

Boyce

LAW FIRM LLP

pwtschetter@boycelaw.com
Direct Dial: 605-731-0205

April 17, 2026

Emily M. Greco
David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Ste. 1
Pierre, SD 57501-8501

Adam Mathiowetz, Chief Engineer
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Justin Baer
34180 147th Street
Onaka, SD 57466

Larry, Cindy, & Garrett Heinz
34077 147th Street
Onaka, SD 57466

Re: In the Matter of Water Permit Application No. 8982-3, Century Swine RE, LLC
Our File No.: 16669.002

To Whom It May Concern:

Enclosed and intended as service upon you is Century Swine RE, LLC's Pre-Hearing Submission in the above-referenced matter.

Sincerely,

BOYCE LAW FIRM, L.L.P.



Paul W. Tschetter

PWT/akm

Enclosure

cc: Ron Duvall, DANR Water Rights Program (via email only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT
APPLICATION NO. 8982-3,
CENTURY SWINE RE, LLC

**CENTURY SWINE RE, LLC'S PRE-
HEARING SUBMISSION**

Century Swine RE, LLC (“Century Swine”), by and through its attorneys of record,
submit the following:

1. Expert Witnesses: Century Swine intends to call Water Rights Program employees
who drafted and reviewed the Report to the Chief Engineer on Water Permit Application No.
8982-3 dated November 18, 2025 (“Report”):

Austin Settje
Natural Resources Engineer I
SD DANR – Water Rights Program

Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR – Water Rights Program

Mr. Settje and Mr. Mathiowetz are expected to testify consistent with the Report that has been
prepared for this water rights application. The Report is publicly available as part of the
contested case file.

2. Fact Witnesses: Century Swine intends to call:

Nicholas Fitzgerald
PVC Management II, LLC d/b/a Pipestone
Director of Business Development

Pipestone is the manager of the livestock production facility owned by Century Swine RE, LLC.

3. Exhibits: Century Swine intends to introduce Exhibit 101 which is attached hereto. Century Swine reserves the right to introduce any document or exhibit that is publicly available as part of the contested case file or any other document or exhibit identified by any other party.

Dated this 17th day of April 2026.

/s/ Paul W. Tschetter

Paul W. Tschetter
BOYCE LAW FIRM, L.L.P.
300 S. Main Avenue
P.O. Box 5015
Sioux Falls, SD 57117-5015
(605) 336-2424
pwtschetter@boycelaw.com

March 12, 2025

Edmunds County Planning & Zoning
Attn: Brittney Duvall
PO Box 247
Ipswich, SD 57451

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Ms. Duvall:

This letter and attached documentation shall serve as the informational submittal for the proposed Centerury Swine RE, LLC Class A Conditional Use Permit. The proposed facility consists of a swine facility with 15,054 head of swine >55lbs and 1440 head of swine <55lbs, or 7,022 Animal Units.

The animals shall be housed in two covered buildings: a farrowing/GDU barn and a gestation barn. The Gestation and GDU barns shall utilize a covered deep pit beneath the buildings to house the effluent. The generated effluent from the covered shallow pit farrowing barn shall be transferred (via gravity flow piping) into the Gestation barn.

The following information is presented as requested in Section 5.08.05:

Information Required for Class A & B Concentrated Animal Feeding Operation Permit.

1. **Owner's name, address, and telephone number.** Century Swine RE, LLC, 304 S. Splitrock Blvd., Brandon, SD 57005.
2. **Legal description of the site & site plan.** The proposed facility shall be located within the NW ¼ of Section 9, T121N, R71W. A site plan identifying the location of the proposed buildings on the parcel is included.
3. **Number & Type of Animals.** The facility shall house 1440 head of swine nursery swine less than 55 lbs, 12,180 head of gestating and lactating sows, and 2820 head of gilts and boars greater than 55 lbs. A summary of the animals, along with he animal unit calculation is included in this submittal.
4. **Nutrient management plan.** The applicant is in the process of completing SD DANR CAFO Permit Application (including NMP). Edmunds County will be provided a copy of the approved NMP. The preliminary NMP is included with this submittal.
5. **Manure Management & Operation Plan.**
 - a. The location & specifics of Proposed Animal Manure Facilities. A site location man and building layout are included with this submittal.
 - b. The Operation Procedures & Maintenance of Manure Facilities. The Operation & Maintenance Guideline to be utilized in the SD DANR CAFO Permit application is included within this submittal.
 - c. Plans & Specifications must be prepared or approved by a professional engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer. The required construction observation of the

animal waste system components will be made under the direct supervision of a licensed engineer (or his representative) in accordance with the required Construction Administration Quality Assurance Plan that is part of the SD DANR CAFO Permit application (included with this packet, also).

- d. Animal manure shall not be stored longer than two years. The pits have been designed to contain effluent produced during a 12-month period.
- e. Manure containment structures shall provide for a minimum design volume of 270 days of storage. The proposed facilities have been designed for 12 months (minimum) of storage.
- f. NMP Records. As part of the SD DANR CAFO Permit, the applicant is required to maintain records including soil tests, projected & actual crop yields, manure tests, rate calculations, date/time of application, application methodology and weather conditions at the time of application. The SD DANR regularly inspects these records to ensure compliance.

6. Management Plan for Odor & Fly Control.

- a. Operational plans for manure collection, storage, treatment and use will be kept updated and implemented.
 - b. Mortality Management. Mortality losses at the facility will be properly managed with an on-site compost facility. Mortality management is regulated by the SD Animal Industry Board.
 - c. It is the intent of the applicant to work with the Edmunds County Conservation District and/or a Landscape Architect to develop and implement a tree/shrub plan for the facility.
 - d. The facility does not utilize any open pen areas. Surface drainage shall be directed away from the site in properly designed conveyances.
 - e. The facility shall utilize liquid manure storage.
 - f. Manure shall be stored under the roofed building in concrete pits. Manure shall not be stored in open pens.
 - g. The liquid manure storage system will be covered with a roof that shall divert any rainwater away from the site.
 - h. The applicant will avoid applying manure during weekends, holidays, and evenings during warm season(s) to reduce the risk of odor generation within the vicinity of the application fields.
 - i. The applicant will avoid spreading during calm and humid days.
7. **Information on the ability to meet suggested setbacks and separation distances, including a site plan to scale.** A to scale site plan, along with setback maps are included within this submittal. It is the applicant's understanding that all applicable setbacks have been met.
8. **General Permit from SD DANR (CAFO Permit).** The applicant is in the process of applying for coverage under the SD DANR State CAFO Permit. Due to the size of this facility, approval of the CAFO Permit application is required prior to construction. The applicant requests that the CUP application be approved, conditional upon the applicant receiving the SD DANR State CAFO Permit approval.
9. **Review of Plans and Specifications and NMP by SD DANR.** Please see items 4 and 8 above. SD DANR review and approval of Plans, Specifications, and NMP is required per SD DANR

Regulations. The applicant requests that approval of this CUP be contingent upon receiving SD DANR State CAFP Permit approval.

10. **Information on soils, shallow aquifers, designated wellhead protection areas and 100 year floodplain designation.** The on-site soils consist of Williams-Bowbells Loans and Niobell-Noonan Loams. The 'First Occurrence of Aquifer Materials in Edmunds County, SD' maps indicates that the first occurrence of aquifer materials in the vicinity of the site is 'generally greater than 100 feet below the land surface'. An on-site geotechnical investigation will be completed identifying the encountered soils and will be included within the SD DANR CAFO Permit as required. The proposed site is not located within a 100-year flood plain.
11. **Notification of whomever maintains the access road. Notification to public water supply officials.** The applicant has notified the Edmunds County Highway Department, Hillside Township, and WEB Water Development. Copies of the notification letters are included within this packet.
12. **Any other information as contained in the application and requested by the County Zoning Officer.** The applicant is unaware of any further requested information.

It is the belief of the applicant that the required information/response has been provided for your review of the Century Swine RE, LLC Conditional Use Permit Application and that the project meets the requirements set forth in the Edmunds County Zoning Ordinance.

