

WATER PERMIT NO. 8984-3

Name of Applicant: **D Lucks Swine, LLC.**

Address: **44538 184th Street, Hayti SD 57241**

Phone: **605-520-3434**

Amount of Water Claimed: **135 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial**

County: **Hamlin**

Type of Waste Disposal System:

Location: **Approx. 8 miles northwest of Hayti**

PRIORITY

Date Received: **09-15-25**

Application/License Fee: **\$950.00**

Corrected Application Received: **09-16-25**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SW 1/4 SE 1/4 Sec 29-T115N-R54W**

Land to be Irrigated: **N/A**

Depth of Well: **80**

Well Driller: **Dave Putzke Drilling**

Remarks:

Type of Map: **aerial**

			29		

Reviewed and the Number Assigned on: **09-17-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8984-3

Date of first receipt of application September 15, 2025.

Date of return to applicant for corrections, amendments or changes September 16, 2025.

Date of receipt of corrected application September 16, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8984-3 to D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8984-3 appropriates up to 135 acre-feet of water annually at a maximum pump rate of 0.31 cubic feet of water per second from up to two wells completed into the Prairie Coteau Aquifer (80 feet deep) located in the SW 1/4 SE 1/4 Section 29 for commercial use in a swine production facility located in the SW 1/4 SE 1/4 Section 29; all in T115N-R54W. This site is located approximately eight miles northwest of Hayti SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8984-3 is December 22, 2025.
5. The date from which applicant may claim right is September 15, 2025.
6. One-fifth of the construction is to be completed on or before June 22, 2028.
7. All construction is to be completed on or before December 22, 2030.
8. Water is to be put to beneficial use on or before December 22, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 8984-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8984-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8984-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

Continued

- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau Aquifer.
5. Water Permit No. 8984-3 authorizes a total annual diversion of up to 135 acre-feet of water annually from the Prairie Coteau Aquifer.

WATER MANAGEMENT BOARD

By: 
Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 02 2026

date



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

SEP 15 2025

Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8984-3</u> Hydrologic Unit <u>10170202</u> Basin <u>Big Sioux</u> Newspaper <u>Hayti/Hamlin Co. Herald Enterprise</u> <u>American News</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal
☐ Rural Water System
☐ Domestic (over 18 gpm)

☐ Water Distribution System
☒ Commercial
☐ Industrial

☐ Recreational
☐ Fish & Wildlife
☐ Other

☐ Institutional
☐ Geothermal

Type of Application:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Water Permit D Lucks Swine, LLC
Mailing Address 304 South Splitrock Blvd. Suite 205 Brandon SD 57005
(Address) (City) (State) (Zip Code)
Phone 507-825-4211 Mobile _____ Email jake.tiede@pipestone.com
- Amount of water claimed 0.31 *CFS or 100 ¹⁴⁰ **GPM and 135 ***AF or 44 million Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Ground water 2 wells
- Location of point of diversion SW 1/4 of SE 1/4 Sec. 29 T115N, R54W County Hamlin
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Hamlin
- Annual period during which water is to be used January 1st to December 31st
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Proposed Swine production facility

I, Pat W. Lucks, the applicant, certify under
Name of Person Title (if applicable)
Attorney

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SEP 15 2025

Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

Water Rights
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1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Dave Patzke well
(if yes, please provide copies of logs) Drilling
- b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 80' Depth to Top of Water Bearing Material 60' Depth to Water from Surface 26'
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

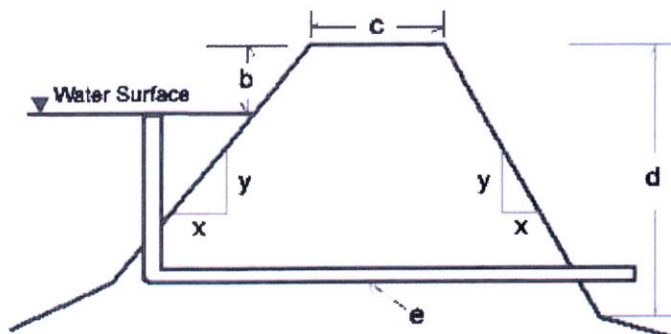
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

