



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 26, 2016

denr.sd.gov

NOTICE

TO: Justin G. Smith
Woods, Fuller, Shultz & Smith P.C.
PO Box 5027
Sioux Falls, SD 57117-5027

Michael E Unke, Attorney
PO Box 529
Salem SD 57058-0529

Diana J. Ryan, Assistant U.S. Attorney
US Attorney's Office
PO Box 2638
Sioux Falls SD 57101-2638

FROM: *for* Jeanne Goodman, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 8226-3, Jeffrey Albrecht

A petition of opposition and a petition of concern were filed in response to the public notice for Water Permit Application No. 8226-3 filed by Jeffrey Albrecht. Notice of hearing before the Water Management Board was sent to parties on August 22, 2016, scheduling the hearing for October 13, 2016. In response to this notice, counsel for petitioner US Fish and Wildlife Service and counsel for Jeffrey Albrecht have made a formal request for postponement of the October 13, 2016, hearing date on the application. Therefore, the hearing on Application No. 8226-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 13, 2016.

The hearing to consider Application No. 8226-3 is tentatively scheduled for the November 30 and December 1, 2016, Water Management Board meeting to be held in Pierre. The Board will formalize its next meeting date on October 13th. Future notice of the time and place of the hearing for Application No. 8226-3 will be provided to all parties of record.

Enclosed are notices of appearance filed by counsel for the applicant and each petitioner.

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

c: Ann Mines-Bailey, Assistant Attorney General

Gronlund, Eric

From: Justin G. Smith <Justin.Smith@woodsfuller.com>
Sent: Friday, September 23, 2016 8:43 AM
To: Gronlund, Eric
Cc: Mines, Ann; unkelaw@hotmail.com; matt.naasz@state.sd.us; rfreeman.huronlaw@midconetwork.com; Vince Jones
Subject: Water Permit Application No. 8226-3, Jeffrey Albrecht

Dear Eric,

Please consider this a Notice of Appearance on behalf of Jeffrey Albrecht in this matter. Appearing for Mr. Albrecht will be Woods, Fuller, Shultz & Smith P.C., Justin G. Smith, and J. Vincent Jones. If a separate, formal Notice of Appearance must be filed, please advise and I will send one via US Mail.

Pursuant to SDCL § 46-2A-5, Jeffrey Albrecht requests a postponement of the hearing in this matter until the December meeting of the Water Management Board. It is my understanding this e-mail will serve as sufficient written notice of the request for postponement under § 46-2A-5. If a separate, formal request for postponement must be submitted, please advise and I will send one via US Mail. With this notice of request for postponement, it is my understanding the matter will now be heard by the Board December 7 or 8.

Please add me to the distribution list for all further materials in this matter. I have attempted to copy all interested parties on this e-mail. If I have missed anyone, please let me know. Thank you!



Justin G. Smith

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SEP 26 2016

WATER RIGHTS
PROGRAM

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

IN THE MATTER OF WATER
APPLICATION NO. 8226-3,
JEFFREY ALBRECHT

NOTICE OF APPEARANCE OF
COUNSEL ON BEHALF OF
U.S. FISH & WILDLIFE SERVICE

Please take notice and be advised that the undersigned Assistant U.S. Attorney, Diana Ryan, does hereby appear as counsel for the United States Fish and Wildlife Service.

Notice is further given that all papers and documents in said action are to be served upon the undersigned counsel of record.

Dated this 23rd day of September, 2016.

RANDOLPH J. SEILER
United States Attorney



DIANA RYAN
Assistant U.S. Attorney
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