

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

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IN THE MATTER OF WATER	)	
APPLICATION NO. 2730-2, UNITED	)	PROCEDURAL AND SCHEDULING
ORDER OF SOUTH DAKOTA	)	ORDER
	)	

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Upon consideration of the Motion for Procedural and Scheduling Order filed by the Department of Environment and Natural Resources, the following Order shall be entered in the above captioned action.

It is ORDERED:

1. All attorneys who will be representing any party at the formal contested case proceeding shall file a Notice of Appearance in this matter. Further, all non-resident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2.

2. The following pre-hearing schedule and obligations apply to Applicant, DENR, and all other parties:

a.) Discovery requests must be initiated (served upon the applicable party) by May 22, 2015. The parties shall attempt to informally resolve any discovery dispute. If a discovery dispute cannot be resolved a party may file a motion with the Prehearing Chair in the same manner as provided 2(h) below.

b.) Discovery shall be completed by June 26, 2015.

c.) Each party shall disclose in writing the names of any expert that party intends to call as a witness at the hearing of this matter on or before June 1, 2015. This disclosure must include copies of any *curricula vitae*, along with copies of any expert report the party intends to offer.

d.) Each party shall disclose in writing the name, address, and contact information for any and all witnesses that party expects to call during the hearing of this matter on or before July 1, 2015. This disclosure must include a brief one or two sentence summary of each witness' expected testimony.

e.) Each party shall provide in writing a list identifying all exhibits that party intends to offer into evidence in its case in chief at the hearing and copies of said exhibits on or before July 1, 2015. The copies may be provided by electronic means.

f.) All exhibits shall be marked in advance of contested proceedings by each party. Each party shall contact Eric Gronlund, DENR Water Rights Program, (605) 773-3352 or at Eric.Gronlund@state.sd.us, to obtain a block of exhibit numbers.

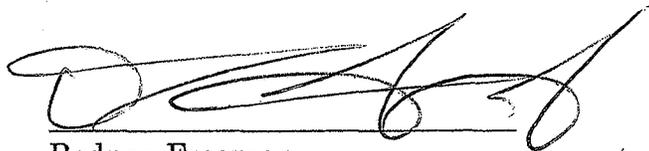
g.) Each party shall provide a sufficient number of copies of exhibits for use at the contested case hearing, including 10 copies for use by the Board, its counsel, and court reporter, and enough additional copies for all parties participating in the contested proceedings.

h.) All original pleadings and prehearing motions shall be sent by first class mail to Eric Gronlund, DENR Water Rights Program, Foss Building, 523

E. Capitol Avenue, Pierre, South Dakota 57501-3182. Parties must also serve copies of all pleadings and motions on all other parties, including the Hearing Chair, Chad Comes, and Board Counsel, Assistant Attorney General Matt Naasz.

i.) Copies of all discovery requests, discovery responses, and any items identified in subsections c), d) and e) above, shall be served on all parties, with the originals to be filed with the Department.

Dated this 18 day of May, 2015



Rodney Freeman,  
Prehearing Chairman  
South Dakota Water Management Board