



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 22, 2016

**NOTICE**

TO: Kyle Frisinger, Aggregate Manager  
Croell Redi Mix  
PO Box 1352  
Sundance WY 82729

Michael M. Hickey  
Bangs McCullen Law Firm  
PO Box 2670  
Rapid City SD 57709-2670

FROM: Jeanne Goodman, Chief Engineer  
Water Rights Program 

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 2745-2, Croell Redi Mix

A petition of opposition was filed in response to the public notice for Water Permit Application No. 2745-2 filed by Croell Redi Mix. Notice of hearing before the Water Management Board was sent to parties on April 13, 2016, scheduling the hearing for May 4, 2016. In response to this notice, Michael Hickey, counsel for petitioners, has made a formal request for postponement of the May 4, 2016, hearing date on the application. Mr. Hickey's request is enclosed. Therefore, the hearing on Application No. 2745-2 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on May 4, 2016.

The hearing to consider Application No. 2745-2 will now be scheduled for the July 6 – 7, 2016, Water Management Board meeting tentatively to be held in Pierre. Future notice of the time and place of the hearing for Application No. 2745-2 will be provided to all parties of record.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Ann Mines-Bailey, Assistant Attorney General  
Thomas E. Brady, 135 E Colorado Blvd, Spearfish SD 57783

STATE OF SOUTH DAKOTA  
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION  
OF CROELL REDI MIX, APPLICATION  
No. 2745-2

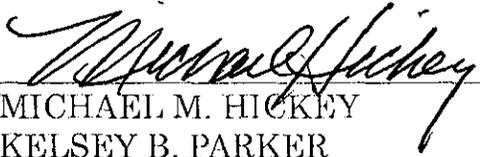
**Motion for  
Continuance of Hearing**

Comes now Duane Abata, Don Burger, Pat Hall, and Barrett Wendt ("Petitioners"), by and through their attorneys, Michael M. Hickey and Kelsey B. Parker of Bangs, McCullen, Butler, Foye & Simmons, L.L.P., and respectfully move the Water Management Board, pursuant to South Dakota Codified Law § 46-2A-5, to continue the hearing scheduled for Wednesday, May 4, 2016, at 8:30 A.M. in Pierre, South Dakota, until July 7, 2016<sup>1</sup>, in order to allow Petitioners additional time to prepare to present evidence and testimony in opposition to the application and otherwise prepare for the hearing in this matter.

Dated this 19<sup>th</sup> day of April, 2016.

BANGS, McCULLEN, BUTLER,  
FOYE & SIMMONS, L.L.P.

BY:



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ATTORNEYS FOR PETITIONERS

<sup>1</sup> Petitioner is aware that the Water Management Board's summer hearing session is currently scheduled for Wednesday and Thursday, July 6 and July 7, 2016. Due to a conflicting appointment, I am respectfully requesting that the hearing on this matter be scheduled on the 2<sup>nd</sup> day of the hearings, July 7.