If you should have any questions or need additional information, please do not hesitate to contact our office. Thank you.

Sincerely,

Nick Fitzgerald
Pipestone Management

Century Swine RE, LLC

Barn/Type of Animal	Number of Head	AU/Head	Animal Units
Farrowing Barn			
Farrowing	2088	0.47	981.4
Gestation Barn			
Gestation FA Stalls	3840	0.47	1804.8
Gestation Pens	6222	0.47	2924.3
Stalls	84	0.47	39.5
Boars	60	0.4	24.0
Gilts Gestation	600	0.4	240.0
GDU Barn			
Gilts >55 lbs	2160	0.4	864.0
Nursery Gilts <55 lbs	1440	0.1	144.0
			7022

Table 5.08.2
Minimum Setbacks

MINIMUM SETBACK TABLE	<u>CLASS A</u>	<u>CLASS B</u>
Dwellings (other than owner's or operator's)	2,640 feet (1/2 Mile)	1,760 feet (1/3 Mile)
Incorporated Municipality Limits	10,560 feet (2 Mile)	10,560 feet (2 Mile)
Churches, Schools, Businesses, Designated County or State Parks, Lake Park, Planned Residential, and Town Zoning Districts	5,280 feet (1 Mile)	5,280 feet (1 Mile)
Federal, State, County, & Township Road Right of Way	150 feet	150 feet



1801 Forman Drive
Pipestone, MN 56164
www.pipestone.com

March 12, 2025

Edmunds County Highway Department
Attn: Mike Jager
PO Box 38
Ipswich, SD 57451

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Mr. Jager:

This letter is to inform you that Century Swine RE, LLC has applied for a Conditional Use Permit for a Class A Livestock Facility to be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W, Edmunds County, SD. The operation will access 143rd Street. This letter shall serve as official notification of the project to the Edmunds County Highway Department as required by Edmunds County zoning regulations. The public hearing will be scheduled by Edmunds County.

ISG Engineers is coordinating the environmental permits for Century Swine, LLC. If you have any questions regarding this project, please feel free to contact Nick Fitzgerald at (319) 631-9316. Thank you.

Sincerely,

Nick Fitzgerald
Pipestone Management



1801 Forman Drive
Pipestone, MN 56164
www.pipestone.com

March 12, 2025

Tim Baer
Hillside Township
34180 147th St.
Onaka, SD 57466

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Mr. Baer:

This letter is to inform you that Century Swine RE, LLC has applied for a Conditional Use Permit for a Class A Livestock Facility to be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W, Edmunds County, SD. The operation will access 143rd Street. This letter shall serve as official notification of the project to Hillside Township as required by Edmunds County zoning regulations. The public hearing will be scheduled by Edmunds County.

ISG Engineers is coordinating the environmental permits for Century Swine, LLC. If you have any questions regarding this project, please feel free to contact Nick Fitzgerald at (319) 631-9316. Thank you.

Sincerely,

Nick Fitzgerald
Pipestone Management

Century Swine RE, LLC Operation and Maintenance Guideline

Operation:

1. Inspections
 - a. Pumps, pipes, valves, ventilation system and pits for signs of damage and needed repairs.
 - b. Fences and safety signs.
 - c. Amount of stored sediment, debris, and liquid
 - d. Check the water level in the standpipe of the closed-loop drain tile system adjacent to the GDU & Gestation barns weekly and after major rainfall events. Record water levels in a log format. Ensure that the lid is tightly sealed after inspection. Water removed from tile lines shall be immediately land applied per the approved NMP, placed within an adjacent pit and/or placed within the tile pond (if present) and documented.
 - e. Entire system weekly.
2. Daily Operations:
 - a. Remove stored waste in a timely manner to maintain adequate volume for the system to function as designed.
 - b. Apply waste as determined by nutrient test and/or nutrient utilization plan, in accordance with crop needs.
 - c. Do not apply waste material immediately after rain or within 24 hours of forecasted rain unless it can be immediately incorporated into the soil.
 - d. Do not apply liquid at a rate that exceeds the soil intake rate or the consumption use of the crop.
 - e. Facility will be emptied to maintain designed freeboard.
 - f. Frozen manure should not be placed in the pit as it may cause all liquid to freeze.
 - g. For safety, cover all openings when not in use. Be certain the covers provide ventilation as explosive, poisonous, and asphyxiating gases are produced.
 - h. Extreme care must be exercised before entering the pit for maintenance. This should include safety harness and forced ventilation or the use of an oxygen mask. All operators should familiarize themselves with gas problem, special wiring needs, and ventilation needs. "No Smoking" and other appropriate signs should be posted to warn persons of the danger.
 - i. All clean water should be diverted.
 - j. Inspect manure application sites daily during times of application.
 - k. The GDU rooms shall be operated at or below the following animal numbers to ensure pit containment system does not overload (Groups 1 through 5, at 720 head per room).
 - l. Farrowing barn pits shall be emptied in such a manner to allow for the drain line entering the Gestation Barn to properly empty. Wastewater shall not be allowed to pool within the drain line.
 - m. Farrowing barn wastewater will gravity flow to a pump near the Gestation barn where it will be pumped into the Gestation barn.
3. Pumping/Manure Removal Procedure
 - a. Prior to pumping waste from the pits, the waste must be adequately agitated to suspend solids.

- b. Gestation Barn shall be pumped down in the fall to ensure there is adequate capacity to allow for operation throughout the winter months.
- c. Land application of compost shall be properly land applied and documented within the NMP records.
- d. Removal of water from cool cells shall be performed as needed. Immediate land application per the approved NMP or placement of water within adjacent pit(s) shall be utilized when removing water from cool cells. Cool Cell water volumes have been accounted for within the waste production sheets.

Maintenance

1. Repair any damaged pumps, pipes, ventilation fans, or pits.
2. Repair fences and safety signs to original specifications.
3. Remove and dispose of trash and debris that will affect the aesthetics or functioning of the system.

NMP

1. Cover crop to be planted on a designated winter application field each year unless no-till methodologies can be implemented to allow for winter application on previously identified winter application fields.

Operator(s):



Edmunds County
Board of Adjustment
210 2nd Avenue Phone: (605) 426-6841
PO Box 247 Fax: (605) 426-6164
Ipswich, SD 57451-0247
doe.edco@midconetwork.com

April 25, 2025

SFP, LLC – Century Swine
Po Box 346
Ipswich, SD 57451

Dear SFP, LLC – Century Swine,

The Edmunds County Board of Adjustment acted on the conditional use permit request in the name of SFP, LLC – Century Swine on April 22, 2025. Your request was approved. **Your Conditional Use Permit # is 25-02.**

If you have further questions, please do not hesitate to contact me at the number above.

Sincerely,



Brittney Duvall
Edmunds County Zoning Officer

Edmunds County
Board of Adjustment
210 2nd Avenue Phone: (605) 426-6841
PO Box 247 FAX: (605) 426-6164
Ipswich, SD 57451-0247
Zoning.edco@midconetwork.com

April 25, 2025

Dear SFP, LLC – Century Swine LLC,

The Edmunds County Board of Adjustment met on Tuesday, April 22, 2025, at which time, your building permit application was approved. Enclosed you will find a signed copy of the application for your records.

Thank you.

