
NOTICE OF APPLICATION NO. 9027-3 to Appropriate Water

Notice is given that FermentationExperts USA, LLC., 1201 North Ellis Road, Sioux Falls SD 57107, has filed an application for a water permit to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.064 cubic feet of water per second from one well to be completed into the Big Sioux: Southern Skunk Creek Aquifer (approximately 27 feet deep) located in the SE 1/4 SE 1/4 (Lot 1-Tract 1) Section 9 for industrial use in a swine feed production facility located in the E 1/2 SE 1/4 SE 1/4 Section 9; all in T101N-R50W. This site is located in Minnehaha County, approximately one mile west of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9027-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until the City of Sioux Falls, holder of a future use permit from the Southern Skunk Creek management unit of the Big Sioux Aquifer, fully develops water reserved from their future use permit, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 11, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 11, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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