



DANR
SOUTH DAKOTA

WATER MANAGEMENT BOARD
Meeting on May 5, 2021

Floyd Matthew Training Center
Joe Foss Bldg., 523 E Capitol Ave, Pierre SD

Due to COVID-19 and limited seating, any person(s) interested in speaking during the public comment period needs to contact the Department at (605) 773-3352 no later than 5:00 PM on Tuesday, May 4, 2021, if desiring to speak via remote connection.

Scheduled times are based on Central Time and are estimated start times.

Agenda items may be delayed due to prior scheduled items.

Live audio of the meeting is available at <https://www.sd.net>

May 5, 2021

- 9:30 AM Call to Order
 Adopt Final Agenda
 Conflicts Disclosures and Requests for State Board Waivers
 Adopt March 3, 2021 Board Minutes
 Status and Review of Water Rights Litigation
 Update on DANR Activities
 Public comment period in accordance with SDCL 1-25-1

 Administer Oath to Department of Agriculture and Natural Resources Staff

 Request to Amend Rules Section 74:51:01:11 Protection of wetlands as waters of the state. – Kelli Buscher

 Cancellation Considerations – Ron Duvall

 Future Use Reviews – Ron Duvall

 Consider rescission of suspension of Water Right No. 6168-3, Todd Hattum – Ron Duvall

 Consider Findings of Fact, Conclusions of Law, and Final Decision in the matter of Water Permit Application No. 2813-2, Mineral Mountain Resources (SD) Inc.

 Powertech (USA) Inc. Status Conference concerning Water Permit Application Nos. 2685-2 and 2686-2 and GWD 1-13
- 10:00 AM Water Permit Application No. 2814-2, Jude Wildeman\Big Mountain Cabins– Adam Mathiowetz
- 11:00 AM Recommendation to Department Secretary to approve applications for renewal of the ground water discharge plans for Wharf Resources' Reliance Spent Ore Depository (GWD 1-94) and Juno Foley Spent Ore Depository (GWD 1-98) – David McVey

Lunch

ADJOURN

WATER MANAGEMENT BOARD

Meeting on May 5, 2021

Board members are reminded they are subject to SDCL 3–23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Agriculture and Natural Resources at (605) 773-3352 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

LAW OFFICE OF BRUCE ELLISON
8265 Dark Canyon Road
Rapid City, SD 57702
(605) 348-1117
Belli4law@aol.com

RECEIVED

MAY 03 2021

WATER RIGHTS
PROGRAM

April 27, 2021

CHIEF ENGINEER
DENR Water Rights Program
Foss Building
523 E. Capitol Ave
Pierre, SD 57501-3182

Re: Powertech WAP and Disposal Applications

Chief Engineer:

Enclosed please find for filing and service on the Chief Engineer the original copy of Clean Water Alliance's Motion for Continuance and Response to Motion for Status Hearing, together with a Certificate of Service.

Thank you.

Sincerely,



Bruce Ellison

Attorney for Clean Water Alliance

RECEIVED

APR 27 2021

WATER RIGHTS
PROGRAM

*via
email*

**STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD**

IN THE MATTER OF WATER)	
PERMIT APPLICATIONS 2685-2)	
2686-2 POWERTECH (USA) INC.)	
)	RESPONSE TO MOTION
IN THE MATTER OF THE 2012)	FOR STATUS CONFERENCE
GROUNDWATER DISCHARGE PLAN)	
APPLICATION SUBMITTED BY)	
POWERTECH (USA), INC.)	

The foreign uranium mining and processing investment company Powertech has moved the Water Management Board (Board) for a status conference at the regularly scheduled May 5, 2021 Board Meeting for the above-entitled matters. Powertech, in its Motion for Status Conference asserts a hope to begin the process of "re-initiating proceedings" regarding its two massive water appropriation permit (WAP) applications and its 2012 Application for a Groundwater Discharge Plan for large-scale uranium in-situ leach (ISL) mines and a processing plant in the Dewey-Burdock area of the southern Black Hills. Powertech seeks appointment of a pre-hearing chairman.

The Clean Water Alliance (CWA) by and through the below-signed Counsel hereby responds to Powertech's Motion and appointment of a pre-hearing officer would be premature.

CWA strongly opposes a "status conference" on May 5, 2021 which could

result in a determination that the time is ripe for restarting the hearings on Powertech's WAP applications and its Groundwater Discharge permit application under the following facts and circumstances:

1. Powertech in its Motion for Status Conference is accompanied by an Order dated November 25, 2013 granting Powertech's Motion for Continuance of the WAP and Disposal Well Applications before this Board. While Powertech formally filed the Motion in 2013, the Board in its Order noted that "all intervenors who recently filed submissions regarding the Board's jurisdiction and authority over Powertech's pending applications have requested that the Board continue the hearing pending resolution of Powertech's pending federal applications regarding the Dewey-Burdock Project. Intervenor's position is consistent with their previous motions to continue the hearing this matter."
2. The 2013 Order granted the continuance motion "until resolution by the federal agencies of Powertech's pending applications for the Dewey-Burdock project."
3. An actual status conference was held a couple of months ago before the DENR's Mining Board regarding Powertech's pending large-scale mining permit hearing – also continued by the Parties in 2013. It was simply and truly a "status" conference about the current status of Powertech's federal

permits needed along with State permits for proposed ISL mines and plant. Powertech made no effort to seek a restart of the State mining permit hearing and the Board made clear prior to the meeting that no such decision was to be made-it was just to be a status conference to update that Board. Parties and intervenors to Powertech's large scale mining permit application were noticed and many appeared (remotely). That Board heard testimony from a Deputy Attorney General who advised that Powertech's mining permit before the Nuclear Regulatory Commission was currently under appeal to the US Court of Appeals on the still yet to occur consultation with local Tribal Nations, that no hearings had yet been scheduled or heard on the Class III injection or deep disposal wells Powertech seeks from the Environmental Protection Agency. The Board was also advised that the permit process by the Bureau of Land Management remains in early procedural states.

4. Therefore, the time is not ripe for this Board to consider scheduling a restarting of hearings on Powertech's WAP and waste disposal permit applications since the federal permitting process is far from completion.
5. If the Board is to consider that "status" of the federal permits needed by Powertech prior to determining whether it is timely to restart the continued State permit hearings, CWA respectfully submits the same Assistant

Attorney General who appeared before the Board of Minerals and Environment be invited to a scheduled status conference.

6. CWA also respectfully requests an opportunity to present and or participate in any such hearing.
7. CWA has by separate Motion also requested a continuance of any such “status” conference on May 5, 2021 unless its Counsel is permitted to appear remotely due to scheduling and travel conflicts.
8. CWA has further requested the continuance since a significant number of Intervenor, including the Oglala Sioux Tribe, appear to have not received notice of the proposed status conference affecting their substantial rights to due process. As the Motion for Continuance respectfully submits, approximately a third of the addresses of intervenors listed on Powertech’s Certificate of Service are no longer accurate. Correct addresses need to be obtained and any motion and notice of hearing served upon the affected unnoticed Intervenor.

Dated this 27th day of April, 2021.



BRUCE ELLISON
8265 Dark Canyon Road
Rapid City, SD 57702
belli4law@aol.com
Attorney for Clean Water Alliance

CERTIFICATE OF SERVICE

It is hereby certified that a true a correct copy of CWA's Response to Motion for Status Conference was served for filing on the Chief Engineer at eric.gronlund@state.sd.us and by U.S. mail to Chief Engineer, DENR, 523 E. Capitol Ave., Pierre, SD 57501 and served by US mail to:

Matthew Naasz	506 Sixth St, P.O.Box 8045	Rapid City	SD 57709
Anne Mines Bailey	Office of Attorney General, 1302 E. Hwy 14, #1	Pierre,	SD 57702
Donald	Ackerman, Sr. 27128 Wonderland Rd.	Hot Springs	SD 57747
Keith & Kim	Alarie 840 Spruce St., Lot 320	Rapid City	SD 57701
Juli	Ames-Curtis 11936 Hay Creek Rd.	Custer	SD 57730
Twyla	Amiotte PO Box 125	Buffalo Gap	SD 57722
Jillian	Anawaty 2804 Willow Rd.	Rapid City	SD 57701
Harold	Arns 22723 Tawney Ct.	Box Elder	SD 57719
Jacqueline	Arpen 2004 Maple Ave.	Rapid City	SD 57701
Brandon	Bad Wound 639 Pahasapa Rd.	Rapid City	SD 57701
Brianna	Badure PO Box 971	Hot Springs	SD 57747
Jerri	Baker 705 N. River St.	Hot Springs	SD 57747
Angelia	Baldwin PO Box 191	Pierpont	SD 57468-0191
Anna	Ball PO Box 46	Piedmont	SD 57769
Bill	Barlaw PO Box 811	Edgemont	SD 57735
Bernard & Lauarie	Barnaud 12129 Sagebrush Ln.	Nisland	SD 57762
Thomas F.	Barnes 11778 Pleasant Valley Rd.	Custer	SD 57730
Joe	Bassingham 10985 Pleasant Valley Rd.	Hot Springs	SD 57747
Sudhi	Baumberger 12374 Baumberger Rd.	Deadwood	SD 57732
Mark & Jennifer	Belitz 2311 Woodlawn Ave.	Missoula	MT 59804
Annabelle	Between Lodge PO Box 118	Oglala	SD 57764
Edward	Binns 408 N. 17th St.	Hot Springs	SD 57747
Jerry	Bloomer 2146 Minnekaht Ave.	Hot Springs	SD 57747
Hannah	Bochert Sherman St.	Hot Springs	SD 57747
Mark	Boddicker 13850 Battle Creek Rd.	Hermosa	SD 57744
Wayne & Mary	Boots 25588 Mt. Shadow Rd.	Edgemont	SD 57735
Karl	Bothul 338 S. 17th	Hot Springs	SD 57747
Rick	Britton PO Box 53	Hot Springs	SD 57747
Michelle	Brock 26846 Highway 385	Hot Springs	SD 57747
Cindy	Brunson 11122 Fort Igloo Rd.	Edgemont	SD 57735
Mary	Burrows 545 N. River St., #211	Hot Springs	SD 57747

Wally	Caln	690 S. 6th Street	Hot Springs	SD	57747
Mary Kay	Carle	5821 Michael Court	St. Cloud	MN	56303
Allen	Chesson	545 N. River St.	Hot Springs	SD	57747
Julie & Emily	Christensen	603 N. River St.	Hot Springs	SD	57747
Sharon & Alex	Christie	PO Box 74	Buffalo Gap	SD	57722
Don DeVries	City of Hot Springs	303 N. River Rd.	Hot Springs	SD	57747
Charles	Cox	PO Box 84	Hot Springs	SD	57747
Georgiana	Cross	2045 Canton Ave., #530	Hot Springs	SD	57747
Doris Ann Mertz	Custer County Library	447 Crook St., Suite 4	Custer	SD	57730
Teresa	Daiss	28423 Old Highway 79	Hot Springs	SD	57747
Lynda	Davies	PO Box 1204	Hot Springs	SD	57747
Jeremiah J.	Davis	130 E. Centennial St.	Rapid City	SD	57701
Joel & Peggy	Detmers	13488 Shelter Dr.	Rapid City	SD	57702
Kendra	Dexter	27302 Martin St.	Hot Springs	SD	57747
Ross	Dexter	PO Box 883	Hot Springs	SD	57747
Francis	Dicesare	1501 - 11th St.	Rapid City	SD	57701
Leora	Doppen	745 N. River St.	Hot Springs	SD	57747
Rick	Draeger	617 St. Cloud	Rapid City	SD	57701
Kathy	Durrum	10374 Dryland Dr.	Edgemont	SD	57735
Ashley Cortney	Edgemont Public Library	PO Box A/412 nd.	Edgemont	SD	57735
Bruce	Ellison	PO Box 2508	Rapid City	SD	57709
Tom	Emanuel	19 N. Pine St.	Vermillion	SD	57069
M & T	Engle	115 Scott St.	Edgemont	SD	57735
Wade	Evans	27338 Taylor Ln.	Hot Springs	SD	57747
Elaine	Everhart	545 N. River St.	Hot Springs	SD	57747
Cheryl	Fair	12909 Sheps Canyon Rd.	Hot Springs	SD	57747
	Fall River				
	County State's Atty.	906 N. River St., Suite 301	Hot Springs	SD	57747
Jeannie	Fine	PO Box 153	Pringle	SD	57773
Jana	Firkins	244 Galveston Ave.	Hot Springs	SD	57747
Ronald	Fischer	711 - 6th Ave. E.	Mobridge	SD	57601
Donna	Fisher	12311 Whitetail Rd.	Deadwood	SD	57732
		2002 Promise Rd., Apt.			
Shirley	Frederick	5216	Rapid City	SD	57701
Rodney	Freeman	PO Box 176	Huron	SD	57350
Lisa	Freshour	2045 Canton Ave., #535	Hot Springs	SD	57747
Gary	Friendshuh	27098 Elk Rd.	Buffalo Gap	SD	57722
Brenda	Gamache	2337 Wilson Ave.	Hot Springs	SD	57747
Rich & Jackie	Gericke	305 S. 14th St.	Hot Springs	SD	57747

Amber	Gill	718 Harney	Custer	SD	57730
Cindy Gillis	Gonzalez Law Firm	522 - 7th Street, #202	Rapid City	SD	57701
Jesse	Grant	1938 Detroit Ave.	Hot Springs	SD	57747
Gardner & Lynn	Gray	20228 Avalanche Rd.	Whitewood	SD	57793
Diane	Gross	27426 Cedar Rd.	Hot Springs	SD	57747
Matthew Naasz	Gunderson				
Jake	Palmer	PO Box 8054	Rapid City	SD	57709
William	Haacke	1026 Evanston Ave.	Hot Springs	SD	57747
Edward	Hansen	1201 Oakridge Dr., #250	Fort Collins	CO	80525
Joel	Harvey	1545 Albany Ave.	Hot Springs	SD	57747
Ellen	Hawkins	1901 Wilson	Hot Springs	SD	57747
Kip, Clifford & Virginia	Heafner	504 S. 19th St.	Hot Springs	SD	57747
Susan	Heinzen	309 S. 6th St.	Hot Springs	SD	57747
Patricia	Henderson	Box 731	Edgemont	SD	57735
Carolyn	Hernandez	71 Apache Plume Dr.	Santa Fe	NM	87508
	Hertel	27615 Country View Rd.	Hot Springs	SD	57747
		Bangs, McCullen - PO			
Michael	Hickey	Box 2670	Rapid City	SD	57709-2670
Luella	Hicks	PO Box 144	Buffalo Gap	SD	57722
Terry	Holcomb	105 S. 23rd St.	Hot Springs	SD	57747
Georgia	Holmes	838 Birch	Hot Springs	SD	57747
Jeremy & Roger	Horton	PO Box 629	Edgemont	SD	57735
	Hot Springs				
	Public Library	2005 Library Dr.	Hot Springs	SD	57747
BJ	Hunter	353 Bears Ave.	Hot Springs	SD	57747
Richardo	Jacoue	601 Albany Ave.	Hot Springs	SD	57747
Cheryl & John	Jarding	1405 City Springs Rd.	Rapid City	SD	57702
Mike & Angela	Jarding	27201 Valley Rd.	Hot Springs	SD	57747
Dianna	Jensen	27999 Cascade Rd.	Hot Springs	SD	57747
Dan & Maxine	Jensen	806 Galveston	Hot Springs	SD	57747
Patricia Jenkins and	Jeremy Smith	287 Evans Ln.	Spearfish	SD	57783
Andy and Forest	Johnson	610 Nellie Lane	Spearfish	SD	57783
Terry	Johnson	26680 Buffalo Butte Dr.	Hot Springs	SD	57747
Dawn	Johnson	PO Box 1123	Hot Springs	SD	57747
Lilias	Jones Jarding	418 N. 44th St.	Rapid City	SD	57702
Lorna	Just	21939 - 464th Ave.	Volga	SD	57071
Marvin	Kammerer	22198 Elk Vale Rd.	Rapid City	SD	57701
Gwen & Eloise	Kaneshiro	1446 Evanston Ave.	Hot Springs	SD	57747
Angie	Keierleber	447 Crook St., #1	Custer	SD	57730
Don & Kim	Kelley	12637 Merritt-Estes Rd.	Deadwood	SD	57732
Corey & Shawntera	Kennedy	140 Adonia Ln.	Rapid City	SD	57701
Sabrina	King	917 Wood Ave.	Rapid City	SD	57701

