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APR 29 2013

WATER RIGHTS  
PROGRAM

**SOUTH DAKOTA WATER MANAGEMENT BOARD  
STATE OF SOUTH DAKOTA  
EN RE APPLICATION #2685-2 and #2682-2**

**MOTION OF FALL RIVER COUNTY TO DISMISS  
IT'S PETITION TO INTERVENE**

COMES NOW Fall River County, by and through it's Chairman of the Fall River County Commission, Michael P. Ortner, whose address is 906 North River Street, Hot Springs, South Dakota and makes the following motion to dismiss it's Petition to Intervene opposing the two applications for water permits designated as application #2685-2 and #2682-2 in the above entitled matter. The Fall River County Commission made this decision to withdraw from intervening by a vote of 4 to 1. The Motion was based upon a finding by the Fall River County Commission that there is so much conflicting information concerning the applications, that the decisions on these application matters must be left to those charged by state and federal law with making those decisions.

Dated this 25 day of April, 2013.

\_\_\_\_\_  
Fall River County Commission

By: Michael P. Ortner

Michael P. Ortner

Chairman of the Fall River County Commission

906 North River Street

Hot Springs, SD 57747

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he mailed a true and correct copy of the *Motion to Dismiss Petition of Fall River County to Intervene in Opposition to the application to the individuals hereinafter next designated all on the date below shown by depositing the same in the United States mail with first class postage prepaid in envelopes addressed to:*

Steven N. Pirner

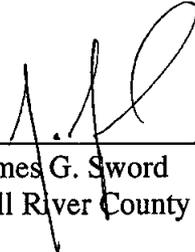
Secretary of the Department of

Environment and Natural Resources  
Foss Building  
523 E. Capital Ave.  
Pierre, SD 57501

✓ Chief Engineer  
Water Rights Program  
Foss Building  
523 E. Capital Ave  
Pierre, SD 57501

PowerTech (USA) Inc.  
C/O Richard Blubaugh  
5575 DTC Parkway, Suite 140  
Greenwood Village, CO 80111

On the 25 day of April, 2013.

  
\_\_\_\_\_  
James G. Sword  
Fall River County State's Attorney