

**Do Not License
This Is A
Temporary
Water Permit**

WATER PERMIT NO. 9027-3

Name of Applicant: **FermentationExperts USA, LLC.**

Address: **1201 North Ellis Road, Sioux Falls SD 57107**

Phone: **605-338-9775**

Amount of Water Claimed: **46 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Industrial**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **Approx. 1.5 miles west of Sioux Falls**

PRIORITY

Date Received: **01-08-26**

Application/License Fee: **\$700.00**

Corrected Application Received: **02-24-26**

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

Remarks:

Diversion Point: **SE 1/4 SE 1/4 Sec 9-T101N-
R50W**

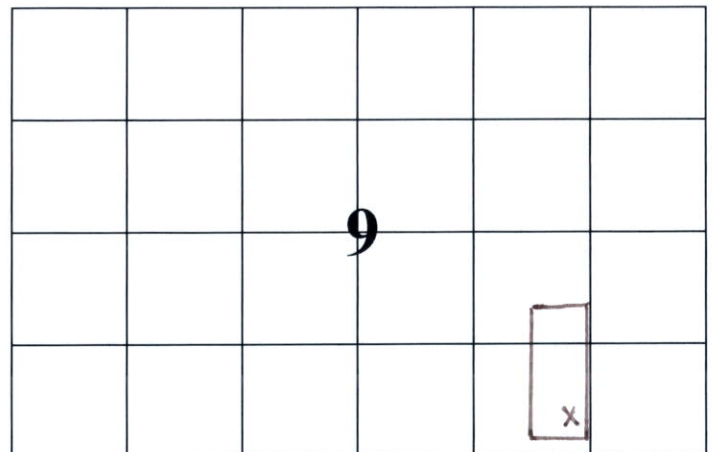
Land to be Irrigated: **N/A**

Depth of Well: **27**

Well Driller: **Putzke Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **02-24-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 9027-3

Date of first receipt of application January 8, 2026.

Date of return to applicant for corrections, amendments or changes January 8, 2026.

Date of receipt of corrected application February 24, 2026.

The Chief Engineer, on behalf of the Water Management Board, issues Temporary Use Water Permit No. 9027-3 to FermentationExperts USA, LLC., 1201 North Ellis Road, Sioux Falls SD 57107, 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. Temporary Use Water Permit No. 9027-3 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.
2. The water appropriated shall be used for the purpose of industrial 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 Temporary Use Water Permit No. 9027-3 is May 11, 2026.
5. The date from which applicant may claim right is January 8, 2026.
6. One-fifth of the construction is to be completed on or before November 11, 2028.
7. All construction is to be completed on or before May 11, 2031.
8. Water is to be put to beneficial use on or before May 11, 2035.
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 city of Sioux Falls has priority right to this water under future use withdrawal permits. Water Permit No. 9027-3 is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to this prior right if or when the City of Sioux Falls develops their reserve water supply. Temporary Use Water Permit No. 9027-3 may be subject to cancellation when the water reserved under the future use permit is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. The well approved under Temporary Use Water Permit No. 9027-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Southern Skunk Creek management unit of the Big Sioux Aquifer.

WATER MANAGEMENT BOARD

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

JUN 18 2026

date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9027-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>
	Newspaper <u>Argus Leader</u> <u>Hartford Minnehaha Messenger</u> (office use only)

RECEIVED

JAN 08 2026

Water Rights
Program

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☒ Industrial	☐ Other _____	

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 Fermented Feed Group, LLC Fermentation Experts USA, LLC
Mailing Address 1201 North Ellis RD Sioux Falls SD 57107
(Address) (City) (State) (Zip Code)
Phone (605)338-9775 Mobile (605)860-0005 Email Brandon@Fermexusa.com
- Amount of water claimed 0.064 *CFS or 28.75 **GPM and 46 ***AF or _____ 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 Big Sioux : SSC Aquifer (SE 1/4 SE 1/4)
- Location of point of diversion 1 well in Lot 1 Tract 1 SE 1/4 9 101 50 Wayne Township County Minnehaha
(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 Minnehaha
- Annual period during which water is to be used Year Round Constant
- 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)

I, Belle Dickson Controller, the applicant, certify under
Name of Person Title (if applicable)

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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

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Water Rights
Program

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

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

a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Putzke Well Driller
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 27 Depth to Top of Water Bearing Material 12 Depth to Water from Surface 8

d) Distance to nearest domestic well on applicant's property .5 miles Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic Tank

b) System Capacity (gallons) 1000 Year Constructed Not sure

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)

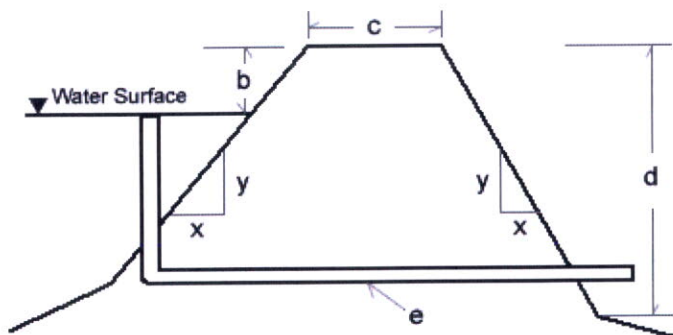
Upstream _____

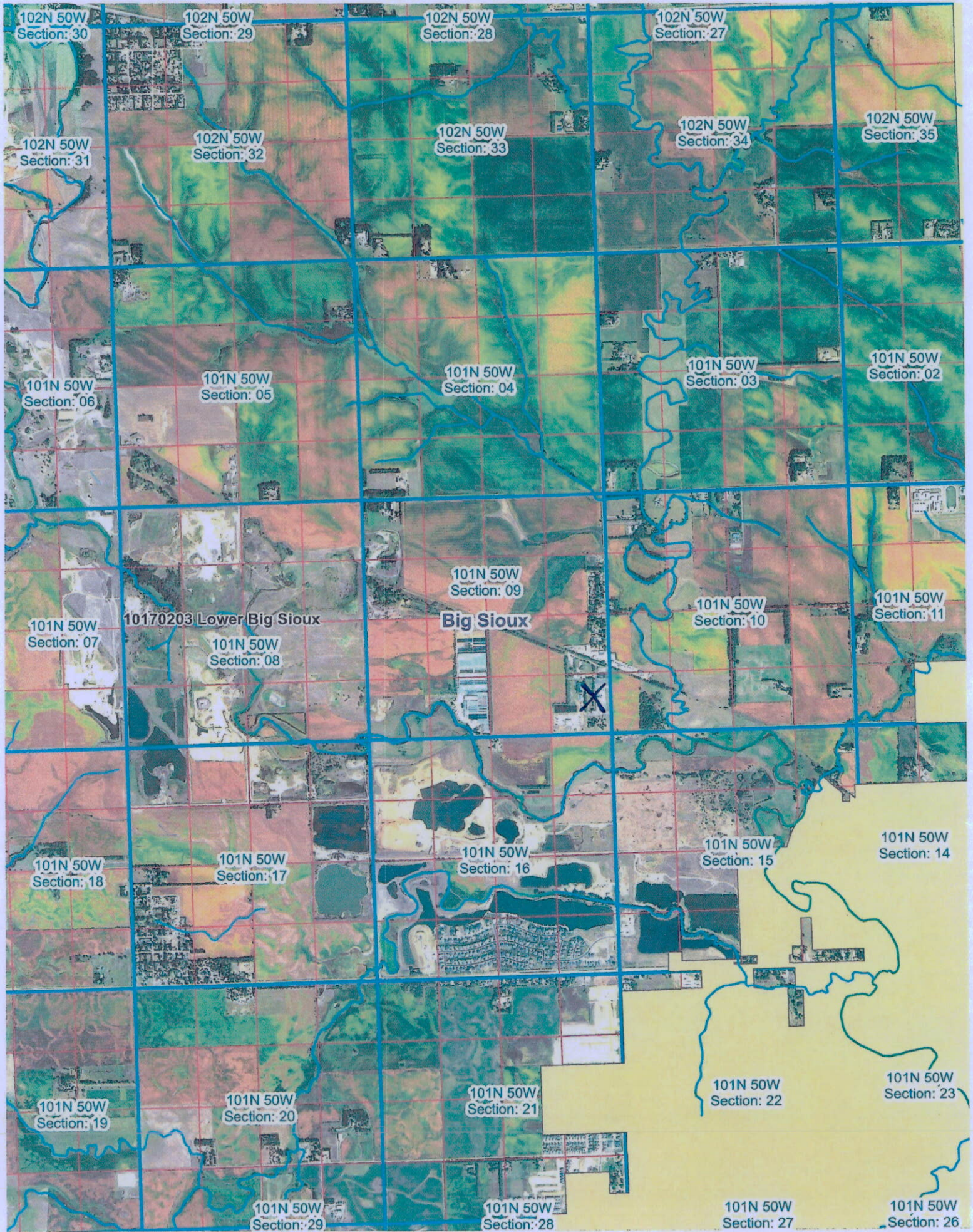
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





