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<http://atg.sd.gov>MARTY J. JACKLEY
ATTORNEY GENERALBRENT K. KEMPEMA
CHIEF DEPUTY

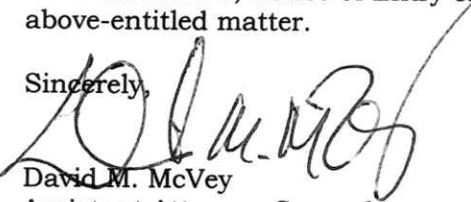
April 16, 2026

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13107 Wild Turkey Lane
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33136 141st Street
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13713 336th Avenue
Roscoe, SD 57471Emily M. Greco
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, SD 57501-8501
*Counsel for Water Rights Program*Jaydon Allen
12174 Highway 25
Eden, SD 57232Re: *In the Matter of Water Permit Application No. 8991-3, Century Swine RE, LLC*

To Whom it May Concern:

Enclosed please find a copy of the Notice of Entry of Procedural and Scheduling Order, Notice of Entry of Order on Motion to Intervene, Notice of Entry of Order on Motion to Dismiss Petitioner Amanda Abarca, Notice of Entry of Order on Motions to Consolidate, and Certificate of Service in the above-entitled matter.

Sincerely,



David M. McVey
Assistant Attorney General

DMM/mn

Enclosures

cc w/encs: Adam Mathiowetz, Chief Engineer, DANR Water Rights Program (originals by inter-office mail)

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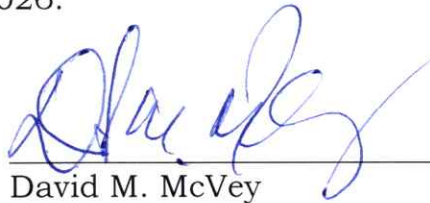
STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION 8991-3,) NOTICE OF ENTRY OF PROCEDURAL
CENTURY SWINE RE, LLC) AND SCHEDULING ORDER

TO: ALL INTERESTED PARTIES:

Please take notice that on April 15, 2026, Prehearing Chairman Rodney Freeman entered his Procedural and Scheduling Order in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 16th day of April 2026.



David M. McVey
Assistant Attorney General
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Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: David.McVey@state.sd.us

Counsel for Water Management Board

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

IN THE MATTER OF WATER PERMIT) APPLICATION NO. 8991-3,) CENTURY SWINE RE, LLC)	PROCEDURAL AND SCHEDULING ORDER
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Upon consideration of Motion for Procedural and Scheduling Order filed by the South Dakota Department of Agriculture and Natural Resources Water Rights Program (the Program), and without objection from the applicant and petitioners, the following shall be imposed in preparation for the hearing of this matter before the Water Management Board on May 6-7, 2026.

1. All attorneys who will be representing any party at the formal contested case proceeding shall file a Notice of Appearance in this matter. While individuals may appear *pro se* at hearings before the Water Management Board, all entities must be represented by counsel. Furthermore, all nonresident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL § 16-18-2.

2. Each party shall disclose in writing the names of any expert that party intends to call as a witness at the hearing of this matter no later than April 29, 2026. This disclosure must include copies of any *curricula vitae*, along with copies of any expert report prepared by the expert witness. If an expert report has not been prepared, the parties shall disclose a summary statement of the anticipated testimony the expert will provide, and the methodology used by the expert to reach his/ her conclusions.

3. Each party must disclose in writing the names of each fact witness and rebuttal experts the party anticipates calling to testify during the hearing of this matter no later than April 29, 2026.

4. Each party must provide to all other parties a list identifying all exhibits that party intends to offer as evidence in its case-in-chief at the hearing and copies of said exhibits no later than April 29, 2026. The copies may be provided by electronic means. A copy shall also be provided to Ron Duvall, DANR Water Rights Program, (605) 773-3352 or at Ron.Duvall@state.sd.us.

