



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 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: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Scheduling Hearing on Water Permit Application No. 8226-3, Jeffrey Albrecht

Water Permit Application No. 8226-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from two wells to be completed into the Vermillion:East Fork Aquifer (100 feet deep) located in the S 1/2 SE 1/4 Section 35 for irrigation of 102.5 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 35; all in T110N-R56W.

In response to the public notice, petitions were filed in opposition to Water Permit Application No. 8226-3. Then in response to the August 22, 2016, notice of hearing sent to parties of record scheduling a hearing, parties requested a postponement of the October 13, 2016, hearing before the Water Management Board pursuant to SDCL 46-2A-5.

The Water Management Board will now conduct a hearing to consider Application No. 8226-3 at 1:00 PM (Central Daylight Time) on Thursday, December 1, 2016, Chamber of Commerce, 800 West Dakota Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Applicable provisions of the notice of application published in the DeSmet News and Madison Daily Leader on August 3, 2016, and the notice of hearing sent to parties of record on August 22, 2016, will still apply at the hearing.

Questions regarding the hearing process may be directed to Ann Mines-Bailey, legal counsel for the Water Rights Program at (605) 773-3215.

c: Ann Mines-Bailey, Assistant Attorney General

