

STATE OF SOUTH DAKOTA



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MAY 30 2013

WATER RIGHTS
PROGRAM

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ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

May 29, 2013

James G. Sword
Fall River County State's Attorney
906 N. River St., #301
Hot Springs, SD 57747

Re: *Powertech Applications Before the South Dakota Water
Management Board*

Dear Mr. Sword:

Enclosed herewith please find a copy of the Order of Prehearing Chair Hoyt granting Fall River County's Motion to Dismiss the above-captioned matter. The original Order is being filed with the Department of Environment and Natural Resources. Mr. Gronlund, please provide notice to the appropriate parties and the libraries.

Very truly yours,

A handwritten signature in black ink that reads "Jeffrey P. Hallem".

Jeffrey P. Hallem
Assistant Attorney General

JPH/rar

Enclosure

cc w/encl: Eric Gronlund ✓

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.)

ORDER GRANTING
FALL RIVER COUNTY'S
MOTION TO DISMISS

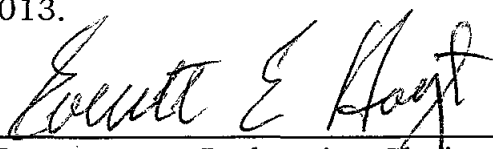
IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE)
PLAN APPLICATION SUBMITTED)
BY POWERTECH (USA), INC.)

The South Dakota Department of Environment and Natural Resources received a Motion of Fall River County to Dismiss It's Petition To Intervene, dated April 25, 2013, submitted by its State's Attorney and Chairman of the Fall River County Commission. The motion seeks dismissal of Fall River County as a party to the above-captioned action. There has been no additional filing by a party regarding the motion to dismiss.

Upon review of the motion to dismiss and consideration of the administrative record, the prehearing chair finds that the motion was timely filed, will cause no prejudice to any other party to the action and, given the stated decision of the County Commission, that dismissal of Fall River County is appropriate; therefore it is hereby

ORDERED that the Motion of Fall River County to Dismiss its Petition to Intervene is granted and that Fall River County is no longer a party to the administrative action.

Dated this 24th day of May, 2013.



Everett Hoyt, Prehearing Chair
South Dakota Water Management Board