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July 2, 2026

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

To Whom It May Concern:

Enclosed and intended as service upon you is the Supplemental Pre-Hearing Submission of Petitioners, Larry Heinz, Cindy Heinz, and Garrett Heinz, in the above-referenced matter.

Sincerely,

/s/ Connor R. Shaull

CONNOR R. SHAULL
For the Firm

Enclosures

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

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

**PETITIONERS' SUPPLEMENTAL PRE-
HEARING SUBMISSION (HEINZS)**

Petitioners, Larry Heinz, Cindy Heinz, and Garrett Heinz (collectively, "Petitioners"), by and through their counsel of record, submit the following in addition to their Pre-Hearing Submission dated April 29, 2026:

1. **Exhibits:** Petitioners intend to introduce Exhibit 205, which is attached hereto and described as relevant excerpts of the Edmunds County Ordinance #2022-7-1. Petitioners reserve the right to introduce any document or exhibit that is publicly available as part of the contested case file or any other document or exhibit identified by any other party.

Dated at Sioux Falls, South Dakota, this 2nd day of July, 2026.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.

/s/ Connor R. Shaul

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***Attorneys for Petitioners, Larry Heinz,
Cindy Heinz, and Garrett Heinz***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of July 2026, a true and correct copy of the foregoing document was served via First Class Mail upon the following:

Adam Mathiowetz, Chief Engineer
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/s/ Connor R. Shaul

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ORDINANCE #2022-7-1

AN ORDINANCE AMENDING EDMUNDS COUNTY ORDINANCE #98-10-1, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR EDMUNDS COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the Edmunds County, South Dakota, Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to enact zoning regulations and to provide for its administration, and

WHEREAS, the Board of County Commissioners has appointed a County Planning Commission, hereinafter referred to as the Planning Commission, to recommend the district boundaries and to recommend appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided Edmunds County into districts, and has established by reference to maps the boundaries of said districts for administration and interpretation; has provided for definitions and for amendments to this Ordinance; has provided for the enforcement; prescribed penalties for violation of provisions; has provided for building permits within the districts; has provided for invalidity of a part and for repeal of regulations in conflict herewith; and has prepared regulations pertaining to such districts in accordance with the county comprehensive plan and with the purpose to protect the tax base, to guide the physical development of the county, to encourage the distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements, to conserve and develop natural resources, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and

WHEREAS, the Planning Commission and Board of County Commissioners has given due public notice to a hearing relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of SDCL 11-2, with regard to the preparation of these regulations and subsequent action of the Board of County Commissioners, has been met, and

WHEREAS, copies of said zoning regulations have been filed with the Edmunds County Auditor for public inspection and review during regular business hours, and

WHEREAS, all ordinances, or parts of regulations in conflict herewith are hereby expressly repealed;

THEREFORE BE IT ORDAINED that Ordinance 2022-7-1 is hereby adopted by the Board of County Commissioners, Edmunds County, South Dakota.

Adopted this 19th day of July, 2022.

ATTEST:

Chairperson
Edmunds County Board of County Commissioners

Edmunds County Auditor

ARTICLE VI ADMINISTRATION

CHAPTER 6.01. BUILDING/USE PERMITS.

Section 6.01.01. Permits Required.

1. No building or other structure shall be erected, moved, added to, structurally altered or used without a permit issued by the Zoning Officer. The Zoning Officer except in conformity with the provisions of this ordinance shall issue no permit, unless he received a written order from the Board of Adjustment in the form of an administrative review, under conditional use, or variance as provided by this ordinance.
2. It shall be unlawful to commence the excavation for the construction of any building or any accessory building without a permit. A permit is also required for any filling, grading, lagooning, or dredging which is related to site preparation for future construction.

Section 6.01.02. Applications.

1. Application for building and use permits shall be made to the Zoning Officer upon forms approved by the Board of County Commissioners. These forms shall be filled in by the owner, or authorized agent. All applications for permits shall be accompanied by a site plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of the buildings already existing, if any; and the location and dimensions of the proposed building(s) or alteration. The applicant shall also state the existing and intended use of all such buildings, and the location of existing or proposed water and sewer facilities. In the case of a change of use, the applicant shall, in writing, state the intended change. The application shall include such other information as lawfully may be required by the Zoning Officer, including legal description, existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; existing or proposed water, sewer, electrical facilities; and such other matters as may be necessary to determine conformity with, and provide for the enforcement of, this ordinance. All plans and data accompanying the permit shall be final and conclusive. Deviations shall be deemed a violation of this Ordinance, and punishable as provided in 1.02.03 and shall require a new building and use permit.

Section 6.01.03. Building/Use Permit Issuance and Termination.

1. Issuance of a Building/Use Permit. If the proposed excavation, alteration, construction, or change of use, as set forth in the application for a Building/Use Permit are in conformity with the provisions of this Ordinance, and other regulations of the County then in force, the Zoning Officer shall issue a building/use permit for such excavation, construction, alteration or change in use. If a building/use permit is refused, the Zoning Officer shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application with the cause for denial. The Zoning Officer shall grant or deny the permit within a reasonable time from the date the application is submitted.