102N 50W
Section: 30

102N 50W
Section: 29

102N 50W
Section: 28

102N 50W
Section: 27

102N 50W
Section: 35

102N 50W
Section: 31

102N 50W
Section: 32

102N 50W
Section: 33

102N 50W
Section: 34

101N 50W
Section: 06

101N 50W
Section: 05

101N 50W
Section: 04

101N 50W
Section: 03

101N 50W
Section: 02

101N 50W
Section: 07

10170203 Lower Big Sioux

101N 50W
Section: 09

Big Sioux

101N 50W
Section: 08

101N 50W
Section: 10

101N 50W
Section: 11

101N 50W
Section: 18

101N 50W
Section: 17

101N 50W
Section: 16

101N 50W
Section: 15

101N 50W
Section: 14

101N 50W
Section: 19

101N 50W
Section: 20

101N 50W
Section: 21

101N 50W
Section: 22

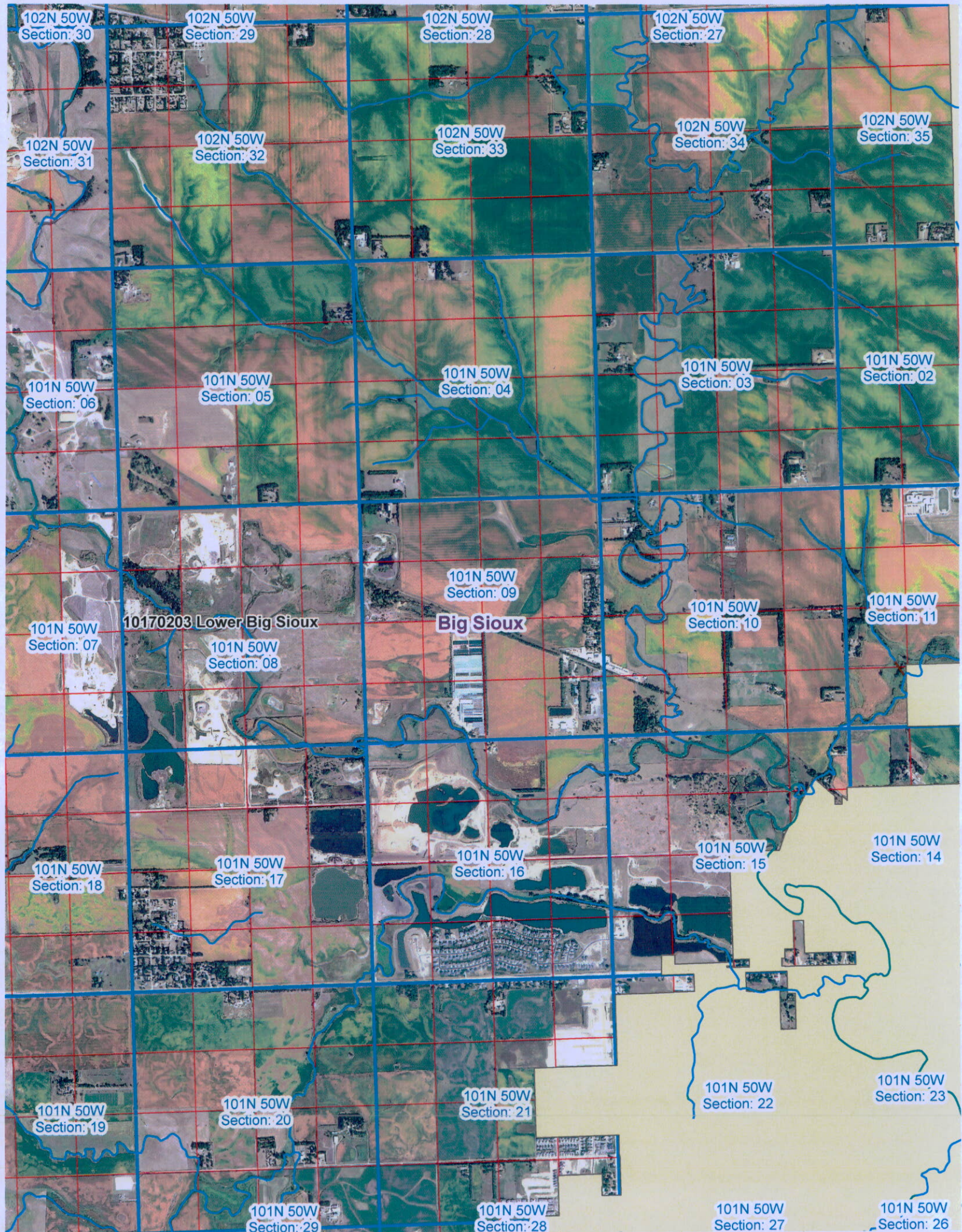
101N 50W
Section: 23

101N 50W
Section: 29

101N 50W
Section: 28

101N 50W
Section: 27

101N 50W
Section: 26



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JAN 16 2026

OFFICE OF
WATER

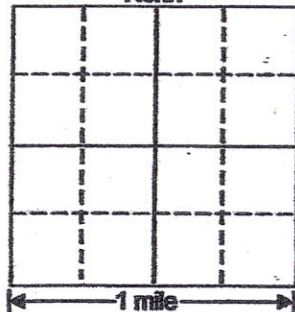
SOUTH DAKOTA WELL AND TEST HOLE

Lot 1, Tract 1

Location 1/4 SE 1/4 Sec 9 Twp 101 Rg 50County
Minnehaha(Wayne)
NorthPlease mark well
location with
an "X"

W

E



1 mile

Well Owner:

Name:

Fermentation Experts

Address:

1201 North Ellis Rd

City, State, Zip:

Sioux Falls S.D 57107

Comments:

Plugging Completion Date

1-6-2026

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth

Casing material

Casing size(s)

Casing condition

Hole depth

Hole size

0-2 Top Soil

2-12 Yellow clay

12-22 Sand

22-27 Bluzcl

57' Granite

Describe plugging procedure:

Run tri-cure line bottom of Test Hole Pump DP Grout to
TOP OF Hole

Describe grout or plugging material:

Type of non-slip plug:

This well or test hole was plugged under license # 439 and this report is true and accurate.Drilling firm: Dave Putzke Well Drilling & Repair, Inc.