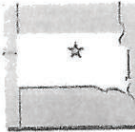
Sincerely,



Brittney L Duvall
Edmunds County Zoning Officer


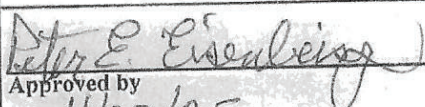
Edmunds County

Application for Building Permit



Edmunds County Planning & Zoning Commission • PO Box 247 • Ipswich, SD 57451
 Phone: (605) 426-6841 • Fax: (605) 426-6164 • zoning.edco@midconetwork.com

PROPERTY OWNER	
Name	Century Swine RE, LLC
Address	304 S. Splitrock Blvd. Suite 205 Phone _____
City, State & Zip	Brandon, SD 57005
LEGAL DESCRIPTION Structure located on/at: <u>PARCEL #:</u> 4419	
Approximately 40 acres within the Northwest Quarter of Section 9,	
Township 121 North, Range, 71 West, in Edmunds County, South Dakota	
ZONING DISTRICT:	Agricultural
SETBACK REQUIREMENTS	
Front Yard:	441 Feet Side Yard: 846 Feet
Back Yard:	Variance Needed: YES NO
BUILDING / CONSTRUCTION INFORMATION	
CIRCLE ONE:	NEW BUILDING ADDITION ALTERATION REPAIR MOVE REMOVE/DESTROY SHINGLES
TYPE OF CONSTRUCTION:	FRAME STEEL POLE MOBILE HOME
Additional Construction Information:	Steel frame building housing swine
NEW DWELLING / HOUSE	
Size: _____	Stories: _____ Type: _____
Bedrooms: _____	Baths: _____ # of Fireplace(s): _____
Basement: Finished _____	Unfinished _____
Foundation: _____	Sewer System: _____
Heating System: _____	Central Air: YES NO
GARAGE	
Attached / Detached:	_____
Size: _____	Finish: _____
OTHER STRUCTURES (SHED, POLE BUILDINGS, GRAIN BINS, ECT)	
Size: See next page	Height: 22' on Gable end Floor: Concrete/concrete slats
Utilities: 3-Phase-FEM	plumbing: _____ Heat: LP Gas- Forced air

APPLICATION DATE	3-13-25
PERMIT FEE \$	500
RECEIPT #	4203
TOWNSHIP/TOWN	Hillside
EXPIRE DATE	3-13-2026
PERMIT #	25-021
START DATE:	7/1/2025
COMPLETION DATE:	5/1/2026
CONTRACTOR:	To be determined
IF BUILDING IS MOVED	
TO:	_____
FROM:	_____
ESTIMATED COST OF PROJECT	
\$ 52,000.00	
Building Permit Fees	
(Based on cost of construction)	
0-10,000: \$15	
10,001-100,000: \$30	
100,001-500,000: \$75	
500,001-1,000,000: \$150	
1,000,001-5,000,000-\$300	
5,000,001-up-\$500	
Make checks payable to Edmunds County Treasurer	
OWNER'S SIGNATURE	
I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. Further, it is hereby agreed between the undersigned, as owner, his agent or servant, and Edmunds County that for and in consideration of the premises and the permit to construct, erect, alter, install, move, excavate, and the occupancy of the structure as above described, to be issued and granted by the Zoning Officer, that the work thereon will be done in accordance with the description herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, install, move, excavate, and occupy in strict compliance with the ordinances of Edmunds County and to obey any and all lawful orders of the Zoning Officer and all State Laws and regulations relating to construction, alteration, repairs, removal, safety and regulations relating to construction and installation of a sanitary sewage disposal system. This permit is revocable for cause. The permit shall become void if work has not begun within six (6) months or has not been substantially completed within one (1) year from the date of issuance. If substantial progress has been made within twelve (12) months from the date of issuance of the permit but has not been completed, the Zoning Officer may extend the building/use permit an additional six (6) months.	
 Owner's Signature 3-12-25	
Date	
 Approved by 4/22/25	
Date	

Sketches may be required for structures. See back for sketches.

EDMUNDS COUNTY
CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) APPLICATION
PERMIT NUMBER 25-02

APPLICANT (PRINT): Century Swine RE, LLC. PHONE: (507) 825-4211

ADDRESS: 304 S. Splitrock Blvd. Suite 205, Brandon, SD 57005

OWNER (PRINT): _____ PHONE: _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

DEVELOPMENT SITE LEGAL DESCRIPTION: NW 1/4 of Section 9, T121N., R71W, in Edmunds County, SD

DEVELOPMENT SITE STREET ADDRESS: To be determined

EXISTING ZONING DESIGNATION: Agricultural

PROPOSED CAFO CLASS SIZE AND ANIMAL TYPE: Class A CAFO- Swine for a total of 7,022 animal units

REQUIRED APPLICATION SUBMISSIONS:

- Map of occupied residential structures, businesses and public buildings within required setback area
- Information on ability to meet designated setback requirements including site plan to scale.
- Documentation of approved General Permit from South Dakota Department of Environment & Natural Resources, if required by the State of South Dakota
- Notification of whomever maintains the access road (township, county and state).
- Notification of public water supply officials.
- Project schedule.

ESTIMATED PROJECT CONSTRUCTION COST (including labor): \$ 52,000,000.00

NOTE: A SITE AND AREA PLAN OF THE PROPOSED CAFO SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 1. NORTH DIRECTION | 5. DIMENSIONS OF FRONT AND SIDE SETBACKS |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 3. STREET NAMES | 7. OTHER INFORMATION AS MAY BE REQUESTED |
| 4. LOCATION OF PROPOSED STRUCTURE ON LOT | |

I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I further understand and agree that the granting of a permit does not presume to give authority to violate, cancel or variance the provisions of the Edmunds County Zoning Ordinance or any other federal, state, or local law regulating construction or the performance of construction.

[Signature]

SIGNATURE OF CONTRACTOR DATE	SIGNATURE OF APPLICANT DATE	SIGNATURE OF OWNER DATE (IF DIFFERENT THAN APPLICANT)
------------------------------	-----------------------------	--

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> FEE PAID:	DATE: <u>3-13-2025</u>
<input type="checkbox"/> PERMIT ISSUED	DATE:
<input type="checkbox"/> PERMIT EXPIRES	DATE:

REASONS FOR DENYING PERMIT:

Peter C. Evidency *4/22/25*

EDMUNDS COUNTY BOARD OF ADJUSTMENT FINDINGS OF FACTS

1. The Board finds that a Concentrated Animal Feeding Operation is a permitted conditional use under Section 4.01.03 of Edmunds County Zoning Ordinances.
2. The Board finds that SFP, LLC – Century Swine have applied for a conditional use permit and are in compliance with all requirements of the conditional use permit.
3. The Board finds that SFP, LLC – Century Swine have applied for a concentrated animal feeding operation permit under Chapter 5.08 of the Edmund County Zoning Ordinances.

4. The Board finds that as a requirement to be permitted, the applicant must provide the owner's name, address and telephone numbers and that the applicant has complied with this requirement.
5. The Board finds that as a requirement to be permitted, the applicant must provide legal descriptions of site and site plan and that the applicant has complied with that requirement.
6. The Board finds that as a requirement to be permitted, the applicant must provide the number and type of animals and the applicant has complied with that requirement.
7. The Board finds that a requirement to be permitted is to show that the CAFO will not create a significant contribution of pollution and that the applicant has provided documentation of such and therefore complied with this requirement.
8. The Board finds that a requirement to be permitted is to obtain a State General Permit and that the applicants have provided documentation of such and therefore complied with this requirement.
9. The Board finds that as a requirement to be permitted, the applicant must provide documentation of a nutrient management plan that meets the current Natural Resources Conservation Service South Dakota Technical Nutrient Management Standard and be approved by the DENR and that the applicant has complied with this requirement.
10. The Board finds that as a requirement to be permitted, the applicant must provide land spreading agreements if the applicant does not have minimum acreage to apply animal manure and the applicant has complied with this requirement.

11. The Board finds that as a requirement to be permitted, the applicant must provide documentation of a South Dakota DENR approved manure management and operation plan that contains the information as outlined in Section 707 of Article 7 and that the applicant has complied with those requirements.
12. The Board finds that as a requirement to be permitted, the applicant provide a management plan for fly and odor control that meets the requirements as set out in Chapter 5.08 Section 5.08.05 #5 and that the applicant has complied with those requirements.
13. The Board finds that as a requirement to be permitted, the applicant must notify public water supply officials.
14. The Board finds that as a requirement to be permitted, the applicant must provide notification to whoever maintains the access road and to public water supply officials and that the applicant has complied with these requirements.
15. The Board finds that as a requirement to be permitted, the applicant must provide a map of occupied residential structures, businesses and public buildings within required setback area and that there are no occupied residential structures, businesses and public buildings within the required setback area and that the applicant has complied with this requirement.
16. The Board finds that as a requirement to be permitted, the applicant must provide information on ability to meet designated setback requirements including a site plan to scale.

