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September 10, 2013

Brenda Gamache
2337 Wilson Avenue
Hot Springs, SD 57747

Re: *In the Matter of Powertech (USA), Inc. Applications,
Water Management Board - Gamache Motion August 23, 2013*

Dear Ms. Gamache:

Enclosed please find a copy of an Order Denying Motion of Brenda S. Gamache executed by Prehearing Chair Hoyt regarding your motion to compel the Surface Water Quality Program to answer all interrogatories and production requests served upon Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program during the discovery phase of these proceedings.

The original of the Order is being filed with Eric Gronlund through this letter.

Sincerely yours,


Jeffrey P. Hallem
Assistant Attorney General

JPH/rar

Enclosure

cc w/enc: Everette Hoyt, Prehearing Chair
Parties listed on Certificate of Service
Rodney Freeman, Hearing Chairman

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

RECEIVED
SEP 11 2013
WATER RIGHTS
PROGRAM

IN THE MATTER OF WATER)
PERMIT APPLICATIONS 2685-2)
and 2686-2, POWERTECH (USA),)
INC.)

IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE)
PLAN APPLICATION SUBMITTED)
BY POWERTECH (USA), INC.)

ORDER DENYING MOTION
OF BRENDA S. GAMACHE

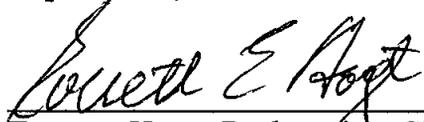
Party status "A" Intervenor Brenda S. Gamache filed a Motion dated August 23, 2013, with the Water Management Board to compel the Department of Environment and Natural Resources Surface Water Quality Program to answer all interrogatories and production requests served upon the Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program during the discovery phase of these proceedings. The Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program filed a response in opposition to this motion, dated September 4, 2013. Under the Procedural Order dated February 14, 2013, discovery requests were to be initiated by April 1, 2013, and the discovery completion deadline was August 23, 2013.

Upon review of the motion and response, the Prehearing Chair finds arguments raised by the Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program are meritorious. The motion is untimely; SDCL 46A-1-8 provides no authority to make the requests; and the information sought would not likely result in the discovery of evidence

relevant to these proceedings (Powertech's applications for groundwater permits and groundwater discharge plan).

It is hereby ORDERED, that Intervenor Brenda S. Gamache's Motion dated August 23, 2013, to compel discovery from the Department of Environment and Natural Resources Surface Water Quality Program is denied.

Dated this 6th day of September, 2013.



Everett Hoyt, Prehearing Chair
South Dakota Water Management Board

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

IN THE MATTER OF WATER)
PERMIT APPLICATIONS 2685-2)
and 2686-2, POWERTECH (USA),)
INC.)

CERTIFICATE OF SERVICE

IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE)
PLAN APPLICATION SUBMITTED)
BY POWERTECH (USA), INC.)

The undersigned hereby certifies that a true and correct copy of the *Order Denying Motion of Brenda S. Gamache* filed in the above-entitled matter was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail, at Pierre, South Dakota, on this 10th day of September, 2013:

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Oglala Lakota College
P.O. Box 310
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Attn: Doris Ann Mertz
Custer County Library
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Custer, SD 57730

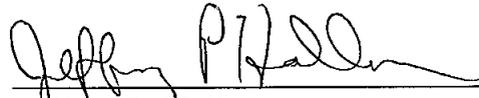
Attn: Ashley Cortney
Edgemont Public Library
P.O. Box A
Edgemont, SD 57735

Attn: Cindy Messenger
Hot Springs Public Library
2005 Library Dr.
Hot Springs, SD 57747

Attn: Government Documents
Rapid City Public Library
610 Quincy Street
Rapid City, SD 57701

And the original of the same was filed on the same date with Eric Gronlund,

Joe Foss Building, 523 E. Capitol Ave, Pierre, SD 57501.



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