Signature of Licensed Representative:

Dave Putzke

Signature of Well Owner:

Date:

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JAN 16 2026

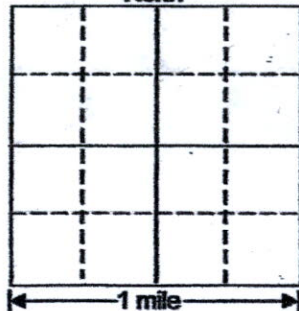
OFFICE OF
WATER

SOUTH DAKOTA WELL AND TEST HOLE

Lot 1, Tract 1
Location 1/4 SE 1/4 Sec 9 Twp 101 Rg 50County
Minnehaha(Wayne)
NorthPlease mark well
location with
an "X"

W

E

Plugging Completion Date 1-6-2026

Well Owner:

Name: Fermentation ExpertsAddress: 1201 North Ellis RdCity, State, Zip: Sioux Falls S.D 57107

Comments:

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth _____

Casing material _____

Casing size(s) _____

Casing condition _____

Hole depth 27' 22-27 Blue clayHole size 4 3/4" 57' Granite0-2 Top Soil2-12 Yellow clay12-22 Sand

Describe plugging procedure:

Run tri-cure line bottom of Test Hole Pump DP Grout TO
TOP OF Hole

Describe grout or plugging material:

Type of non-slip plug: _____

This well or test hole was plugged under license # 439 and this report is true and accurate.Drilling firm: Dave Putzke Well Drilling & Repair, Inc.Signature of Licensed Representative: Dave Putzke

Signature of Well Owner: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 24, 2026

RECEIVED OF Fermentation Experts USA, LLC 1201 North Ellis Road Sioux Falls SD 57107

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

Fee for Application for Permit No. <u>9027-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>9027-3</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. <u>773</u>	\$ <u>500.00</u>
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>700.00</u>

By

Adam Hathorn
Chief Engineer



533278314

ANNUAL REPORT

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

Foreign Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2025
FILING YEAR

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

Filing Fee: \$55

Late Fee: \$55

Total Fee: \$110

1. Business ID and Name:

FL006591
BUSINESS ID

FERMENTATIONEXPERTS USA, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **DELAWARE**

3. The address of the principal executive office (business address):

Actual Street Address

1201 NORTH ELLIS ROAD
SIOUX FALLS, SD 57107

Mailing Address

1201 NORTH ELLIS ROAD
SIOUX FALLS, SD 57107

4. 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 **ERIC R WILSON**

Actual Street Address in this State

1201 N ELLIS ROAD
SIOUX FALLS, SD 57101

Mailing Address in this State

4202 HEATHCOTE ROAD
WAYZATA, MN 55391

5. If the LLC is manager-managed, list the names and addresses of its manager(s). SDCL 59-11-24. If the LLC is member-managed, this section may be left blank

6. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.

Does the entity have any foreign beneficial owners/interests?



N/A

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

7. 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.

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).

01/05/2026

Dated

Email (Optional)

Beth Larson Rickel

Signature of an Authorized Person

Beth Larson Rickel

Printed Name

B0400-6467 01/05/2026 9:24AM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 9027-3, FementationExperts USA, LLC.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 9027-3, FermentationExperts USA, LLC., 1201 North Ellis Road, Sioux Falls SD 57107.

The Chief Engineer is recommending 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 with the following qualifications:

1. The city of Sioux Falls has priority right to this water under future use withdrawal permits. Permit No. 9027-3 is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to this prior right if or when the City of Sioux Falls develops their reserve water supply. Permit No. 9027-3 may be subject to cancellation when the water reserved under the future use permit is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. The well approved under Permit No. 9027-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Southern Skunk Creek management unit of the Big Sioux Aquifer .

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
April 24, 2026

Report to the Chief Engineer
On Temporary Water Permit Application No. 9027-3
Fermentation Experts USA

April 23th, 2026

Water Permit Application No. 9027-3 proposes to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.064 cubic feet per second (cfs) from one well to be completed into the Big Sioux: Southern Skunk Creek aquifer (approximately 27 feet deep) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 1-Tract 1) Section 9 for industrial use in a hog feed production facility located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; all in T101N-R50W. This site is located in Minnehaha County, approximately one mile west of Sioux Falls, SD.

AQUIFER: Big Sioux: Southern Skunk Creek (BS:SSC)

HYDROGEOLOGY:

Lindgren and Niehus (1992) called the aquifer that this application proposes to appropriate water from the Skunk Creek aquifer. However, the aquifer will be referred to as the Big Sioux: Southern Skunk Creek aquifer in this report based on the naming convention and management units from Hedges and others (1982) and as adopted by the Water Rights Program and accepted by the Water Management Board.

The Big Sioux: Southern Skunk Creek aquifer is a Quaternary aged, surficial, glacial aquifer that underlies the Southern portion of the Skunk Creek floodplain (Hedges and others, 1982; Lindgren and Niehus, 1992). The aquifer underlies a total of 9,700 acres of Minnehaha County as seen in Figure 1 (Hedges and others, 1982). Iles and Frykman (1991) estimated the saturated thickness ranges between 4 to 74 feet. The aquifer is made up of fine to coarse sand and fine to medium gravel which can locally contain thin silty clay layers (Lindgren and Niehus, 1992). This aquifer is primarily under unconfined conditions (Lindgren and Niehus, 1992). The direction of ground water movement is generally towards and along Skunk Creek (Lindgren and Niehus, 1992).

Geologic information for a test hole was submitted with the application. The test hole was completed and plugged on January 6th, 2026, and located in the same approximate location as the proposed diversion point (Water Rights, 2026d). The test hole geology report and nearby well completion reports indicate the proposed diversion point is completed into the Big Sioux: Southern Skunk Creek aquifer with the top of aquifer bearing material (sand) at 12 feet below the ground surface, with a static water level of around 10 feet below ground surface, and a saturated aquifer thickness of approximately 10 feet (Water Rights, 2026d, SDGS, 2026). The geologic materials encountered above the sand at 12 feet below land surface appear to be relatively permeable which aligns with other nearby well completion reports and lithologic logs (SDGS, 2026; Water Rights, 2026d). Since other nearby water well completion reports also indicate unconfined conditions, the aquifer at the proposed diversion point for this application is expected to be unconfined.

