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MAY 27 2015

WATER RIGHTS
PROGRAM

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May 22, 2015

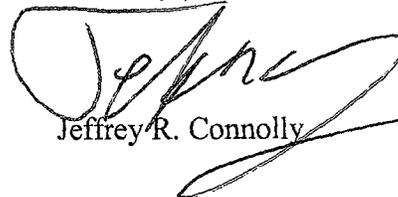
Michael M. Hickey
Bangs McCullen Butler Foye & Simmons LLP
P.O. Box 2670
Rapid City, SD 57709-2670

Re: United Order of South Dakota Re: Water Rights
GPNA File No. 12414.0002

Dear Mike:

Enclosed and intended as service by mail is a true and correct copy of Interrogatories and Requests for Production of Documents to Intervener, Linda Van Dyke Kilcoin.

Sincerely yours,



Jeffrey R. Connolly

JRC:amb
Enclosure

cc: Jeanne Goodman
Eric Gronlund
Ann F. Mines Bailey
Lois G. Witte
William R. Hansen
Rick Fox
Karl R. VonRump

Cheryl Schrempp DuPris
Craig Bobzien
Mr. and Mrs. David Albrecht
Toni Martin
Doug Leshar
Dean and Delia Johnson

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WATER RIGHTS
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STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION
OF THE UNITED ORDER OF SOUTH
DAKOTA, APPLICATION NO. 2730-2

Interrogatories and Requests for
Production of Documents to
Intervener, Linda Van Dyke Kilcoin

**TO: INTERVENER, LINDA VAN DYKE KILCOIN, AND HER ATTORNEY,
MICHAEL HICKEY:**

Be Advised that the Applicant, United Order of South Dakota in the above matter, pursuant to SDCL §§ 15-6-33 and 15-6-34, Rules of Civil Procedure, and any acts amendatory thereof, demands answers, under oath, to the following written Interrogatories and Request for Production of Documents within thirty (30) days of service upon you of said Interrogatories and Request for Production of Documents.

These Interrogatories shall be deemed to be continuing, and, if information is discovered by or becomes known to Applicant, United Order of South Dakota, its Attorney, or to anyone acting on Applicant's behalf after answering the same and before hearing which would change or add to the answers given, and such additional or supplemental information is not timely furnished to the undersigned, then, and in that event, at the hearing or during the course thereof, the undersigned will move the Hearing Officer for an order suppressing the testimony of undisclosed witnesses and the use of undisclosed evidence should you, or any of you, attempt to use the same. **WHEN DOCUMENTS ARE IDENTIFIED (AS DEFINED BELOW), THERE IS HEREBY AN AUTOMATIC DEMAND FOR PRODUCTION, MADE PURSUANT TO SDCL § 15-6-34, WITH AN OPTION TO YOU TO PRODUCE COPIES IN LIEU OF THE FORMAL INSPECTION.**

DEFINITIONS AND INSTRUCTIONS

These interrogatories and requests for production shall be deemed to be continuing. If information is discovered by or becomes known to Intervener Linda Van Dyke Kilcoin, Intervener Linda Van Dyke Kilcoin's attorneys, or to anyone acting on Intervener Linda Van Dyke Kilcoin behalf, after answering and before the hearing, which would change or add to the answers given, you are hereby directed and requested to furnish the information, under oath, to undersigned in a timely manner. It is intended that any

information held by any persons acting on behalf of Intervener will be revealed in the answers hereto.

Demand is also made that when any document is identified in your answers to these interrogatories, you produce the document for inspection and copying at a mutually agreed upon time, date, and place after service of your response hereto. In lieu of such formal inspection, you may submit a legible copy of such document with your answers, and we shall pay you the reasonable cost of reproduction of such document.

In this document:

1. "You" and "your" means the Intervener Linda Van Dyke Kilcoin and her predecessors in interest, if any, and all other persons acting or purporting to act on behalf of Intervener Linda Van Dyke Kilcoin.

2. "Document" includes any written, recorded, or graphic matter, however produced or reproduced; including, but not limited to, correspondence, e-mails, telegrams, or other written communications, photographs, drawings, contracts, agreements, notes, memorandums, work papers, diaries, minutes of meetings, or any other writing.

3. "Identify" means, with respect to a document, to set forth the following information:

- a. Its nature (e.g., letter, memorandum, report, etc.);
- b. The date it bears, or if undated, the date it was written or created;
- c. The identity of the person(s) who wrote or created it;
- d. The identity of the person(s) who received it;
- e. Its file number or other identifying mark or code;
- f. Its general subject matter; and
- g. Its present or last-known location and custodian.

In all cases where identification of a document is requested, in lieu of such specification, you may supply a legible copy of such document.

4. "Identify" means, with respect to a natural person, to set forth the following information:

- a. Full name and home address;
- b. Present or last-known job title and business address;
- c. Present or last-known employer; and
- d. If not now the same as shown in items b. and c., his/her job title and employer at the time of the events involved in this lawsuit.

5. "Identify" means, with respect to an entity other than a natural person, to set forth the full name or title of the entity and the address and principal business or activity of such entity.

6. "Identify" means, with respect to an oral communication or other event, to set forth the following information:

- a. Its general nature (e.g., telephone call, conference, luncheon);
- b. The date it occurred and the time;
- c. The place it occurred;
- d. For a communication, the identity of each originator and recipient; for an event, the identity of each person present; and
- e. The identity of all persons present when the communication or event occurred.

7. "Date" means the exact day, month, and year if ascertainable; if not, the closest approximation.

8. The term "property" means real property, buildings, fixtures and other improvements located at 11571 Farmer Road, Custer County, South Dakota.