5. Each party must mark in advance of the hearing all exhibits the party intends to introduce at the hearing in its case-in-chief. The Program shall use the block of exhibit numbers 1-100. The applicant shall use the block of exhibit numbers 101-200. The petitioners shall use the blocks of exhibit numbers as follows:

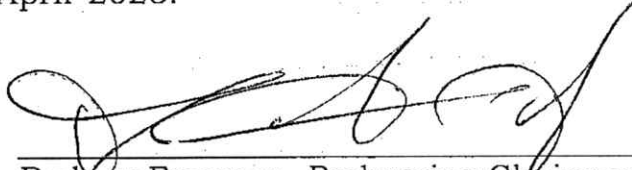
- a. Lany, Cindy, and Garrett Heinz: 201-300.
- b. Justin Baer: 301-400.
- c. Lynette Kraft: 401-500.
- d. John Schneider: 501-600.
- e. Delores Prisbie: 601-700.
- f. Neil Haar: 701-800.
- g. Steve Hellwig: 801-900.
- h. Colleen Haar: 901-1000.
- i. Duane Haar: 1001-1100.
- J. Rick Rohrbach: 1101-1200.
- k. Bryce Rohrbach: 1201-1300.
- l. Jaydon Allen: 1301-1400.
- m. Amanda Abarca: 1401-1500.
- n. PM II Management, LLC.: 1501-1600.

6. Each party to the contested case proceeding must prepare and provide a sufficient number of copies of exhibits for use at the hearing for use

by the Board, its counsel, and court report, and sufficient copies for all parties participating in the contested proceedings.

7. All original pleadings must be sent by regular first-class mail to Adam Mathiowetz, DANR Water Rights Program, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Parties shall also be required to serve copies of all pleadings on all other parties, including the Board's counsel, Assistant Attorney General David M. McVey at 1302 S.D. Hwy. 1889, Suite 1, Pierre, SD 57501.

Dated this 15th day of April 2026.



Rodney Freeman, Prehearing Chairman
South Dakota Water Management Board

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

IN THE MATTER OF WATER PERMIT)
APPLICATION 8991-3,) NOTICE OF ENTRY OF ORDER ON
CENTURY SWINE RE, LLC) MOTION TO INTERVENE

TO: ALL INTERESTED PARTIES:

Please take notice that on April 15, 2026, Prehearing Chairman Rodney Freeman entered his Order on Motion to Intervene in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 16th day of April 2026.



David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: David.McVey@state.sd.us

Counsel for Water Management Board

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

IN THE MATTER OF WATER PERMIT) ORDER ON MOTION TO INTERVENE
APPLICATION NO. 8991-3,)
CENTURY SWINE RE, LLC)

On or about March 30, 2026, PVC Management, LLC d/b/a Pipestone Century Swine RE, LLC (Pipestone) filed an application to intervene in this matter pursuant to SDCL §1-26-17.1. On or about April 15, 2026, the South Dakota Water Rights Program (Water Rights) filed a Response in Opposition to the application and requests that the Board deny Pipestone's application on timeliness grounds.

Pipestone alleges that it "has existing contractual relationships to provide labor and management services to Century Swine's agriculture production facility that it owns in Edmunds County, South Dakota." Further asserts that it "provides the day-to-day operational management of Century Swine's production facility." It is clear and uncontested that Pipestone would suffer a unique injury that is different from the general public as required by SDCL § 46-2A-4(4)(A).

SDCL §1-26-17.1 states:

A person who is not an original party to a contested case and whose pecuniary interests would be directly and immediately affected by an agency's order made upon the hearing may become a party to the hearing by intervention, if timely application therefor is made."

The uncontested assertions set forth in Pipestone's application clearly

satisfy the requirements set forth in the first portion of section 17.1; remaining only is the issue of timeliness.

This matter was publicly noticed on the Department of Agriculture and Natural Resources website on February 2, 2026. Further, notice was published in the American News and the Edmunds County Tribune on February 4, 2026. The deadline to submit comments and petitions specified on these notices was February 17, 2026, ten days after the date of notice pursuant to SDCL § 46-2A-4. South Dakota Codified Law (SDCL) section 46-2A-4 provides that petitions in opposition and comments must be filed within ten days of the published notice.

“Timeliness” is ill defined in SDCL Chapter 1-26, and while the Rules of Civil Procedure do not apply in this administrative context, they may provide some guidance. The first point to consider is whether the application for intervention would be considered intervention as a matter of right (SDCL § 15-6-24(a) or permissive intervention (SDCL § 15-6-24(b)). SDCL § 15-6-24(a)(2) a timely application for intervention as of right is allowed:

When the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

There is a tripartite test to determine if intervention as of right is appropriate:

1. The party must have a recognized interest in the subject matter of the litigation.
2. That interest must be one that might be impaired by the by the disposition of the litigation.