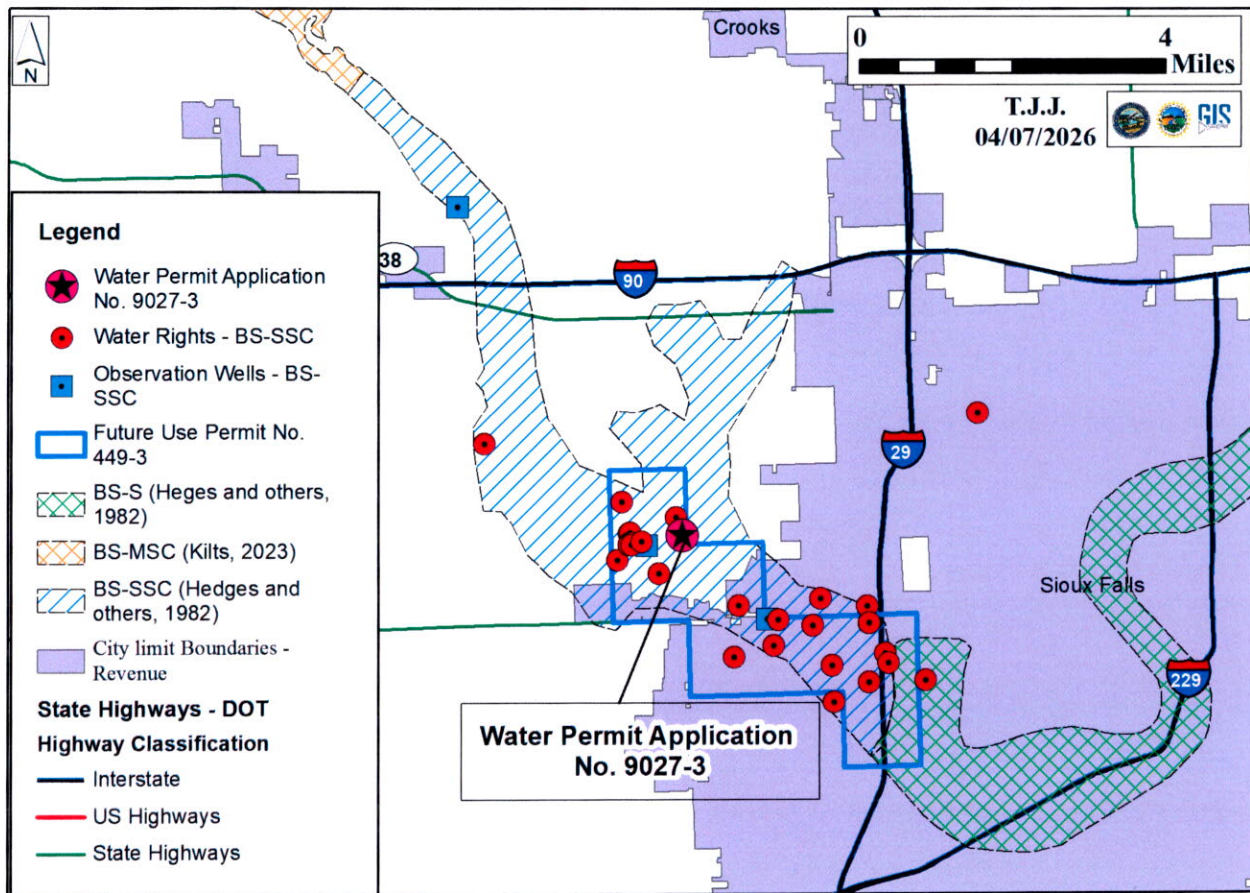


Figure 1. Map showing the approximate boundaries of the Big Sioux: Southern Skunk Creek (BS:SSC), Big Sioux: Middle Skunk Creek (BS:MSC), and Big Sioux: South (BS:S) aquifers (Hedges and others, 1982; Kilts, 2023), Big Sioux: Southern Skunk Creek observation wells/water rights (Water Rights, 2026b and 2026c), and the location of proposed diversion point for Water Permit Application No. 9027-3.

South Dakota Codified Law (SDCL)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Big Sioux: Southern Skunk Creek aquifer.

SDCL 46-5-39 and SDCL 46-5-40

Pursuant to SDCL 46-5-39, temporary appropriations may be authorized from undeveloped future use permits using the permitting procedure of SDCL Chapter 46-2A. A future use permit is a permit reserving water for contemplated future needs upon a showing of availability of

unappropriated water and future need, which can be issued to entities identified in SDCL 46-5-38, such as municipalities or nonprofit rural water supply companies.

Pursuant to SDCL 46-5-40 the Chief Engineer must give at least six months' notice prior to the cancellation of a temporary use permit. The temporary use permit may not be cancelled prior to the time at which facilities are constructed and water put to beneficial use by the entity holding the future use permit.

WATER AVAILABILITY:

Water Permit Application No. 9027-3 proposes to appropriate water from the Big Sioux: Southern Skunk Creek aquifer management unit for industrial use. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires,

"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 water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn Formation in excess of the average estimated annual recharge for use by water distribution systems."

The Big Sioux: Southern Skunk Creek aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Southern Skunk Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Southern Skunk Creek aquifer is received primarily through infiltration of precipitation, seepage from surface water, and inflow from the Wall Lake & Big Sioux: Middle Skunk Creek aquifers (Iles and Frykman, 1991; Lindgren and Niehus, 1992). Using observation well analysis, Hedges and others (1985) estimated a recharge rate of 2.7 inches per year for the Big Sioux: Southern Skunk Creek aquifer. The Big Sioux: Southern Skunk Creek aquifer has an estimated areal extent of approximately 9,700 acres (Hedges and others, 1982). Therefore, the average annual recharge rate for the Big Sioux: Southern Skunk Creek aquifer (based on Hedges and others, 1985 & 1982) is estimated to be approximately 2,183 acre-feet/year.

Ohland (1990), while working for the United States Geological Survey (USGS), modeled the approximate areas of the Big Sioux: Southern Skunk Creek and Big Sioux: Middle Skunk Creek aquifers. As part of modeling efforts, Ohland (1990) estimated the recharge (from 1978 to 1985)

of the combined area to be 5.9 inches per year through observation well analysis and 11 inches per year through stream flow analysis. Ohland (1990) water levels and precipitation data were generally higher in the early to mid-1980s compared to data from the late 1970s.

Barari and others (1989) consulted with the USGS on what the estimated sustainable yield for the aquifer was under normal conditions. Based on modeling work by the USGS, the sustainable yield was estimated at 3.6 million gallons per day (4,032 acre-feet per year) (Barari and others, 1989). Sustainable yield is a general estimate of the amount for groundwater that can be withdrawn from an aquifer without causing negative impacts. While sustainable yield is not a direct estimate of average annual recharge, when taking into consideration the recharge analysis work by Ohland (1990), the average annual recharge to the aquifer could be closer to 4,032 acre-feet per year.

Discharge

Discharge from the Big Sioux: Southern Skunk Creek aquifer occurs primarily through seepage to Skunk Creek, well withdrawals, outflow to the Big Sioux: South aquifer and evapotranspiration in areas where the aquifer is at or near land surface (Lindgren and Niehus, 1992; Water Rights, 2026d). Currently, there are 20 water rights/permits authorized to appropriate water from the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026c). There is one future use permit (Future Use Permit No. 449-3 held by the City of Sioux Falls) reserving 5,430 acre-feet/year of water from the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026c). Future Use permits are assumed to be fully developable for the purpose of estimating withdrawals. While some parts of the future use area for Future Use Permit No. 449-3 fall outside of the currently mapped boundaries of the aquifer (Kilts, 2024), it is assumed that the future use permit will be developed entirely from the Big Sioux: Southern Skunk Creek aquifer.

Table 1 summarizes the 14 standard non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Southern Skunk Creek aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Withdrawals were estimated by assuming that water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. Water rights/permits limited only by a diversion rate are assumed to pump at their maximum permitted diversion rate for 60 percent of the time. These are standard methods used by the DANR-Water Rights Program for estimating annual withdrawals. Overall, the total estimated annual non-irrigation withdrawal rate from the Big Sioux: Southern Skunk Creek aquifer is approximately 1,881 acre-feet (Table 1) (Water Rights, 2026c). However, based on the following discussion, not all of the appropriated water is being used resulting in an estimated use of 558 acre-feet (Table 1) (Water Rights, 2026c).

The water source for Water Permit No. 7201-3 is a dugout/pond with a location and depth capable of receiving water from the aquifer (Water Rights, 2026c). This permit is for commercial use in a rock and sand washing operation, which implements recycling and reuse (Water Rights, 2026c). Due to the recycling and reuse of water, the actual consumptive use of water is likely less than the estimate.

Water Right Nos. 5142-3 and 5346-3, held by Magellan Pipeline Company, are likely subject to partial or full cancellation due to non-use. In 2008, it was determined that no additional remediation would be required for the spill these two water rights are associated with, so further pumping for groundwater remediation would not be required at the site by the regulatory agency overseeing spill cleanup (ICR, 2025). Additionally, the Water Rights Program has on file what appears to be plugging reports for several of the recovery wells for Water Right No. 5142-3 (Water Rights, 2026c). Therefore, average annual withdrawal for Water Right Nos. 5142-3 and 5346-3 is estimated to be zero acre-feet.

Water Right No. 6276-3 held by Dakota Aggregate Resource, is likely subject to partial or full cancellation due to nonuse. The last annual report for the operation filed with the DANR Minerals, Mining, and Superfund Program (MMS) indicates, the operator went bankrupt in 2016, was served a notice of violation in 2016, and the bond for the operation was released in 2022 (MMS, 2025; Kilts, 2024). MMS (2025) lists the sand and gravel operation as “inactive” and last use of the site was likely in 2016. Therefore, average annual withdrawal for Water Right No. 6276-3 is estimated to be zero acre-feet.