Based on these findings of fact, the Board will vote on whether to approve the CAFO permit.

The Edmunds County Board of Adjustment grants/denies the application for the Conditional Use permit submitted by: SFP, LLC – Century Swine.

Name: Century Swine Date: 4-22-2025

Chairman: Peter E. Eisenberg Date: 4/22/2025

Edmunds County

Application for Building Permit



Edmunds County Planning & Zoning Commission · PO Box 247 · Ipswich, SD 57451
 Phone: (605) 426-6841 · Fax: (605) 426-6164 · zoning.edco@midconetwork.com

PROPERTY OWNER

Name Century Swine RE, LLC
 Address 304 S. Splitrock Blvd. Suite 205 Phone _____
 City, State & Zip Brandon, SD 57005

LEGAL DESCRIPTION Structure located on/at: **PARCEL #:** 4419
 Approximately 40 acres within the Northwest Quarter of Section 9,
 Township 121 North, Range, 71 West, in Edmunds County, South Dakota

ZONING DISTRICT: Agricultural

SETBACK REQUIREMENTS

Front Yard: _____ Side Yard: _____
 Back Yard: _____ Variance Needed: YES NO

BUILDING / CONSTRUCTION INFORMATION

CIRCLE ONE: NEW BUILDING ADDITION ALTERATION REPAIR
 MOVE REMOVE/DESTROY SHINGLES

TYPE OF CONSTRUCTION: FRAME STEEL POLE MOBILE HOME

Additional Construction Information: Steel frame building housing swine

NEW DWELLING / HOUSE

Size: _____ Stories: _____ Type: _____
 Bedrooms: _____ Baths: _____ # of Fireplace(s): _____
 Basement: Finished _____ Unfinished _____
 Foundation: _____ Sewer System: _____
 Heating System: _____ Central Air: YES NO

GARAGE

Attached / Detached: _____
 Size: _____ Finish: _____

OTHER STRUCTURES (SHED, POLE BUILDINGS, GRAIN BINS, ECT)

Size: See next page Height: 22' on Gable end Floor: Concrete/concrete slats
 Utilities: 3-Phase- FEM Plumbing: _____ Heat: LP Gas- Forced air

OFFICE USE ONLY

APPLICATION DATE _____
 PERMIT FEE \$ _____
 RECEIPT # _____
 TOWNSHIP/TOWN _____
 EXPIRE DATE _____
 PERMIT # _____

START DATE: 7/1/2025

COMPLETION DATE: 5/1/2026

CONTRACTOR:
To be determined

IF BUILDING IS MOVED

TO: _____

FROM: _____

ESTIMATED COST OF PROJECT

\$ 52,000,000.00

Building Permit Fees
 (Based on cost of construction)
 0—10,000: \$15
 10,001—100,000: \$30
 100,001—500,000: \$75
 500,001—1,000,000: \$150
 1,000,001—5,000,000—\$300
 5,000,001—up—\$500

Make checks payable to Edmunds County Treasurer

OWNER'S SIGNATURE

I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. Further, it is hereby agreed between the undersigned, as owner, his agent or servant, and Edmunds County that for and in consideration of the premises and the permit to construct, erect, alter, install, move, excavate, and the occupancy of the structure as above described, to be issued and granted by the Zoning Officer, that the work thereon will be done in accordance with the description herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, install, move, excavate, and occupy in strict compliance with the ordinances of Edmunds County and to obey any and all lawful orders of the Zoning Officer and all State Laws and regulations relating to construction, alteration, repairs, removal, safety and regulations pertaining to construction and installation of a sanitary sewage disposal system. This permit is revocable for cause. The permit shall become void if work has not begun within six (6) months or has not been substantially completed within one (1) year from the date of issuance. If substantial progress has been made within twelve (12) months from the date of issuance of the permit but has not been completed, the Zoning Officer may extend the building/use permit an additional six (6) months.

[Signature]
 Owner's Signature

7-12-25
 Date

Approved by _____

Date _____

Sketches may be required for structures. See back for sketches.

Boyce

LAW FIRM LLP

pwtschetter@boycelaw.com
Direct Dial: 605-731-0205

April 27, 2026

Emily M. Greco
David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Ste. 1
Pierre, SD 57501-8501

Adam Mathiowetz, Chief Engineer
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Connor R. Shaull
Davenport, Evans, Hurwitz & Smith, LLP
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Justin Baer
34180 147th Street
Onaka, SD 57466

Re: In the Matter of Water Permit Application No. 8982-3, Century Swine RE, LLC
Our File No.: 16669.002

To Whom It May Concern:

Enclosed and intended as service upon you is Century Swine RE, LLC's Supplemental Pre-Hearing Submission in the above-referenced matter.

Sincerely,

BOYCE LAW FIRM, L.L.P.



Paul W. Tschetter

PWT/akm

Enclosure

cc: Ron Duvall, DANR Water Rights Program (via email only)

CERTIFICATE OF SERVICE

I, Paul W. Tschetter, hereby certify that I am a member of Boyce Law Firm, L.L.P., and that on the 27th day of April 2026, a true and correct copy of the foregoing was served via First-Class Mail upon the following:

Emily M. Greco
David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Ste. 1
Pierre, SD 57501-8501

Adam Mathiowetz, Chief Engineer
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

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206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030

Justin Baer
34180 147th Street
Onaka, SD 57466

/s/ Paul W. Tschetter

CONDITIONAL USE PERMIT APPLICATION

Century Swine RE, LLC

Located in the

NW $\frac{1}{4}$ of Section 9, T121N, R71W, in
Edmunds County, SD

March 12, 2025

Edmunds County Planning & Zoning
Attn: Brittney Duvall
PO Box 247
Ipswich, SD 57451

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Ms. Duvall:

This letter and attached documentation shall serve as the informational submittal for the proposed Centerury Swine RE, LLC Class A Conditional Use Permit. The proposed facility consists of a swine facility with 15,054 head of swine >55lbs and 1440 head of swine <55lbs, or 7,022 Animal Units.

The animals shall be housed in two covered buildings: a farrowing/GDU barn and a gestation barn. The Gestation and GDU barns shall utilize a covered deep pit beneath the buildings to house the effluent. The generated effluent from the covered shallow pit farrowing barn shall be transferred (via gravity flow piping) into the Gestation barn.

The following information is presented as requested in Section 5.08.05:

Information Required for Class A & B Concentrated Animal Feeding Operation Permit.

1. **Owner's name, address, and telephone number.** Century Swine RE, LLC, 304 S. Splitrock Blvd., Brandon, SD 57005.
2. **Legal description of the site & site plan.** The proposed facility shall be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W. A site plan identifying the location of the proposed buildings on the parcel is included.
3. **Number & Type of Animals.** The facility shall house 1440 head of swine nursery swine less than 55 lbs, 12,180 head of gestating and lactating sows, and 2820 head of gilts and boars greater than 55 lbs. A summary of the animals, along with the animal unit calculation is included in this submittal.
4. **Nutrient management plan.** The applicant is in the process of completing SD DANR CAFO Permit Application (including NMP). Edmunds County will be provided a copy of the approved NMP. The preliminary NMP is included with this submittal.
5. **Manure Management & Operation Plan.**
 - a. The location & specifics of Proposed Animal Manure Facilities. A site location map and building layout are included with this submittal.
 - b. The Operation Procedures & Maintenance of Manure Facilities. The Operation & Maintenance Guideline to be utilized in the SD DANR CAFO Permit application is included within this submittal.
 - c. Plans & Specifications must be prepared or approved by a professional engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer. The required construction observation of the

animal waste system components will be made under the direct supervision of a licensed engineer (or his representative) in accordance with the required Construction Administration Quality Assurance Plan that is part of the SD DANR CAFO Permit application (included with this packet, also).

