**74:57:01:08.  Search warrants.** The secretary shall obtain a search warrant from the magistrate court in the area of the affected concentrated animal feeding operation before conducting an inspection if the owner or operator has withdrawn permission to inspect, unless the alleged violation can be detected by the secretary without entering the owner's or operator's property. If the secretary is conducting an inspection in response to a complaint alleging waste, pollution, or noncompliance with the provisions of SDCL chapter 34A-2 or this article, the secretary may conduct an inspection only if the owner or operator consents to the inspection or if a search warrant is obtained.

 **Source:** 24 SDR 99, effective February 1, 1998.

 **General Authority:** SDCL 1-40-38.

 **Law Implemented:** SDCL 1-40-38, 34A-2-45, 34A-2-46