Water Right Nos. 2304-3, 4159-3, 4463-3, 5210-3, and 5713-3 were all associated with supplying water to mobile home parks under the same ownership at the time of licensing (Water Rights, 2026c). These mobile home parks were all inactivated as public water systems in the 1990s, when they connected to city water (Kilts, 2024; Water Rights, 2026c). If these wells are being maintained as backup water, use from the wells is likely limited. Therefore, average annual withdrawal for Water Right Nos. 2304-3, 4159-3, 4463-3, 5210-3, and 5713-3 is estimated to be zero acre-feet.

Water Right No. 4913-3 is held by Tower Tourist Camp. The campground was inactivated as a public water system in the 1990s, when they connected to city water (Kilts, 2024; Water Rights, 2026c). The file for Water Right No. 4913-3 notes that in 2000 some lawn watering was occurring at the time (Water Rights, 2026c). Although it is likely an overestimate, average annual withdrawal for Water Right No. 4913-3 is estimated to be pumping 60% of the time at the permitted diversion rate.

Water Right No. 5729-3 is held by Holiday Mobile Home Park. This mobile home park was inactivated as a public water system in the 1990s, when they connected to city water (Kilts, 2024; Water Rights, 2026c). If these wells are being maintained as backup water, use from the wells is likely limited. Therefore, average annual withdrawal for Water Right Nos. 5729-3 is estimated to be zero acre-feet.

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (ac-ft)	60% Pumpage (ac-ft)	Estimated Withdrawal (ac-ft)
746A-3	CHS Inc.	LC	IND, DOM, LCO	0.330	N/A	143	143
2304-3	Weeg Trailer Park	LC	COM	0.020	N/A	9	0
4159-3	Don Weeg	LC	COM	0.670	N/A	291	0
4463-3	Pine Knoll Inc.	LC	COM	0.020	N/A	9	0
4913-3	Tower Tourist Camp	LC	COM, DOM	0.070	N/A	30	30
5142-3	Magellan Pipe Line Co. LLC	LC	IND	0.130	N/A	56	0
5210-3	Pinecrest Inc.	LC	SHD	0.220	N/A	96	0
5346-3	Magellan Pipe Line Co. LLC	LC	IND	0.223	N/A	97	0
5713-3	Pinecrest Inc.	LC	SHD	0.830	N/A	361	0
5729-3	Holiday Mobile Park	LC	COM	0.330	N/A	143	0
5916-3	Natural Beauty Growers LLC	LC	COM	0.460	N/A	200	200
6116-3	Falls Homes	LC	COM	0.011	N/A	5	5
6276-3	Dakota Aggregate Resource	LC	COM	0.600	N/A	261	0
7201-3*	LG Everist Inc.	PE	COM	2.230	180	180	180
PE Permit, LC License, COM Commercial, IND Industrial, DOM Domestic, SHD Suburban Housing Development, LCO Livestock Confinement Operation *Permit indicates recycling and reuse of water, so the actual use is likely less than estimated.					Total:	1,881	558

Currently, there are three irrigation water rights/permits appropriating water from the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026c). These irrigation water rights/permits have been authorized to irrigate a total of 490 acres. All three irrigation water rights have been active since 2004. The average annual reported withdrawal rate for the Big Sioux: Southern Skunk Creek aquifer active irrigation water rights/permits from 2015 to 2023 is approximately 186 acre-feet per year (Table 2) (Water Rights, 2026a).

Table 2. Reported historic irrigation use from the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026a)

Year	Number of Permits	Reported Pumpage (ac-ft)	Year	Number of Permits	Reported Pumpage (ac-ft)
1982	1	47	2004	3	261
1983	1	24	2005	3	243
1984	1	27	2006	3	266
1985	1	32	2007	3	204
1986	1	55	2008	3	201
1987	1	173	2009	3	140
1988	1	73	2010	3	96
1989	1	0	2011	3	141
1990	2	0	2012	3	229
1991	2	25	2013	3	211
1992	2	16	2014	3	149
1993	2	11	2015	3	175
1994	2	25	2016	3	181
1995	2	70	2017	3	172
1996	2	199	2018	3	92
1997	2	68	2019	3	63
1998	2	97	2020	3	258
1999	2	37	2021	3	224
2000	2	59	2022	3	185
2001	2	58	2023	3	313
2002	2	53	2024	3	196
2003	2	50	Average (1982-2024)	2	121
			Average (2015-2024)	3	186

There are domestic wells completed into the Big Sioux: Southern Skunk Creek aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2026d). Due to their relatively low diversion rates and prevalence of water distribution systems, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: Southern Skunk Creek aquifer is present; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Big Sioux: Southern Skunk Creek aquifer.

Temporary Use Permits

SDCL 46-5-39 allows for the issuance of temporary use permits for the temporary use of water reserved by future use permits. Currently, there are three active temporary use permits (Nos. 8427-3, 8853-3, & 8916-3). Temporary Use Permit No. 8427-3 appropriates up to 589 acre-feet of water annually from a pond/dugout for commercial use in a sand and gravel operation (Water Right, 2026c). The water is to be recycled by discharge to a settling pond and then diverted back to the pond for reuse (Water Right, 2026c). Due to the recycling, the consumptive use of water will likely be much lower than the permitted maximum volume. Although the permit has reported zero acre-feet use in 2021 to 2024, the permit is still within the five-year construction period. The maximum annual volume of 589 acre-feet will be used as an estimate, until sufficient

reporting data is available to more accurately estimate the average annual use. Temporary Use Permit No. 8853-3 appropriates up to 6 acre-feet of water annually for dewatering a gravel pit for industrial use (Water Right, 2026c). Temporary Use Permit No. 8853-3 was approved in 2024, so the maximum annual volume of 6 acre-feet will be assumed, until sufficient reporting data is available to more accurately estimate the average annual use. Temporary Use Permit No. 8916-3 appropriates up to 0.024 acre-feet of water annually for municipal use (Water Right, 2026c). Temporary Use Permit No. 8916-3 was approved in 2024, so the maximum annual volume of 0.024 acre-feet will be assumed, until sufficient reporting data is available to more accurately estimate the average annual use.

This application, if approved, proposes to appropriate up to 46 acre-feet of water annually for industrial use. Together, this application and Temporary Use Permit Nos. 8427-3, 8853-3, & 8916-3 appropriate 641.024 acre-feet annually for temporary use. That volume estimate is much less than the amount of water reserved by Future Use Permit No. 449-3. Currently, there is not a method in South Dakota codified law or administrative rule for turning a temporary use permit issued from water reserved by future use under SDCL 46-5-39 into a regular water right.

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Southern Skunk Creek aquifer is an estimated range from about 2,183 to 4,032 acre-feet/year (Table 3) (Hedges and others, 1985 & 1982; Barari and others, 1989). Average annual appropriative withdrawals (excluding temporary use permits) are estimated at approximately 6,174 acre-feet/year (Table 3) (non-irrigation: 558 acre-feet per year, irrigation: 186 acre-feet per year, and future use: 5,430 acre-feet per year). Therefore, water is not available to issue a new regular water permit from the aquifer.

Pursuant to SDCL 46-5-39, temporary use permits may be authorized from undeveloped future use permits. Based on the currently available information on the water rights/permits, estimated average annual appropriative pumpage from the aquifer is 1,385.024 acre-feet (non-irrigation: 558 acre-feet per year, irrigation: 186 acre-feet per year, temporary use water permits and this application: 641.024 acre-feet per year). In addition, 5,430 acre-feet of water per year is reserved in existing future use permits. Given the best information currently available, there is a reasonable probability that water is available to issue this application only as a temporary use water permit out of undeveloped future use (Future Use Permit No. 449-3) pursuant to SDCL 46-5-39. Temporary use permits are subject to cancellation upon six months notice to the permit holder when water permits are approved which authorize construction and placing reserved water to beneficial use from existing future use permits that results in withdrawals exceeding recharge to the Big Sioux: Southern Skunk Creek aquifer.