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SEP 22 2025

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182nd St

182nd St

182nd St

443rd Ave

115N 54W
Section 29

115N 54W
Section 2

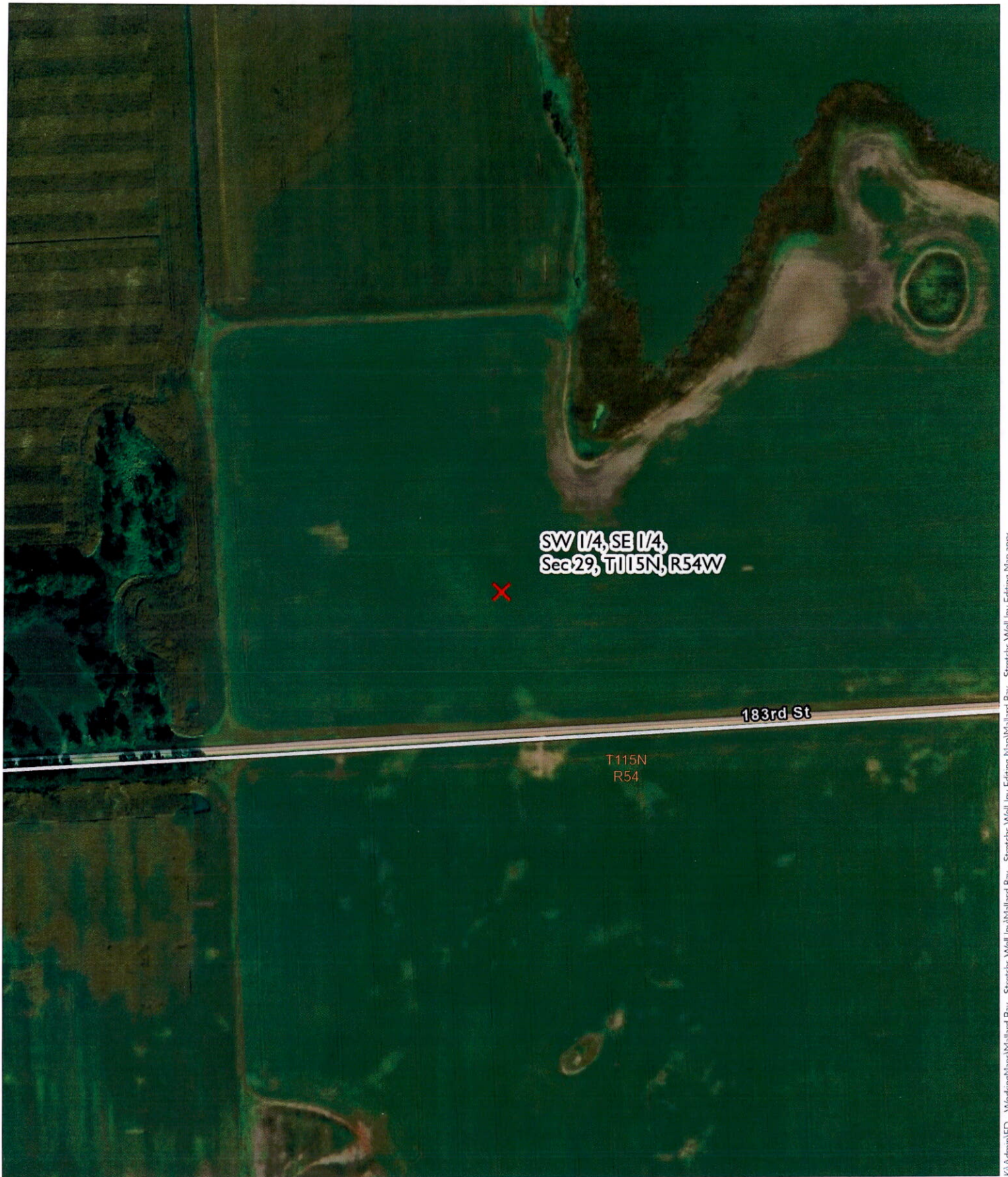
183rd St

183rd St



Well Locations

115N 54W



K:\Admin\ED - Working\aps\Mallard Bay - Stretches Well Inv Editing Map\Mallard Bay - Stretches Well Inv Editing Map.aprx

Thursday, September 11, 2025

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SEP 15 2025

0 200 400
ft
1 inch = 400 feet



Site Map
Hamlin County, South Dakota

Water Rights
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Source(s):
Orthophoto (ESRI, 2022)

ISG



Thursday, September 11, 2025

SEP 15 2025

Water Rights
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Project Location Map Hamlin County, South Dakota

Source(s):
Municipalities (SD DOR, 7/1/2017)
Hydrography (USGS NHD, 9/14/2017)
Counties (US Census, 2010)
Roads (SD DOT)





115N 55W
Section: 13

115N 54W
Section: 18

115N 54W
Section: 17

115N 54W
Section: 16

115N 54W
Section: 15

115N 55W
Section: 24

115N 54W
Section: 19

115N 54W
Section: 20

115N 54W
Section: 21

115N 54W
Section: 22

115N 54W
Section: 30

10170202 Middle Big Sioux

115N 54W
Section: 29

Big Sioux

115N 54W
Section: 28

115N 54W
Section: 27

115N 55W
Section: 36

115N 54W
Section: 31

115N 54W
Section: 32

115N 54W
Section: 33

115N 54W
Section: 34

114N 55W
Section: 01

114N 54W
Section: 06

114N 54W
Section: 05

114N 54W
Section: 04

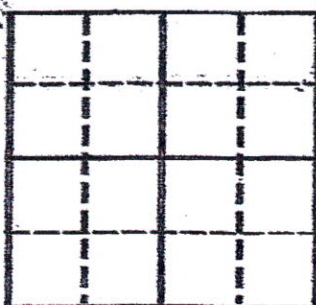
114N 54W
Section: 03

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 29 T115N R54W Owner: _____
(Brantford)

County Hamlin



Please mark well location with an 'X'

Well completion Date 8-20-25

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft from None (Identify source)

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR 21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>80 FT</u>	<u>8 3/4 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type DP No. of Sacks 6 Grout Weight 0 Lb/gal 0 R 65 R
Lb/gal R R

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Man-made
Diameter 5 Inches Length 12 Feet
Material Plastic
Slot Size 40 Set From Feet to Feet
Other information Gravel Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No
If so, what material?
Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of Chlorine Pumped
☐ No, Why Not?
Lab sample sent to for water quality analysis

Business Name: Pipe Stone Management
Address: 1801 Forman Drive
City, State, Zip: Pipestone MN 56164

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Yellow clay</u>	<u>3</u>	<u>20</u>
<u>Blue clay</u>	<u>20</u>	<u>66</u>
<u>Sand & Gravel</u>	<u>66</u>	<u>80</u>

STATIC WATER LEVEL

26 FEET

If flowing, closed in pressure

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Test Pump AT 60' - 65 gpm
24 hrs

This well was drilled under license # 439

And this report is true and accurate.