Judith	Klein	238 N. 6th St.	Hot Springs	SD	57747
Frank J.	Kloucek	29966 - 423rd Avenue	Scotland	SD	57059
Dennis & Penny	Knuckles	12484 Willow Creek Rd.	Custer	SD	57730
Rodney	Knudson	PO Box 25	Hulett	WY	82720
Sylvia	Lambert	PO Box 78	Interior	SD	57750
Margaret	Lamont	PO Box 53	Buffalo Gap	SD	57722
Dan	Lang	27564 Ponderosa Rd.	Hot Springs	SD	57747
Greg	Langer	PO Box 141	Buffalo Gap	SD	57722
		27927 Cascade Springs			
Matt	Lanz	Rd.	Hot Springs	SD	57747
Karla	LaRive	839 Almond Street	Hot Springs	SD	57747
Calvin	LaRive	142 N. 6th St.	Hot Springs	SD	57747
John E.	Larson	10374 Dryland Dr.	Edgemont	SD	57738
Robert	Lee	338 S. 5th St.	Hot Springs	SD	57747
Rebecca M.	Lord	PO Box 952	Hill City	SD	57745
Pam	Ludweg	810 Gordon	Custer	SD	57730
Nancy	Magnuson	PO Box 54	Buffalo Gap	SD	57722
Susan	Malewke	545 N. River St., #401	Hot Springs	SD	57747
Carla Rae	Marshall	PO Box 3184	Rapid City	SD	57709
Melissa	Martin	2329 Ely Ave.	Hot Springs	SD	57747
Lisa	Masterson	445 S. 6th St.	Hot Springs	SD	57747
DeAnn	McComb	PO Box 254	Hot Springs	SD	57747
James	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Daria	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Jim	McKean	27317 Hidden Ct.	Hot Springs	SD	57747
Billy Jack	McLaughlin	PO Box 25	Buffalo Gap	SD	57722
Dahl	McLean	11853 Acorn Ridge Rd.	Spearfish	SD	57783
Cynthia	Messenger	12750 Merchen Rd., #18	Hot Springs	SD	57747
Martin & Elsa	Meyer	102 S. Connor St.	Hot Springs	SD	57747
Steven & Lexxie	Meyer	13050 Lakeview Dri.	Hot Springs	SD	57747
Gary	Miles	27528 Rathbun Road	Hot Springs	SD	57747
Karen	Miller	3119 Turtle Creek Center	Rapid City	SD	57703
Neal	Miller	486 Almond St.	Hot Springs	SD	57747
Marsha	Miller	27316 Hidden Center	Hot Springs	SD	57747
Glenn	Mushaney	PO Box 272	Hot Springs	SD	57747
Jason	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Jean	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Valerie	Naylor	23201 Custer Trails Rd.	Rapid City	SD	57702
Casey	Neugebauer	27552 S. Buffalo Gap Rd.	Oral	SD	57766
Ricard	Nowlan	421 Galveston	Hot Springs	SD	57747
	Oglala Lakota				
Woksape Tipi	College	PO Box 310	Kyle	SD	57752
Michael	O'Rourke	4513 Leo Drive., #4	Madison	WI	53716

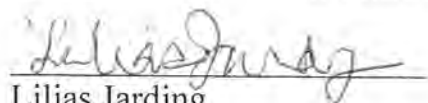
Madline	Ortego	PO Box 861	Pine Rige	SD	57773
Otis	Osborn	523 Francis St.	Rapid City	SD	57701
Raymond	Palmer	27221 Windy Rd.	Hot Springs	SD	57747
Jason	Parker	1005 S. River St.	Hot Springs	SD	57747
Valerie A.	Parker, MD	4814 Cliff Dr.	Rapid City	SD	57702
Gena M.	Parkhurst	PO Box 1914	Rapid City	SD	57709
Mary Helen	Pederson	437 N. 6th St.	Hot Springs	SD	57747
Mel	Pence	2330 Washington Ave.	Hot Springs	SD	57747
Jim	Petersen	1203 - 11th St.	Rapid City	SD	57701
Sarah	Peterson	510 Jennings	Hot Springs	SD	57747
			Salt Lake		
Sarah & AJ	Phillips	4099 S. 570 E., Apt. 15F	City	UT	84107
Chris	Pierce	101 N. Chicago	Hot Springs	SD	57747
Rex & Mildred	Piper	1609 Detroit Ave.	Hot Springs	SD	57747
Linda	Pirales	311 S. Wisconsin Ave.	Casper	WY	82609
Cindy	Powell	1637 - 38th St.	Rapid City	SD	57702
Steve	Preheim	2317 Washington Ave.	Hot Springs	SD	57747
Gary	Putnam	204 - 4th Ave.	Hot Springs	SD	57747
Government	Rapid City				
Documents	Public Library	610 Quincy St.	Rapid City	SD	57701
Jim	Red Cloud	13084 Gray Dr.	Hot Springs	SD	57747
Stacy	Reetz	546 Jennings Ave.	Hot Springs	SD	57747
Rick	Rewe	28149 Sheps Canyon Rd.	Hot Springs	SD	57747
Charleton	Reynar	28025 Cascade Rd.	Hot Springs	SD	57747
Dorothy	Richards	340 N. 23rd St.	Hot Springs	SD	57747
Craig	Romey	342 N. 4th	Hot Springs	SD	57747
Elray	Rosaaen	PO Box 125	Buffalo Gap	SD	57722
Katie	Roseland	5811 Gemini St.	Rapid City	SD	57703
Roger and Cheryl	Rowe	7950 Dark Canyon Road	Rapid City	SD	57702
Betty	Runzerel	PO Box 836	Hot Springs	SD	57747
Grant	Rush	PO Box 172	Hot Springs	SD	57747
Betty	Russell	PO Box 836	Hot Springs	SD	57747
Frank	Ruther	545 N. River St., #413	Hot Springs	SD	57747
Mary & Jason	Salway	910 S. 6th St.	Hot Springs	SD	57747
Jason & Mary	Salway	PO Box 424	Allen	SD	57714
Gail	Saxonis	745 Happy Hollow	Hot Springs	SD	57747
John & Connie	Schwarzenbach	2229 Minnekahta Ave.	Hot Springs	SD	57747
Gary	Schweigert	279 Cascade Rd.	Hot Springs	SD	57747
Marsha	Seabolt	4435 Dolphin	Rapid City	SD	57701
Dale	Seineke	13130 Greg Dr.	Hot Springs	SD	57747
Peggy	Semler	PO Box 245	Hot Springs	SD	57747
Robert	Shannon	24705 Timber Ridge Rd.	Hermosa	SD	57744
Barbara	Sharp	445 S. 3rd St.	Hot Springs	SD	57747

Russ	Sick	12619 Booke Canyon Rd.	Hot Springs	SD	57747
Ashley	Simpson	108 S. 3rd	Hot Springs	SD	57747
Jerry	Simunter	22769 Jenny Rd.	Hot Springs	SD	57747
J.	Smith	2728 Hoot Brook	Hot Springs	SD	57747
Charlene	Smith	PO Box 481	Rapid City	SD	57709
Maura	Smith	306 Joplin, #8	Hot Springs	SD	57747
Jennie	Sotherland	27735 Cascade Rd.	Hot Springs	SD	57747
Darla	Stevens	1622 Evanston	Hot Springs	SD	57747
Susan	Stolarcek	PO Box 686	Hot Springs	SD	57747
Richard	Stone	12959 Buffalo Circle	Hot Springs	SD	57747
Lila	Streff	12379 Beaver Den Dr.	Custer	SD	57730
Michelle	Sugeg	PO Box 139	Hot Springs	SD	57747
Rebecca Leas and					
Rick	Summerville	21287 Sandal Foot Dr.	Venice	FL	34293
Dennis	Sutherland	2202 University	Hot Springs	SD	57747
Linda	Syter	11962 Sundance Dr.	Hot Springs	SD	57747
Rube	Tifft	PO Box 411	Edgemont	SD	57735
Niklaus	Towne	28423 Old Highway 79	Hot Springs	SD	57747
Mark	Tubbs	10891 River Rd.	Edgemont	SD	57735
Loraine	Tucker	PO Box 1129	Hot Springs	SD	57747
Douglas C. and					
Mary Allen	Uptain	3213 W. Main, #112	Rapid City	SD	57702
Judith	Van Cleave	7711 Dark Canyon Rd.	Rapid City	SD	57702
	Veronica				
Moses Ciser &	Hernandez	410-1/2 South Street	Hot Springs	SD	57747
Milli	Vong	146 S. 19 th	Hot Springs	SD	57747
Alan	Walker	303 Cedar St.	Buffalo Gap	SD	57722
Lennie	Walleen	446 S. 16 th	Hot Springs	SD	57747
Barbara	Walter	545 N. River St., Apt. 503	Hot Springs	SD	57747
Kellee	Walton	1005 S. River St.	Hot Springs	SD	57747
Susan	Watt	PO Box 790	Hot Springs	SD	57747
Wendolyn	Weimers	306 N. 19th St.	Hot Springs	SD	57747
Debra	Weishaupl	110 N. 3rd St.	Hot Springs	SD	57747
Betty	Welch	PO Box 14	Edgemont	SD	57735
Charmaine	White Face	PO Box 2003	Rapid City	SD	57709
Kristen	Wilder	506 Jennings Ave.	Hot Springs	SD	57747
Bette	Wilkinson	3718 Redwood St.	Rapid City	SD	57701
Jerry	Wilson	30959 Frog Creek Rd.	Vermillion	SD	57069
Julia	Woodard	639 Pahasapa Rd.	Rapid City	SD	57701
James	Woodward	PO Box 599	Wellington	CO	80549
Robin	Wynia	12750 Merchen Rd.	Hot Springs	SD	57747
Karen	Yekel	2455 Minnekahta	Hot Springs	SD	57747
Elton	Zornes	12742 Highway 18	Hot Springs	SD	57747

57501-8501

57501

KNOWN	as of	
DECEASED	04/26/2021	
William M.	Cing	
Rose	Elmore	
Judy	Gaalswyk	GP has as Gaalaugh
Mary	Goulet	
Gary	Heckenlaible	
Dayton	Hyde	
Linsey	McLean	
Alison	Swan	
Paula	Tonemah	
Debra	White Plume	
Sandra	Woodard	


Lillas Jarding

LAW OFFICE OF BRUCE ELLISON
8265 Dark Canyon Road
Rapid City, SD 57702
(605) 348-1117
Belli4law@aol.com

RECEIVED

MAY 03 2021

WATER RIGHTS
PROGRAM

April 27, 2021

CHIEF ENGINEER
DENR Water Rights Program
Foss Building
523 E. Capitol Ave
Pierre, SD 57501-3182

Re: Powertech WAP and Disposal Applications

Chief Engineer:

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Thank you.

Sincerely,



Bruce Ellison

Attorney for Clean Water Alliance

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APR 27 2021

WATER RIGHTS
PROGRAM

*via
email*

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

IN THE MATTER OF WATER)	
PERMIT APPLICATIONS 2685-2)	
2686-2 POWERTECH (USA) INC.)	
)	MOTION FOR CONTINUANCE
IN THE MATTER OF THE 2012)	OR REMOTE PARTICIPATION
GROUNDWATER DISCHARGE PLAN)	
APPLICATION SUBMITTED BY)	
POWERTECH (USA), INC.)	

The foreign uranium mining and processing investment company Powertech has moved the Water Management Board (Board) for a status conference at the regularly scheduled May 5, 2021 Board Meeting for the above-entitled matters. Powertech, in its Motion for Status Conference asserts a hope to begin the process of "re-initiating proceedings" regarding its two massive water appropriation permit (WAP) applications and its 2012 Application for a Groundwater Discharge Plan for large-scale uranium in-situ leach (ISL) mines and a processing plant in the Dewey-Burdock area of the southern Black Hills.

The Clean Water Alliance (CWA) by and through the below-signed Counsel hereby requests a continuance of the proposed status conference under the following facts and circumstances:

1. At the time Counsel for CWA was sent written notice of the proposed status conference, he was already scheduled to be out-of-state during the week

including May 5, 2021. CWA's Counsel cannot be in Pierre, SD on that date.

2. Unless Counsel is permitted to participate remotely (by audio or audio/video on May 5th), a continuance is necessary to permit CWA to formally participate in what appears could become a substantive hearing.
3. While Powertech's Motion is characterized as a status conference, it appears to be more in the nature of a substantive hearing to determine whether and/or when this Board should schedule further hearings on Powertech's WAP and mining waste disposal applications continued by the Board in 2013. The hearings were continued to permit completion and final review of necessary and outstanding federal mining permits related to the proposed hazardous extraction project, without further use of state resources until and only if Powertech obtained final approval of necessary permits from the Nuclear Regulatory Commission, the Environmental Protection Agency, the Bureau of Land Management, and any other federal and state permits required.¹
4. In addition to CWA's rights to be present at any substantive or procedural hearing in this matter, the Board is cognizant that basic constitutional Due Process, SDCL 1-26A-18 ("Opportunity shall be afforded all parties to respond and present evidence on issues of fact and argument on issues of

law or policy”), and fundamental fairness require that all parties to contested permit applications be provided notice and an opportunity to be heard. A preliminary examination of the list of Intervenor listed on Applicant’s Certificate of Service indicates that close to one-third of the addresses are no longer accurate.

5. Thus, a significant number of Intervenor, including the Oglala Sioux Tribe, have not received notice of the proposed status conference affecting their rights.
6. A continuance should therefore also be granted to permit Powertech time to determine the correct address of and provide notice to each Intervenor to guarantee their rights to participate in any status conference regarding the propriety of re-starting WMB hearings on the merits of the Applications more than seven and a half years after they were continued.

CWA’s Motion to Continue should be granted to permit participation by its Counsel in any discussion about the propriety of restarting the WAP and waste disposal applications, as well as to permit proper notice to all Intervenor of the scheduling of any such status conference.

¹ CWA respectfully contends that the record shows Powertech federal permits remain subject to pending appeals or

Dated this 27th day of April, 2021.



BRUCE ELLISON

8265 Dark Canyon Road

Rapid City, SD 57702

belli4law@aol.com

Attorney for Clean Water Alliance

CERTIFICATE OF SERVICE

It is hereby certified that a true a correct copy of CWA's Motion to Continue was served for filing on the Chief Engineer at eric.gronlund@state.sd.us and by U.S. mail to Chief Engineer, DENR, 523 E. Capitol Ave., Pierre, SD 57501 and served by US mail to:

Matthew Naasz	506 Sixth St, P.O.Box 8045	Rapid City	SD 57709
Anne Mines Bailey	Office of Attorney General, 1302 E. Hwy 14, #1	Pierre,	SD 57702
Donald	Ackerman, Sr. 27128 Wonderland Rd.	Hot Springs	SD 57747
Keith & Kim	Alarie 840 Spruce St., Lot 320	Rapid City	SD 57701
Juli	Ames-Curtis 11936 Hay Creek Rd.	Custer	SD 57730
Twyla	Amiotte PO Box 125	Buffalo Gap	SD 57722
Jillian	Anawaty 2804 Willow Rd.	Rapid City	SD 57701
Harold	Arns 22723 Tawney Ct.	Box Elder	SD 57719
Jacqueline	Arpen 2004 Maple Ave.	Rapid City	SD 57701
Brandon	Bad Wound 639 Pahasapa Rd.	Rapid City	SD 57701
Brianna	Badure PO Box 971	Hot Springs	SD 57747
Jerri	Baker 705 N. River St.	Hot Springs	SD 57747
Angelia	Baldwin PO Box 191	Pierpont	SD 57468-0191
Anna	Ball PO Box 46	Piedmont	SD 57769
Bill	Barlaw PO Box 811	Edgemont	SD 57735
Bernard & Lauarie	Barnaud 12129 Sagebrush Ln.	Nisland	SD 57762
Thomas F.	Barnes 11778 Pleasant Valley Rd.	Custer	SD 57730
Joe	Bassingham 10985 Pleasant Valley Rd.	Hot Springs	SD 57747
Sudhi	Baumberger 12374 Baumberger Rd.	Deadwood	SD 57732
Mark & Jennifer	Belitz 2311 Woodlawn Ave.	Missoula	MT 59804

have not reached the formal hearing stage on the merits of pending applications. CWA's position is further addressed by a separate Response to Powertech's Motion for Status Hearing.

Annabelle	Between Lodge	PO Box 118	Oglala	SD	57764
Edward	Binns	408 N. 17th St.	Hot Springs	SD	57747
Jerry	Bloomer	2146 Minnekaht Ave.	Hot Springs	SD	57747
Hannah	Bochert	Sherman St.	Hot Springs	SD	57747
Mark	Boddicker	13850 Battle Creek Rd.	Hermosa	SD	57744
Wayne & Mary	Boots	25588 Mt. Shadow Rd.	Edgemont	SD	57735
Karl	Bothul	338 S. 17th	Hot Springs	SD	57747
Rick	Britton	PO Box 53	Hot Springs	SD	57747
Michelle	Brock	26846 Highway 385	Hot Springs	SD	57747
Cindy	Brunson	11122 Fort Igloo Rd.	Edgemont	SD	57735
Mary	Burrows	545 N. River St., #211	Hot Springs	SD	57747
Wally	Caln	690 S. 6th Street	Hot Springs	SD	57747
Mary Kay	Carle	5821 Michael Court	St. Cloud	MN	56303
Allen	Chesson	545 N. River St.	Hot Springs	SD	57747
Julie & Emily	Christensen	603 N. River St.	Hot Springs	SD	57747
Sharon & Alex	Christie	PO Box 74	Buffalo Gap	SD	57722
Don DeVries	City of Hot Springs	303 N. River Rd.	Hot Springs	SD	57747
Charles	Cox	PO Box 84	Hot Springs	SD	57747
Georgiana	Cross	2045 Canton Ave., #530	Hot Springs	SD	57747
	Custer County				
Doris Ann Mertz	Library	447 Crook St., Suite 4	Custer	SD	57730
Teresa	Daiss	28423 Old Highway 79	Hot Springs	SD	57747
Lynda	Davies	PO Box 1204	Hot Springs	SD	57747
Jeremiah J.	Davis	130 E. Centennial St.	Rapid City	SD	57701
Joel & Peggy	Detmers	13488 Shelter Dr.	Rapid City	SD	57702
Kendra	Dexter	27302 Martin St.	Hot Springs	SD	57747
Ross	Dexter	PO Box 883	Hot Springs	SD	57747
Francis	Dicesare	1501 - 11th St.	Rapid City	SD	57701
Leora	Doppen	745 N. River St.	Hot Springs	SD	57747
Rick	Draeger	617 St. Cloud	Rapid City	SD	57701
Kathy	Durum	10374 Dryland Dr.	Edgemont	SD	57735
	Edgemont				
Ashley Cortney	Public Library	PO Box A/412 nd.	Edgemont	SD	57735
Bruce	Ellison	PO Box 2508	Rapid City	SD	57709
Tom	Emanuel	19 N. Pine St.	Vermillion	SD	57069
M & T	Engle	115 Scott St.	Edgemont	SD	57735
Wade	Evans	27338 Taylor Ln.	Hot Springs	SD	57747
Elaine	Everhart	545 N. River St.	Hot Springs	SD	57747
Cheryl	Fair	12909 Sheps Canyon Rd.	Hot Springs	SD	57747
	Fall River				
	County State's Atty.	906 N. River St., Suite 301	Hot Springs	SD	57747

