

EXHIBIT

[3]

**SOUTH DAKOTA
HUGHES COUNTY**

**CIRCUIT COURT
SIXTH JUDICIAL DISTRICT**

In the Matter of Otter Tail Power
Company on behalf of Big Stone II
Co-owners for an Energy Conversion
Facility Permit for the Construction
Of the Big Stone II Project

**NOTICE OF APPEAL OF
DECISION OF HUGHES
COUNTY DISTRICT
COURT**

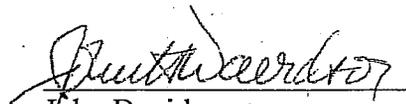
Circuit Ct. Civ. No. 06-399
PUC Docket No. EL05-022

TO: OTTER TAIL POWER COMPANY ON BEHALF OF BIG STONE II CO-OWNERS
AND ITS ATTORNEYS, CHRISTOPHER W. MADSEN AND THOMAS J. WELK,
BOYCE, GREENFIELD, PASHBY & WELK, LLP, P.O. BOX 5015, SIOUX FALLS,
SD 57104, THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION AND ITS
ATTORNEY JOHN SMITH, 500 EAST CAPITOL, PIERRE, SD 57501.

PLEASE TAKE NOTICE, that Izaak Walton League of America – Midwest Office,
Minnesota Center for Environmental Advocacy, Union of Concerned Scientists, and Fresh
Energy (f/k/a Minnesotans for an Energy-Efficient Economy), (collectively, “Appellants”)
appeal to the Supreme Court of South Dakota from the final judgment of the Hughes County
District Court rendered in this action on the 26th day of February, 2007, affirming the decision
of the South Dakota Public Utilities Commission (“PUC”) to grant an Energy Conversion
Facility Siting Permit for the construction of the Big Stone II Project to Otter Tail Power
Company, on behalf of Big Stone II Co-owners, in SDPUC Docket No. EL05-022. This appeal
is authorized by SD 15-26A-3.

Dated: March 26, 2007

Respectfully submitted,



John Davidson
University of South Dakota School of Law
414 East Clark Street
Vermillion, South Dakota 57069
(605)677-6341
(605)677-5417 (fax)

and

Elizabeth I. Goodpaster
Janette K. Brimmer
Minnesota Ctr. for Environmental Advocacy
26 E. Exchange St., Ste. 206
St. Paul, Minnesota 55101
(651)223-5969
(651)223-5967 (fax)