- d. Animal manure shall not be stored longer than two years. The pits have been designed to contain effluent produced during a 12-month period.
- e. Manure containment structures shall provide for a minimum design volume of 270 days of storage. The proposed facilities have been designed for 12 months (minimum) of storage.
- f. NMP Records. As part of the SD DANR CAFO Permit, the applicant is required to maintain records including soil tests, projected & actual crop yields, manure tests, rate calculations, date/time of application, application methodology and weather conditions at the time of application. The SD DANR regularly inspects these records to ensure compliance.

6. Management Plan for Odor & Fly Control.

- a. Operational plans for manure collection, storage, treatment and use will be kept updated and implemented.
- b. Mortality Management. Mortality losses at the facility will be properly managed with an on-site compost facility. Mortality management is regulated by the SD Animal Industry Board.
- c. It is the intent of the applicant to work with the Edmunds County Conservation District and/or a Landscape Architect to develop and implement a tree/shrub plan for the facility.
- d. The facility does not utilize any open pen areas. Surface drainage shall be directed away from the site in properly designed conveyances.
- e. The facility shall utilize liquid manure storage.
- f. Manure shall be stored under the roofed building in concrete pits. Manure shall not be stored in open pens.
- g. The liquid manure storage system will be covered with a roof that shall divert any rainwater away from the site.
- h. The applicant will avoid applying manure during weekends, holidays, and evenings during warm season(s) to reduce the risk of odor generation within the vicinity of the application fields.
- i. The applicant will avoid spreading during calm and humid days.

7. Information on the ability to meet suggested setbacks and separation distances, including a site plan to scale. A to scale site plan, along with setback maps are included within this submittal. It is the applicant's understanding that all applicable setbacks have been met.

8. General Permit from SD DANR (CAFO Permit). The applicant is in the process of applying for coverage under the SD DANR State CAFO Permit. Due to the size of this facility, approval of the CAFO Permit application is required prior to construction. The applicant requests that the CUP application be approved, conditional upon the applicant receiving the SD DANR State CAFO Permit approval.

9. Review of Plans and Specifications and NMP by SD DANR. Please see items 4 and 8 above. SD DANR review and approval of Plans, Specifications, and NMP is required per SD DANR

Regulations. The applicant requests that approval of this CUP be contingent upon receiving SD DANR State CAFPP Permit approval.

10. **Information on soils, shallow aquifers, designated wellhead protection areas and 100 year floodplain designation.** The on-site soils consist of Williams-Bowbells Loams and Niobell-Noonan Loams. The 'First Occurrence of Aquifer Materials in Edmunds County, SD' maps indicates that the first occurrence of aquifer materials in the vicinity of the site is 'generally greater than 100 feet below the land surface'. An on-site geotechnical investigation will be completed identifying the encountered soils and will be included within the SD DANR CAFO Permit as required. The proposed site is not located within a 100-year flood plain.
11. **Notification of whomever maintains the access road. Notification to public water supply officials.** The applicant has notified the Edmunds County Highway Department, Hillside Township, and WEB Water Development. Copies of the notification letters are included within this packet.
12. **Any other information as contained in the application and requested by the County Zoning Officer.** The applicant is unaware of any further requested information.

It is the belief of the applicant that the required information/response has been provided for your review of the Century Swine RE, LLC Conditional Use Permit Application and that the project meets the requirements set forth in the Edmunds County Zoning Ordinance.

If you should have any questions or need additional information, please do not hesitate to contact our office. Thank you.

Sincerely,



Nick Fitzgerald
Pipestone Management

Century Swine RE, LLC Operation and Maintenance Guideline

Operation:

1. Inspections
 - a. Pumps, pipes, valves, ventilation system and pits for signs of damage and needed repairs.
 - b. Fences and safety signs.
 - c. Amount of stored sediment, debris, and liquid
 - d. Check the water level in the standpipe of the closed-loop drain tile system adjacent to the GDU & Gestation barns weekly and after major rainfall events. Record water levels in a log format. Ensure that the lid is tightly sealed after inspection. Water removed from tile lines shall be immediately land applied per the approved NMP, placed within an adjacent pit and/or placed within the tile pond (if present) and documented.
 - e. Entire system weekly.
2. Daily Operations:
 - a. Remove stored waste in a timely manner to maintain adequate volume for the system to function as designed.
 - b. Apply waste as determined by nutrient test and/or nutrient utilization plan, in accordance with crop needs.
 - c. Do not apply waste material immediately after rain or within 24 hours of forecasted rain unless it can be immediately incorporated into the soil.
 - d. Do not apply liquid at a rate that exceeds the soil intake rate or the consumption use of the crop.
 - e. Facility will be emptied to maintain designed freeboard.
 - f. Frozen manure should not be placed in the pit as it may cause all liquid to freeze.
 - g. For safety, cover all openings when not in use. Be certain the covers provide ventilation as explosive, poisonous, and asphyxiating gases are produced.
 - h. Extreme care must be exercised before entering the pit for maintenance. This should include safety harness and forced ventilation or the use of an oxygen mask. All operators should familiarize themselves with gas problem, special wiring needs, and ventilation needs. "No Smoking" and other appropriate signs should be posted to warn persons of the danger.
 - i. All clean water should be diverted unless needed for dilution.
 - j. Inspect manure application sites daily during times of application.
 - k. The GDU rooms shall be operated at or below the following animal numbers to ensure pit containment system does not overload (Groups 1 through 5, at 720 head per room).
 - l. Farrowing barn pits shall be emptied in such a manner to allow for the drain line entering the Gestation Barn to properly empty. Wastewater shall not be allowed to pool within the drain line.
3. Pumping/Manure Removal Procedure
 - a. Prior to pumping waste from the pits, the waste must be adequately agitated to suspend solids.
 - b. Gestation Barn shall be pumped down in the fall to ensure that the farrowing barn drain pipe has adequate clearance above the remaining wastewater to allow for operation

through winter months. This is necessary to ensure that this pipe is allowed to properly drain.

- c. Land application of compost shall be properly land applied and documented within the NMP records.
- d. Removal of water from cool cells shall be performed as needed. Immediate land application per the approved NMP or placement of water within adjacent pit(s) shall be utilized when removing water from cool cells. Cool Cell water volumes have been accounted for within the waste production sheets.

Maintenance

1. Repair any damaged pumps, pipes, ventilation fans, or pits.
2. Repair fences and safety signs to original specifications.
3. Remove and dispose of trash and debris that will affect the aesthetics or functioning of the system.

NMP

1. Cover crop to be planted on a designated winter application field each year unless no-till methodologies can be implemented to allow for winter application on previously identified winter application fields.



1801 Forman Drive
Pipestone, MN 56164
www.pipestone.com

March 12, 2025

Tim Baer
Hillside Township
34180 147th St.
Onaka, SD 57466

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Mr. Baer:

This letter is to inform you that Century Swine RE, LLC has applied for a Conditional Use Permit for a Class A Livestock Facility to be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W, Edmunds County, SD. The operation will access 143rd Street. This letter shall serve as official notification of the project to Hillside Township as required by Edmunds County zoning regulations. The public hearing will be scheduled by Edmunds County.

ISG Engineers is coordinating the environmental permits for Century Swine, LLC. If you have any questions regarding this project, please feel free to contact Nick Fitzgerald at (319) 631-9316. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Fitzgerald", written over a white background.

Nick Fitzgerald
Pipestone Management



1801 Forman Drive
Pipestone, MN 56164
www.pipestone.com

March 12, 2025

WEB Water Development
Attn: Shane Phillips
PO Box 51
Aberdeen, SD 57402

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Mr. Phillips:

This letter is to inform you that Century Swine RE, LLC has applied for a Conditional Use Permit for a Class A Livestock Facility to be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W, Edmunds County, SD. This letter shall serve as official notification of the project to the WEB Water Development as required by Edmunds County zoning regulations. The public hearing will be scheduled by Edmunds County.