Jeannie	Fine	PO Box 153	Pringle	SD	57773
Jana	Firkins	244 Galveston Ave.	Hot Springs	SD	57747
Ronald	Fischer	711 - 6th Ave. E.	Mobridge	SD	57601
Donna	Fisher	12311 Whitetail Rd.	Deadwood	SD	57732
		2002 Promise Rd., Apt.			
Shirley	Frederick	5216	Rapid City	SD	57701
Rodney	Freeman	PO Box 176	Huron	SD	57350
Lisa	Freshour	2045 Canton Ave., #535	Hot Springs	SD	57747
Gary	Friendshuh	27098 Elk Rd.	Buffalo Gap	SD	57722
Brenda	Gamache	2337 Wilson Ave.	Hot Springs	SD	57747
Rich & Jackie	Gericke	305 S. 14th St.	Hot Springs	SD	57747
Amber	Gill	718 Harney	Custer	SD	57730
	Gonzalez Law				
Cindy Gillis	Firm	522 - 7th Street, #202	Rapid City	SD	57701
Jesse	Grant	1938 Detroit Ave.	Hot Springs	SD	57747
Gardner & Lynn	Gray	20228 Avalanche Rd.	Whitewood	SD	57793
Diane	Gross	27426 Cedar Rd.	Hot Springs	SD	57747
	Gunderson				
Matthew Naasz	Palmer	PO Box 8054	Rapid City	SD	57709
Jake	Haacke	1026 Evanston Ave.	Hot Springs	SD	57747
William	Hansen	1201 Oakridge Dr., #250	Fort Collins	CO	80525
Edward	Harvey	1545 Albany Ave.	Hot Springs	SD	57747
Joel	Hawkins	1901 Wilson	Hot Springs	SD	57747
Ellen	Heafner	504 S. 19th St.	Hot Springs	SD	57747
Kip, Clifford &					
Virginia	Heinzen	309 S. 6th St.	Hot Springs	SD	57747
Susan	Henderson	Box 731	Edgemont	SD	57735
Patricia	Hernandez	71 Apache Plume Dr.	Santa Fe	NM	87508
Carolyn	Hertel	27615 Country View Rd.	Hot Springs	SD	57747
		Bangs, McCullen - PO			
Michael	Hickey	Box 2670	Rapid City	SD	57709-2670
Luella	Hicks	PO Box 144	Buffalo Gap	SD	57722
Terry	Holcomb	105 S. 23rd St.	Hot Springs	SD	57747
Georgia	Holmes	838 Birch	Hot Springs	SD	57747
Jeremy & Roger	Horton	PO Box 629	Edgemont	SD	57735
	Hot Springs				
	Public Library	2005 Library Dr.	Hot Springs	SD	57747
BJ	Hunter	353 Bears Ave.	Hot Springs	SD	57747
Richardo	Jacoue	601 Albany Ave.	Hot Springs	SD	57747
Cheryl & John	Jarding	1405 City Springs Rd.	Rapid City	SD	57702
Mike & Angela	Jarding	27201 Valley Rd.	Hot Springs	SD	57747
Dianna	Jensen	27999 Cascade Rd.	Hot Springs	SD	57747
Dan & Maxine	Jensen	806 Galveston	Hot Springs	SD	57747
Patricia Jenkins and	Jeremy Smith	287 Evans Ln.	Spearfish	SD	57783

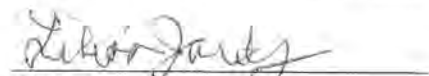
Andy and Forest	Johnson	610 Nellie Lane	Spearfish	SD	57783
Terry	Johnson	26680 Buffalo Butte Dr.	Hot Springs	SD	57747
Dawn	Johnson	PO Box 1123	Hot Springs	SD	57747
Lilias	Jones Jarding	418 N. 44th St.	Rapid City	SD	57702
Lorna	Just	21939 - 464th Ave.	Volga	SD	57071
Marvin	Kammerer	22198 Elk Vale Rd.	Rapid City	SD	57701
Gwen & Eloise	Kaneshiro	1446 Evanston Ave.	Hot Springs	SD	57747
Angie	Keierleber	447 Crook St., #1	Custer	SD	57730
Don & Kim	Kelley	12637 Merritt-Estes Rd.	Deadwood	SD	57732
Corey & Shawntera	Kennedy	140 Adonia Ln.	Rapid City	SD	57701
Sabrina	King	917 Wood Ave.	Rapid City	SD	57701
Judith	Klein	238 N. 6th St.	Hot Springs	SD	57747
Frank J.	Kloucek	29966 - 423rd Avenue	Scotland	SD	57059
Dennis & Penny	Knuckles	12484 Willow Creek Rd.	Custer	SD	57730
Rodney	Knudson	PO Box 25	Hulett	WY	82720
Sylvia	Lambert	PO Box 78	Interior	SD	57750
Margaret	Lamont	PO Box 53	Buffalo Gap	SD	57722
Dan	Lang	27564 Ponderosa Rd.	Hot Springs	SD	57747
Greg	Langer	PO Box 141	Buffalo Gap	SD	57722
		27927 Cascade Springs			
Matt	Lanz	Rd.	Hot Springs	SD	57747
Karla	LaRive	839 Almond Street	Hot Springs	SD	57747
Calvin	LaRive	142 N. 6th St.	Hot Springs	SD	57747
John E.	Larson	10374 Dryland Dr.	Edgemont	SD	57738
Robert	Lee	338 S. 5th St.	Hot Springs	SD	57747
Rebecca M.	Lord	PO Box 952	Hill City	SD	57745
Pam	Ludweg	810 Gordon	Custer	SD	57730
Nancy	Magnuson	PO Box 54	Buffalo Gap	SD	57722
Susan	Malewke	545 N. River St., #401	Hot Springs	SD	57747
Carla Rae	Marshall	PO Box 3184	Rapid City	SD	57709
Melissa	Martin	2329 Ely Ave.	Hot Springs	SD	57747
Lisa	Masterson	445 S. 6th St.	Hot Springs	SD	57747
DeAnn	McComb	PO Box 254	Hot Springs	SD	57747
James	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Daria	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Jim	McKean	27317 Hidden Ct.	Hot Springs	SD	57747
Billy Jack	McLaughlin	PO Box 25	Buffalo Gap	SD	57722
Dahl	McLean	11853 Acorn Ridge Rd.	Spearfish	SD	57783
Cynthia	Messenger	12750 Merchen Rd., #18	Hot Springs	SD	57747
Martin & Elsa	Meyer	102 S. Connor St.	Hot Springs	SD	57747
Steven & Lexxie	Meyer	13050 Lakeview Dri.	Hot Springs	SD	57747
Gary	Miles	27528 Rathbun Road	Hot Springs	SD	57747
Karen	Miller	3119 Turtle Creek Center	Rapid City	SD	57703

Neal	Miller	486 Almond St.	Hot Springs	SD	57747
Marsha	Miller	27316 Hidden Center	Hot Springs	SD	57747
Glenn	Mushaney	PO Box 272	Hot Springs	SD	57747
Jason	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Jean	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Valerie	Naylor	23201 Custer Trails Rd.	Rapid City	SD	57702
Casey	Neugebauer	27552 S. Buffalo Gap Rd.	Oral	SD	57766
Ricard	Nowlan	421 Galveston	Hot Springs	SD	57747
	Oglala Lakota				
Woksape Tipi	College	PO Box 310	Kyle	SD	57752
Michael	O'Rourke	4513 Leo Drive., #4	Madison	WI	53716
Madline	Ortego	PO Box 861	Pine Rige	SD	57773
Otis	Osborn	523 Francis St.	Rapid City	SD	57701
Raymond	Palmer	27221 Windy Rd.	Hot Springs	SD	57747
Jason	Parker	1005 S. River St.	Hot Springs	SD	57747
Valerie A.	Parker, MD	4814 Cliff Dr.	Rapid City	SD	57702
Gena M.	Parkhurst	PO Box 1914	Rapid City	SD	57709
Mary Helen	Pederson	437 N. 6th St.	Hot Springs	SD	57747
Mel	Pence	2330 Washington Ave.	Hot Springs	SD	57747
Jim	Petersen	1203 - 11th St.	Rapid City	SD	57701
Sarah	Peterson	510 Jennings	Hot Springs	SD	57747
			Salt Lake		
Sarah & AJ	Phillips	4099 S. 570 E., Apt. 15F	City	UT	84107
Chris	Pierce	101 N. Chicago	Hot Springs	SD	57747
Rex & Mildred	Piper	1609 Detroit Ave.	Hot Springs	SD	57747
Linda	Pirales	311 S. Wisconsin Ave.	Casper	WY	82609
Cindy	Powell	1637 - 38th St.	Rapid City	SD	57702
Steve	Preheim	2317 Washington Ave.	Hot Springs	SD	57747
Gary	Putnam	204 - 4th Ave.	Hot Springs	SD	57747
Government	Rapid City				
Documents	Public Library	610 Quincy St.	Rapid City	SD	57701
Jim	Red Cloud	13084 Gray Dr.	Hot Springs	SD	57747
Stacy	Reetz	546 Jennings Ave.	Hot Springs	SD	57747
Rick	Rewe	28149 Sheps Canyon Rd.	Hot Springs	SD	57747
Charleton	Reynar	28025 Cascade Rd.	Hot Springs	SD	57747
Dorothy	Richards	340 N. 23rd St.	Hot Springs	SD	57747
Craig	Romey	342 N. 4th	Hot Springs	SD	57747
Elray	Rosaaen	PO Box 125	Buffalo Gap	SD	57722
Katie	Roseland	5811 Gemini St.	Rapid City	SD	57703
Roger and Cheryl	Rowe	7950 Dark Canyon Road	Rapid City	SD	57702
Betty	Runzerel	PO Box 836	Hot Springs	SD	57747
Grant	Rush	PO Box 172	Hot Springs	SD	57747
Betty	Russell	PO Box 836	Hot Springs	SD	57747

Frank	Ruther	545 N. River St., #413	Hot Springs	SD	57747
Mary & Jason	Salway	910 S. 6th St.	Hot Springs	SD	57747
Jason & Mary	Salway	PO Box 424	Allen	SD	57714
Gail	Saxonis	745 Happy Hollow	Hot Springs	SD	57747
John & Connie	Schwarzenbach	2229 Minnekahta Ave.	Hot Springs	SD	57747
Gary	Schweigert	279 Cascade Rd.	Hot Springs	SD	57747
Marsha	Seabolt	4435 Dolphin	Rapid City	SD	57701
Dale	Seineke	13130 Greg Dr.	Hot Springs	SD	57747
Peggy	Semler	PO Box 245	Hot Springs	SD	57747
Robert	Shannon	24705 Timber Ridge Rd.	Hermosa	SD	57744
Barbara	Sharp	445 S. 3rd St.	Hot Springs	SD	57747
Russ	Sick	12619 Booke Canyon Rd.	Hot Springs	SD	57747
Ashley	Simpson	108 S. 3rd	Hot Springs	SD	57747
Jerry	Simunter	22769 Jenny Rd.	Hot Springs	SD	57747
J.	Smith	2728 Hoot Brook	Hot Springs	SD	57747
Charlene	Smith	PO Box 481	Rapid City	SD	57709
Maura	Smith	306 Joplin, #8	Hot Springs	SD	57747
Jennie	Sotherland	27735 Cascade Rd.	Hot Springs	SD	57747
Darla	Stevens	1622 Evanston	Hot Springs	SD	57747
Susan	Stolarcek	PO Box 686	Hot Springs	SD	57747
Richard	Stone	12959 Buffalo Circle	Hot Springs	SD	57747
Lila	Streff	12379 Beaver Den Dr.	Custer	SD	57730
Michelle	Sugeg	PO Box 139	Hot Springs	SD	57747
Rebecca Leas and					
Rick	Summerville	21287 Sandal Foot Dr.	Venice	FL	34293
Dennis	Sutherland	2202 University	Hot Springs	SD	57747
Linda	Syter	11962 Sundance Dr.	Hot Springs	SD	57747
Rube	Tifft	PO Box 411	Edgemont	SD	57735
Niklaus	Towne	28423 Old Highway 79	Hot Springs	SD	57747
Mark	Tubbs	10891 River Rd.	Edgemont	SD	57735
Loraine	Tucker	PO Box 1129	Hot Springs	SD	57747
Douglas C. and					
Mary Allen	Uptain	3213 W. Main, #112	Rapid City	SD	57702
Judith	Van Cleave	7711 Dark Canyon Rd.	Rapid City	SD	57702
	Veronica				
Moses Ciser &	Hernandez	410-1/2 South Street	Hot Springs	SD	57747
Milli	Vong	146 S. 19 th	Hot Springs	SD	57747
Alan	Walker	303 Cedar St.	Buffalo Gap	SD	57722
Lennie	Walleen	446 S. 16 th	Hot Springs	SD	57747
Barbara	Walter	545 N. River St., Apt. 503	Hot Springs	SD	57747
Kellee	Walton	1005 S. River St.	Hot Springs	SD	57747
Susan	Watt	PO Box 790	Hot Springs	SD	57747
Wendolyn	Weimers	306 N. 19th St.	Hot Springs	SD	57747

Debra	Weishaupl	110 N. 3rd St.	Hot Springs	SD	57747
Betty	Welch	PO Box 14	Edgemont	SD	57735
Charmaine	White Face	PO Box 2003	Rapid City	SD	57709
Kristen	Wilder	506 Jennings Ave.	Hot Springs	SD	57747
Bette	Wilkinson	3718 Redwood St.	Rapid City	SD	57701
Jerry	Wilson	30959 Frog Creek Rd.	Vermillion	SD	57069
Julia	Woodard	639 Pahasapa Rd.	Rapid City	SD	57701
James	Woodward	PO Box 599	Wellington	CO	80549
Robin	Wynia	12750 Merchen Rd.	Hot Springs	SD	57747
Karen	Yekel	2455 Minnekahta	Hot Springs	SD	57747
Elton	Zornes	12742 Highway 18	Hot Springs	SD	57747

KNOWN	as of	
DECEASED	04/26/2021	
William M.	Cing	
Rose	Elmore	
Judy	Gaalswyk	GP has as Gaalaugh
Mary	Goulet	
Gary	Heckenlaible	
Dayton	Hyde	
Linsey	McLean	
Alison	Swan	
Paula	Tonemah	
Debra	White Plume	
Sandra	Woodard	


 Lillas Jarding

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

<http://atg.sd.gov/>

JASON R. RAVNSBORG

ATTORNEY GENERAL

CHARLES D. McGUIGAN

CHIEF DEPUTY ATTORNEY GENERAL

April 30, 2021

RECEIVED

MAY 03 2021

**WATER RIGHTS
PROGRAM**

Jim Hutmacher, Chairman
DANR – Water Management Board
Foss Building
523 East Capitol Ave.
Pierre, SD 57501-3182

Re: *In the Matter of Water Permit Application Nos. 2685-2 and 2686-2, and In the Matter of the 2012 Groundwater Discharge Plan Application Submitted by Powertech (USA) Inc.*

Dear Chairman Hutmacher:

Enclosed please find a copy of the Order Denying Ellison Motion for Continuance and Certificate of Service in regard to the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McVey", written over a horizontal line.

David M. McVey
Assistant Attorney General

DMM/lde
Enclosures

cc/encl: All Parties of Record Noted in Certificate of Service

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 DENYING ELLISON
MOTION FOR CONTINUANCE

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

RECEIVED

MAY 03 2021

WATER RIGHTS
PROGRAM

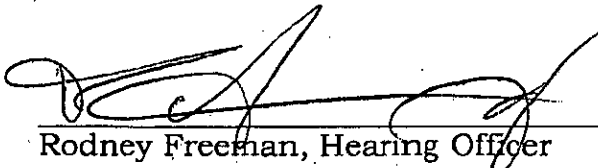
On April 27, 2021, Bruce Ellison filed a Motion for a Continuance of the Status Conference on this matter which is scheduled for May 5, 2020, or in the alternative, to allow counsel to participate remotely. The Notice that was sent regarding the grant of the motion for a status conference on May 5 noted that parties could participate remotely

(https://denr.sd.gov/wrimage/pub/PT_not.pdf) and further provided that the directions to participate remotely are on the boards and commissions portal here: <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>.

As the notice already provides for remote participation, the instant motion is unnecessary. Moreover, a continuance is unnecessary as this is merely a status conference not a hearing.

It is hereby ORDERED, that Ellison's Motion for a continuance is
DENIED.

Dated this April 29, 2021.



Rodney Freeman, Hearing Officer
South Dakota Water Management Board

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES*
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATIONS NOS. 2685-2 AND)
2686-2, POWERTECH (USA), INC.)
IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE PLAN)
APPLICATION SUBMITTED BY)
POWERTECH (USA), INC.)

CERTIFICATE OF
SERVICE

RECEIVED

MAY 03 2021

**WATER RIGHTS
PROGRAM**

The undersigned hereby certifies that a true and correct copy of the Order Denying Ellison Motion for Continuance in the above entitled matter was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on April 30, 2021:

Matthew E. Naasz
Richard M. Williams
Gunderson, Palmer, Nelson, &
Ashmore, LLP
PO Box 8045
Rapid City, SD 57709

Status "A" Intervenor:

Jillian Anawaty
Dakota Rural Action
2804 Willow Rd
Rapid City, SD 57701

Angelia Baldwin
PO Box 191
Pierpont, SD 57468

* As of April 19, 2021, the South Dakota Department of Environment and Natural Resources (DENR) became known as the South Dakota Department of Agriculture and Natural Resources (DANR).

