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**WATER RIGHTS  
PROGRAM**

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July 1, 2015

Eric Gronlund  
Water Rights Program  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Re: United Order of South Dakota Re: Water Rights – Application #2730-2  
GPNA File No. 12414.0002

Dear Eric:

Enclosed please find United Order of South Dakota's Witness List and United Order of South Dakota's Motion in Limine.

Sincerely yours,

Jeffrey R. Connolly

JRC:klk

Enclosures

cc: Dean & Delia Johnson  
Jeanne Goodman, Water Rights Program  
Rick Fox  
Michael M. Hickey, Bangs McCullen Butler Foye & Simmons LLP  
David Albrecht  
Toni Martin  
Rodney Freeman, Water Management Board  
Matthew E. Naasz, Attorney General's Office  
Ann F. Mines-Bailey, Attorney General's Office  
Doug Leshar  
Karl & Suzanne Von Rump  
Seth Jeffs

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WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT )  
APPLICATION #2730-2, ) **United Order of South Dakota's**  
UNITED ORDER OF SOUTH DAKOTA ) **Motion in Limine**  
)

Applicant respectfully moves for an order excluding other parties from offering or soliciting any evidence, including testimony by witnesses, regarding

- The religion of the Applicant and its individual members;
- Details of the organization of the Trust;
- Allegations that the Applicant is a "secretive organization" or is engaged in "abnormal activity"; and
- Personal information and details regarding individual members of the United Order of South Dakota.

This issue was previously discussed in the Applicant's Reply to Petitions of Albrecht and Van Dyke Kilcoin dated March 15, 2015 (received March 19, 2015) and incorporated by this reference.

The Board must consider the application in light of SDCL §46-2A-9. But the evidence Applicant seeks to prohibit is not relevant to the availability of water, the impairment of existing water rights or the beneficial use of water.<sup>1</sup> As Applicant stated in its prior submission, "The assertions of the Albrechts and Ms. Kilcoin are an attempt to use this forum for other purposes." The evidence Applicant seeks to prohibit is "irrelevant" and otherwise excluded under the Rules of Evidence and SDCL § 1-26-19. Specifically, Applicant argues that municipalities and rural water organizations would not

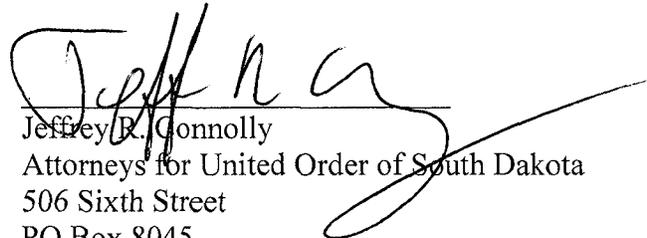
<sup>1</sup> "Beneficial use" is defined as "any use of water within or outside the state, that is reasonable and useful and beneficial to the appropriator, and at the same time is consistent with the interests of the public of this state in the best utilization of water supplies." SDCL § 46-1-6(3).

need to disclose personal information or even exact numbers of individuals potentially using water subject to their applications. It would be irrelevant, as it is here.

This motion in limine is based upon SDCL §§1-26-19, 1-26-36, 19-19-402, and 19-19-403.

Dated this 1st day of July, 2015.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP



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CERTIFICATE OF SERVICE

I hereby certify on this 1st day of July, 2015, I mailed by first-class U.S. mail, a true and correct copy of a United Order of South Dakota's Motion in Limine to the following:

Jeanne Goodman, Chief Engineer  
Water Rights Program  
Foss Building  
523 East Capitol  
Pierre, SD 57501

Mr. and Mrs. David Albrecht  
High Lonesome Ranch  
26541 Stagecoach Springs Road  
Custer, SD 57730-9109

Dean & Delia Johnson  
14585 East French Creek Road  
Fairburn, SD 57738

Toni Martin  
4141 Villa Ridge Ct. #122  
Rapid City, SD 57701

Karl R. and Suzanne K. Von Rump  
11560 Farmer Road  
Custer, SD 57730

Rick Fox  
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Hermosa, SD 57744

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P.O. Box 176  
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Chad Comes, PE  
Hearing Chair/Water Mgmt Bd.  
c/o The City of Madison  
Madison, SD 57042

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\_\_\_\_\_  
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STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD

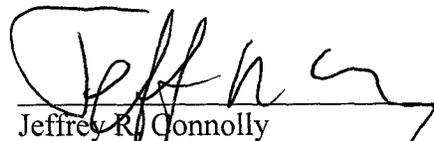
IN THE MATTER OF WATER PERMIT )      **United Order of South Dakota's**  
APPLICATION #2730-2, )      **Witness List**  
UNITED ORDER OF SOUTH DAKOTA )

Pursuant to the Court's May 18, 2015 Scheduling Order, United Order of South Dakota hereby discloses the name of any witnesses it expects to call at the hearing:

1. Seth Jeffs, P.O. Box 5050, Custer, South Dakota 57730. Mr. Jeffs is expected to testify regarding the application generally.

Dated this 1st day of July, 2015.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP



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CERTIFICATE OF SERVICE

I hereby certify on this 1st day of July, 2015, I mailed by first-class U.S. mail, a true and correct copy of a United Order of South Dakota's Designation of Expert Witness to the following:

Jeanne Goodman, Chief Engineer  
Water Rights Program  
Foss Building  
523 East Capitol  
Pierre, SD 57501

Mr. and Mrs. David Albrecht  
High Lonesome Ranch  
26541 Stagecoach Springs Road  
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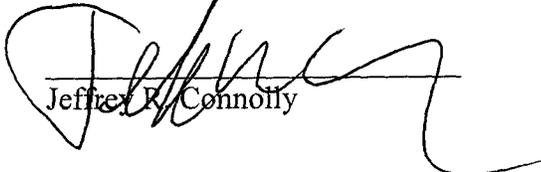
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