

STATE OF SOUTH DAKOTA
COUNTY OF DAVISON

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Plaintiff: Kenneth R. Hostler,

Case No. 17CIV20-000087

**FINAL JUDGMENT ON
DECISION BY COURT**

vs.

Defendants: Davison County Drainage
Commission, John Millan

This action having come before the Court, the Honorable Patrick Smith, Circuit Judge, presiding, and the issues having been heard and a decision having been duly rendered,


NOW THEREFORE, IT IS HEREBY ORDERED, DECLARED AND ADJUDGED THAT:

- 1) Plaintiff's Motion for Partial Final Summary Judgment is granted.
- 2) Defendant applicant failed to meet his burden of proof in the drainage permit application,
- 3) Defendant Commission abused its discretion in granting the drainage permit,
- 4) Defendant applicant's drainage permit is void.

Dated at Mitchell, South Dakota, this ____ day of ____, 2020.

BY THE COURT:

Signed: 8/7/2020 12:44:51 PM


Hon. Patrick T. Smith

Attest:
Lorang, Trista
Clerk/Deputy



Judge Patrick Smith

ATTEST:

Clerk of Court