Mark Boddicker
13850 Battle Creek Rd
Hermosa, SD 57744

William Cing
1446 Evanston Ave.
Hot Springs, SD 57747

Bruce Ellison
Attorney for Clean Water Alliance
PO Box 2508
Rapid City, SD 57709

W. Cindy Gillis
Attorney for Oglala Sioux Tribe
522 7th St. #202
Rapid City, SD 57701

Susan Henderson
PO Box 731
Edgemont, SD 57735

Lilias C. Jarding
PO Box 591
Rapid City, SD 57709

Marvin Kammerer
22198 Elk Vale Rd
Rapid City SD 57701

Sabrina King
14705 Halter Ct.
Piedmont, SD 57769

Rodney G. Knudson
PO Box 25
Hulett, WY 82720

Rebecca Michele Lord
PO Box 952
Hill City, SD 57745-0952

Cindy Brunson
11122 Fort Igloo Rd
Edgemont, SD 57735

Rick Draeger
617 St. Cloud
Rapid City, SD 57701

Brenda Gamache
2337 Wilson Ave.
Hot Springs, SD 57747

Gary Heckenlaible
PO Box 422
Rapid City, SD 57709

Michael Hickey
Attorney for Wild Horse Sanctuary
PO Box 2670
Rapid City, SD 57709

Andy Johnson
610 Nellie Ln
Spearfish SD 57783

Gwen E Kaneshiro
1446 Evanston Ave
Hot Springs SD 57747

Frank J Kloucek
29966 423rd Ave
Scotland SD 57059

Rebecca R Leas
6509 Seminole Ln
Rapid City SD 57702

Dahl H McLean
11853 Acorn Ridge Rd
Spearfish SD 57783

Gena M. Parkhurst
PO Box 1914
Rapid City SD 57709

Rick V Summerville
6509 Seminole Ln
Rapid City SD 57702

Status "B" Intervenor:

Resident
12560 Beaver Creek Road
Hot Springs, SD 57747

Alice
P.O. Box 861
Pine Ridge, SD 57773

Donald L. Ackerman
27128 Wonderland
Hot Springs, SD 57747

Kim Alarie
840 Spruce Street, Lot 320
Rapid City, SD 57701

Twyla Amiatte
P.O. Box 125
Buffalo Gap, SD 57722

Jacqueline Arpen
2004 Maple Ave.
Rapid City, SD 57701

Brianna Badure
P.O. Box 971
Hot Springs, SD 57747

Anna K. Ball
P.O. Box 46
Piedmont, SD 57769

Thomas F. Barnes
11778 Pleasant Valley Road
Custer, SD 57730

Roger & Cheryl A Rowe
7950 Dark Canyon Rd
Rapid City SD 57702

Douglas C. Uptain
3213 W Main #112
Rapid City SD 57702

Resident
309 S. 6th Street
Hot Springs, SD 57747

Rube D
104 Jefferson Street
Edgemont, SD 57735

Keith Alarie
840 Spruce Street, Lot 320
Rapid City, SD 57701

Juli Ames-Curtis
11936 Hay Creek Road PO
Custer, SD 57730

Harold Ams
22723 Tawney Ct.
Box Elder, SD 57719

Brandon Bad Wound
639 Pahasapa Road
Rapid City, SD 57701

Jerri Baker
705 N. River Street
Hot Springs, SD 57747

Bernard and Laurie Barnaud
12129 Sagebrush Road
Nisland, SD 57762

Joe Bassingham
10985 Pleasant Valley Road
Hot Springs, SD 57747

Sudhi Baumberger
12374 Baumberger Road
Deadwood, SD 57732

Eddie Berford
241 Galveston Ave.
Hot Springs, SD 57747

Edward H. Binns
408 N. 17th Street
Hot Springs, SD 57747

Hannah Bochert
Sherman Street
Hot Springs, SD 57747

Wayne Boots
25588 Mt. Shado Road 338
Edgemont, SD 57735

Rick Britton
P.O. Box 53
Hot Springs, SD 57747

Mary Burrows
2309 Wilson Ave.
Hot Springs, SD 57747

Mary Kay Carle
5821 Michael Ct.
St. Cloud, MN 56303

Julie and Emily Christensen
603 N. River Street
Hot Springs, SD 57747

Charles Cox
P.O. Box 84
Hot Springs, SD 57747

Teresa Daiss
28423 Old Highway 79
Hot Springs, SD 57747

Mark and Jennifer Belitz
28233 Cascade Road
Hot Springs, SD 57747

Annabelle Between Lodge
P.O. Box 118
Oglala, SD 57764

Jerry Bloomer
2146 Minnekahta Ave.
Hot Springs, SD 57747

Mary Boots
25588 Mt. Shadow Road
Edgemont, SD 57735

Karl W. Bothul
S. 17th
Hot Springs, SD 57747

Michelle Brock
26846 Hwy 385
Hot Springs, SD 57747

Wally Cam
690 6th Street
Hot Springs, SD 57747

Allen Chesson
545 N. River Street
Hot Springs, SD 57747

Sharon and Alex Christie
P.O. Box 74
Buffalo Gap, SD 57722

Georgiana Cross
2045 Canton Ave. #530
Hot Springs, SD 57747

Lynda Davies
P.O. Box 1204
Hot Springs, SD 57747

Jeremiah J. Davis
130 E. Centennial
Rapid City, SD 57701

Peggy Detmers
13488 Shelter Drive
Rapid City, SD 57072

Kendra Dexter
23278 Pebble Court
Hot Springs, SD 57747

Francis Dicesare
1501 11st Street
Rapid City, SD 57701

Kathy Durrum
10374 Dryland Drive
Edgemont, SD 57735

Tom Emanuel, Executive Director
Peace and Justice Center
19 N. Pine Street
Vermillion, SD 57069

T. Engle
115 Scott Street
Edgemont, SD 57735

Blaine Everhart
545 N. River Street
Hot Springs, SD 57747

Jeanie Fine
P.O. Box 153
Pringle, SD 57773

Ronald Fischer
711 6th Ave. East
Mobridge, SD 57601

Shirley Frederick
3411 Idlewild Court
Rapid City, SD 57702

Joel Detmers
13488 Shelter Drive
Rapid City, SD 57702

Don DeVries
City of Hot Springs
303 N. River Road
Hot Springs, SD 57747

Ross Dexter
P.O. Box 883
Hot Springs, SD 57747

Leora Drapper
13174 Fall River Road
Hot Springs, SD 57747

Rosie Elmore
P.O. Box 888
Hot Springs, SD 57747

M. Engle
115 Scott Street
Edgemont, SD 57735

Wade Evans
27338 Taylor Lane
Hot Springs, SD 57747

Cheryl and Jon Fair
12909 Shep's Canyon Road
Hot Springs, SD 57747

Jana Firkins
244 Galveston Ave.
Hot Springs, SD 57747

Donna M. Fisher
12311 Whiterail Road
Deadwood, SD 57732

Lisa Freshour
2045 Canton Ae. #535
Hot Springs, SD 57747

Gary Friendshuh
27098 Elk Road
Buffalo Gap, SD 57722

Judy Gaalswyk
912 9th Street
Rapid City, SD 57701

Amber Gill
718 Harney
Custer, SD 57730

May Gozelet
338 S. River Street
Hot Springs, SD 57747

Garnder Gray
P.O. Box 153
Pringle, SD 57773

Diane Gross
P.O. Box 389
Hot Springs, SD 57747

William R. Hansen
NPS-Water Resource Division
1201 Oakridge Drive, #250
Fort Collins, CO 80525

Joel Hawkins
504 16th Street
Hot Springs, SD 57747

Kip Heinzen
309 S. 6th Street
Hot Springs, SD 57747

Virginia M. Heinzen
309 S. 6th Street
Hot Springs, SD 57747

Patricia Hernandez
71 Apache Plume Drive
Sante Fe, NM 87508

Judy Gaalaugh
912 9th Street
Rapid City, SD 57701

Rich and Jackie Gericke
305 S. 14th Street
Hot Springs, SD 57747

Mary Goulet
338 S. 5th Street
Hot Springs, SD 57747

Jesse Grant
1938 Detroit Ave.
Hot Springs, SD 57747

Lynn Gray
P.O. Box 153
Pringle, SD 57773

Jake Haacke
1026 Evanston Ave.
Hot Springs, SD 57747

Edward Harvey
1545 Albany Ave.
Hot Springs, SD 57747

Ellen Heafner
504 S. 19th Street
Hot Springs, SD 57747

Clifford Heizen
309 S. 6th Street
Hot Springs, SD 57747

Moses-Ciser and Veronica Hernandez
410 ½ South Street
Hot Springs, SD 57747

Carolyn Hertel
27615 Country View Road
Hot Springs, SD 57747

Luella J. Hicks
P.O. Box 144
Buffalo Gap, SD 57722

Georgia Holmes
Hot Springs Council
838 Birch
Hot Springs, SD 57747

Roger K. Horton, Sr.
P.O. Box 629
Edgemont, SD 57735

Dayton Hyde, President
BH Wild Horse Sanctuary
P.O. Box 932
Hot Springs, SD 57747

Anglea and Mike Jarding
27210 Valley Road
Hot Springs, SD 57747

John B. Jarding
202 E. Nebraska Street
Rapid City, SD 57701

Patricia Jenkins
287 Evans Lane
Spearfish, SD 57783

Dan Jensen
806 Galveston
Hot Springs, SD 57747

Forest Johnson
610 Nellie Lane
Spearfish, SD 57783

Dawn Johnson
P.O. Box 1123
Hot Springs, SD 57747

Terry Holcomb
105 S. 23rd Street
Hot Springs, SD 57747

Jeremy A. Horton
P.O. Box 629
Edgemont, SD 57735

B.J. Hunter
353 Bears Ave.
Hot Springs, SD 57747

Richardo Jacome
601 Albany Ave.
Hot Springs, SD 57747

Cheryl Jarding
202 E. Nebraska Street
Rapid City, SD 57701

Mike Jarding
27201 Valley Road
Hot Springs, SD 57747

Dianna Jensen
27999 Cascade Road
Hot Springs, SD 57747

Maxine Jensen
806 Galveston
Hot Springs, SD 57747

Terry Johnson
26680 Buffalo Butte Drive
Hot Springs, SD 57747

Lorna Just
21939 484th Ave.
Volga, SD 57071

Boise Kaneshiro
1446 Evanston Ave.
Hot Springs, SD 57747

Don Kelley
12637 Meritt-Estes Road
Deadwood, SD 57732

Corey Kennedy
140 Adnoia Lane
Rapid City, SD 57701

Jewell Keown
410 S. 4th Street
Hot Springs, SD 57747

Judith Klein
238 N. 6th Street
Hot Springs, SD 57747

Sylvia Lambert
P.O. Box 78
Interior, SD 577501

Dan Lang
27564 Ponderosa Road
Hot Springs, SD 57747

Matt Lantz
27927 Cascade Spring Road
Hot Springs, SD 57747

Karla R. Larive
839 Almond Street
Hot Springs, SD 57747

Karla Larive
P.O. Box 752
Hot Springs, SD 57747

Pam Ludweg
810 Gordon
Custer, SD 57730

Angie Keierleber
Custer Conservation District
447 Crook Street, #1
Custer, SD 57730

Kim Kelley
12637 Merritt-Estes Road
Deadwood, SD 57732

Shawntera Kennedy
140 Adnoia Lane
Rapid City, SD 57701

Stanley T. Keys
224 E. Minnesota Street, Apt. 205
Rapid City, SD 57701

Dennis and Penny Knuckles
12484 Willow Creek Road
Custer, SD 57730

Laurence and Margaret Lamont
P.O. Box 53
Buffalo Gap, SD 57722

Greg Langer
P.O. Box 141
Buffalo Gap, SD 57722

Calvin Larive
713 N. River Street
Hot Springs, SD 57747

John E. Larson
10374 Dryland Drive
Edgemont, SD 57738

Robert Lee
338 S. 5th street
Hot Springs, SD 57747

Nancy C. Magnuson
P.O. Box 54
Buffalo Gap, SD 57722

Susan Malewke
545 N. River Street #401
Hot Springs, SD 57747

Lisa Masterson
445 S. 6th Street
Hot Springs, SD 57747

Darla McGrath
8403 Pioneer Circle
Rapid City, SD 57701

Jim McKean
27317 Hidden Ct.
Hot Springs, SD 57747

Linsey McLean
14390 Edgewood Pl.
Piedmont, SD 57769

Steven and Lexxie Meyer
13050 Lakeview Drive
Hot Springs, SD 57747

Gary Miles
27528 Rathbun Road
Hot Springs, SD 57747

Marsha Miller
27316 Hidden Court
Hot Springs, SD 57747

Glenn Mushaney
P.O.Box 272
Hot Springs, SD 57747

Jean Nachtigal
12746 Country Road
Hot Springs, SD 57747

Casey Neugebauer
27552 S. Buffalo Gap Road
Oral, SD 57766

Carla Rae Marshall
P.O. Box 3184
Rapid City, SD 57709

DeAnn McComb
P.O. Box 254
Hot Springs, SD 57747

James B. McGrath
8403 Pioneer Circle
Rapid City, SD 57702

Billy Jack McLaughlin
P.O. Box 25
Buffalo Gap, SD 57722

Cynthia Messenger
12750 Merchen Road, #18
Hot Springs, SD 57747

Martin H. and Elsa Meyer
102 S. Connor Street
Hot Springs, SD 57747

Karen N. Miller
3119 Turtle Creek Court
Rapid City, SD 57703

Neal Miller
486 Almond Street
Hot Springs, SD 57747

Jason Nachtigal
12749 Country Road
Hot Springs, SD 57747

Valerie Naylor
23201 Custer Trails Road
Rapid City, SD 57702

Richard Nowlan
202 Dakota Street
Hot Springs, SD 57747

Michael O'Rourke
4513 Leo Drive #4
Madison, WI 53716

Otis Osborn
523 St. Francis Street
Rapid City, SD 57701

Jason Parker
1005 S. River Street
Hot Springs, SD 57747

Mary Helen Pederson
P.O. Box 646
Hot Springs, SD 57747

Jim Peterson
1203 11st Street
Rapid City, SD 57701

Sarah and AJ Phillips
4099 S. 570 Apt. 15F
Salt Lake City, UT 84107

Rex and Mildred Piper
1609 Detroit Avenue
Hot Springs, SD 57747

Cindy Powell
1637 38th Street
Rapid City, SD 57702

Gary Putnam
204 4th Ave.
Hot Springs, SD 57747

Rick Rewe
28149 Shep's Canyon Road
Hot Springs, SD 57747

Dorothy Richards
340 N. 23rd Street
Hot Springs, SD 57747

Madeline Ortego
P.O. Box 851
Pine Rige, SD 57773

Raymond Palmer
27221 Windy Road
Hot Springs, SD 57747

Valerie M. Parker, MD
4814 Cliff Drive
Rapid City, SD 57702

Mel Pence
2330 Washington Ave.
Hot Springs, SD 57747

Sarah Peterson
510 Jennings
Hot Springs, SD 57747

Chris Pierce
101 N. Chicago
Hot Springs, SD 57747

Linda Pirates
311 S. Wisconsin Ave.
Casper, WY 82609

Steve Preheim
2317 Washington Street
Hot Springs, SD 57747

Jim Red Cloud
13084 Gray Drive
Hot Springs, SD 57747

Charleton T. Reynar
28025 Cascade Road
Hot Springs, SD 57747

Craig Romey
342 N 4th
Hot Springs, SD 57747

Katie Roseland
5811 Gemini St.
Rapid City, SD 57703

Betty Runzerel
PO Box 836
Hot Springs, SD 57747

Betty Russell
PO Box 836
Hot Springs, SD 57747

Mary & Jason Satway
PO Box 424
Allen, SD 57714

Connie Aann & John Schwarzenbach
2229 Minnekahta Ave.
Hot Springs, SD 57747

Marsha Seabolt
4435 Dolphin
Rapid City, SD 57701

Robert V. Shannon
24705 Timber Ridge Rd
Hermosa, SD 57744

Ashley Simpson
PO Box 587
Hot Springs, SD 57747

Russ Sisk
12619 Booke Canyon Rd
Hot Springs, SD 57747

J Smith
2728 Hoot Brook
Hot Springs, SD 57747

Elray Rosaaen
PO Box 125
Buffalo Gap, SD 57722

Cindy Rowe
7950 Dark Canyon Rd
Rapid City, SD 57701

Grant Rush
PO Box 172
Hot Springs, SD 57747

Frank Ruther
545 N River #413
Hot Springs, SD 57747

Gail M. Saxonis
745 Happy Hollow
Hot Spring, SD 57747

Gary Schweigert
279 Cascade Rd.
Hot Springs, SD 57747

Peggy Semler
PO Box 245
Hot Springs, SD 57747

Barbara Sharp
445 S 3rd St
Hot Springs, SD 57747

Jerry Simunter
22769 Jenny Rd
Hot Springs, SD 57747

Charlene J Smith
PO Box 481
Rapid City, SD 57709

Jeremy Smith
287 Evans Ln
Spearfish, SD 57783

Maura Smith
306 Joplin #8
Hot Springs, SD 57747

Dale Steineke
13130 Greg Dr
Hot Springs, SD 57747

Susan Stolarcek
PO Box 686
Hot Springs, SD 57747

Lila Streff
12379 Beaver Den Dr
Custer, SD 57730

Michelle Sugeg
PO Box 139
Hot Springs, SD 57747

Alison Swan
703 N River St
Hot Springs, SD 57747

Niklaus Towne
28423 Old Hwy 79
Hot Springs, SD 57747

Mark Tubbs
10891 River Rd
Edgemont, SD 57735

Mary Ellen Uptain
3213 W Main #112
Rapid City, SD 57702

Milli Vong
333 N River St
Hot Springs, SD 57747

Lennie Walleen
448 S 18th
Hot Springs, SD 57747

Susan Stareck
PO Box 686
Hot Springs, SD 57747

Darla Stevens
1822 Evanston
Hot Springs, SD 57747

Richard Stone
12959 Buffalo Circle
Hot Springs, SD 57747

Linda M Styger
11962 Sundance Dr
Hot Springs, SD 57747

Dennis Sutherland
2202 University
Hot Springs, SD 57747

Paula Tonemah
306 Thompson
Hot Springs, SD 57747

Jo Beth Troxel
303 E Morse St
Callaway, NE 68825

Loraine Tucker
PO Box 1129
Hot Springs, SD 57747

Judith R Van Cleave
7711 Dark Canyon Rd
Rapid City, SD 57702

Alan Walker
303 Cedar St
Buffalo Gap, SD 57722

Barbara Walter
545 N River St, Apt 503
Hot Springs, SD 57747

Kellee Walton
1005 S River St
Hot Springs, SD 57747

Wendolyn Weimers
308 N 19th St
Hots Springs, SD 57747

Betty Welch
PO Box 14
Edgemont, SD 57735

Debra White Plume
PO Box 71
Manderson, SD 57756

Bette Wilkinson
3718 Redwood St
Rapid City, SD 57701

Russell D Witte
301 S Chicago
Hot Springs, SD 57747

Sandra Woodard
PO Box 533
Oglala, SD 57764-0533

Karen Yekel
2455 Minnekahta
Hot Springs, SD 57747

Susan W Watt
BH Wild Horse Sanctuary
PO Box 700
Hot Springs, SD 57747

Debra J Weishaupl
110 N 3rd St
Hot Springs, SD 57747

Charmaine White Face
Coordinator – Defenders of the Black
Hills
PO Box 2003
Rapid City, SD 57709