Dating time: Dave Patzke well Drilling & repair, Inc

Signature of License Representative:

Dave Patzke

Signature of Well Owner or Eligible Property Holder:

RECEIVED

SEP 15 2025

Water Rights Program

Date:

523 E Capitol Ave. Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights

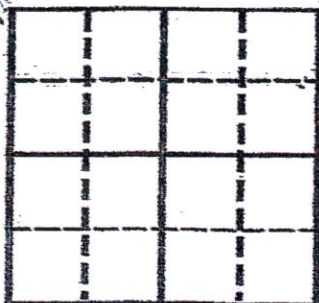
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 29 Twp 115N Rg 54W
(Brantford)County Hamlin

North

Please mark well location with an "X"



Well completion Date

8-20-25

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

ft. from NONE (Identify source)

POSED USE:

☒ Domestic/Stock
☐ Irrigation
☐ Municipal
☐ Industrial
☐ Business
☐ Institutional
☐ Test Holes
☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50R 21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>80 FT</u>	<u>8 3/4 IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA:

 Grout Type DP No. of Sacks 6 Grout Weight 140gal From 0 R 65 To 65 R
140gal R R

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Man-lifted
Diameter 5 inches Length 12 feetMaterial = PlasticSlot Size 40 Set From Feet to FeetOther information Gravel Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?
5 gallons of Chlorine
☐ No, Why Not?
 Lab sample sent to for water quality analysis
Pump

Please return WHITE COPY to:

DNR Water Rights

Well Owner:

Business Name: Pipestone ManagementAddress: 1801 Forman DriveCity, State, Zip: Pipestone MN 56164

WELL LOG:

ESTIMATION	DEPTH	
	FROM	TO
<u>TOP Soil</u>	<u>0</u>	<u>3</u>
<u>Yellow clay</u>	<u>3</u>	<u>20</u>
<u>Blue Clay</u>	<u>20</u>	<u>66</u>
<u>Sand & Gravel</u>	<u>66</u>	<u>80</u>

STATIC WATER LEVEL

26

FEET

Flowing: closed in pressure

PSI

GPM flow through inch pipeControlled by ☐ Valve ☐ Reduces ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe☐ Bailed☐ Other

Pumping Level Below Land Surface

 R. After Hrs. pumped GPM R. After Hrs. pumped GPMIf pump installed, pump rate GPM

REMARKS

Test Pump AT 60' - 65 gpm
24 Hrs

This well was drilled under license #

439

And this report is true and accurate.

Drilling firm: Dave Patzke well Drilling & repair, Inc

Signature of License Representative:

Dave Patzke

Signature of Well Owner or Equitable Property Holder:

RECEIVED

SEP 15 2025

Date:

Water Rights Program

523 E Capitol Ave.

Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 16th, 2025

RECEIVED OF D Lucks Swine LLC 44538 184th Street Hayti SD 57241

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>8984-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8984-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>950.00</u>

By Mark Mayer
Chief Engineer



DL297379

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **D.Lucks Swine, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**44538 184TH ST.
HAYTI, SD 57241**

Mailing Address

**44538 184TH ST.
HAYTI, SD 57241**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **JOSEPH L LAKNESS**

Actual Street Address in this State

**44538 184TH STREET
HAYTI, SD 57241-5100**

Mailing Address in this State

Article IV

The name and address of each organizer

Name

Address

Tye Wangberg

7404 S. Bitterroot Place, Sioux Falls, SD 57108

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0357-1105 04/07/2025 5:03PM Rec'd by SD SOS



B0357-1106 04/07/2025 5:03PM Rec'd by SD SOS

Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Tye Wangberg

Tye Wangberg

04/07/2025

PRINTED NAME

SIGNATURE

TITLE

DATED

B0357-1107 04/07/2025 5:03PM Rec'd by SD SOS

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

D.Lucks Swine, LLC

BUSINESS ID# DL297379

with an effective date of: April 7, 2025, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, April 7, 2025.

A handwritten signature in cursive script that reads "Monae L. Johnson".

Monae L. Johnson
Secretary of State

04/07/2025 5:03 PM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8984-3, D Lucks Swine, LLC.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8984-3, D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8984-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8984-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8984-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
3. Water Permit No. 8984-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Prairie Coteau Aquifer.
5. Water Permit No. 8984-3 authorizes a total annual diversion of up to 135 acre-feet of water annually from the Prairie Coteau Aquifer.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
November 24, 2025

**Report to the Chief Engineer on
Water Permit Application No. 8984-3**

D Lucks Swine, LLC

3 November 2025

Water Permit Application No. 8984-3 proposes to appropriate up to 135 acre-feet of water per year (ac-ft/yr) at a maximum diversion rate of 0.31 cubic feet of water per second (cfs) from up to two wells completed into the Prairie Coteau aquifer (80 feet deep) in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 for commercial use in a swine production facility located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; all in T115N-R54W. This site is located in Hamlin County approximately eight miles northwest of Hayti, South Dakota.

Aquifer: Prairie Coteau (PCO)

Hydrogeologic Characteristics

The Prairie Coteau aquifer is a catch-all term for Quaternary-aged sand and gravel outwash bodies which underlie the Prairie Coteau in South Dakota, overlie the Altamont aquifer, are not connected to a surface water body (primarily lakes in the Waubay area), and are not part of another named aquifer. Bodies of outwash in the Prairie Coteau aquifer are generally non-continuous and are treated as separate aquifers for water management purposes, unless there is evidence for a connection between them.

The applicant submitted two well completion reports for identical wells completed on August 30, 2025, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 T115N-R54W. The driller indicated encountering topsoil from ground level to 3 feet below grade, yellow clay from 3 feet to 20 feet, blue clay from 20 feet to 66 feet, and sand and gravel from 66 feet to 89 feet. The static water level was 26 feet below grade at the time the wells were completed. The driller placed 12 feet of screen in the wells, but did not indicate the location of the screen placement. It is likely the screens were placed at the bottom of the wells. The thickness of the water bearing formation is the thickness of the sand and gravel at the bottom, which is 14 feet. The static water level rising above the top of the formation means the aquifer is under confined conditions in this area.

Data from the South Dakota Geologic Survey (SDGS) lithologic logs database [1] is somewhat sparse near this application, but the Water Rights Program maintains a database of well completion reports [2] which can be used as an additional resource, although the location of data points is less precise than SDGS lithologic logs. Land surface of the applicant's wells is approximately 1,720 feet above NAVD88 [3], meaning the elevation of the formation ranges between 1,654 and 1,640 feet above NAVD88. Based on the well completion reports and lithologic logs available, the area of aquifer material at the elevation of the aquifer for this well may be approximately 4,800 acres. Figure 1 shows a map of the approximate area of the aquifer into which the wells for this application are completed. It is likely the area extends to the east of the outlined area, but there are not enough data points available to extrapolate [1] [2].