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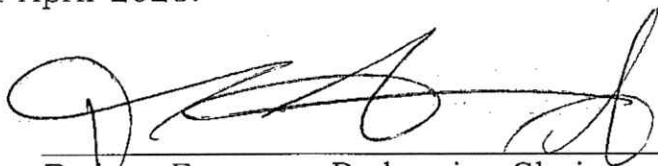
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3. The interest must not be adequately protected by the existing parties.
(*In Re Estate of Olson*, 759 N.W.2d 315, 2008 S.D. 126)

Pipestone clearly satisfies the first two criteria; their interests have been affirmatively asserted and are uncontested. Pipestone's interests may or may not be adequately protected by Century Swine as theirs is a relationship by contract and their interests therein may not be in lockstep. From this perspective, Pipestone has satisfied the test and are entitled to intervention as of right as long as the application was timely. "When intervention as of right is sought, whether an application is timely made is a decision within the sound discretion of the trial court" (*Weimer v. Ypparila*, 1993, 504 N.W. 2d 333). The most important factor to be considered is whether allowing intervention will unduly delay or prejudice adjudication of the original parties. (*Larson v. All-American Transport*, 1969, 83 S.D. 622). Here, allowing Pipestone to intervene in this matter will not unduly delay or prejudice adjudication of the original parties.

For the foregoing reasons, Pipestone's Application to intervene in this proceeding is **GRANTED**.

Dated this 15th day of April 2026.



Rodney Freeman, Prehearing Chairman
South Dakota Water Management Board

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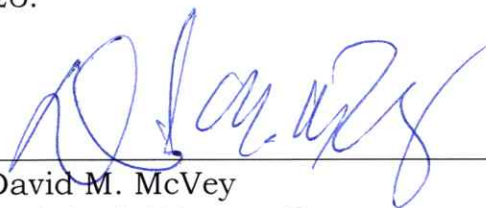
STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION 8991-3,)
CENTURY SWINE RE, LLC) NOTICE OF ENTRY OF ORDER ON
MOTION TO DISMISS PETITIONER
AMANDA ABARCA

TO: ALL INTERESTED PARTIES:

Please take notice that on April 15, 2026, Prehearing Chairman Rodney Freeman entered his Order on Motion to Dismiss Petitioner Amanda Abarca in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 16th day of April 2026.



David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: David.McVey@state.sd.us

Counsel for Water Management Board

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

IN THE MATTER OF WATER PERMIT)	ORDER ON MOTION TO DISMISS
APPLICATION NO. 8991-3,)	PETITIONER AMANDA ABARCA
CENTURY SWINE RE, LLC)	

On February 25, 2026, the Water Rights Program (the "Program") received a timely petition opposing Application No. 8991-3, Century Swine RE, LLC, from Amanda Abarca ("Abraca"), of Hot Springs, South Dakota. On March 31, 2026, the Program filed a Motion to Dismiss Abraca's petition on the basis that the Petition fails to state a unique injury the approval of this application will have upon her. On April 5, 2026 Abraca filed a sworn affidavit setting forth sufficient conditions which demonstrate a unique injury the approval of this application will have upon her. On April 15, 2026 the Program filed a reply brief which discusses the nature of Abraca's interest essentially characterizing her interest as a mere expectancy rather than some sort of vested interest.

Even though Abraca's interest is that of a beneficiary of a trust contained sloughs affected by the proposed wells, there has been no showing of whether the trust is revocable or irrevocable. If the trust is revocable she theoretically could be removed as a beneficiary, but if it is irrevocable she may have a fully vested interest. In either event, her potential injury is certainly "unique" as required by SDCL § 46-2a-4(4).

The Motion to Dismiss Abraca is **DENIED**. For clarity, Abraca did not file

a Petition in Opposition In The Matter of Water Permit Application NO. 8982-3,
Century Swine Re, LLC. but will remain as a petitioner in this matter.

Dated this 15th day of April 2026.