Kristen Wilder
506 Jennings Ave
Hot Springs, SD 57747

Jerry Wilson
30952 Frog Creek Rd
Vermillion, SD 57069

Julia Woodard
639 Pahsapa Rd
Rapid City, SD 57701

Robin Wynia
12750 Merchen Rd
Hot Springs, SD 57747

Elton Zomes
12742 Hwy 18
Hot Springs, SD 57747

Status "C" Intervenor:

Kenneth D Anderson
24035 Palmer Gulch Rd
Hill City, SD 57745

Jerri & Ronald Baker
705 N River St
Hot Springs, SD 57747

Heather J Besco
PO Box 82
Buffalo Gap, SD 57722

Donald Bledsoe
27635 View Rd
Oral, SD 57766

B.R. Brygider
104 Tuflamore Rd
Garden City, NY 11530-2512

Barbara Cromwell
2313 Cruz Dr
Rapid City, SD 57702

Jeremiah David
130 E Centennial
Rapid City, SD 57701

Jon Fair
12909 Shep's Canyon Rd
Hot Springs, SD 57747

Ann Fields, PhD
2415 Amberbrooke Ln
Grayson, GA 30017

Therese Marie Furois
1851 City Springs Rd
Rapid City, SD 57702

Rick Good Voice Flute
1216 Wambli Dr
Rapid City, SD 57701

Beth Audette
1929 Evergreen Dr
Rapid City, SD 57702

Larry & Doris Belitz
12747 Oak Rd
Hot Springs, SD 57747

Jay & LaVella Birkland
301 S 6th St
Hot Springs, SD 57747

Ray Boots
302 Crook St
Custer, SD 57730

George Corrigan
446 S 5th St.
Hot Springs, SD 57747

Sister Gabriella Crowley
720 E Wiswall Pl
Sioux Falls, SD 57105

Joe Drapper (Doppen)
13174 Fall River Rd
Hot Springs, SD 57747

Irene Fandrich
301 S 6th St
Hot Springs, SD 57747

Adrian Forrette III
119 S Berry Pine Rd
Rapid City, SD 57702-1911

Ray Gellerman
12349 Moss Rock Lane
Custer, SD 57730

George Ann & Glen Graves
304 4th St
Buffalo Gap, SD 57722

Philip S Heckman
11936 Hay Creek Rd
Custer, SD 57730

Susan Hey
312 N 40th St
Rapid City, SD 57702

Margaret Ikonen
445 S 6th St
Hot Springs, SD 57747

Judith A Joba
3483 Elk Creek
Piedmont, SD 57769

Bonnie & Dallas Kelswetter
12899 Sapphire Ln
Hot Springs, SD 57747

Regina A Koch
515 N 1st St #1
Rapid City, SD 57701

Shirley & Robert Lautenschlager
3507 Idlewild Ct
Rapid City, SD 57702

Mike Linderman
446 Battle Mtn Ave
Hot Springs, SD 57747

Bonnie & Donald Maritz
545 N River #313
Hot Springs, SD 57747

Mark Mason
1161 Deadwood Ave #3
Rapid City, SD 57702

Jody McKean
27317 Hidden Ct
Hot Springs, SD 57747

Clifford Heizen
309 S 6th St
Hot Springs, SD 57747

Sharon Huston
12571 BH Flyway Rd
Hot Springs, SD 57747

Lyle Jensen
13167 Fall River Rd
Hot Springs, SD 57747

Jim Johnson
12568 Cascade Mt Rd
Hot Springs, SD 57747

Margaret Mary Keogh
1851 City Springs Rd
Rapid City, SD 57702-9602

Louise Kursave
27275 SD Hwy 79
Buffalo Gap, SD 57722

Jennifer Lena
8812 Dunsmore Rd
Rapid City, SD 57702

Grady Lockhart
PO Box 152
Oelrichs, SD 57752

Miriam & Ken Martin
801 N River St
Hot Springs, SD 57747

Gary A McDowell
701 South St, Apt B
Rapid City, SD 57701

Carol Merwin
2247 Cedar Dr
Rapid City, SD 57702

Katherine L Montague
1216 Wambli Dr
Rapid City, SD 57701-0456

Marion Muhm
1614 Coldbrook Ave
Hot Springs, SD 57747

Susan Nolan
1184 Lookout Lane
Rapid City, SD 57735

Eileen Ohliger
446 S 5th St
Hot Springs, SD 57747

James L Olson
12350 Beaver Den Dr
Custer, SD 57730

Virginia Panarella
26979 SD Hwy 89
Hot Springs, SD 57747-6002

Karen Pettigrew
1203 St Cloud St
Rapid City, SD 57701

Raymond Powell
2025 Lincoln Ave
Hot Springs, SD 57747

Antoinette Reynar
28025 Cascade Rd
Hot Springs, SD 57747

J&M Shaw
12083 Beardsley Dr
Hot Springs, SD 57747

Gail M Soave
14249 Lyons St
Livonia, MI 48154

Joe W Montgomery
210 Pine St
Buffalo Gap, SD 57722

Leslie Murphy
523 E Capitol Ave
Pierre, SD 57501

Elaine Noyes
4104 Lakeview Dr
Rapid City, SD 57702

Patricia E Ohliger
446 S 5th St
Hot Springs, SD 57747

Rev. Jodi Olson
12350 Beaver Den Dr
Custer, SD 57730

Sharon Parker
1913 Jennings Ave
Hot Springs, SD 57747

Rose or Reese Pettris
12544 W. Cascade Rd
Hot Springs, SD 57747

Carrie Regelin
2312 Serten Ave
Rapid City, SD 57701

Floyd Rowe
28144 Lot 50 Sheep Canyon
Hot Springs, SD 57747

Linda L Smith
947 S Chicago St
Hot Springs, SD 57747

Dewane Steams
11500 Indian Canyon Rd
Edgemont, SD 57735

Larry Tegantvoort
10041 Ventura Ln
Summerset, SD 57718

Jeannie Tiff
2342 Wilson Ave
Hot Springs, SD 57747

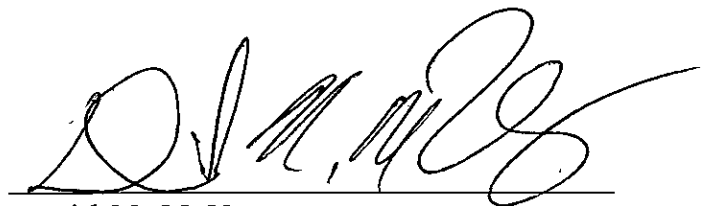
Matie Tyson
2508 Crown Hill
Rapid City, SD 57702

Bill Walsh
7450 Dark Canyon Rd
Rapid City, SD 57702

Kathryn Weller
8812 Dunsmore Rd
Rapid City, SD 57702

Trip Williams
27662 Scenic Rd
Hot Springs, SD 57747

And on the same date the original was mailed interoffice to Ron Duvall, Joe Foss Building, 523 E. Capitol Ave, Pierre, SD 57501, a copy was mailed interoffice to Jim Hutmacher, Chairman, DANR – Water Management Board Foss Building, 523 East Capitol Ave., Pierre, SD 57501 and a copy was hand delivered to Ann Mines Bailey, Assitant Attorney General, Counsel for Water Rights and Groundwater Quality Program, Office of the Attorney General 1302 E. HWY 14, Suite 1, Pierre, SD 57501.

A handwritten signature in black ink, appearing to read 'David M. McVey', written over a horizontal line.

David M. McVey
Assistant Attorney General
1302 Hwy 14, Suite 1
Pierre, SD 57501
(605)773-3215

Juli Ames-Curtis
11936 Hay Creek Rd, Custer, SD 57730
605-673-2967
mtsagemassage@yahoo.com

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MAY 03 2021

WATER RIGHTS
PROGRAM

Water Management Board,
Department of Agriculture and Natural Resources
Pierre, SD

Members of the Board,

I object to the water permit hearing process regarding the Dewey Burdock Powertech mine restarting at this time. The May 5th date is too short of notice for me as I have the day already scheduled (and have had for weeks). It is presumptuous for Powertech and the Water Management board to assume that the concerned citizens (intervenors) can pick up and drive to Pierre with less than 2 weeks' notice. Much less holding a potential large gathering in the time of COVID 19 is irresponsible.

Most of the stake holders live in the Black Hills or surrounding plains and reservations, I request you to consider that all hearings on this issue should be held in the Black Hills.

Water is not a resource; it is the source of life. The years of drought have shown how precious our water is.

I urge you to wait until all federal permits have been approved before considering Powertech's request.

Thank you for your time and consideration,



Juli Ames-Curtis

Cheryl and Roger Rowe
7950 Dark Canyon Rd
Rapid City, SD 57702

Water Management Board
523 E. Capital Ave.
Pierre, SD 57501

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MAY 03 2021

WATER RIGHTS
PROGRAM

RE: Powertech - South Dakota permitting

Dear Board,

We received notice of Powertechs ask for a status conference, to be held at the boards regularly held meeting on May 5, 2021. We received this notification on April 19th, it was not complete. We did not receive the exhibits until the 21st. We feel the short notice is not sufficient time to respond and since such time has lapsed, some previous intervenors have moved and perhaps did not get the notification. It is also unclear what the ask is exactly? Is it for a continuation of a hearing that was conducted eight years ago? It's unclear just how this will continue after such a lengthy time frame. We would also like the hearing to take place in Rapid City.

Powertechs persistence for permits is an offense to the Tribes because of the lack of meaningful consultation with the Oglala Sioux Tribe and without conducting a cultural resources survey of the proposed mine site.

Our main concern though is the water usage. Powertech is asking for 9,000 gals per minute. This is a huge amount of water in this semiarid climate. Especially when we may be faced with yet another drought. There is research being done that is looking at the feasibility of a water pipeline to bring water from the Missouri River, back to the Black Hills. This would be an enormous expensive undertaking, but it may be necessary to ensure good water in the Black Hills for future use.

If you look at the map of Powertechs proposed site, Beaver Creek runs through that area, which proceeds to the Cheyenne River, which proceeds to Angostura Reservoir, then drains to the Missouri River. Unsure of just where the proposed water pipeline coming from the Missouri back to the Black Hills may be placed. It does seem an enormous waste of money and energy to bring back potentially toxic water back to its origin.

The average daily use of water for Rapid City was around than 8.1 million gallons. The amount of 9,000 gals a minute is far more than a closed in-situ process should require. Why is Powertech asking for so much water?

Powertech has not made, nor will make, any effort to reduce the other heavy metals within the uranium mining. Which have value. Even at best the extraction of the uranium is not at a high enough level. Much would be wasted along with the rest of the elements.

In conclusion we would like to ask you to step back and look deeper into the water usage issue with Powertechs proposed uranium mining permitting. Too much water, too much waste in an area that may be struggling for water for livestock and humans in the future. Remember, uranium has a half life of 4.5 Billion years.

Sincerely,
Roger and Cheryl Rowe

Handwritten signatures of Roger and Cheryl Rowe in cursive script.

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MAY 03 2021

WATER RIGHTS
PROGRAM

April 28, 2021

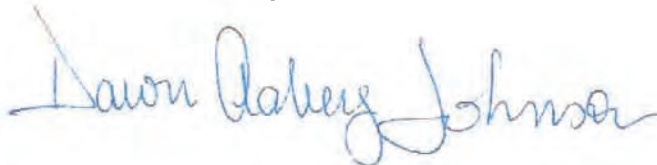
Re: Powertech permit hearings

To Whom It May Concern:

My family is a seven generation Fall River County, South Dakota, resident. My Great Great Grandfather, Herman Mahler, built the gravity feed irrigation project that supplied families in the area with water for living and farming. This irrigation system is still used today, 100 + years later. My Great Grandmother, Anna Mahler Peters, was born in the log house before South Dakota was even a state. Our family has its lifeblood running through the waters of Fall River County. My Father, Jay Aaberg, ran a scrapper doing open pit mining at the Uranium fields in Edgemont during the early 1970's and succumbed to lung cancer, from that job, 20 years sooner than he should have. Please don't expose our families to Uranium poisoning either from the Air or the Water.

I DO NOT want the Water Management Board to resume permit hearings for Powertech in relation to Uranium mining in Fall River County, South Dakota.

Thank You for your time



Dawn Aaberg Johnson

27573 Cascade Road

PO Box 1123

Hot Springs, SD 57747

dawnj@gwtc.net

Susan R. Henderson
P. O. Box 731
Edgemont, SD 57735

April 27, 2021

The Honorable James Hutmacher, Chairman
Water Management Board
State of South Dakota
523 E. Capitol Avenue
Pierre, SD 57501

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MAY 03 2021

WATER RIGHTS
PROGRAM

Re: Powertech – South Dakota Permitting
GPNA File No. 15421.0002

Dear Chairman Hutmacher:

I object to Powertech's Motion For Status Conference and to reopening the Water Management Board Hearings which were continued in November of 2013.

This project has huge water requests which will forever damage Fall River and Custer Counties and the State of South Dakota. Further there are massive environmental concerns which remain unaddressed.

This requested water right should not go forward.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan R. Henderson", written in dark ink.

Susan R. Henderson

April 27, 2021

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WATER RIGHTS
PROGRAM

Sarah Peterson

510 Jennings Avenue

Hot Springs, SD 57747

Water Management Board, Department of Agriculture and Natural Resources

Pierre, SD

Dear Board Members:

I am opposed to reopening the Water Management hearing for the Powertech permits. The NRC and EPA permits are still in litigation and have not been given by Powertech.

In addition to the above, the Interveners were not give adequate time to organize a representative response. An inordinate amount of time was spent editing the Intervener list that was provided. Many Interveners who live in Rapid City were listed in Hot Springs. Addresses were wrong in Hot Springs, not do to moving, and names were misspelled.

I am also requesting any further meetings on this issue be held in the Black Hills as this is the area which is being effected and where Interveners are living.

Please give us our right to intervene and be heard.

Yours Very Truly,



Sarah Peterson

26 April 26, 2021
Mary Helen Pederson
437 North 6th Street
Hot Springs, SD 57747
605-745-3232

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Water Management Board, Department of Agriculture and Natural Resources

Pierre, SD.

I am opposed to restarting the permit process. Since water is one of our National Resources, I object to this.

Because 1. They are going to be doing different things then they were [In-Situ Leash Mining] asking for nine thousand gallons to water per minute to put [poisons in our aquifer].

2. They are not paying a dime for it, and our waters bills going up.

3. They are going to ask to pollute the Inyan Kara aquifer which they claim is no good, and people testified at the EPA that they are using it for their water supplies.

4. It was proved that our aquifers communicate in this area.

5. Potable water is becoming a rare resource in the world as well as here, we should keep it clean!

6. This is the day I was informed of this and it would be next to imposable of getting to Pierre on May 5th.

7. All of these hearing should me held in the Blacks Hills because it is here where we live that is going to affect all of our lives. Short notices, long miles to drive and the cost of going to Pierre is unfair to us.



Mary Helen Pederson

I do hereby state I am opposed to the reopening of Power Tech's motion for a Status Conference in front of the Water Board.

Also, any further meetings need to be held in the Black Hills area of South Dakota.

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Dorothy Richards
340 N 23rd St.
Hot Springs, SD
57747

April 27, 2021

April 25, 2021

Water Management Board
Department of Agriculture and Natural Resources
523 E. Capitol Ave.
Pierre, SD 57501

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To: Water Management Board

Re: Dewey-Burdock Project

The EPA water permits and groundwater discharge plan are not yet finalized because they are still under appeal. In no way should the appeal process be ignored. Powertech knows the status of these permits, so restarting a permitting process should not be granted at this time.

The decision to have the Water Management Board meeting on May 5, 2021 (time?) be held in Pierre is a problem for several reasons: the distance, cost, time consumption, and having to change important medical appointments on such short notice.

In addition, any hearings/meetings in the matter of Dewey-Burdock should be held in the Black Hills where the water and the concerned people are affected.

Sincerely,



Sylvia Lambert
PO Box 78
Interior, SD 57750

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WATER RIGHTS
PROGRAM

April 27, 2021

South Dakota Water Management Board
523 East Capital Ave.
Pierre, SD 57501

Dear Members of the Water Board,

I appreciate the opportunity to intervene in Powertech's request to restart of the water permit process for the proposed Dewey-Burdock uranium mine. I am very concerned about South Dakota's water quality and would be opposed to granting a permit to Powertech for their proposed ISL mining operation, which I believe would be detrimental to South Dakota's groundwater

The Powertech water permit process was stopped in 2013 when the company stated it would seek to restart the process only after receiving a license from the Nuclear Regulatory Commission (NRC) and permits from the Environmental Protection Agency (EPA). The NRC granted the license, but a lawsuit filed by the Oglala Sioux Tribe is seeking to overturn the license. Also, two EPA water permits and an aquifer exemption are currently being appealed.

