricultural lands, and a survey and report of said proposed drainage having been made by Arthur A. Loft, of Yankton South Dakota, and said report and survey having been approved by the Board of County Commissioners, and notice as provided by law having been given of the time and place for hearing all protests to the establishment and construction of said drainage and for the purpose of hearing all persons who consider themselves damaged by the construction of said drainage or claiming compensation for lands taken and this being the time set for the hearing such protests and claims and there being a written protest and claim for damages filed by Katherine Livingston, owner of the North-west Quarter of Section 11. Twp. 98, Range 67, to the amount of \$9000.00 and the Board of County Commissioners having fully considered the protest and claims of the said Katherine Livingston, now therefore,

BE IT RESOLVED:

First: -That the outlet of said drain known as the Bovee Tile Drain be extended and continued across part of the said Katherine Livingston's land, the North-west Quarter of Sec, 11. 98, 67, to a point near the center, of the said Northwest Quarter, at which point it empties into a well defined water course.

Second: - That the said Katherine Livingston, owner of the Northwest Quarter of said Section 11. 98-67- be allowed the sum of \$225.00 as compensation for right of way taken and an additional sum of \$100.00 as damages resulting from the construction of said proposed drain.

Third: - That Mrs C. Skillingsstad, owner of the South east Quarter of Section 3-98-67- be allowed the sum of \$150.00 as compensation for the right of way taken and an additional sum of \$ 75.00 as damages resulting from the construction of said proposed drain.

Fourth: -That the drainage project hereinbefore described and known as the " Bovee Tile Drain" be herewith established and the same ordered constructed

State of South Dakota;

ss

County of Charles Mix.

Katherine Livingston being first duly sworn deposes and says that she is the claimant above named; that the foregoing claim is in all respects, just, true, and correct, as she verily believes; that said claim has not been paid and that there are no offsets thereto to the knowledge of the affiant; that items of damages therein stated are reasonable and just as she verily believes

Subscribed and sworn to before me this 6th day of June 1921.

Katherine Livingston.

((Seal))

Ernest Beck

Notary Public

Filed In my Office

June 7th 1921.

Judson Smith

County Auditor

Charles Mix County B.D.

fifth
the Board of Town
lands affected.

Bar Arthur
Commissioners an assessment

are and present
drainage among the

Motion by Mc Bride, seconded by Astin that the foregoing resolution be accepted.
All members voting "Aye".

Dated July 8th 1921.

Attest.

County Auditor

Ed Astin

Chairman of Board of County

Commissioners, Charles Mix County, S D.

Lake Andes South Dakota June 2th, 1921

The Board of County Commissioners meet as a Drainage Board in the Matter of the Bovee Tile Drain this being the time set for hearing all protests to the establishment and construction of said drain, and for the purpose of hearing all persons who considered themselves damaged by the construction of the said drainage or claiming compensation for lands taken,

Katherine Livingston appearing by her attorney A.B. Beck, and having filed a written protest and claim for damages against said proposed drain, and T.H. Braithwait appearing for the petitioner's and all parties interested having consented and agreed to a postponement of said hearing, Motion was made by Mc Bride and seconded by Brazzill, that the hearing of the establishment of said proposed Drainage be postponed and continued until Wednesday July 6th, 1921 at 3 o'clock P.M.

Roll Call, members voting aye ' Astin, Mc Bride, Brazzill, carried,.

Motion for adjournment, moved ### by Mc Bride, and seconded by Brazzill that the Drainage Board adjourn to meet July ## 6th, 1921,

Roll Call, members voting aye ' Astin, Mc Bride, Brazzill,.

Lake Andes, July 6th, 1921,

The Board of County Commissioners meet as a Drainage Board in the matter of the Bovee Tile drain, with all members present.

This being the time set for hearing all protests to the establishment and construction of said drain, and for the purpose of hearing all persons who considered themselves damaged by the construction of the said drainage or claiming compensation for lands taken,

After due consideration of protest's filed and claims for damages, and the Board of Commissioners deeming it necessary to make further investigations of the claims filed and protests made, it was moved that the hearing on the same be continued until July 7th, 1921

Motion by McBride seconded by Astin, and upon roll call commissioners voting Aye ' McBride, and Astin, Commissioner Brazzill not voting,

Motion to adjourn until July 7th, 1921, made and carried.

Lake Andes, South Dakota, July 7th, 1921,

The Board of County Commissioners meet as per adjournment, for the further consideration of the Bovee Tile Drain, meet with all members present,

Moved by McBride, and seconded by Astin, that the further consideration of the Bovee Tile Drain be postponed until the 8th day of July 1921. Roll Call, all members voting Aye '

Motion to adjourn to meet on July 8th 1921, roll call, all members voting Aye '

Lake Andes South Dakota, July 8th, 1921,

The Board of County Commissioners meet as per adjournment, for consideration of the Bovee Tile Drain, with all members present, On Motion by Mc Bride, seconded by Astin, that the following resolution be adopted,