The priority date for Future Use Permit No. 449-3 is April 8, 1957 (Water Rights, 2026c). The reserved volume for future use exceeds all estimates of average annual recharge for the Big Sioux: Southern Skunk Creek aquifer. Only Water Right No. 4463-3 has a priority date senior to Future Use Permit No. 449-3. If Future Use Permit No. 449-3 is developed, annual reporting of water use for all water rights/permits in the aquifer will be necessary to maintain a balance of recharge and discharge, while putting the water in the aquifer to maximum beneficial use.

Table 3. List of water rights/permits withdrawals (Water Rights, 2026a & 2026c), estimated use of temporary use permits, future use permit, this application (if approved), and recharge to the Big Sioux: Southern Skunk Creek aquifer (Hedges and others, 1985 & 1982; Barari and others, 1989)

	Hydrologic Budget for the Big Sioux: Southern Skunk Creek Aquifer (ac-ft/yr)
Non-Irrigation Estimated Use	558
Irrigation Reported Use (2015-2024)	186
Temporary Use Permits (Nos. 8427-3, 8853-3, & 8916-3)	595.024
Current Estimated Withdrawal	1,339.024
Future Use Permit No. 449-3	5,430
Pending Application (9027-3)	46
Estimated Recharge	2,183 – 4,032

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR-Water Rights Program monitors three observation wells completed into the Big Sioux: Southern Skunk Creek aquifer (Water Rights, 2026b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion point are MA-80X (approximately 0.5 miles west), MA-80Y (approximately 1.6 miles southeast), and MA-78F (approximately 5.2 miles northwest) (Water Rights, 2026b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2026b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It should be noted that observation well MA-80Y has no recorded measurements after 2018. The well has not been located since 2019 and was likely destroyed between September 2018 and June 2019. Although MA-80Y has no recent data, the historic data can still be analyzed. In this case, review of MA-80Y is used because of the limited number of observation wells completed into the aquifer and the water levels in MA-80Y were representative of the water levels in the aquifer in general. The data from the hydrographs in Figure 2 show a stable trend.

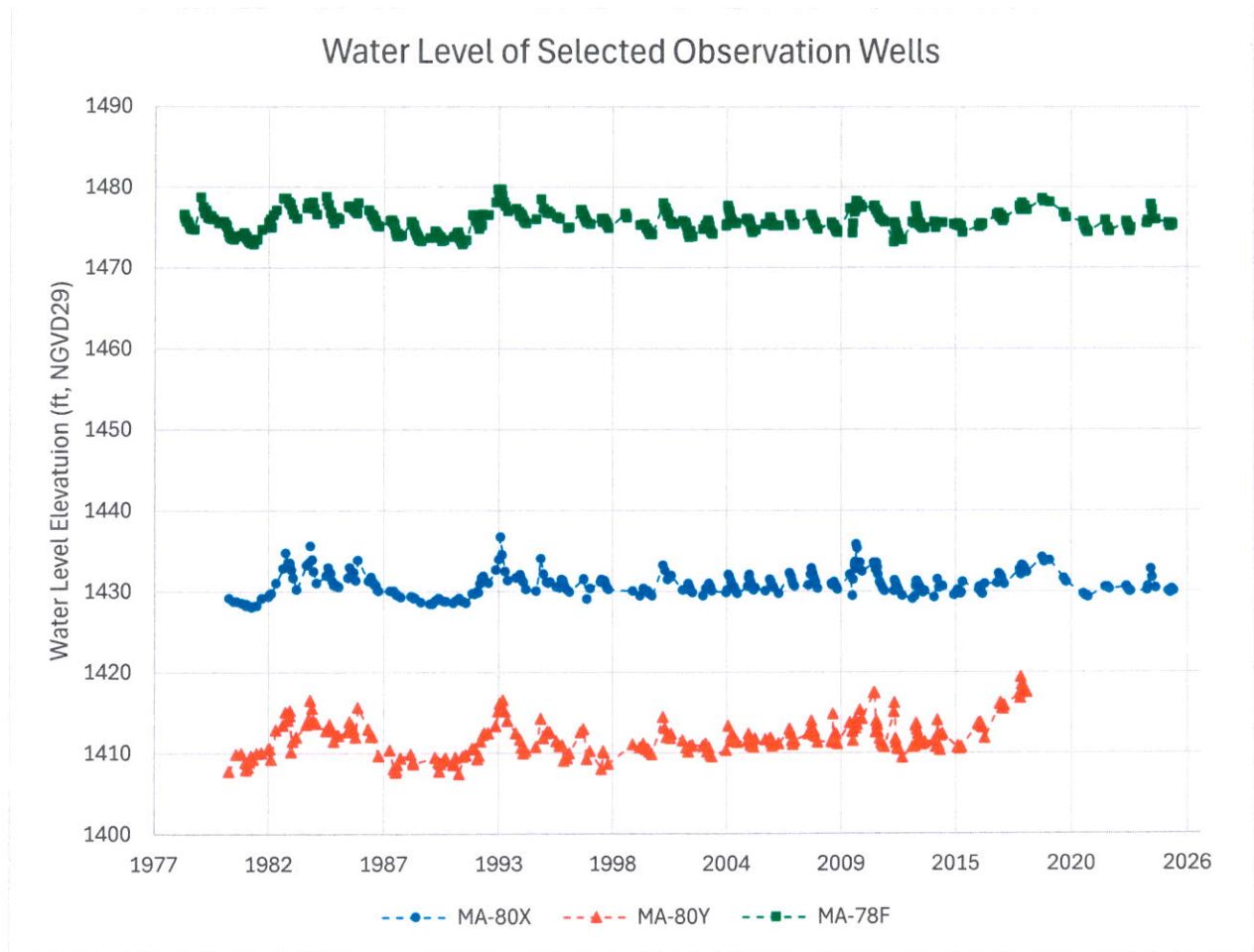


Figure 2. Hydrograph for observation wells MA-80X, MA-80Y, and MA-78F (Water Rights, 2026b)

The hydrographs for the Big Sioux: Southern Skunk Creek aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods (NOAA, 2026). Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Big Sioux: Southern Skunk Creek aquifer. It should be noted, water levels in observation wells are representative of recharge to, natural discharge from, and active withdrawals from the aquifer. They do not represent future withdrawals of water reserved by future use permits. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate water is available for appropriation as a temporary use permit.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the proposed diversion point for this application are shown in Figure 3 and summarized in Table 4 (Water Rights, 2026c). The proposed Diversion point for this application is located within the future use area for Future Use Permit No. 449-3. The closest water right/permit to the proposed diversion point, not held by the applicant, is Water Right No. 746A-3 held by CHS Inc. as shown on Figure 3. The diversion point for Water Right No. 746A-3 is located approximately 0.3 miles north of the proposed diversion points for this application (Water Rights, 2026c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Southern Skunk Creek aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.3 miles west of the proposed diversion point based on the well completion report submitted by the driller (Water Rights, 2026d). There could potentially be other domestic wells completed into the Big Sioux: Southern Skunk Creek aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