I believe that since neither the NRC license nor the EPA permits are final, this is not the time to restart the state water permit process. To do so would be a waste of taxpayers' money if any of the above appeals or lawsuit overturns the respective permits.

Respectfully, I urge this board to deny the request to restart the water permit process. The water permit process should not proceed unless and until the NRC license and EPA permits are finalized.

Thank you for your consideration and for your service to the people of South Dakota.

Sincerely,



Francis DiCesare, Intervenor
1501 11th. Street
Rapid City, SD 57701

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WATER RIGHTS
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Gena M. Parkhurst
P.O. Box 1914
Rapid City, SD 57709
(224) 715-8405

April 27, 2021

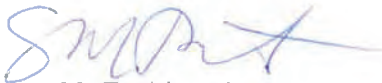
James Hutmacher, Chairman
Water Management Board
523 E. Capitol Avenue
Pierre, SD 57501

Dear Chairman Hutmacher,

I object to the water permit hearing process restarting at this time, and all hearings on this issue should be held in the Black Hills.

Thank you for your consideration.

Sincerely,



Gena M. Parkhurst

545 North River Street, #211
Hot Springs, SD 57747

26 April 2021

Water Management Board
Department of Agriculture and Natural Resources
Joe Foss Building
523 E Capitol Avenue
Pierre, SD 57501-3182

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WATER RIGHTS
PROGRAM

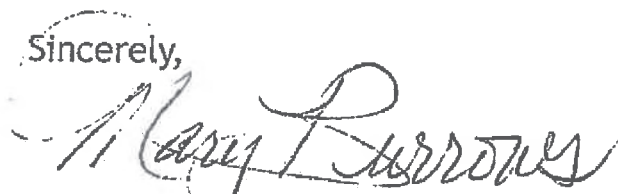
To Whom It May Concern:

I am adamantly opposed to Water Management Board resuming the permitting hearing process for PowerTech/Azarga to leach-mine yellowcake uranium in West River (Fall River and Custer counties) South Dakota.

Intervenors were given minimal time to organize a presentation for the upcoming hearing, and, given that the meeting is only scheduled for 30 minutes with six agenda items, these same people, me included, have doubts about being heard on May 5, 2021.

Since the question at hand is a project located in the Southern Black Hills, I respectfully but determinedly ask that future hearings on this and similar matters be held in the Black Hills.

Sincerely,

A handwritten signature in cursive script that reads "Mary Burrows". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mary Burrows

545 North River Street, #211
Hot Springs, SD 57747

Water Management Board
Department of Agriculture and Natural Resources
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501-3182

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WATER RIGHTS
PROGRAM

25 April 2021

To Whom It May Concern:

I write today to protest any further permitting or approval of any future activity other than clean-up at the Dewey-Burdock field, or any other uranium-mining site in Fall River County, because pollution from abandoned sites has already invaded the water tables and flowing streams and rivers as far east as the Missouri River and subsequently downstream to the Gulf of Mexico.

In 2019, in Hot springs, we heard testimony from residents of Pine Ridge Reservation and Oglala Lakota County whose blood contains radiation poisoning as a result of rampant pollution of their water wells. The Fort Laramie Treaties have been violated over and over by the U.S. Government, and these permits are being sought without proper consultation with the tribes.

The plan is to extract water, leach out uranium, then pump the water back into aquifers that supply water to many in the Southern Hills and east to Buffalo Gap; all at the behest and profit of Canadian and Chinese companies that have no other vested interest in the Black Hills. Profits for them, disease and pollution for those of us who live here.

It is also feared that, once they have all the rights to the land in question, they will start dumping the World's nuclear waste in Fall River County. This is ABSOLUTELY unacceptable to those of us living downstream from the abandoned mine sites.

Please!! DO NOT issue an further permits or allow any further mining activities in Fall River County.

Sincerely,


Mary Burrows
Hot Springs

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WATER RIGHTS
PROGRAM

Water Management Board
Department of Agriculture and Natural Resources
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501-3182

April 23, 2021

To the Water Management Board:

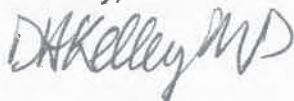
I am a Black Hills long-term resident who strongly opposes the issuing of a water permit for the Dewey-Burdock ISL uranium mining project.

Traveling to Pierre for the May 5th hearing will be impossible for me at this late date (having just learned of the event), as I am otherwise obligated at that time. I strongly encourage moving hearings on this project to the Black Hills at a subsequent date, since many local interested parties will find travel to Pierre prohibitive or very inconvenient.

As much previous testimony has emphasized, this project must be opposed for several reasons: a) inadequate tribal consultation has been performed regarding the use of this land; b) extensive hydro-geologic evidence has shown uncertainty and risk concerning possible contamination of important aquifers by this project, owing to the likely fissures/communications within adjacent rock strata; c) the amounts of water requested for this project are not compatible with expected long-term water needs for other purposes in this semi-arid region; and d) many residents (including the SD State Medical Association) are opposed to all uranium mining in the state for safety and public health reasons.

I appreciate the opportunity to present these views.

Sincerely,



Don H. Kelley, M.D.
12637 Merritt-Estes Rd.
Deadwood, SD 57732

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WATER RIGHTS
PROGRAM

April 27, 2021

TO: State of South Dakota
Department of Agriculture and Natural Resources
Water Management Board

From: Rebecca R. Leas, Ph.D.
Intervenor
21287 Sandal Foot Drive
Venice, FL 34293

RE: Restart of Permitting for Powertech

Dear Water Management Board,

1. I object to the restart of this permitting process for Powertech. It is incomprehensible that exponential and vast amounts of water would be drawn when water is such a scarcity and concern in a semi-arid geographical location. The needs for water of the citizens of South Dakota should remain a priority over outside usage.
2. The date of May 5th for a hearing is impossible for me to accommodate since I just found out about this a couple of days ago.
3. I request and urge you to reschedule this hearing.

Sincerely,

Rebecca R. Leas

4/27/21

James B. Woodward
P.O. 599
Wellington, Colorado 80549
970-897-3029

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WATER RIGHTS
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April 28, 2021

Water Management Board
Department of Agriculture and Natural Resources
Pierre, South Dakota

Subject: Administrative Hearing on Water Permit Applications 2685-2 and 2686-2, Powertech (USA), Inc., and 2012 Groundwater Discharge Plan Application Submitted by Powertech (USA), Inc.

Dear Board Members:

I am writing to urge you to deny Powertech (USA), Inc.'s request to re-initiate permitting on the above matters which will be considered at a status conference during the Board's regularly scheduled meeting on May 5, 2021.

Permitting should not be re-initiated until there is a final resolution of the Petition for Review in the matter of Oglala Sioux Tribe and Aligning for Responsible Mining v. United States Nuclear Regulatory Commission and the United States of America, No. 20-1489, filed in the United States Court of Appeals for the District of Columbia Circuit, dated October 8, 2020, and until there is a final resolution of the Petition for Review in the matter of Powertech (USA), Inc. Dewey-Burdock Uranium In-Situ Recovery Project, Class III Area Permit No. SD31231-00000; and Class V Area Permit No. SD52173-00000, before the Environmental Appeals Board, United States Environmental Protection Agency, filed by the Oglala Sioux Tribe on December 24, 2020.

Development and operation of the Dewey-Burdock in-situ uranium project cannot commence until these federal appeals are fully resolved. Therefore, the Board should not approve the re-initiation of the administrative hearing on the water permit and groundwater discharge plan applications at this time. This position is consistent with the Board's 2013 determination that the South Dakota permitting process should follow federal permitting of the proposed project.

Respectfully,



James B. Woodward

Cindy Girard
1637 38th St
Rapid City, SD 57702

Water Management Board
523 E. Capital Ave
Pierre, SD 57501

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WATER RIGHTS
PROGRAM

RE: Powertech permitting

I am opposed to any water permits for powertech. They are asking for too much water, and it's unclear if any deep injection wells would cause damage to surrounding wells and or other water sources used for humans and wildlife.

Sincerely

Cindy Girard

Cindy Girard

To: South Dakota Water Management Board
From: Jerry Wilson, Vermillion, SD 57069
April 27, 2021

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Dear Board members:

I have followed and studied the efforts of Powertech to mine uranium in the Dewey Burdock area for well over a decade. I remain extremely concerned about the likely negative impact of their proposed operations on the waters of South Dakota. Thus, I object to the water permit hearing process restarting at this time, and when and if the process resumes, it should obviously be held in the Black Hills, where affected parties will be able to participate.

It might be easy for you to wash your hands of responsibility for this dangerous project by claiming that you are charged only with determining whether water is available. But that is not the case. You are also charged with determining whether your decisions are in the public interest.

As you know, most of the uranium mines in the Black Hills area still have not been reclaimed, and in spite of assurances published on the DENR website, stating that 1970s and 1980s laws require operators to "reclaim lands disturbed," this has not happened, except what has been funded by taxpayers. It is extremely naïve to think that foreign companies that have made their money and moved on (or gone bankrupt) will act differently in the future.

The current method of in situ mining is far more insidious than surface mining. Out of sight, out of mind. Do we really believe it is possible to pump solvent solutions into an ore body below or amidst aquifers, dissolve uranium and pump it neatly to the surface and not in any way pollute the water? In fact, the DENR website asks, "What are the most common environmental problems that have occurred at the Nebraska and Wyoming in situ uranium leach mines"? The state's official answer: Spills, leaks and "excursions of process fluid beyond the limits of the production zones."

For how many future generations do you imagine there will be people living on Earth, specifically in southwest South Dakota. Will they be able to drink the water? That is the question in your hands.

Jerry Wilson

DANR - WATER MANAGEMENT BOARD
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182

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MAY 03 2021

WATER RIGHTS
PROGRAM

April 28, 2021

Re: Powertech Status Conference - May 5, 2021

Dear Water Management Board.

I oppose this uranium mining project by Powertech, which is to be located in the Treaty Territory of the Great Sioux Nation. I also recommend that you hold future meetings in the Black Hills (Rapid City or Hot Springs), where the people who depend on this water will be at ground zero if you allow this project to go through and contamination to occur. This water flows downstream to the Missouri River. Wonder if tourist like uranium laced water?

Let's learn from our past history and not let it repeat. Past uranium mining, the Legacy that has been left behind, are hundreds of abandon mines just here in South Dakota, left for the State or Federal Government, to deal with (or not). Ask yourselves, "what Legacy do I want to leave behind"? Clean-up those abandon mines before entertaining the notion that another uranium mine is in the "Best Interest of the People." It's not!

Please take a hard look at the Crow Butte Uranium Mine in Neb (now in reclamation stage for the next 20+ yrs), or right here in South Dakota, the Riley Pass uranium mine (closed in 1964), which was abandon. "Clean Up" that began 51 years later and will continue up to 2026 based on a \$2.27 million Government Settlement. But the State also had to pay dearly. "Clean-up" will never be fully realized from the damage it already caused the land, waters, and people.

In a 2016 Rapid City Journal Article; "The mining unearthed a toxic and radioactive mix of chemical elements, including arsenic, molybdenum, selenium, uranium, radium and thorium. cattle drank from the polluted streams and suffered weakened immune systems. Routine illnesses became fatal, and cow fertility declined."

"Ranchers tried for years to counteract the pollutants by administering mineral supplements to their cattle, with limited success. Finally,...[they] got help from state government to drill deep wells and build pipelines, so cattle could drink clean well water instead of polluted stream water."

https://rapidcityjournal.com/news/local/righting-a-wrong-at-riley-pass-after-51-years-mine-cleanup-finally-begins/article_3f59cbd8-6dcf-57fc-81bd-835ebad3737c.html

Federal update. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd860609.pdf

The decisions that you make today will effect the next seven generations of not only Cattle Ranchers (Agriculture), but all the people who depend on their water wells from the aquifers, and those connecting waterways. We can't control how the waters flows, especially underground. Keep Uranium in the ground! WATER IS LIFE! RESPECT WATER!

Thank you.

Carla R. Marshall

Carla R. Marshall, Intervenor, P.O. Box 3184, Rapid City, SD 57709-3184

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MAY 03 2021

WATER RIGHTS
PROGRAM

418 N. 44th Street

Rapid City, SD 57702

April 28, 2021

Water Management Board

Department of Agriculture and Natural Resources

523 East Capitol Avenue

Pierre, SD 57501

Dear Water Management Board:

I am an intervenor in the cases involving proposed water and groundwater discharge permits for Powertech Uranium.

I oppose restarting the permitting process, which was suspended by Powertech pending the completion of Nuclear Regulatory Commission (NRC) and Environmental Protection Agency (EPA) permitting. The permitting processes by the NRC and EPA are not yet completed, as both are involved in litigation that could negate the preliminary permits and license. It would be a waste of state funds and of all of our time to restart the state water permit process, only to have it negated by federal courts or agencies.

In addition, I request that all proceedings on this matter be held in the Black Hills, where most of the over 200 intervenors live, and where Powertech's attorneys practice. The public is largely de facto shut out of a process that is critical to the future of the Black Hills when proceedings are held mid-state. It is worse when we are given only a short time to respond to Powertech's documents and the WMB's schedule.

My opposition continues against this unwise, wasteful, contaminating project that would destroy cultural resources and suck hundreds of millions of gallons of water out of our semi-arid region. The water used by this project could, in the alternative, support our economy by serving the ranching industry, recreation, and municipal uses.

Thank you for your attention and consideration.

Sincerely,



Lili Jones Jarding, PhD

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WATER RIGHTS
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**STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD**

IN THE MATTER OF WATER)	
PERMIT APPLICATIONS 2685-2)	
2686-2 POWERTECH (USA) INC.)	
)	MOTION FOR CONTINUANCE
IN THE MATTER OF THE 2012)	OR REMOTE PARTICIPATION
GROUNDWATER DISCHARGE PLAN)	
APPLICATION SUBMITTED BY)	
POWERTECH (USA), INC.)	

The foreign uranium mining and processing investment company Powertech has moved the Water Management Board (Board) for a status conference at the regularly scheduled May 5, 2021 Board Meeting for the above-entitled matters. Powertech, in its Motion for Status Conference asserts a hope to begin the process of “re-initiating proceedings” regarding its two massive water appropriation permit (WAP) applications and its 2012 Application for a Groundwater Discharge Plan for large-scale uranium in-situ leach (ISL) mines and a processing plant in the Dewey-Burdock area of the southern Black Hills.

The Clean Water Alliance (CWA) by and through the below-signed Counsel hereby requests a continuance of the proposed status conference under the following facts and circumstances:

1. At the time Counsel for CWA was sent written notice of the proposed status conference, he was already scheduled to be out-of-state during the week

including May 5, 2021. CWA's Counsel cannot be in Pierre, SD on that date.

2. Unless Counsel is permitted to participate remotely (by audio or audio/video on May 5th), a continuance is necessary to permit CWA to formally participate in what appears could become a substantive hearing.
3. While Powertech's Motion is characterized as a status conference, it appears to be more in the nature of a substantive hearing to determine whether and/or when this Board should schedule further hearings on Powertech's WAP and mining waste disposal applications continued by the Board in 2013. The hearings were continued to permit completion and final review of necessary and outstanding federal mining permits related to the proposed hazardous extraction project, without further use of state resources until and only if Powertech obtained final approval of necessary permits from the Nuclear Regulatory Commission, the Environmental Protection Agency, the Bureau of Land Management, and any other federal and state permits required.¹
4. In addition to CWA's rights to be present at any substantive or procedural hearing in this matter, the Board is cognizant that basic constitutional Due Process, SDCL 1-26A-18 ("Opportunity shall be afforded all parties to respond and present evidence on issues of fact and argument on issues of

law or policy”), and fundamental fairness require that all parties to contested permit applications be provided notice and an opportunity to be heard. A preliminary examination of the list of Intervenor listed on Applicant’s Certificate of Service indicates that close to one-third of the addresses are no longer accurate.

5. Thus, a significant number of Intervenor, including the Oglala Sioux Tribe, have not received notice of the proposed status conference affecting their rights.
6. A continuance should therefore also be granted to permit Powertech time to determine the correct address of and provide notice to each Intervenor to guarantee their rights to participate in any status conference regarding the propriety of re-starting WMB hearings on the merits of the Applications more than seven and a half years after they were continued.

CWA’s Motion to Continue should be granted to permit participation by its Counsel in any discussion about the propriety of restarting the WAP and waste disposal applications, as well as to permit proper notice to all Intervenor of the scheduling of any such status conference.

¹ CWA respectfully contends that the record shows Powertech federal permits remain subject to pending appeals or

Dated this 27th day of April, 2021.



BRUCE ELLISON
8265 Dark Canyon Road
Rapid City, SD 57702
belli4law@aol.com
Attorney for Clean Water Alliance

CERTIFICATE OF SERVICE

It is hereby certified that a true a correct copy of CWA's Motion to Continue was served for filing on the Chief Engineer at eric.gronlund@state.sd.us and by U.S. mail to Chief Engineer, DENR, 523 E. Capitol Ave., Pierre, SD 57501 and served by US mail to:

Matthew Naasz	506 Sixth St, P.O.Box 8045	Rapid City	SD 57709
Anne Mines Bailey	Office of Attorney General, 1302 E. Hwy 14, #1	Pierre,	SD 57702
Donald	Ackerman, Sr. 27128 Wonderland Rd.	Hot Springs	SD 57747
Keith & Kim	Alarie 840 Spruce St., Lot 320	Rapid City	SD 57701
Juli	Ames-Curtis 11936 Hay Creek Rd.	Custer	SD 57730
Twyla	Amiotte PO Box 125	Buffalo Gap	SD 57722
Jillian	Anawaty 2804 Willow Rd.	Rapid City	SD 57701
Harold	Arns 22723 Tawney Ct.	Box Elder	SD 57719
Jacqueline	Arpen 2004 Maple Ave.	Rapid City	SD 57701
Brandon	Bad Wound 639 Pahasapa Rd.	Rapid City	SD 57701
Brianna	Badure PO Box 971	Hot Springs	SD 57747
Jerri	Baker 705 N. River St.	Hot Springs	SD 57747
Angelia	Baldwin PO Box 191	Pierpont	SD 57468-0191
Anna	Ball PO Box 46	Piedmont	SD 57769
Bill	Barlaw PO Box 811	Edgemont	SD 57735
Bernard & Lauarie	Barnaud 12129 Sagebrush Ln.	Nisland	SD 57762
Thomas F.	Barnes 11778 Pleasant Valley Rd.	Custer	SD 57730
Joe	Bassingham 10985 Pleasant Valley Rd.	Hot Springs	SD 57747
Sudhi	Baumberger 12374 Baumberger Rd.	Deadwood	SD 57732
Mark & Jennifer	Belitz 2311 Woodlawn Ave.	Missoula	MT 59804

have not reached the formal hearing stage on the merits of pending applications. CWA's position is further addressed by a separate Response to Powertech's Motion for Status Hearing.