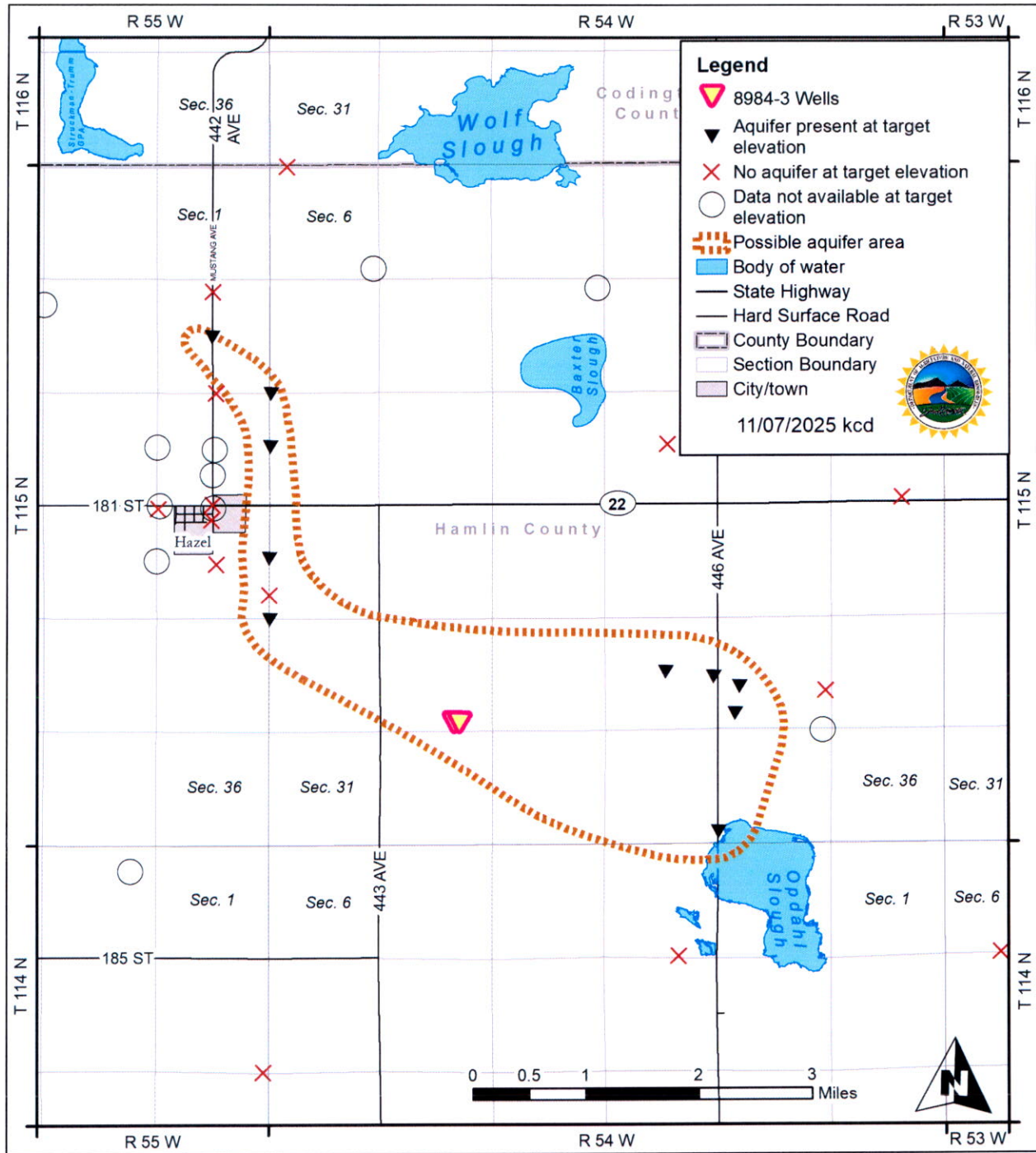


Figure 1: Map of location of wells for this application and data used to delineate aquifer [1] [2]

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management

Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Prairie Coteau aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge to the Prairie Coteau aquifer near this application is likely by infiltration of precipitation and infiltration from bodies of surface water that contact the aquifer. There is no estimate of recharge available for this outwash body. However, Hedges, Allen, and Holly [4] recommend using a range of 0.15 to 0.60 inches per year as an estimate of recharge to buried, confined, unconsolidated aquifers. By applying those values over the 4,800 acres of estimated aquifer area, recharge is likely to range between 60 ac-ft/yr and 240 ac-ft/yr. The average of those two values is 150 ac-ft/yr. There are no other water rights or permits in the same body of outwash as this application [5], but there are two domestic wells on file that are likely to be completed into the same aquifer [2]. Assuming 2.5 people per household and 70 gallons per day per capita [6], the estimated withdrawal by domestic self-supply is approximately 0.4 ac-ft/yr. This application is requesting 135 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation Wells

There are no observation wells completed into the same body of Prairie Coteau outwash as this application [7]. The nearest observation wells to this application that are completed into the Prairie Coteau aquifer are HN-2021A, HN-2021B, and HN-2021C, located approximately 12 miles southeast of this application. Those wells were drilled in 2021, so the next-nearest observation well, CD-89C, was also examined. Water level elevations for those four wells are shown in Figure 2, Figure 3, and Figure 4 (see pages 6-8). The elevations stored in the Water Rights Database are referenced from NGVD29, which is at most 3 feet different from NAVD88, the reference frame from which elevations were given in the Hydrogeologic Characteristics section. This difference is not significant in this context. The observation well water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. Water level fluctuations with climactic conditions indicate that water is being naturally discharged from the aquifer. The Water Management Board considers natural discharge available for capture. Therefore, based on the record of observation wells, there is reasonable probability unappropriated water is available for this application.