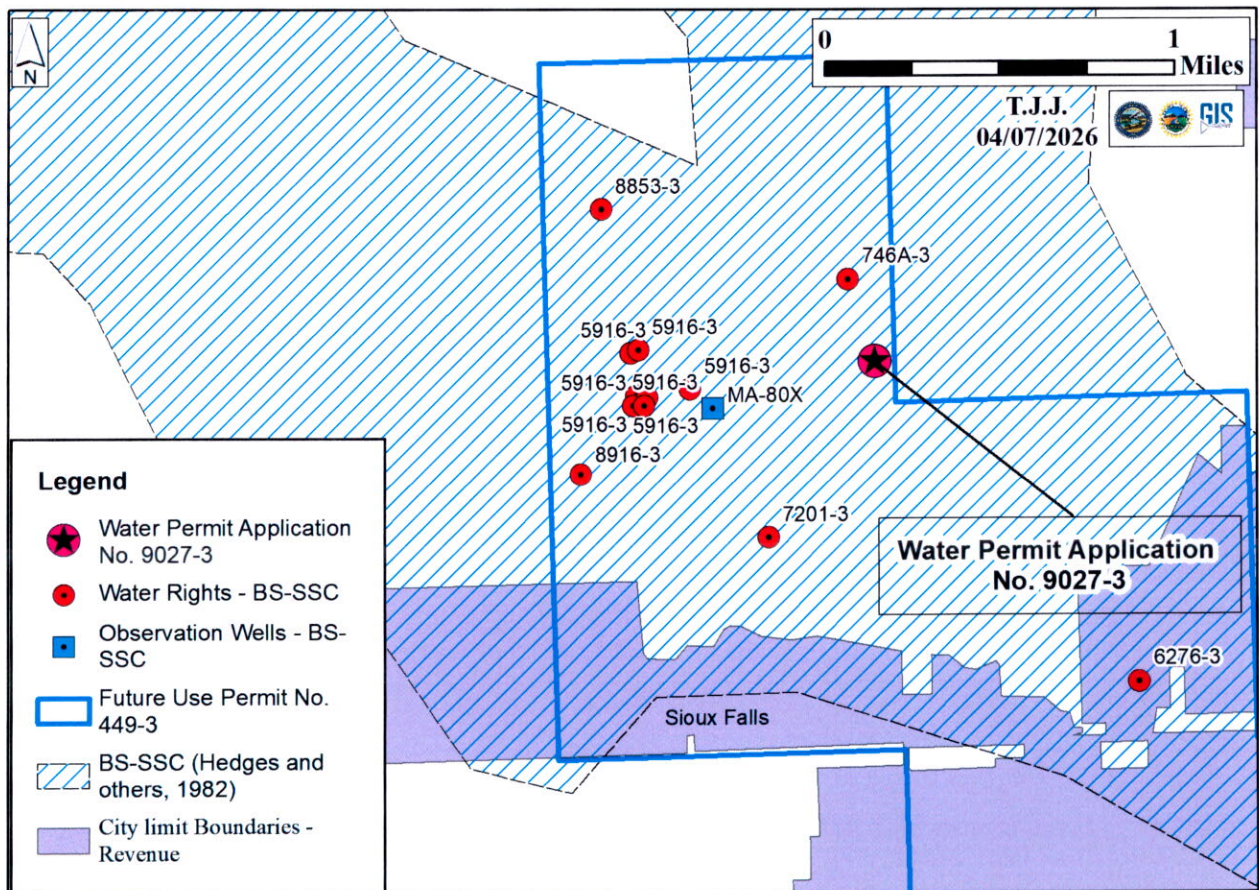


Figure 3. Map of the approximate Big Sioux: Southern Skunk Creek aquifer boundary (modified from Hedges et al, 1982), Water Permit Application No. 9027-3, and nearby Big Sioux: Southern Skunk Creek aquifer water rights/permits and observation wells (Water Rights, 2026b and 2026c).

Table 4. List of water rights/permits shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS
449-3	City of Sioux Falls	04/08/1957	Future Use	Municipal	N/A
5916-3	Natural Beauty Growers LLC	03/18/1996	License	Commercial	0.46
6276-3	Dakota Aggregate Resource	07/30/2001	License	Commercial	0.6
7201-3	L G Everist Inc.	05/26/2010	Permit	Commercial	2.23
746A-3	CHS Inc	10/22/1960	License	Industrial, Domestic	0.33
8853-3*	Darby Parson – Prairie States Pit	04/05/2024	Permit	Industrial	0.67
8916-3*	City of Sioux Falls	12/04/2024	Permit	Municipal	0.033

*These permits are temporary use permits

The Big Sioux: Southern Skunk Creek aquifer is primarily under unconfined conditions and drawdown as the result of pumping in an unconfined aquifer typically does not extend far from the pumping well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

Due to the thinner saturated thickness of the aquifer in some locations, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time, such as late summer and early fall or extended drought conditions. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. There are two complaints of well interference on file with the Water Rights Program for this aquifer both from the late 1980s within the city limits of Sioux Falls, but neither complaint was substantiated as unlawful impairment (Water Rights, 2026d). This area of the aquifer also has a history of sand and gravel mining in the aquifer materials of this aquifer without a history of complaints of well interference (Water Rights, 2026c & 2026d; MMS, 2025). Ultimately, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated aquifer thickness at the proposed diversion point, the lack of recent well interference complaints for adequate wells completed into the Big Sioux: Southern Skunk Creek aquifer in Minnehaha County (Water Rights, 2026e), there is a reasonable probability that any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on proposed water right/permit holders or domestic users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 9027-3 proposes to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.064 cfs from one well to be completed into the Big Sioux: Southern Skunk Creek aquifer (approximately 27 feet deep) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 1-Tract 1) Section 9 for industrial use in a hog food production facility located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; all in T101N-R50W. This site is located in Minnehaha County, approximately one mile west of Sioux Falls, SD.
2. Future Use Permit No. 449-3 is held by the City of Sioux Falls and reserves 5,430 acre-feet per year.
3. Based on the hydrologic budget and observation well data, there is a reasonable probability that sufficient water is available at the current level of average annual appropriate pumping for this application to be approved as a temporary use water permit out of the undeveloped future use reservation pursuant to SDCL 46-5-39.
4. There is a reasonable probability that the diversion by Water Permit Application No. 9027-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer II
SD DANR - Water Rights Program

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Water Rights, 2026d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2026e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Rodriguez, Rachel

From: Brandon Wienk <brandon@fermexusa.com>
Sent: Wednesday, February 11, 2026 10:00 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application
Attachments: Signed Well Permit.pdf

Good morning Rachel,

I might get this figured out yet. Lets adjust the GPM to 28.75 GPM or 46 acre feet per year. We wont run it 24/7 365 so we should always be comfortably under that estimate consistently. Attached is the signed Permit and Ill call in tomorrow and get settled up with the Fiscal Department.

Thanks,
Brandon

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, February 11, 2026 9:15 AM
To: Brandon Wienk <brandon@fermexusa.com>
Subject: RE: Water Permit Application

Good Morning Brandon,

Thanks for answering the questions. However, there needs to be some changes to the application.

- Using FermentationExperts USA, LLC, we need the application signed by the authorized person from the company, please see the attached document.
- The 25 GPM pump rate would require pumping 24 hours per day, 365 days per year, and would yield a volume of 40 acre-feet. If the maximum annual volume needed is 46 acre-feet, then the pump rate appears to be too low at 25 GPM. Or, the 46 acre-feet appears to be too high.
- We do offer payment by credit card, you may contact our fiscal department at 605-773-5559.

Once I receive the items above, I will begin processing your application.

Thank you,

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



From: Brandon Wienk <brandon@fermexusa.com>
Sent: Tuesday, February 10, 2026 3:41 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, January 8, 2026 10:59 AM
To: Brandon Wienk <brandon@fermexusa.com>
Subject: Water Permit Application

Good morning,

In reviewing your water permit application, there are a few issues:

I answered questions below but not sure if I need to resubmit original Water Permit

- A review of the Secretary of State's corporation website finds Fermented Feed Group, LLC not listed, see attachment. Does the parent company have a different name? **Yeah, lets go under FermentationExperts USA, LLC**
- No 2, we need a pump rate, and the annual volume indicated as 46 AF should be for the maximum volume of use from the well at full development. So, you may want to revise it. **I think the AF estimate is correct. We only estimate around 25 GPM pump rate.**
- No 7, is blank, would you please provide a brief description of the project. **Test well conducted for Fermentation Process water at production site.**
- A map must be submitted with the application. **I attached the map you sent me with an X at approximate test location.** I have attached a map with the designations on the application. Please mark the proposed well location with an "X". Also, do you have a copy of the test well completion report? **I believe Putzke well drilling filed this with the state.**
- The fees are - application fee \$500.00 + inspection fee \$200.00 = \$700.00 **We will send this in the mail to the address provided unless there is a link we can pay online? Let me know if I'm missing anything else.**

Once I have the information above, I will begin processing your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, January 13, 2026 3:16 PM
To: Duvall, Ron
Cc: Dewell, Amanda
Subject: RE: New application call

Yes, sounds like it to me too.