MAY 03 2021

WATER RIGHTS
PROGRAM

**STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD**

IN THE MATTER OF WATER)	
PERMIT APPLICATIONS 2685-2)	
2686-2 POWERTECH (USA) INC.)	
)	RESPONSE TO MOTION
IN THE MATTER OF THE 2012)	FOR STATUS CONFERENCE
GROUNDWATER DISCHARGE PLAN)	
APPLICATION SUBMITTED BY)	
POWERTECH (USA), INC.)	

The foreign uranium mining and processing investment company Powertech has moved the Water Management Board (Board) for a status conference at the regularly scheduled May 5, 2021 Board Meeting for the above-entitled matters. Powertech, in its Motion for Status Conference asserts a hope to begin the process of “re-initiating proceedings” regarding its two massive water appropriation permit (WAP) applications and its 2012 Application for a Groundwater Discharge Plan for large-scale uranium in-situ leach (ISL) mines and a processing plant in the Dewey-Burdock area of the southern Black Hills. Powertech seeks appointment of a pre-hearing chairman.

The Clean Water Alliance (CWA) by and through the below-signed Counsel hereby responds to Powertech’s Motion and appointment of a pre-hearing officer would be premature.

CWA strongly opposes a “status conference” on May 5, 2021 which could

result in a determination that the time is ripe for restarting the hearings on Powertech's WAP applications and its Groundwater Discharge permit application under the following facts and circumstances:

1. Powertech in its Motion for Status Conference is accompanied by an Order dated November 25, 2013 granting Powertech's Motion for Continuance of the WAP and Disposal Well Applications before this Board. While Powertech formally filed the Motion in 2013, the Board in its Order noted that "all intervenors who recently filed submissions regarding the Board's jurisdiction and authority over Powertech's pending applications have requested that the Board continue the hearing pending resolution of Powertech's pending federal applications regarding the Dewey-Burdock Project. Intervenor's position is consistent with their previous motions to continue the hearing this matter."
2. The 2013 Order granted the continuance motion "until resolution by the federal agencies of Powertech's pending applications for the Dewey-Burdock project."
3. An actual status conference was held a couple of months ago before the DENR's Mining Board regarding Powertech's pending large-scale mining permit hearing – also continued by the Parties in 2013. It was simply and truly a "status" conference about the current status of Powertech's federal

permits needed along with State permits for proposed ISL mines and plant. Powertech made no effort to seek a restart of the State mining permit hearing and the Board made clear prior to the meeting that no such decision was to be made-it was just to be a status conference to update that Board. Parties and intervenors to Powertech's large scale mining permit application were noticed and many appeared (remotely). That Board heard testimony from a Deputy Attorney General who advised that Powertech's mining permit before the Nuclear Regulatory Commission was currently under appeal to the US Court of Appeals on the still yet to occur consultation with local Tribal Nations, that no hearings had yet been scheduled or heard on the Class III injection or deep disposal wells Powertech seeks from the Environmental Protection Agency. The Board was also advised that the permit process by the Bureau of Land Management remains in early procedural states.

4. Therefore, the time is not ripe for this Board to consider scheduling a restarting of hearings on Powertech's WAP and waste disposal permit applications since the federal permitting process is far from completion.
5. If the Board is to consider that "status" of the federal permits needed by Powertech prior to determining whether it is timely to restart the continued State permit hearings, CWA respectfully submits the same Assistant

Attorney General who appeared before the Board of Minerals and Environment be invited to a scheduled status conference.

6. CWA also respectfully requests an opportunity to present and or participate in any such hearing.
7. CWA has by separate Motion also requested a continuance of any such “status” conference on May 5, 2021 unless its Counsel is permitted to appear remotely due to scheduling and travel conflicts.
8. CWA has further requested the continuance since a significant number of Intervenor, including the Oglala Sioux Tribe, appear to have not received notice of the proposed status conference affecting their substantial rights to due process. As the Motion for Continuance respectfully submits, approximately a third of the addresses of intervenors listed on Powertech’s Certificate of Service are no longer accurate. Correct addresses need to be obtained and any motion and notice of hearing served upon the affected unnotified Intervenor.

Dated this 27th day of April, 2021.



BRUCE ELLISON
8265 Dark Canyon Road
Rapid City, SD 57702
belli4law@aol.com
Attorney for Clean Water Alliance

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

RECEIVED
MAY 03 2021
WATER RIGHTS
PROGRAM

IN THE MATTER OF WATER PERMIT)	
APPLICATIONS 2685-2 2686-2)	
POWERTECH (USA) INC.)	
)	CERTIFICATE OF SERVICE
IN THE MATTER OF THE 2012)	
GROUNDWATER DISCHARGE PLAN)	
APPLICATION SUBMITTED BY)	
POWERTECH (USA) INC.)	

The undersigned hereby certifies that true and correct copies of the following documents in the above matter were served by U.S. mail, first class, postage prepaid, upon the following on this 29th day of April 2021: Response to Motion for Status Conference; Motion for Continuance or Remote Participation; and letters from Intervenor Juli Ames-Curtis, Roger and Cheryl Rowe, Dawn Aaberg Johnson, Susan R. Henderson, Sarah Peterson, Mary Helen Pederson, Dorothy Richards, Sylvia Lambert, Francis DiCesare, Gena M. Parkhurst, Mary Burrows (2), Don H. Kelley MD, Rebecca R. Leas PhD, James B. Woodward, Cindy Girard (formerly Powell), Jerry Wilson, Carla R. Marshall, and Lili Jones Jarding PhD.

Eric Gronlund, Chief Engineer, Department of Agriculture and Natural Resources, 523 E. Capitol Ave., Pierre, SD 57501

Donald	Ackerman, Sr.	27128 Wonderland Rd.	Hot Springs	SD	57747
Keith & Kim	Alarie	840 Spruce St., Lot 320	Rapid City	SD	57701
Juli	Ames-Curtis	11936 Hay Creek Rd.	Custer	SD	57730
			Buffalo		
Twyla	Amiotte	PO Box 125	Gap	SD	57722
Jillian	Anawaty	2804 Willow Rd.	Rapid City	SD	57701
Harold	Arns	22723 Tawney Ct.	Box Elder	SD	57719
Jacqueline	Arpen	2004 Maple Ave.	Rapid City	SD	57701
Brandon	Bad Wound	639 Pahasapa Rd.	Rapid City	SD	57701
Brianna	Badure	PO Box 971	Hot Springs	SD	57747
Jerri	Baker	705 N. River St.	Hot Springs	SD	57747
					57468-
Angelia	Baldwin	PO Box 191	Pierpont	SD	0191
Anna	Ball	PO Box 46	Piedmont	SD	57769
Bill	Barlaw	PO Box 811	Edgemont	SD	57735
Bernard & Lauarie	Barnaud	12129 Sagebrush Ln.	Nisland	SD	57762

Thomas F.	Barnes	11778 Pleasant Valley Rd.	Custer	SD	57730
Joe	Bassingham	10985 Pleasant Valley Rd.	Hot Springs	SD	57747
Sudhi	Baumberger	12374 Baumberger Rd.	Deadwood	SD	57732
Mark & Jennifer	Belitz	2311 Woodlawn Ave.	Missoula	MT	59804
Annabelle	Between Lodge	PO Box 118	Oglala	SD	57764
Edward	Binns	408 N. 17th St.	Hot Springs	SD	57747
Jerry	Bloomer	2146 Minnekaht Ave.	Hot Springs	SD	57747
Hannah	Bochert	Sherman St.	Hot Springs	SD	57747
Mark	Boddicker	13850 Battle Creek Rd.	Hermosa	SD	57744
Wayne & Mary	Boots	25588 Mt. Shadow Rd.	Edgemont	SD	57735
Karl	Bothul	338 S. 17th	Hot Springs	SD	57747
Rick	Britton	PO Box 53	Hot Springs	SD	57747
Michelle	Brock	26846 Highway 385	Hot Springs	SD	57747
Cindy	Brunson	11122 Fort Igloo Rd.	Edgemont	SD	57735
Mary	Burrows	545 N. River St., #211	Hot Springs	SD	57747
Wally	Caln	690 S. 6th Street	Hot Springs	SD	57747
Mary Kay	Carle	5821 Michael Court	St. Cloud	N	56303
Allen	Chesson	545 N. River St.	Hot Springs	SD	57747
Julie & Emily	Christensen	603 N. River St.	Hot Springs	SD	57747
Sharon & Alex	Christie	PO Box 74	Gap	SD	57722
Don DeVries	City of Hot Springs	303 N. River Rd.	Hot Springs	SD	57747
Charles	Cox	PO Box 84	Hot Springs	SD	57747
Georgiana	Cross	2045 Canton Ave., #530	Hot Springs	SD	57747
Doris Ann Mertz	Custer County Library	447 Crook St., Suite 4	Custer	SD	57730
Teresa	Daiss	28423 Old Highway 79	Hot Springs	SD	57747
Lynda	Davies	PO Box 1204	Hot Springs	SD	57747
Jeremiah J.	Davis	130 E. Centennial St.	Rapid City	SD	57701
Joel & Peggy	Detmers	13488 Shelter Dr.	Rapid City	SD	57702
Kendra	Dexter	27302 Martin St.	Hot Springs	SD	57747
Ross	Dexter	PO Box 883	Hot Springs	SD	57747
Francis	Dicesare	1501 - 11th St.	Rapid City	SD	57701
Leora	Doppen	745 N. River St.	Hot Springs	SD	57747
Rick	Draeger	617 St. Cloud	Rapid City	SD	57701
Kathy	Durrun	10374 Dryland Dr.	Edgemont	SD	57735
Ashley Cortney	Edgemont Public Library	PO Box A/412 nd.	Edgemont	SD	57735
Bruce	Ellison	PO Box 2508	Rapid City	SD	57709
Tom	Emanuel	19 N. Pine St.	Vermillion	SD	57069
M & T	Engle	115 Scott St.	Edgemont	SD	57735
Wade	Evans	27338 Taylor Ln.	Hot Springs	SD	57747

Elaine	Everhart	545 N. River St. 12909 Sheps Canyon Rd.	Hot Springs	SD	57747
Cheryl	Fair	906 N. River St., Suite 301	Hot Springs	SD	57747
	Fall River County State's Atty.		Hot Springs	SD	57747
Jeannie	Fine	PO Box 153	Pringle	SD	57773
Jana	Firkins	244 Galveston Ave.	Hot Springs	SD	57747
Ronald	Fischer	711 - 6th Ave. E.	Mobridge	SD	57601
Donna	Fisher	12311 Whitetail Rd. 2002 Promise Rd., Apt.	Deadwood	SD	57732
Shirley	Frederick	5216	Rapid City	SD	57701
Rodney	Freeman	PO Box 176	Huron	SD	57350
Lisa	Freshour	2045 Canton Ave., #535	Hot Springs	SD	57747
			Buffalo		
Gary	Friendshuh	27098 Elk Rd.	Gap	SD	57722
Brenda	Gamache	2337 Wilson Ave.	Hot Springs	SD	57747
Rich & Jackie	Gericke	305 S. 14th St.	Hot Springs	SD	57747
Amber	Gill	718 Harney	Custer	SD	57730
Cindy Gillis	Gonzalez Law Firm	522 - 7th Street, #202	Rapid City	SD	57701
Jesse	Grant	1938 Detroit Ave.	Hot Springs	SD	57747
			Whitewood		
Gardner & Lynn	Gray	20228 Avalanche Rd.	d	SD	57793
Diane	Gross	27426 Cedar Rd.	Hot Springs	SD	57747
Matthew Naasz	Gunderson Palmer	PO Box 8054	Rapid City	SD	57709
Jake	Haacke	1026 Evanston Ave. 1201 Oakridge Dr.,	Hot Springs	SD	57747
William	Hansen	#250	Fort Collins	CO	80525
Edward	Harvey	1545 Albany Ave.	Hot Springs	SD	57747
Joel	Hawkins	1901 Wilson	Hot Springs	SD	57747
Ellen	Heafner	504 S. 19th St.	Hot Springs	SD	57747
Kip, Clifford & Virginia	Heinzen	309 S. 6th St.	Hot Springs	SD	57747
Susan	Henderson	Box 731	Edgemont	SD	57735
			N		
Patricia	Hernandez	71 Apache Plume Dr. 27615 Country View Rd.	Santa Fe	M	87508
Carolyn	Hertel		Hot Springs	SD	57747
		Bangs McCullen, PO			57709-
Michael	Hickey	Box 2670	Rapid City	SD	2670
			Buffalo		
Luella	Hicks	PO Box 144	Gap	SD	57722
Terry	Holcomb	105 S. 23rd St.	Hot Springs	SD	57747
Georgia	Holmes	838 Birch	Hot Springs	SD	57747
Jeremy & Roger	Horton	PO Box 629	Edgemont	SD	57735

	Hot Springs Public Library	2005 Library Dr.	Hot Springs	SD	57747
BJ	Hunter	353 Bears Ave.	Hot Springs	SD	57747
Richardo	Jacoue	601 Albany Ave.	Hot Springs	SD	57747
Cheryl & John	Jarding	1405 City Springs Rd.	Rapid City	SD	57702
Mike & Angela	Jarding	27201 Valley Rd.	Hot Springs	SD	57747
Dianna	Jensen	27999 Cascade Rd.	Hot Springs	SD	57747
Dan & Maxine	Jensen	806 Galveston	Hot Springs	SD	57747
Patricia Jenkins and	Jeremy Smith	287 Evans Ln.	Spearfish	SD	57783
Andy and Forest	Johnson	610 Nellie Lane	Spearfish	SD	57783
Terry	Johnson	26680 Buffalo Butte Dr.	Hot Springs	SD	57747
Dawn	Johnson	PO Box 1123	Hot Springs	SD	57747
Lilias	Jones Jarding	418 N. 44th St.	Rapid City	SD	57702
Lorna	Just	21939 - 464th Ave.	Volga	SD	57071
Marvin	Kammerer	22198 Elk Vale Rd.	Rapid City	SD	57701
Gwen & Eloise	Kaneshiro	1446 Evanston Ave.	Hot Springs	SD	57747
Angie	Keierleber	447 Crook St., #1	Custer	SD	57730
Don & Kim	Kelley	12637 Merritt-Estes Rd.	Deadwood	SD	57732
Corey & Shawntera	Kennedy	140 Adonia Ln.	Rapid City	SD	57701
Sabrina	King	1231 Lyman Court	Salt Lake City	UT	84105
Judith	Klein	238 N. 6th St.	Hot Springs	SD	57747
Frank J.	Kloucek	29966 - 423rd Avenue	Scotland	SD	57059
Dennis & Penny	Knuckles	12484 Willow Creek Rd.	Custer	SD	57730
Rodney	Knudson	PO Box 25	Hulett	WY	82720
Sylvia	Lambert	PO Box 78	Interior	SD	57750
Margaret	Lamont	PO Box 53	Buffalo		
Dan	Lang	27564 Ponderosa Rd.	Gap	SD	57722
Greg	Langer	27927 Cascade Springs	Hot Springs	SD	57747
Matt	Lanz	Rd.	Hot Springs	SD	57747
Karla	LaRive	839 Almond Street	Hot Springs	SD	57747
Calvin	LaRive	142 N. 6th St.	Hot Springs	SD	57747
John E.	Larson	10374 Dryland Dr.	Hot Springs	SD	57747
Robert	Lee	338 S. 5th St.	Edgemont	SD	57738
Rebecca M.	Lord	PO Box 952	Hot Springs	SD	57745
Pam	Ludweg	810 Gordon	Hill City	SD	57745
Nancy	Magnuson	PO Box 54	Custer	SD	57730
Susan	Malewke	545 N. River St., #401	Buffalo		
Carla Rae	Marshall	PO Box 3184	Gap	SD	57722
Melissa	Martin	2329 Ely Ave.	Hot Springs	SD	57747