Possibility of Unlawful Impairment of Existing Water Rights

The nearest well completion report on file with the Water Rights Program that is likely to be completed into the same body of outwash is located approximately two miles east of the wells for this application, based on the location indicated by the well driller [2]. There are no water rights/permits completed into the same body of outwash as this application [5]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

Withdrawals from this application may cause drawdown in the aquifer, but it is not likely to be noticeable at the distance the nearest domestic well is from the applicant's wells. There are no complaints of well interference on file with the Water Rights Program in Hamlin County. Therefore, based on the distance between this application and the nearest known users and lack of complaints of well interference on file in Hamlin County, there is reasonable probability this application can be developed without unlawful impairment of existing water rights [8].

Conclusions

1. Water Permit Application No. 8984-3 proposes to appropriate up to 135 ac-ft/yr at a maximum diversion rate of 0.31 cfs from up to two wells completed into the Prairie Coteau aquifer in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 for commercial use in a swine production facility located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; all in T115N-R54W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water users.



Kimberly C. Drennon, E.I. Natural Resources Engineer III
DANR Water Rights Program

References

- [1] SD DANR Geological Survey Program, "Lithologic Logs," Vermillion, South Dakota, 2025.
- [2] Water Rights Program, "Well Completion Reports," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2025.
- [3] USGS, "Bryant NE Quadrangle South Dakota - Hamlin County 7.5-minute Series," U.S. Department of Interior Geological Survey topoView, Reston, Virginia, 2021.
- [4] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River South Dakota and Iowa," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [5] Water Rights Program, "Water Right Permit Files," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2025.
- [6] J. M. Carter and K. M. Nietzert, "Estimated Use of Water in South Dakota, 2005," United States Geological Survey, Reston, Virginia, 2008.
- [7] SD DANR Water Rights Program, "Observation Wells," SD DANR Water Rights Program, Pierre, South Dakota, 2025.
- [8] Water Rights Program, "Complaints Database," S.D. Dept. of Ag. and Nat. Resources, Joe Foss Building, Pierre, SD, 2025.

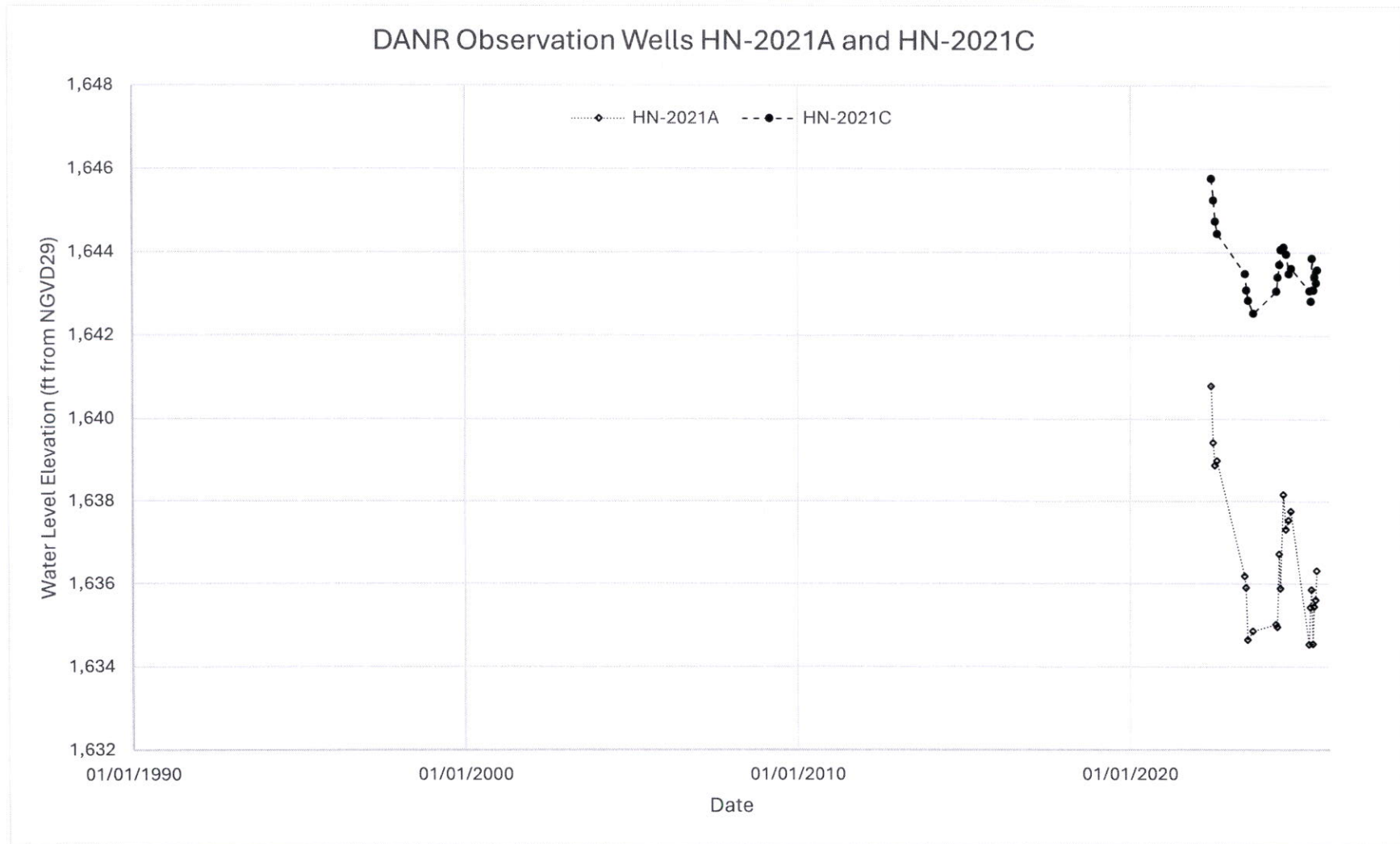
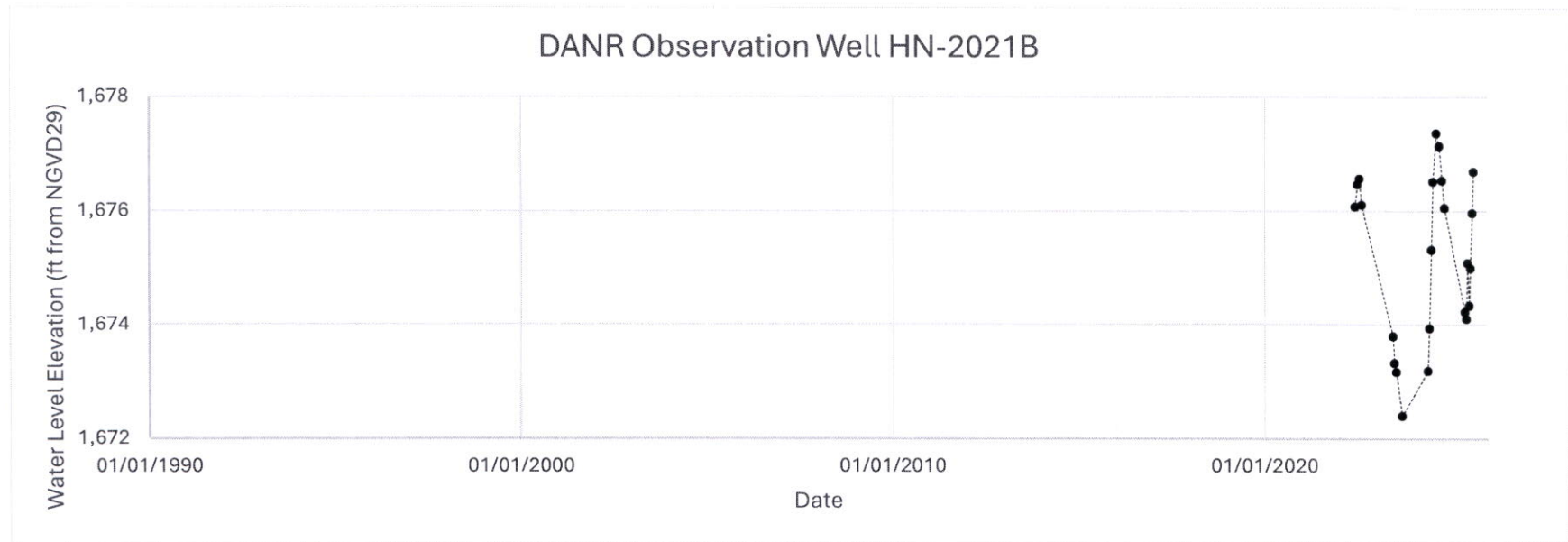


