

Michael E. Unke
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RECEIVED
AUG 12 2016
WATER RIGHTS
PROGRAM
OFFICE PHONE 605-425-3131
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August 10, 2016

Jeanne Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

CERTIFIED MAIL
7015 1660 0001 0387 0924

Jeffrey Albrecht
21749 435th Avenue
DeSmet, SD 57231

CERTIFIED MAIL
7015 1660 0001 0387 0931

RE: H.T. Albrecht & Sons, Inc.

Dear Ms. Goodman and Mr. Albrecht:

Please be advised that I represent H.T. Albrecht & Sons, Inc. It is objecting to water permit No. 8226-3 for the following reasons:

1. H.T. Albrecht & Sons, Inc. has a water permit No. 7279-3, dated November 17, 2011, which by South Dakota statute has a priority over subsequent permits. The property that my client's permit covers is adjacent to Jeff Albrecht's property.
2. There is not enough water in the area for more wells for irrigation.
3. My client is irrigating the Northeast Quarter of Section 35 in Township 110 North, Range 56, West of the 5th P.M. It can only run their pumps at partial power. Its water pressure is

about 35 pounds maximum, when it should be at 50 pounds water pressure. Its permit is for 800 gallons per minute; however it is lucky if it pulls 400 gallons per minute.

4. My client has expended \$145,765.41 in irrigation costs and is worried that its irrigation will be greatly reduced by subsequent wells being dug near them. In the past, my client's well has been pumped dry. There is not enough water for any further irrigation in close proximity to my client's property.

5. Jeff Albrecht's application does not include the domestic wells in close proximity or the depths of those wells. Also in Jeff Albrecht's application and pursuant to SDCL 46-5-6 authorizes him an increased diversion rate of 1.78 cfs for the irrigation of 102.5 acres with an annual volume not to exceed 2 acres feet of water per acre per year.

My client is requesting a hearing. Please contact me when the hearing is going to be held. It should be noted that the actual water usage by my client should be a controlling factor when issuing further water permits. It is a lot more telling than test wells.

Sincerely,



Michael E. Unke

MEU/mrs

cc: H.T. Albrecht & Sons