

STATE OF SOUTH DAKOTA     )  
  : SS  
COUNTY OF CODINGTON     )

IN CIRCUIT COURT  
  
THIRD JUDICIAL CIRCUIT

TIMOTHY LINDGREN and  
LINDA LINDGREN,  
  
                                  *Plaintiffs,*  
  
vs.

14CIV19-000303

CODINGTON COUNTY, *a political  
subdivision of the State of South Dakota,*  
CODINGTON COUNTY BOARD OF  
ADJUSTMENT, *an agency of Codington  
County, having issued a certain  
Conditional Use Permit, # CU018-007,*  
CROWNED RIDGE WIND, LLC,  
CROWNED RIDGE WIND II, LLC,  
BOULEVARD ASSOCIATES, LLC,  
*all other Persons having present or future  
interests in #CU018-007, and*  
SOUTH DAKOTA PUBLIC UTILITIES  
COMMISSION, *having issued a certain  
Facility Siting Permit, Docket EL19-003, and  
all other Persons having  
present or future interest in a certain  
Energy Facility Permit issued by the  
South Dakota Public Utilities Commission in  
Docket EL19-003,*  
  
                                  *Defendants.*

NOTICE OF APPEAL  
(WITH CERTIFICATE OF  
SERVICE)

TO: Miles F. Schumacher, Dana Van Beek Palmer and Michael F. Nadolski of LYNN, JACKSON, SHULTZ, & LEBRUN, P.C., Counsel for Crowned Ridge Wind, LLC, *et al.*, Zachary W. Peterson and Jack Hieb, of RICHARDSON, WYLY, WISE, SAUK & HIEB, LLP, Counsel for Codington County, *et al.*, and Kristen N. Edwards and Amanda Reiss, Special Assistant Attorneys General, Counsel for SOUTH DAKOTA PUBLIC UTILITIES COMMISSION.

PLEASE TAKE NOTICE: Timothy Lindgren and Linda Lindgren, as plaintiffs and now as appellants in the above-captioned matter, have hereby appealed to the South Dakota Supreme Court from the Circuit Court's order of dismissal, with prejudice, of their complaint for

declaratory relief, such order having been entered December 20, 2019 (Notice of Entry of Order being served December 26, 2019).

Dated at Canton, South Dakota, this 10<sup>th</sup> day of January, 2020.

Respectfully submitted,

/s/ A.J. Swanson  
A.J. Swanson

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*Attorney for Plaintiffs-Appellants*  
TIMOTHY LINDREN and  
LINDA LINDREN

#### CERTIFICATE OF SERVICE

Undersigned, as counsel for Plaintiffs-Appellants herein, certifies that on the date below entered, the foregoing Notice of Appeal was submitted to Odyssey File & Serve, for further service upon the following counsel of record for Defendants, via electronic mail, followed by separate service of said Notice of Appeal upon each named counsel via e-mail:

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Special Assistant Attorneys General (Counsel for South Dakota Public Utilities Commission)	

Dated: January 10, 2020

/s/ A.J. Swanson