Figure 2: Observation well water levels for DANR Observation Wells HN-2021A and HN-2021C [7]



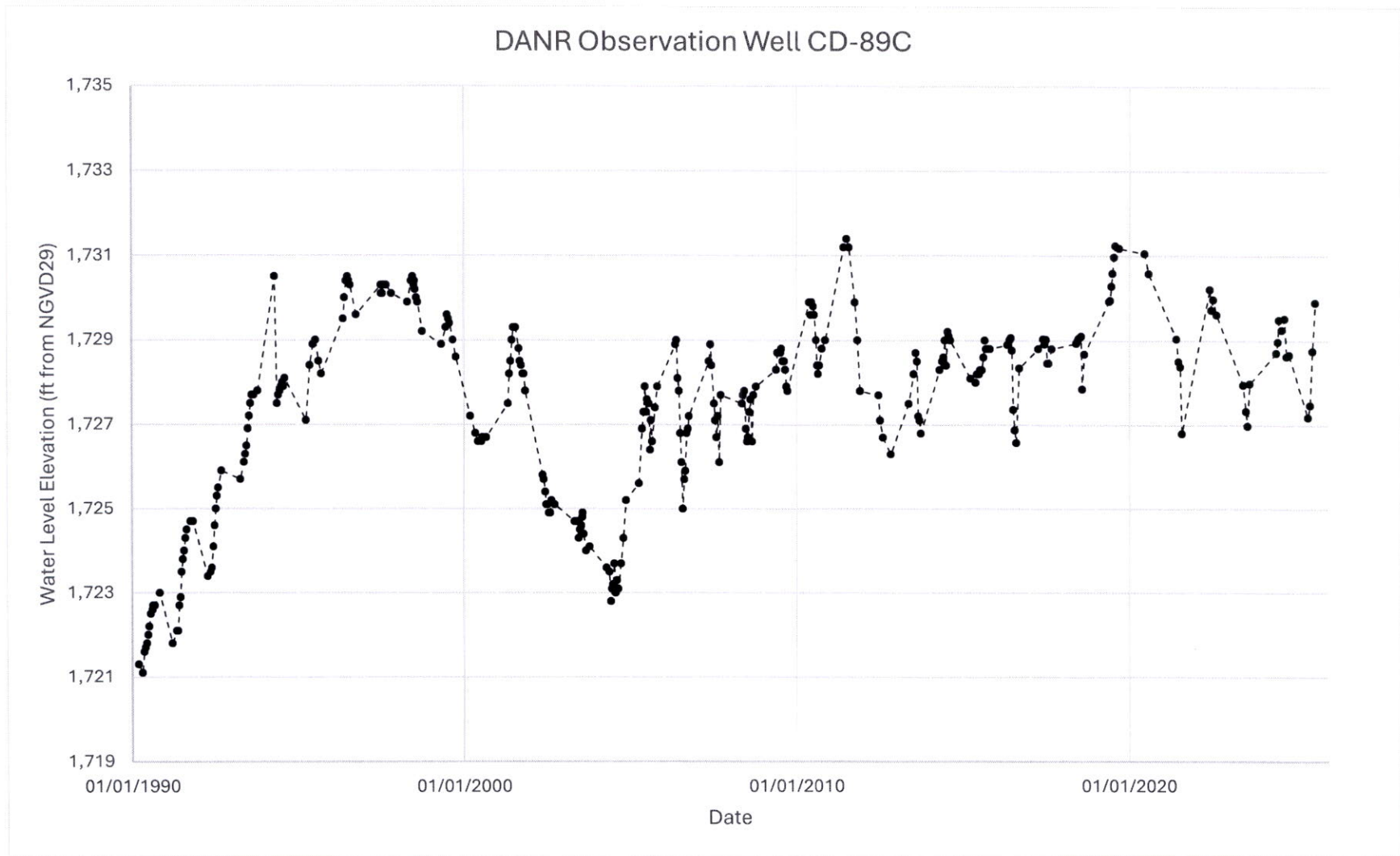


Figure 4: Water levels for DANR Observation Well CD-89C [7]