Thank you,

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



From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Thursday, January 8, 2026 11:11 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: New application call

Regarding that application you showed me, this sounds like the same thing...

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Tuesday, January 6, 2026 4:14 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: New application call

Amanda,

Brandon with Fermentation Experts will be calling with questions on a new water permit application. They ferment soybean meal for hog food and he wanted to know if that was commercial or industrial type use. I thought it would be commercial. He also wants to make sure he has the correct fee. They plan on 46 ac-ft/yr (15,000,000 gal/yr) at 40 gpm. The well would be into the BS:SSC which is an aquifer we issue temporary permits out of future use reservation. There appears to be a sizeable, several thousand ac-ft, reservation available for that. They are in very close proximity, 100's of feet of Nature Beauty Growers water rights (that is how I found the issue with 5916-3 database entry).



Adam Mathiowetz, PE

Engineer, Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, January 8, 2026 11:00 AM
To: 'brandon@fermexusa.com'
Subject: Water Permit Application
Attachments: SD SecretaryofState.jpg; Map.pdf; Page1.pdf

Good morning,

In reviewing your water permit application, there are a few issues:

- A review of the Secretary of State's corporation website finds Fermented Feed Group, LLC not listed, see attachment. Does the parent company have a different name?
- No 2, we need a pump rate, and the annual volume indicated as 46 AF should be for the maximum volume of use from the well at full development. So, you may want to revise it.
- No 7, is blank, would you please provide a brief description of the project.
- A map must be submitted with the application. I have attached a map with the designations on the application. Please mark the proposed well location with an "X". Also, do you have a copy of the test well completion report?
- The fees are - application fee \$500.00 + inspection fee \$200.00 = \$700.00

Once I have the information above, I will begin processing your application.

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

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

April 24, 2026

FermentationExperts USA, LLC.
c/o Brandon Wienk
1201 North Ellis Road
Sioux Falls SD 57107

Dear Mr. Wienk:

Water Permit Application No. 9027-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Minnehaha Messenger printed in Hartford (Ph # 605 321-9153) and the Argus Leader printed in Sioux Falls (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. 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.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, April 24, 2026 10:36 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12280990 9027-3 FermentetationExperts - Public Notice
Attachments: 12280990.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on April 30. The order cost is \$64.90 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 Tuesday 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

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, April 23, 2026 2:21 PM
To: SFA-Legals mbx <allegals@appleton.gannett.com>
Subject: 12280990 9027-3 FermentetationExperts - Public Notice

Attached is a notice to be published on April 30, 2026.

FermentationExperts USA, LLC., 1201 North Ellis Road, Sioux Falls SD 57107, 605-338-9775, brandon@fermexusa.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





Order Confirmation

Not an Invoice

Account Number:	1596825
Customer Name:	Fermentation Experts USA LLC
Customer Address:	Fermentation Experts USA LLC 1201 N Ellis RD Sioux Falls SD 57107-7055
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	brandon@fermexusa.com
PO Number:	

Date:	04/24/2026
Order Number:	12280990
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	183.0000
Height in Inches:	20.1600

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	04/30/2026 - 04/30/2026	Public Notices
SFA argusleader.com	1	04/30/2026 - 04/30/2026	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	\$64.90
Tax Amount	\$0.00
Service Fee 3.99%	\$2.59
Cash/Check/ACH Discount	-\$2.59
Payment Amount by Cash/Check/ACH	\$64.90
Payment Amount by Credit Card	\$67.49

Order Confirmation Amount

\$64.90

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 23, 2026 2:20 PM
To: ads@ncppub.com
Subject: 9027-3 FermentationExperts - Public Notice
Attachments: 9027-3 public.short_final.docx; FORM8.FRM.doc

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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



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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MAY 13 2026

OFFICE OF
WATER

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/30/2026

and that the fees charged are legal.

Sworn to and subscribed before on 04/30/2026

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$64.90

Tax Amount: \$0.00

Payment Cost: \$64.90

Order No: 12280990

Customer No: 1596825

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 9027-3 to
Appropriate Water**

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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

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MAY 13 2026

OFFICE OF
WATER

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.

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Published once at the total approximate cost of \$64.90 and may be viewed free of charge at www.sdpublicnotices.com.

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MAY 13 2026

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

RECEIVED

MAY 11 2026

OFFICE OF
WATER

I, Amber Miller of New Century Press, publisher of The Minnehaha Messenger, which is a weekly newspaper of general circulation, Printed and published in the City of Hartford, in said County of Minnehaha., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

MM0501-6 Water Permit

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Friday, the 1st day of May, 2026

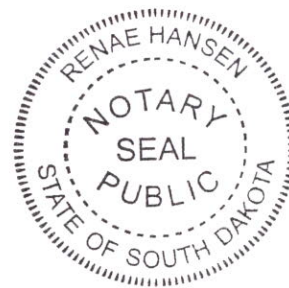
That \$49.23 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.

Amber D Miller

Subscribed and sworn to before me this 6th day of May, 2026

Renae Hansen

Notary Public, State of South Dakota
My Commission Expires June 6, 2031



Publication Fee...\$49.23
Notary Fee...\$
Total ...\$49.23

RECEIVED

MAY 11 2026

OFFICE OF
WATER

**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.

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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.

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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 approximate cost of \$49.23 and may be viewed free of charge at www.sd-publicnotices.com.

MM0501-6

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 24, 2026 11:16 AM
To: brandon@fermexusa.com
Subject: 9027-3 FermentationExperts - Public Notice
Attachments: 9027-3 Rec.pdf; 9027-3 Ltr.pdf; 9027-3 PubNotice.pdf; Argus Leader 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

June 18, 2026

FermentationExperts USA, LLC.
c/o Brandon Wienk
1201 North Ellis Road
Sioux Falls SD 571047

Dear Mr. Wienk:

Enclosed is Temporary Water Permit No. 9027-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Temporary Use 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 permit may be re-issued for the as-built system.

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.: 9027-3

Name of Applicant: FermentationExperts USA, LLC, c/o Brandon Wienk

Date of Posting: 4/28/2026

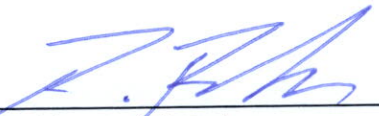
Date of Removal: 6/18/2026


Amanda Dewell, Permitting Administrator

6/18/2026

Date

Subscribed and sworn to before me, a notary public, this 18th day of June, 2026.


Notary Public - South Dakota

My commission expires: **Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 10, 2026

9027-3

Fermentation Experts USA LLC
C/O Brandon Wienk
1201 North Ellis Road
Sioux Falls, SD 57107

Dear Mr. Wienk:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
(605) 773-3352
email: Shannon.konst@state.sd.us

RECEIVED

AUG 10 2026

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 6-30-26TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Fermentation Experts USA LLC c/o Brandon Wienk
(name)
1201 North Ellis Road
(address)
Sioux Falls, SD 57104 605-860-0005
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 9027-3 states that the water use system is to be constructed by May 11, 2031, and water is to be put to beneficial use by May 11, 2035.
(date) (date)

The water use system was completed on June 30th 2026.
(date)

Applying the water to beneficial use was completed on June 30th 2026.
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)