- R E S O L U T I O N -

Whereas, a petition signed by L. K. Braithwait and other property owners requesting that a drainage ditch be established and constructed across part of the South-east quarter of Section 4, the North-east quarter of Section 9, the North-west quarter of Section 10, the South-west quarter and the South-east quarter of Section 3, all in Township 98 Range 67, has been received and accepted by the Board of County Commissioners, and a copy of said petition having been ~~examined by~~ filed with the State Engineer as required by law and the Board of County Commissioners having examined said proposed drainage project and deeming the same necessary for the purpose of draining agricultural lands, and a survey and report of said proposed drainage having been made by Arthur A. Loft, of Yankton, South Dakota, and said report and survey having been approved by the Board of County Commissioners and notice as provided by law having been given of the time and place for hearing all protests to the establishment and construction of said drainage and for the purpose of hearing all persons who consider themselves damaged by the construction of said drainage or claiming compensation for lands taken and this being the time set for hearing such protests and claims and there being a written protest and claim for damages filed by Katherine Livingston, owner of the North-west quarter of Section 11, Twp 98 Range 67, to the amount of \$9000.00 and the Board of County Commissioners having fully considered the protest and claims of the said Katherine Livingston, now therefor

BE IT RESOLVED :

First- That the outlet of said drain known as the Bovee Tile Drain be extended and continued across part of the said Katherine Livingston's land, the North-west quarter of Sec 11, 98, 67 to a point near the center of said North-west quarter at which point it empties into a well defined water course.

Second: That the said Katherine Livingston, owner of the North-west quarter of said Section 11-98-67 be allowed the sum of \$225.00 as compensation for right of way taken, and an additional sum of \$100.00 as damages resulting from the construction of said proposed drain.

Third: That Mrs. C. Skillingstad owner of the South-east quarter of Section 3-98-67 be allowed the sum of \$150.00 as compensation for right of way taken and an additional sum of \$75.00 as damages resulting from the construction of said proposed drain.

Fourth: That the drainage project hereinbefore described and known as the "Bovee Tile Drain" be herewith established and the same ordered constructed

Fifth: That the Engineer, Arthur A. Loft be instructed to prepare and present to the Board of County Commissioners an assessment of the proposed drainage among the lands affected.

Attest:

Upon Motion by McBride, seconded by Astin, that the Drainage Board adjourn.
Roll Call, all members voting Aye

Lake Andes, South Dakota, November 1st, 1921,

The Board of County Commissioners meet as a Drainage Board, with all members present, for the consideration of the Bovee Tile Drain, Moved by M^c Bride, seconded by Brazzill, that the County Auditor, be instructed to draw warrant upon the Bovee Tile Drain fund, in favor of Mrs. C. Skillingstad for \$225.00 as awarded by the County Commissioners in payment of damages and right-of-way for aforesaid Bovee Tile Drain, across the Southeast Quarter of the southeast Quarter, Section 3, Township 98, Range 67. Roll Call, Commissioners voting, Aye', Astin, McBride, and Brazzill, motion carried,.

Upon motion by Astin, seconded by Brazzill, the Bill of Dan Lynch Sheriff's fees for posting notices for \$10.50 was allowed. roll call all members voting aye'.

Motion to adjourn, moved, and carried.

Lake Andes, South Dakota, May 2, 1922,

The Board of County Commissioners meet as a Drainage Board for consideration of Bovee Tile Drain, with all members present. Moved by M^c Bride, seconded by Brazzill that the Bill of A.A. Loft, for surveying for \$109.57 be allowed. roll call, all members voting aye'. carried.

Motion to adjourn, made and carried,.

Lake Andes, South Dakota, June 6th, 1922,

The Board of County Commissioners meet as a Drainage Board in the matter of the Bovee Tile Drain. with all members present. Moved by Brazzill and seconded by Astin, that the following bills be allowed, A.A. Loft, for surveying, \$141.00. Dan Lynch, Sheriff fees posting notices, \$35.00, Roll Call, all members voting Aye'.

ENGINEERS REVISED REPORT Andes South Dakota, July 12, 1922,

The BOVEE TILE DRAIN

July 10, 1922,

To the Honorable Board of County Commissioners of Charles Mix County, South Dakota, Gentlemen :

I beg to report that, at your direction, I have made a survey of the Drainage project to be known as Bovee Tile Drain, Location of said proposed Tile Drain, being across part of Sections 2, 3, 4, 9, 10, and 11, Township 98 Range 67. including all of the lots or parts of lots in the Town of Bovee in section 9, the exact location of said drain being as shown on the accompanying plat.

I find that, in order drain the lands petitioned for in the most satisfactory manner, it is advisable to extend the said proposed Drain below the point indicated for an outlet by said petitioners, to take in and drain the large Lake situated on the East Half of section 3, and the West half of section 2, as I consider it inadvisable to attempt to drain into this Lake without first providing a suitable outlet for the same,

I therefore recommend that the said drainage be extended by running an open ditch with a bottom width of four feet, and side slopes of one to one from a point in the large lake in the North East Quarter of the South East Quarter of section 3, being the point designated as an outlet by said petitioners, to the southeast corner of said section 3, and thence continuing said drainage in an open ditch with the same bottom width but with side slope of two to one in a Southeasterly direction across part of the Northwest Quarter of Section 11, at which point it reaches a well defined water course.

The balance of said drainage to be constructed of tile, all as shown on the accompanying plat and profiles,

I further recommend, in order to completely and successfully drain the lands included in this drainage project to an equal degree, that lateral drains A" to G" inclusive be constructed of such size, location and grade as is shown on said plat and profiles.

The Plat and profiles above referred to and accompanying this report are herewith made a part of the same.

The estimated costs of the above project including right-of-way, engineering and all incidentals is \$13,500.00

Arthur A. Loft, Engineer.

Filed in my office July 13-1922