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Sincerely,

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Nick Fitzgerald
Pipestone Management



1801 Forman Drive
Pipestone, MN 56164
www.pipestone.com

March 12, 2025

Edmunds County Highway Department
Attn: Mike Jager
PO Box 38
Ipswich, SD 57451

RE: Century Swine RE, LLC Conditional Use Permit Application

Dear Mr. Jager:

This letter is to inform you that Century Swine RE, LLC has applied for a Conditional Use Permit for a Class A Livestock Facility to be located within the NW $\frac{1}{4}$ of Section 9, T121N, R71W, Edmunds County, SD. The operation will access 143rd Street. This letter shall serve as official notification of the project to the Edmunds County Highway Department as required by Edmunds County zoning regulations. The public hearing will be scheduled by Edmunds County.

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Nick Fitzgerald
Pipestone Management

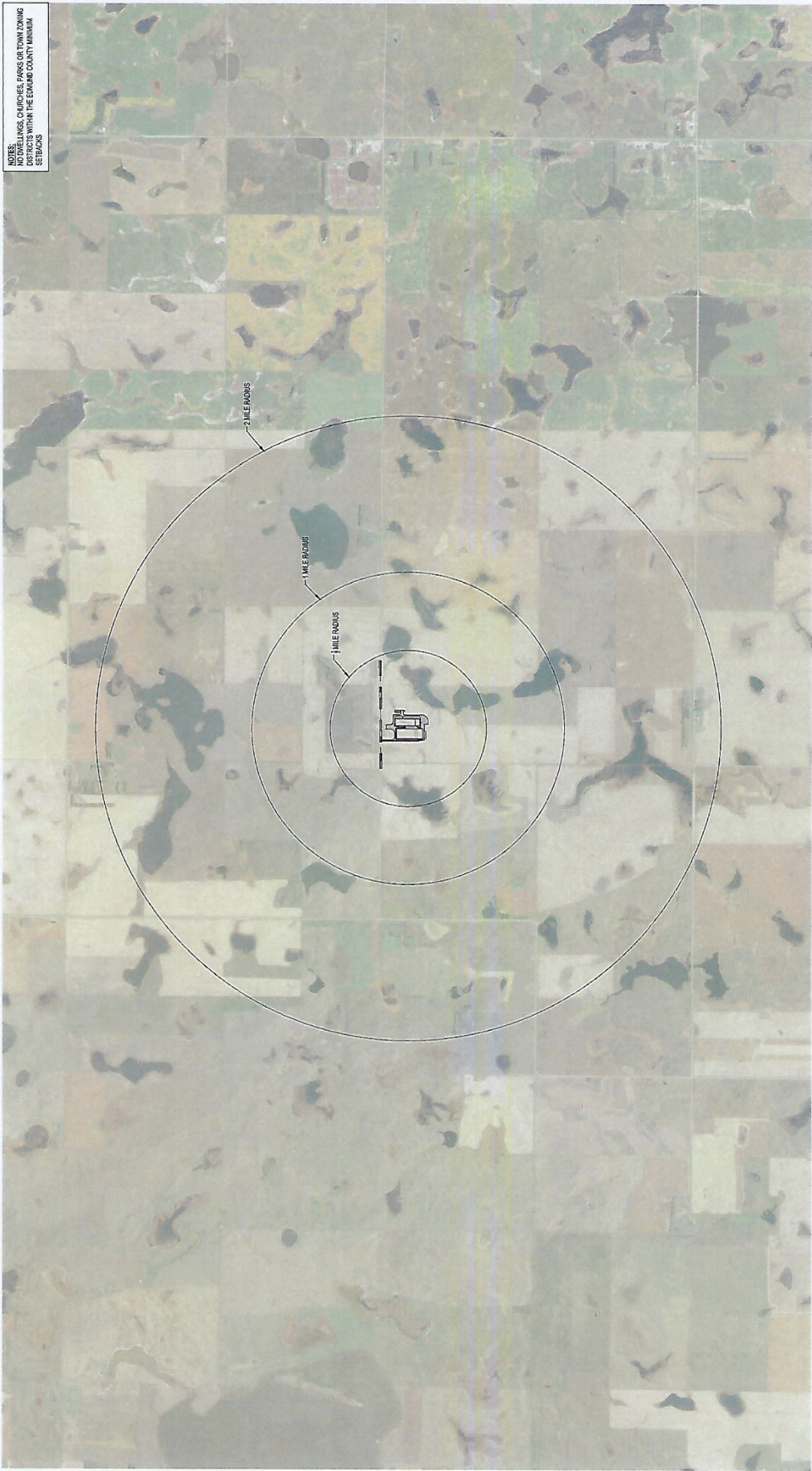
Century Swine RE, LLC

Barn/Type of Animal	Number of Head	AU/Head	Animal Units
Farrowing Barn			
Farrowing	2088	0.47	981.4
Gestation Barn			
Gestation FA Stalls	3840	0.47	1804.8
Gestation Pens	6222	0.47	2924.3
Stalls	84	0.47	39.5
Boars	60	0.4	24.0
Gilts Gestation	600	0.4	240.0
GDU Barn			
Gilts >55 lbs	2160	0.4	864.0
Nursery Gilts <55 lbs	1440	0.1	144.0
			7022

Table 5.08.2
Minimum Setbacks

MINIMUM SETBACK TABLE	<u>CLASS A</u>	<u>CLASS B</u>
Dwellings (other than owner's or operator's)	2,640 feet (1/2 Mile)	1,760 feet (1/3 Mile)
Incorporated Municipality Limits	10,560 feet (2 Mile)	10,560 feet (2 Mile)
Churches, Schools, Businesses, Designated County or State Parks, Lake Park, Planned Residential, and Town Zoning Districts	5,280 feet (1 Mile)	5,280 feet (1 Mile)
Federal, State, County, & Township Road Right of Way	150 feet	150 feet