Rodney Freeman, Prehearing Chairman
South Dakota Water Management Board

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

IN THE MATTER OF WATER PERMIT)	ORDER ON MOTIONS TO
APPLICATION NO. 8991-3,)	CONSOLIDATE
CENTURY SWINE RE, LLC)	

On February 17, 2026, Cindy Heinz (Heinz) filed a request for the above titled matter to be consolidated with In the Matter Of Water of Water Permit Application NO. 8982-3 Century Swine RE, LLC. As part of their Petitions in Opposition, Amanda Abarca, Justin Baer, Lynette Kraft, John Schneider, Delores Prisbie, Neil Haar, Steve Hellwig, Colleen Haar, Duane Haar, Rick Rohrbach, Bryce Rohrbach, and Jaydon Allen all requested consolidation of the two matters. For purposes of this Order, all the requests will be construed as a motions. On March 31, 2026, counsel for the Water Rights Program filed a Response in Opposition to the request to consolidate.

Heinz asserts:

Both applications involve the same applicant and arise from the same overall project and operational water demand. The cumulative and interrelated nature of the requested appropriations warrants unified review to ensure a complete evaluation of total project impact, aquifer interaction, and public interest considerations.

Application No. 8982-3 requests an appropriation from the Pierre Shale aquifer and Application No. 8991-3 seeks an appropriation from the Dakota aquifer. Since the appropriations are from different aquifers, separate and distinct analysis is required for evaluation of the applications in light of SDCL

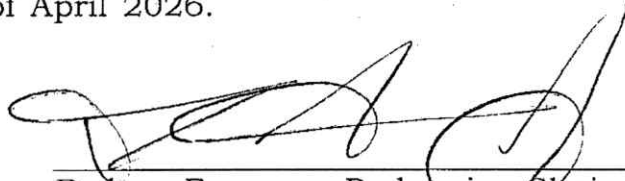
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§§ 46-2A-9 and 46-6-3.1. Moreover, it is not appropriate given the statutory structure to evaluate the applications together merely because both applications “involve the same applicant and arise from the same overall project and operational water demand.” (Heinz motion). Application No. 8991-3 has twelve additional Petitioners in Opposition not participating in Application No. 8982-3, separate analysis is required under SDCL § 46-2A-9, and distinct recharge calculations must be performed pursuant to SDCL § 46-6-3.1.

For the foregoing reasons, the Motion to Consolidate Application 8991-3 and 8982-3 is **DENIED**.

Dated this 15th day of April 2026.

A handwritten signature in black ink, appearing to read 'Rodney Freeman', is written over a horizontal line.

Rodney Freeman, Prehearing Chairman
South Dakota Water Management Board

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

IN THE MATTER OF WATER PERMIT) APPLICATION 8991-3,) CENTURY SWINE RE, LLC)	CERTIFICATE OF SERVICE
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The undersigned hereby certifies that on April 16, 2026, originals of the Notice of Entry of Procedural and Scheduling Order, Notice of Entry of Order on Motion to Intervene, Notice of Entry of Order on Motion to Dismiss Petitioner Amanda Abarca, and Notice of Entry of Order on Motions to Consolidate were submitted, via interoffice mail, upon the following to be filed in the above-captioned matter:

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

Further, true and correct copies of the above referenced documents were served by U.S. mail, first-class, postage prepaid, upon the following on this 16th day of April 2026:

Jacob W. Tiede
Attorney at Law
304 South Splitrock Blvd,
Suite 205
Brandon, SD 57005
*Counsel for Century Swine
RE, LLC*

Joseph M. Dylla
Attorney at Law
200 South Main Avenue
Sioux Falls, SD 57104
*Counsel for PVC Management,
LLC d/b/a Pipestone*

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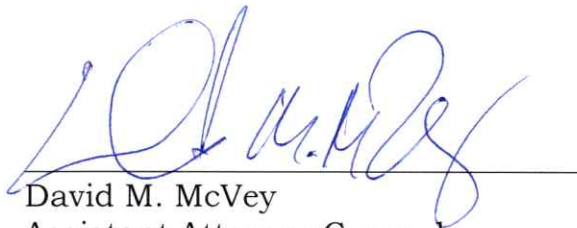
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33136 141st Street
Roscoe, SD 57471

Duane Haar
13713 336th Avenue
Roscoe, SD 57471

Jaydon Allen
12174 Highway 25
Eden, SD 57232

And on the same date copies were hand-delivered to Emily M. Greco, Assistant Attorney General, Counsel for Water Rights Program, Office of the Attorney General, 1302 East SD Highway 1889, Suite 1, Pierre, South Dakota 57501.



David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215
Email: David.McVey@state.sd.us

Counsel for Water Management Board