INTERROGATORIES

INTERROGATORY NO. 1: Prior to answering these interrogatories, have you made due and diligent search of your books, records, and papers, and due and diligent inquiry of all agents of the Applicant, with a view to eliciting all information available in this action?

INTERROGATORY NO. 2: Please state the identify of all the individuals who participated in or were involved in answering these Interrogatories and Requests for Production of Documents and identify which interrogatory or request for production each individual supplied information for.

INTERROGATORY NO. 3. State the names and addresses of any persons who you believe have or may purport to have any knowledge or information pertaining to this matter, your intervention or the Applicant's application, and state, insofar as you know, the nature of such knowledge or information.

INTERROGATORY NO. 4. State and explain every reason you oppose Applicant's application 2730-2.

INTERROGATORY NO. 5. Identify and water right you claim or ownership in any water right you claim anywhere in south Dakota.

INTERROGATORY NO. 6. Do you allege that there is not reasonable probability that there is unappropriated water available in the Madison Aquifer for the applicant's proposed use? If so, explain why.

INTERROGATORY NO. 7. Do you allege that the proposed diversion requested in the Applicant's application can not be developed without unlawful impairment of existing rights? If so, explain how so and specifically identify what water rights would be impaired and how they would be impaired.

INTERROGATORY NO. 8. Do you allege that the proposed use of water requested in the Applicant's application is not in the public interest? If so, explain why not.

INTERROGATORY NO. 9. Do you allege that the proposed use of water sought by the Applicant is not a beneficial use as defined by SDCL § 46-1-6(3)? If so, explain why not.

INTERROGATORY NO. 10. List the names, addresses, official titles, if any, of all witnesses, who, it is contemplated, will be called upon to testify in support of your claim in this matter, indicate the nature and substance of the testimony which it is expected will be given by each witness, and if any such prospective witnesses are related to you, state the relationship.

INTERROGATORY NO. 11. List, identify, and describe the contents of each document which it is contemplated will be offered in support of your claim in this action.

**DEMAND IS HEREBY MADE TO PRODUCE COPIES OF ANY
AND ALL SUCH DOCUMENTS.**

INTERROGATORY NO. 12. If it will be claimed that, after the incident in question, the defendant, its agents, or employees spoke or were heard to speak about the cause or result of the incident, state the substance of what the defendant, its agents, or employees said, to whom he, she, or they spoke, and when and where.

INTERROGATORY NO. 13: Please identify and state the occupation, profession and field of specialization of each person whom you expect to call as an expert witness at the hearing, and as to each such person,

please state:

- a. The subject matter on which the expert is expected to testify;
- b. A complete statement of the facts and opinions to which the expert is expected to testify;
- c. The basis and reasons for all of the opinions upon which the expert is expected to testify;
- d. The facts, data or other information provided to or considered by the witness in forming the opinions;
- e. Any exhibits that will be used to summarize or support the opinions; and
- f. The title, author, copyright date and publisher's name and address of any book, medical or scientific treatise upon which such expert shall rely or which such expert will utilize in the preparation of and the presentation of his testimony.

INTERROGATORY NO. 14. For every residence in Custer County or Fall river County, South Dakota you reside in, or are domiciled at, please identify all your sources of water.

REQUESTS FOR PRODUCTION OF DOCUMENTS

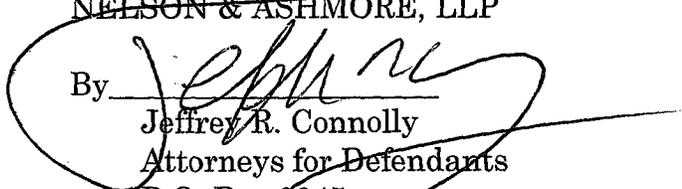
REQUEST NO. 1: Any and all documents requested in Interrogatories 1 through 14 above.

REQUEST NO. 2: Any document relied upon to answer any interrogatory above.

Dated May 22, 2015.

GUNDERSON, PALMER,
NELSON & ASHMORE, LLP

By


Jeffrey R. Connolly
Attorneys for Defendants
P.O. Box 8045
Rapid City, SD 57709
(605) 342-1078
jconnolly@gpnalaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of this legal document upon the persons herein next designated, all on the date below shown, by depositing copies thereof in the United States mail at Rapid City, South Dakota, postage prepaid, in envelopes addressed to said addressees, to wit:

Michael M. Hickey
Bangs McCullen Butler Foye & Simmons, L.L.P.
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Attorney for Intervener, Linda Van Dyke Kilcoin
Also via Email to: mhickey@bangsmccullen.com

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**Cheryl Schrempp DuPris
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**Craig Bobzien
Forest Supervisor
Black Hills National Forest
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Custer, SD 57730**

**Mr. & Mrs. David Albrecht
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26541 Stagecoach Springs Road
Custer, SD 57730-9109**

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

**Doug Leshner
Stone Meadow Ranch
26699 Remington Road
Custer, SD 57730**

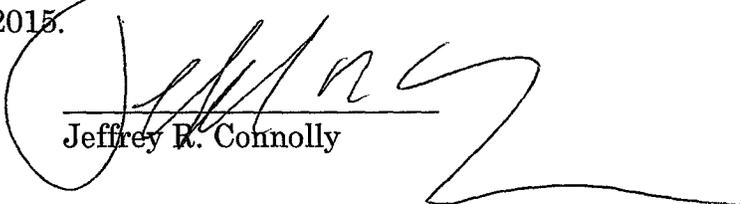
**Rick Fox
P.O. Box 35
Hermosa, SD 57744**

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

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

which are the last addresses of the addressees known to the subscriber.

Dated this 22nd day of May, 2015.


Jeffrey R. Connolly