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

File No. 8984-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: D Lucks Swine, LLC

ADDRESS: 44538 184th St, Hayti SD 57241

DATE: October 2, 2025

PHONE: 605-520-3434

RE: Water Permit Application No. 8984-3

COMMENTS:

I contacted Marty Rost to determine whether the pump rate of 100 gallons per minute (gpm) represented the maximum installed pump rate since the volume of water identified on the application would require both wells to be running approximately 85% of the time. Mr. Rost indicated he would like to pump rate to be increased to 140 gpm which means both wells would need to run approximately 60% of the time.

RECOMMENDED ACTION:

As requested, the pump rate on Application No. 8984-3 has been modified to 140 gpm.

Ron Duvall, Engineer III
SD DANR, Water Rights Program

Rodriguez, Rachel

From: Matt Hudson <matt.hudson@isginc.com>
Sent: Tuesday, September 16, 2025 1:35 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Application
Attachments: D Lucks Permit Application 9-16-2025.pdf

Rachel,
Here is the signed application.
I'll get payment sent in today or tomorrow.

Thanks.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 16, 2025 8:52 AM
To: Matt Hudson <matt.hudson@isginc.com>
Subject: RE: Water Permit Application

Matt,

In looking over the application, I see two issues:

- A review of the Secretary of State's corporation website finds D Lucks Swine, LLC. listed. The signature on the application is not listed as one of its partners, see attachment. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of D Lucks Swine, LLC. on all matters involving the water permit application.
- You indicated there will be two wells. However, I only see one diversion point on the map submitted. I have attached a map with those designations. Please mark the proposed location of both wells with an "X".

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Matt Hudson <matt.hudson@isginc.com>
Sent: Tuesday, September 16, 2025 8:23 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Application

That is correct.
44 million annually
50 gpm from each well so 100 gpm total.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, September 16, 2025 8:19 AM
To: Matt Hudson <matt.hudson@isginc.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Water Permit Application

Received, thank you! Your calculated fees are correct. Can you confirm that the pump rate of 100 gpm is a desired combined rate from the two wells?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Matt Hudson <matt.hudson@isginc.com>
Sent: Monday, September 15, 2025 5:02 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Application

Here is the Permit application for 2 wells drilled at the D Lucks Swine site. I'll get the fee paid tomorrow, I believe it should be \$950.

Thanks.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, September 15, 2025 11:36 AM
To: Matt Hudson <matt.hudson@isginc.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Water Permit Application

If you are looking to have two wells support a single system, that can be done on a single application. However, if each well will feed its own system, separate applications are required, pursuant to SDCL 46-2A-14.

I've attached a blank application form for both irrigation & non-irrigation requests, since our online version is less user friendly.

Please let me know if you have any questions.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

Rodriguez, Rachel

From: Matt Hudson <matt.hudson@isginc.com>
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Cc: Rodriguez, Rachel
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I've attached a blank application form for both irrigation & non-irrigation requests, since our online version is less user friendly.

Please let me know if you have any questions.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Matt Hudson <matt.hudson@isginc.com>
Sent: Monday, September 15, 2025 9:32 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Application

I'm working on a second project now. This site will have 2 wells on it, I assume I have to fill out two separate permit applications?

Also, is there a way I can use the fillable pdf application and print off a completed form without submitting it? I need to fill it out and send it to the owners for their signature.

Thanks.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, September 3, 2025 4:52 PM
To: Matt Hudson <matt.hudson@isginc.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Water Permit Application

Matt,

You are correct that the fees for 10 million gallons (30.68 ac-ft) would be \$300.00.
I will receipt in your application and attachments. Once the fees are received, our Program Assistant, Rachel, will begin review of the application.

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Matt Hudson <matt.hudson@isginc.com>
Sent: Wednesday, September 3, 2025 4:28 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application

Amanda,
While filling this application out and trying to download a pdf to my computer, I somehow submitted it. So you'll have a copy here and already in your system.
I think if I read the instructions correctly and based on our application, we'll owe \$300.
I'll get the money sent in soon.

Let me know if you have any questions.



Matt Hudson
Project Manager
Employee Owner

P 507.387.6651
C 507.317.2526
E Matt.Hudson@ISGInc.com
W ISGInc.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, September 3, 2025 2:41 PM
To: Matt Hudson <matt.hudson@isginc.com>
Subject: Water Permit Application

Matt,

I apologize that our online system does not have a way for you to submit attachments. Please feel free to respond to this email with your application and maps.

Fees may be paid one of two ways.

- 1) Mail a check (payable to SD Water Rights) to: DANR-Water Rights, 523 E Capitol Ave, Pierre SD 57501
- 2) Call our Fiscal Office and submit payment over the phone. (605) 773-5559

Please don't hesitate to reach out with any questions or concerns.

Thank you,



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

December 2, 2025

D Lucks Swine, LLC.
c/o Joe Lakness
44538 184th Street
Hayti SD 57241

Dear Mr. Lakness:

Water Permit Application No. 8984-3 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Hamlin County Herald Enterprise printed at Hayti SD (Ph # 605 793-2293) and the American News printed at Aberdeen SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8984-3 to Appropriate Water

Notice is given that D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, has filed an application for a water permit to appropriate up to 135 acre-feet of water annually at a maximum pump rate of 0.31 cubic feet of water per second from up to two wells completed into the Prairie Coteau Aquifer (80 feet deep) located in the SW 1/4 SE 1/4 Section 29 for commercial use in a swine production facility located in the SW 1/4 SE 1/4 Section 29; all in T115N-R54W. This site is located approximately eight miles northwest of Hayti SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8984-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, 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 Ron Duvall 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 December 22, 2025.