NOTE:
NO DWELLINGS, CHURCHES, PARKS OR TOWN ZONING
WITHIN THE EDWARDS COUNTY MINIMUM
SETBACKS



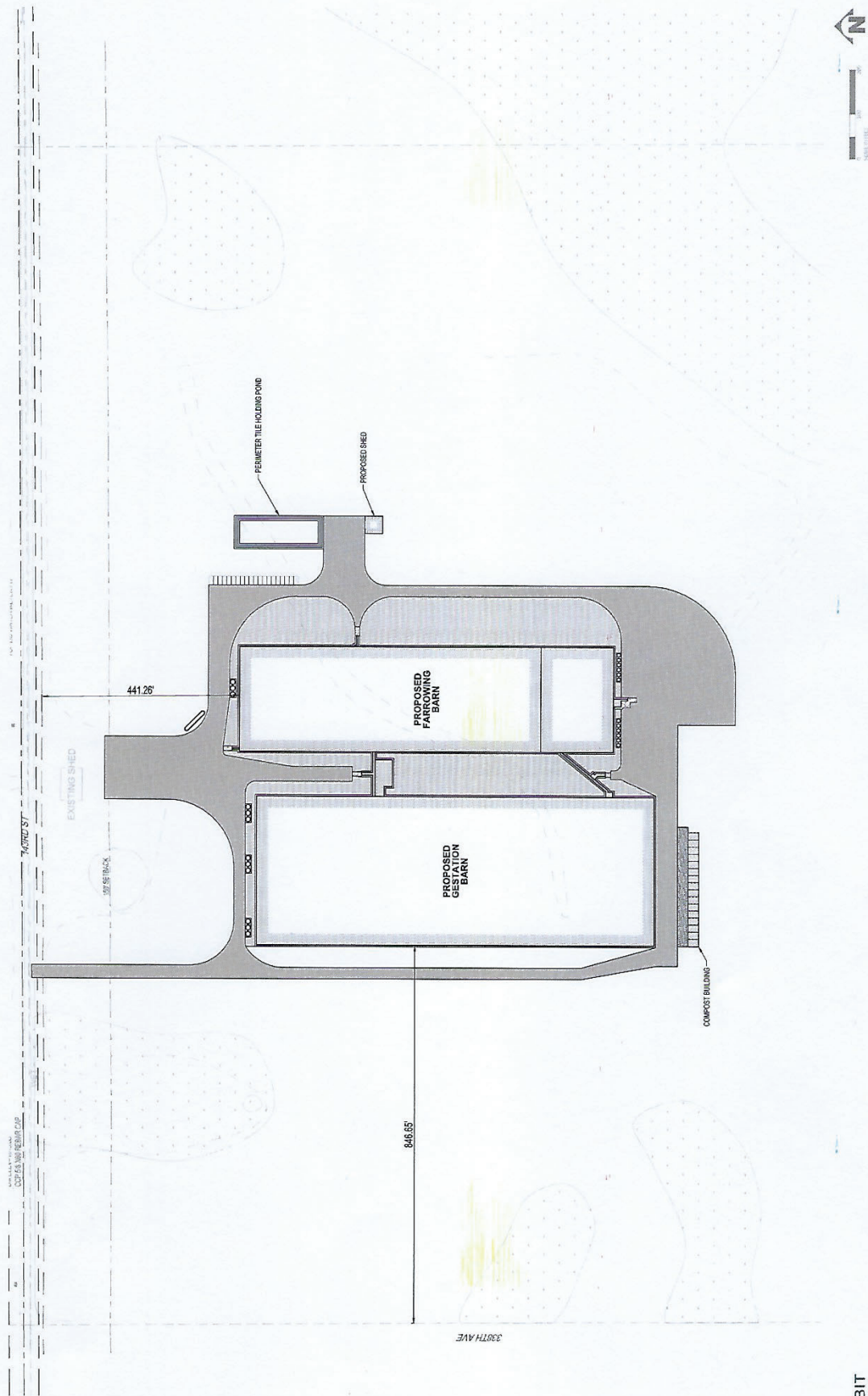
ISGinc.com

SITE EXHIBIT

CENTURY SWINE RE, LLC
10000 STATE ST. WY
ISG PROJECT NO. 2433874

Architecture + Engineering + Environmental + Planning





ISSGinc.com

CENTURY SWINE RE, LLC
 IPSWICH, SOUTH DAKOTA
 ISG PROJECT NO. 24-33874

SITE EXHIBIT

Architecture + Engineering + Environmental + Planning



PRODUCTION NUMBERS
 BREED TARGET: 575
 PIGS WEANED/WEEK: 6,451
 PIGS WEANED/YEAR: 335,478
 WEAN AGE: 23.0
 TOTAL SOWS: 11,708

GESTATION STALLS
 (6) GESTAL PENS OF 80 SOWS (480)
 (93) GESTAL PENS OF 60 SOWS (5,580)
 (3) GESTAL PENS OF 36 SOWS (108)
 (2) GESTAL PENS OF 27 SOWS (54)
 TOTAL SOWS IN GESTAL PENS = 6,222 SOWS
 (64) FAS PENS OF 60 SOWS = 3,840 SOWS
 (6) STANCHION PENS OF 10 BOARS = 60 BOARS
 (24) GILT PENS OF 25 GILTS = 600 GILTS
 (84) - 23' x 86" STALLS
 TOTAL ANIMALS = 10,806

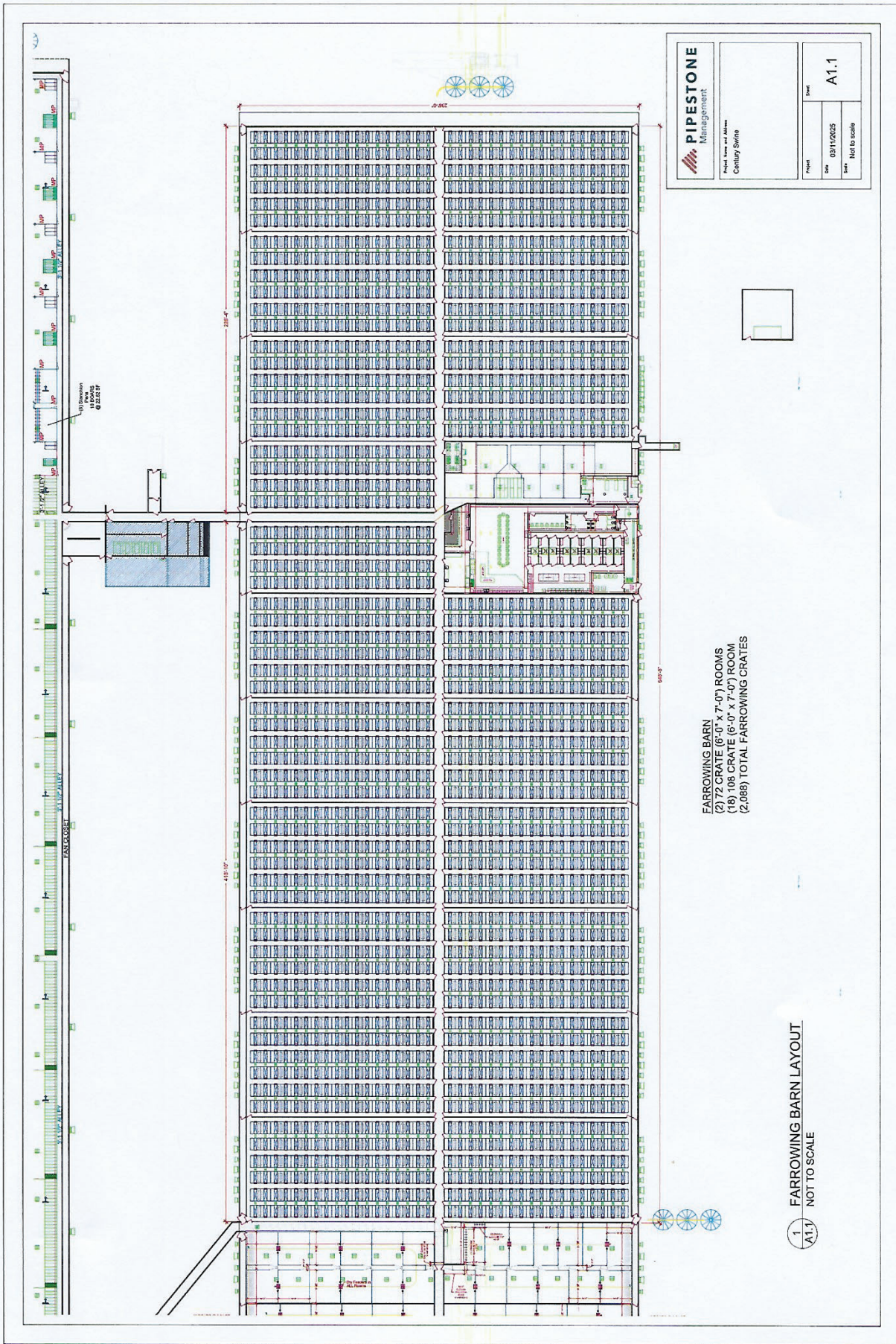


GDU BARN
 24 PENS OF 30 PER GROUP (720) (13 LONG)
 TOTAL ANIMALS: 3,600

FARROWING BARN
 (2) 72 CRATE (6'-0" x 7'-0") ROOMS
 (18) 108 CRATE (6'-0" x 7'-0") ROOM
 (2,088) TOTAL FARROWING CRATES

1 SITE LAYOUT
 A1.0 Not to scale

General Notes	
No.	Revisions/Issues
PIPESTONE Management	
Project Name: Century Farms	
Project No:	09/11/02/25
Scale:	A1.0
Drawn:	Not to scale