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 December 22, 2025.

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.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 1, 2025 9:30 AM
To: aan-legals@abernnews.com
Subject: 8984-3 D Lucks Swine - Public Notice
Attachments: 8984-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 10, 2025.

D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, 605-520-3434, lakness@hotmail.com and matt.hudson@isginc.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn: Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 1, 2025 9:25 AM
To: LeeAnne Dufek
Subject: 8984-3 D Lucks Swine - Public Notice
Attachments: 8984-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 10, 2025.

D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, 605-520-3434 has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn: Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, December 2, 2025 9:56 AM
To: Rodriguez, Rachel
Cc: lakness@hotmail.com; matt.hudson@isginc.com
Subject: RE: [EXT] 11889688 8984-3 D Lucks Swine - Public Notice
Attachments: 11889688.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on December 10. The order cost is \$54.80 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Monday, December 8 with any changes.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative

 | 
Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, December 1, 2025 9:30 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 11889688 8984-3 D Lucks Swine - Public Notice

Attached is a notice to be published on December 10, 2025.

D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, 605-520-3434, lakness@hotmail.com and matt.hudson@isginc.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn: Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Order Confirmation

Not an Invoice

Account Number:	1572386
Customer Name:	D Lucks Swine Llc
Customer Address:	D Lucks Swine Llc 44538 184Th ST Hayti SD 57241-5100
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	lakness@hotmail.com
PO Number:	

Date:	12/02/2025
Order Number:	11889688
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	166.0000
Height in Inches:	18.3000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/10/2025 - 12/10/2025	Public Notices
ABD aberdeennews.com	1	12/10/2025 - 12/10/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$54.80
Tax Amount	\$0.00
Service Fee 3.99%	\$2.19
Cash/Check/ACH Discount	-\$2.19
Payment Amount by Cash/Check/ACH	\$54.80
Payment Amount by Credit Card	\$56.99

Order Confirmation Amount

\$54.80

Affidavit of Publication

STATE OF SOUTH DAKOTA, County of Hamlin, ss

RECEIVED

JAN 02 2026

OFFICE OF
WATER

LeeAnne Dufek of said County and State being first duly sworn, on her oath says: that The Hamlin County Herald Enterprise is a weekly newspaper of general circulation, printed and published in Hayti in said County and State by LeeAnne Dufek, that the said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said for fifty consecutive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; and has been such newspaper during the time hereinafter mentioned; and that I, LeeAnne Dufek, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all facts stated in this affidavit and that the advertisement headed:

Notice of Application

A printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 1 successive weeks, the first publication made on the 10th day of Dec., 2025, and the last publication on the 10th day of Dec., 2025.

The 1st publication made on the 10th day of Dec. 2025.

The 2nd publication made on the day of 2025.

The 3rd publication made on the day of 2025.

The 4th publication made on the day of 2025.

The 5th publication made on the day of 2025.

The 6th publication made on the day of 2025.

The 7th publication made on the day of 2025.

The full amount of the fees for the publication of the annexed notice is \$ 42.60 and insures solely to the benefit of said publisher; that no agreement or understanding for division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

LeeAnne Dufek

Subscribed and sworn before me this 23rd day of December, 2025.

Heather Schmit

Notary Public

My Commission Expires

My commission expires October 9, 2031

NOTICE OF APPLICATION NO. 8984-3 TO APPROPRIATE WATER

Notice is given that D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, has filed an application for a water permit to appropriate up to 135 acre-feet of water annually at a maximum pump rate of 0.31 cubic feet of water per second from up to two wells completed into the Prairie Coteau Aquifer (80 feet deep) located in the SW 1/4 SE 1/4 Section 29 for commercial use in a swine production facility located in the SW 1/4 SE 1/4 Section 29; all in T115N-R54W. This site is located approximately eight miles northwest of Hayti SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8984-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, 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 Ron Duvall 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 December 22, 2025.

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 December 22, 2025.

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.

Published Dec. 10, 2025, at total cost of \$42.60 and may be viewed online at www.sdpublicnotices.com

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Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

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STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

12/10/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 12/10/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$54.80

Tax Amount: \$0.00

Payment Cost: \$54.80

Order No: 11889688

of Copies:

Customer No: 1572386

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 8984-3 to
Appropriate Water**

Notice is given that D Lucks Swine, LLC., 44538 184th Street, Hayti SD 57241, has filed an application for a water permit to appropriate up to 135 acre-feet of water annually at a maximum pump rate of 0.31 cubic feet of water per second from up to two wells completed into the Prairie Coteau Aquifer (80 feet deep) located in the SW 1/4 SE 1/4 Section 29 for commercial use in a swine production facility located in the SW 1/4 SE 1/4 Section 29; all in T115N-R54W. This site is located approximately eight miles northwest of Hayti SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8984-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, 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 Ron Duvall 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

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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 December 22, 2025.

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.

Published on Dec 10, 2025 at the total approximate cost of \$54.80 and may be viewed free of charge at www.sdpublicnotices.com.

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WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, December 2, 2025 10:11 AM
To: lakness@hotmail.com; matt.hudson@isginc.com
Subject: 8984-3 D Lucks Swine - Public Notice
Attachments: 8984-3 Rec.pdf; 8984-3 Ltr.pdf; 8984-3 PubNotice.pdf; AmericanNews Info.pdf

Good morning,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAR 02 2026

D Lucks Swine
c/o Joe Lakness
44538 184th Street
Hayti SD 57241

Dear Mr. Lakness:

Enclosed is Water Permit No. 8984-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8984-3

Name of Applicant: D Lucks Swine, LLC.

Date of Posting: 12/8/2025

Date of Removal: 3/2/2026


Amanda Dewell, Permitting Administrator

3/2/2026

Date

Subscribed and sworn to before me, a notary public, this 2nd day of Mar, 2026.


Notary Public - South Dakota
My commission expires: **Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)