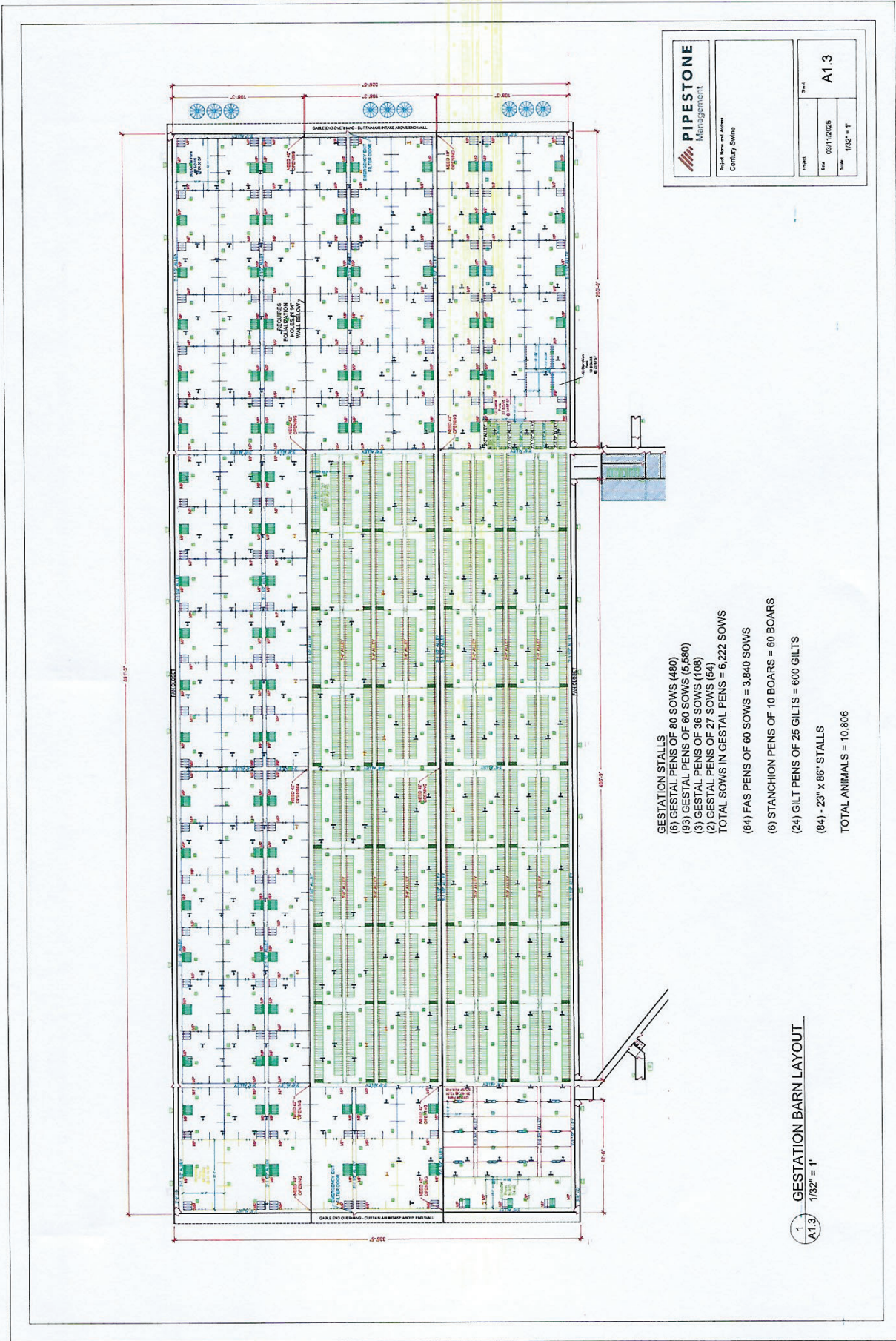
PIPESTONE
Management

Project Name: Century Shire

Sheet	Sheet
DATE: 03/11/2025	Scale: Not to scale
A1.1	

FARROWING BARN
 (2) 72 CRATE (6'-0" x 7'-0") ROOMS
 (18) 108 CRATE (6'-0" x 7'-0") ROOM
 (2,088) TOTAL FARROWING CRATES

1 FARROWING BARN LAYOUT
 A1.1 NOT TO SCALE



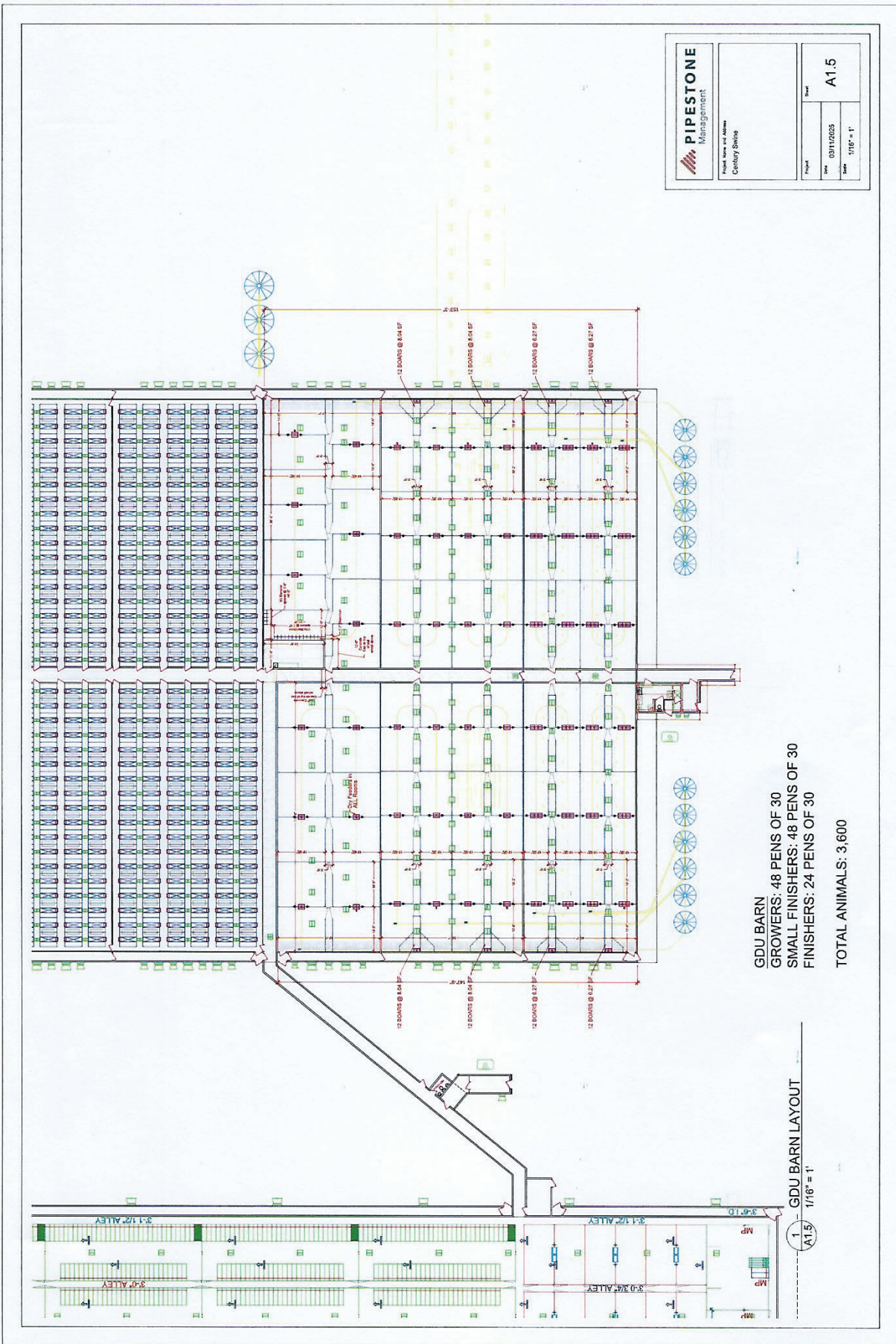
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- (24) GILT PENS OF 25 GILTS = 600 GILTS
- (84) 23" x 86" STALLS
- TOTAL ANIMALS = 10,806

1
A1.3
GESTATION BARN LAYOUT
1/32" = 1'

PIPESTONE
Management

Project Name and Address
Century Swine

Sheet	A1.3
Project	
Date	09/11/2025
Scale	1/32" = 1'



Project Name and Address: Century Swine	
Project: 09112025	Sheet: A1.5
Date: 1/16" = 1'	

GDJ BARN
 GROWERS: 48 PENS OF 30
 SMALL FINISHERS: 48 PENS OF 30
 FINISHERS: 24 PENS OF 30
 TOTAL ANIMALS: 3,600

1 GDJ BARN LAYOUT
 1/16" = 1'