Lisa	Masterson	445 S. 6th St.	Hot Springs	SD	57747
DeAnn	McComb	PO Box 254	Hot Springs	SD	57747
James	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Daria	McGrath	8403 Pioneer Circle	Rapid City	SD	57702
Jim	McKean	27317 Hidden Ct.	Hot Springs	SD	57747
			Buffalo		
Billy Jack	McLaughlin	PO Box 25	Gap	SD	57722
Dahl	McLean	11853 Acorn Ridge Rd.	Spearfish	SD	57783
		12750 Merchen Rd.,			
Cynthia	Messenger	#18	Hot Springs	SD	57747
Martin & Elsa	Meyer	102 S. Connor St.	Hot Springs	SD	57747
Steven & Lexxie	Meyer	13050 Lakeview Dri.	Hot Springs	SD	57747
Gary	Miles	27528 Rathbun Road	Hot Springs	SD	57747
		3119 Turtle Creek			
Karen	Miller	Center	Rapid City	SD	57703
Neal	Miller	486 Almond St.	Hot Springs	SD	57747
Marsha	Miller	27316 Hidden Center	Hot Springs	SD	57747
Glenn	Mushaney	PO Box 272	Hot Springs	SD	57747
Jason	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Jean	Nachtigall	12749 Country Rd.	Hot Springs	SD	57747
Valerie	Naylor	23201 Custer Trails Rd.	Rapid City	SD	57702
		27552 S. Buffalo Gap			
Casey	Neugebauer	Rd.	Oral	SD	57766
Ricard	Nowlan	421 Galveston	Hot Springs	SD	57747
Woksape Tipi	Oglala Lakota College	PO Box 310	Kyle	SD	57752
Michael	O'Rourke	4513 Leo Drive., #4	Madison	WI	53716
Madline	Ortego	PO Box 861	Pine Rige	SD	57773
Otis	Osborn	523 Francis St.	Rapid City	SD	57701
Raymond	Palmer	27221 Windy Rd.	Hot Springs	SD	57747
Jason	Parker	1005 S. River St.	Hot Springs	SD	57747
Valerie A.	Parker, MD	4814 Cliff Dr.	Rapid City	SD	57702
Gena M.	Parkhurst	PO Box 1914	Rapid City	SD	57709
Mary Helen	Pederson	437 N. 6th St.	Hot Springs	SD	57747
Mel	Pence	2330 Washington Ave.	Hot Springs	SD	57747
Jim	Petersen	1203 - 11th St.	Rapid City	SD	57701
Sarah	Peterson	510 Jennings	Hot Springs	SD	57747
			Salt Lake		
Sarah & AJ	Phillips	4099 S. 570 E., Apt. 15F	City	UT	84107
Chris	Pierce	101 N. Chicago	Hot Springs	SD	57747
Rex & Mildred	Piper	1609 Detroit Ave.	Hot Springs	SD	57747
Linda	Pirales	311 S. Wisconsin Ave.	Casper	WY	82609
Cindy	Powell	1637 - 38th St.	Rapid City	SD	57702
Steve	Preheim	2317 Washington Ave.	Hot Springs	SD	57747
Gary	Putnam	204 - 4th Ave.	Hot Springs	SD	57747

Government Documents	Rapid City Public Library	610 Quincy St.	Rapid City	SD	57701
Jim	Red Cloud	13084 Gray Dr.	Hot Springs	SD	57747
Stacy	Reetz	546 Jennings Ave. 28149 Sheps Canyon Rd.	Hot Springs	SD	57747
Rick	Rewe		Hot Springs	SD	57747
Charleton	Reynar	28025 Cascade Rd.	Hot Springs	SD	57747
Dorothy	Richards	340 N. 23rd St.	Hot Springs	SD	57747
Craig	Romey	342 N. 4th	Hot Springs	SD	57747
		Buffalo			
Elray	Rosaaen	PO Box 125	Gap	SD	57722
Katie	Roseland	5811 Gemini St.	Rapid City	SD	57703
Roger and Cheryl	Rowe	7950 Dark Canyon Road	Rapid City	SD	57702
Betty	Runzerel	PO Box 836	Hot Springs	SD	57747
Grant	Rush	PO Box 172	Hot Springs	SD	57747
Betty	Russell	PO Box 836	Hot Springs	SD	57747
Frank	Ruther	545 N. River St., #413	Hot Springs	SD	57747
Mary & Jason	Salway	910 S. 6th St.	Hot Springs	SD	57747
Jason & Mary	Salway	PO Box 424	Allen	SD	57714
Gail	Saxonis	745 Happy Hollow	Hot Springs	SD	57747
John & Connie	Schwarzenbach	2229 Minnekahta Ave.	Hot Springs	SD	57747
Gary	Schweigert	279 Cascade Rd.	Hot Springs	SD	57747
Marsha	Seabolt	4435 Dolphin	Rapid City	SD	57701
Dale	Seineke	13130 Greg Dr.	Hot Springs	SD	57747
Peggy	Semler	PO Box 245	Hot Springs	SD	57747
Robert	Shannon	24705 Timber Ridge Rd.	Hermosa	SD	57744
Barbara	Sharp	445 S. 3rd St. 12619 Booke Canyon Rd.	Hot Springs	SD	57747
Russ	Sick		Hot Springs	SD	57747
Ashley	Simpson	108 S. 3rd	Hot Springs	SD	57747
Jerry	Simunter	22769 Jenny Rd.	Hot Springs	SD	57747
J.	Smith	2728 Hoot Brook	Hot Springs	SD	57747
Charlene	Smith	PO Box 481	Rapid City	SD	57709
Maura	Smith	306 Joplin, #8	Hot Springs	SD	57747
Jennie	Sotherland	27735 Cascade Rd.	Hot Springs	SD	57747
Darla	Stevens	1622 Evanston	Hot Springs	SD	57747
Susan	Stolarcek	PO Box 686	Hot Springs	SD	57747
Richard	Stone	12959 Buffalo Circle	Hot Springs	SD	57747
Lila	Streff	12379 Beaver Den Dr.	Custer	SD	57730
Michelle	Sugeg	PO Box 139	Hot Springs	SD	57747
Rebecca Leas and					
Rick	Summerville	21287 Sandal Foot Dr.	Venice	FL	34293
Dennis	Sutherland	2202 University	Hot Springs	SD	57747
Linda	Syter	11962 Sundance Dr.	Hot Springs	SD	57747

Rube	Tifft	PO Box 411	Edgemont	SD	57735
Niklaus	Towne	28423 Old Highway 79	Hot Springs	SD	57747
Mark	Tubbs	10891 River Rd.	Edgemont	SD	57735
Loraine	Tucker	PO Box 1129	Hot Springs	SD	57747
Douglas C. and Mary Ellen	Uptain	3213 W. Main, #112	Rapid City	SD	57702
Judith	Van Cleave	7711 Dark Canyon Rd.	Rapid City	SD	57702
Moses Ciser & Milli	Veronica Hernandez Vong	410-1/2 South Street 146 S. 19th	Hot Springs Hot Springs Buffalo	SD SD	57747 57747
Alan	Walker	303 Cedar St.	Gap	SD	57722
Lennie	Walleen	446 S. 16th 545 N. River St., Apt. 503	Hot Springs	SD	57747
Barbara	Walter	1005 S. River St.	Hot Springs	SD	57747
Kellee	Walton	PO Box 790	Hot Springs	SD	57747
Susan	Watt	306 N. 19th St.	Hot Springs	SD	57747
Wendolyn	Weimers	110 N. 3rd St.	Hot Springs	SD	57747
Debra	Weishaupl	PO Box 14	Edgemont	SD	57735
Betty	White Face	PO Box 2003	Rapid City	SD	57709
Charmaine	Wilder	506 Jennings Ave.	Hot Springs	SD	57747
Kristen	Wilkinson	3718 Redwood St.	Rapid City	SD	57701
Bette	Wilson	30959 Frog Creek Rd.	Vermillion	SD	57069
Jerry	Woodard	639 Pahasapa Rd.	Rapid City	SD	57701
Julia	Woodward	PO Box 599	Wellington	CO	80549
James	Wynia	12750 Merchen Rd.	Hot Springs	SD	57747
Robin	Yekel	2455 Minnekahta	Hot Springs	SD	57747
Karen	Zornes	12742 Highway 18	Hot Springs	SD	57747
Elton					
Office of the Atty General		1302 E. Highway 14, #1	Pierre	SD	57501-8501


 Lillas Jones Jarding

Duvall, Ron

From: Anne Fields <fieldsanne@gmail.com>
Sent: Monday, May 3, 2021 9:42 AM
To: Duvall, Ron
Subject: [EXT] Powertech Status Conference May 5

Dear Mr. Duvall,

With respect to the Order Granting Powertech's Motion for Status Conference to be heard on May 5, 2021, I believe that a hearing would be premature at this point. I would also ask that any hearings on this matter in the future be held in the Black Hills.

Thank you,

Anne Fields, PhD
Status "C" Intervenor
2415 Amberbrook Lane
Grayson, GA 30017
fieldsanne@gmail.com
605-407-1275

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MAY 03 2021

WATER RIGHTS
PROGRAM

Mark Belitz (Intervenor)
Temporary Address:
2311 Woodlawn Ave
Missoula, MT 59804

Permanent Address:
28233 Cascade Rd
Hot Springs, SD 57747

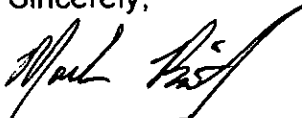
Water Management Board
Dept. Of Natural Resources

For 45 years I have been a Hot Springs resident and I have a wife and two kids in the Black Hills. I own property along the Cheyenne River, I have animals that drink from it, and I have an Inyan Kara domestic well that supplies household water and drinking water for livestock. I haul my family's drinking water from a Minnelusa well. The USGS Atlas of Water Resources of the Black Hills, Pg. 109 Table 13, indicates Cascade Springs is mostly Madison with dissolved Minnelusa minerals. We flood irrigate 25 acres of alfalfa, smooth brome, 20 apple trees and a wild plum thicket with water derived from Cascade Springs utilizing a historical water license from 1881. We rely heavily on clean water and we have reason for concern.

The Minnelusa aquifer is a high quality and well utilized aquifer in the southern black hills. In addition to the domestic Minnelusa well that we haul drinking water from, this aquifer sits approximately 1000 feet below my property making it a potential drinking water source for my family and livestock for generations to come. According to "Atlas of Water Resources of the Black Hills", the Minnelusa Aquifer flows from the proposed ISL site to my property. These injected contaminants will pollute this potential drinking water source sometime in the future.

The Minnelusa is too shallow, it is unconfined. It is known to mix with a very important aquifer. It is an important and heavily used aquifer. Please document my status as an intervenor for any and all uranium mining permits in the Black Hills.

Sincerely,



Mark Belitz

4/29/21

4/29/2021

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MAY 03 2021

WATER RIGHTS
PROGRAM

Jennifer Belitz (Intervenor)

Temporary Address:

2311 Woodlawn Ave

Missoula, MT 59804

Permanent Address:

28233 Cascade Rd

Hot Springs, SD 57747

Water Management Board

Dept. Of Natural Resources

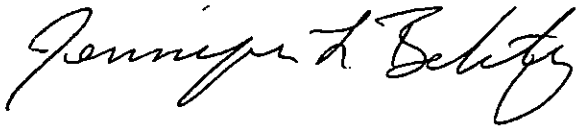
As a landowner that lives, raises children, and utilizes our land for agriculture and youth programs, I am very concerned for our Inyan Kara well, our Cheyenne River front property, and the other aquifers that maybe impacted by uranium mine development in the Black Hills.

I am writing to request that all further hearings and informational meetings be held locally with ample opportunity for local input. I am also requesting that local input be considered high priority in these matters because it is our water, land, livelihoods and health that would be affected by your decisions.

Respectfully,

Jennifer Belitz

Jennifer L. Belitz 4-29-21

A handwritten signature in cursive script, reading "Jennifer L. Belitz". The signature is written in dark ink and is positioned below the typed name and date.

Duvall, Ron

From: Walsh, Brian
Sent: Monday, May 3, 2021 2:48 PM
To: Gronlund, Eric; Duvall, Ron
Cc: Walsh, Brian
Subject: FW: [EXT] Power Tech permitting
Attachments: Power .docx

For you – thanks!

From: Donna Fisher <dmfisher@wildblue.net>
Sent: Saturday, May 1, 2021 11:08 PM
To: DANR Mail <DANRMail@state.sd.us>
Subject: [EXT] Power Tech permitting

James K. Hutmacher, Chair
Water Management Board
802 E. 7th Street
Oacoma, SD 57365

Timothy M. Bjork, Chair
Water Management Board
223 Enchantment Road
Rapid City SD 57701

Members of South Dakota Water Management Board:

I have signed the Intervenor's petition, but cannot appear in person. I did not understand that I needed to submit an additional written objection to be submitted at the May 5-6 meeting of the Water Management Board.

Perhaps this personal letter will convey my strong objection to Power Tech's request. For more than a decade, citizens and scientists have presented compelling testimony on why this foreign-owned company must not have access to water for Dewey Burdock ISL uranium mining operation in the Black Hills and its adjoining aquifers.

1. I am 80, I've been a resident of South Dakota for 60 of those years, and I've lived more than 30 of those years in the Black Hills. Power Tech's foreign owners and US investors are asking you to "permit" possible wealth for a few. How dare we citizens of South Dakota risk damaging our precious water and the health of those who will live here in the next 80 years?
2. It is an insult to offer only short time in an extensive agenda for you to listen and for citizens to present concerns about water that will affect health and safety of generations of residents in the Black Hills. Furthermore, why wasn't the Power Tech re-start hearing scheduled in the region that is affected so that citizens may speak and listen?
3. It is an insult to hold a hearing when tribal appeals, EPA permits and aquifer exemptions are pending. I respectfully request that this board deny the request by Power Tech to restart the permitting process, if not permanently (the best and cleanest option) then by postponing until all pending actions have been completed.

Your fair and courageous judgment is my hope.

Respectfully,

Donna M. Fisher

"Even if I knew for sure the world would end tomorrow, I would plant an apple tree."
Martin Luther

Donna Fisher
12311 Whitetail Road
Deadwood SD, 57732
605-355-9532

Donna M Fisher
12311 White Tail Road
Deadwood SD, 57732

James K. Hutmacher, Chair
Water Management Board
802 E. 7th Street
Oacoma, SD 57365

Timothy M. Bjork, Chair
Water Management Board
223 Enchantment Road
Rapid City SD 57701

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MAY 03 2021

BLACK RIGHTS
PROGRAM

Via
email

Members of South Dakota Water Management Board:

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Your fair and courageous judgment is my hope.

Respectfully,

Donna M. Fisher



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
<http://atg.sd.gov/>

JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

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MAY 03 2021

WATER RIGHTS
PROGRAM

April 30, 2021

Jim Hutmacher, Chairman
DANR – Water Management Board
Foss Building
523 East Capitol Ave.
Pierre, SD 57501-3182

Re: *In the Matter of Water Permit Application Nos. 2685-2 and 2686-2, and In the Matter of the 2012 Groundwater Discharge Plan Application Submitted by Powertech (USA) Inc.*

Dear Chairman Hutmacher:

Enclosed please find a copy of the Notice of Appearances and Brief Regarding Procedural History and Current Status of Federal Proceedings in regard to the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann F. Mines Bailey".

Ann F. Mines Bailey
Assistant Attorney General

AFM/jm
Enclosures

cc/encl: All Parties of Record Noted in Certificate of Service

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES*
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATIONS NOS. 2685-2 AND)
2686-2, POWERTECH (USA), INC.)
IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE PLAN)
APPLICATION SUBMITTED BY)
POWERTECH (USA), INC.)

NOTICE OF
APPEARANCES

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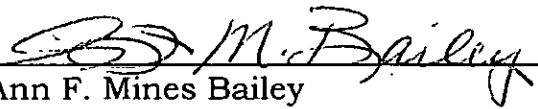
WATER RIGHTS
PROGRAM

The following individuals hereby notice their appearance as counsel for
the South Dakota Department of Agriculture and Natural Resources' Water
Rights Program and Groundwater Quality Program:

Ann F. Mines Bailey, Assistant Attorney General
Steven R. Blair, Assistant Attorney General

Counsel request that copies of all further pleadings, affidavits, or
motions in the above-entitled matter be served upon them at the address
indicated below.

Dated this 30th day of April, 2021.


Ann F. Mines Bailey
Steven R. Blair
Assistant Attorneys General
1302 Hwy 14, Suite 1
Pierre, SD 57501
(605)773-3215

* As of April 19, 2021, the South Dakota Department of Environment and Natural Resources (DENR)
became known as the South Dakota Department of Agriculture and Natural Resources (DANR).

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES*
WATER MANAGEMENT BOARD

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IN THE MATTER OF WATER PERMIT)
APPLICATIONS NOS. 2685-2 AND)
2686-2, POWERTECH (USA), INC.)
IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE PLAN)
APPLICATION SUBMITTED BY)
POWERTECH (USA), INC.)

BRIEF REGARDING
PROCEDURAL HISTORY
AND CURRENT
STATUS OF FEDERAL
PROCEEDINGS

WATER RIGHTS
PROGRAM

Pending before the Board are Water Permit Application Nos. 2685-2 and 2686-2, Powertech (USA), Inc. and the related 2012 Groundwater Discharge Plan Application Submitted by Powertech (USA), Inc. Given the lapse in time since the continuance of these proceedings and the numerous related federal proceedings, the undersigned counsel provides this brief outlining the procedural history of these matters before the Board and a current status on the federal proceedings involving this project.

PROCEDURAL HISTORY

Powertech submitted applications for two water permits on June 12, 2012. Upon review, approval of the permits was recommended by the Chief Engineer. These applications were publicly noticed and petitions to intervene in the matter were received.

* On April 19, 2021, the South Dakota Department of Environment and Natural Resources (DENR) became the South Dakota Department of Agriculture and Natural Resources (DANR). Accordingly, the Department name has been altered.

Previously, on March 9, 2012, Powertech submitted an application for a groundwater discharge plan. Upon review, a recommendation of approval was issued, and the matter was publicly noticed. Several hundred petitions requesting a contested case proceeding were subsequently received.

Under the statutes and rules regulating a groundwater discharge plan, the Water Management Board provides the initial approval of the plan by issuing any necessary water quality variance permits and groundwater discharge facility construction permits. *See* ARSD §§ 74:54:02:09, 74:54:02:11, and 74:54:02:13. The Secretary of the Department, however, issues the final approval of a groundwater discharge plan. *See* SDCL § 34A-2-36.1 and ARSD § 74:54:02:14. Accordingly, the Secretary appointed the Water Management Board to conduct the contested case proceedings “required by SDCL 34A-2-36.1 and ARSD 74:54:02:14 along with the inter-related permits issued by the WMB under ARSD 74:54:02:09, 74:54:02:11 and 74:54:02:13, and to issue a recommendation to the Secretary[.]” *See* Appointment of Water Management Board to Conduct Evidentiary Hearing, dated January 29, 2013.

On January 30, 2013, counsel for the Water Rights Program and the Groundwater Quality Program moved to consolidate the matters for further proceedings.

On February 13, 2013, the Prehearing Chair, Ev Hoyt, issued a Procedural Order. That Order granted the Motion to Consolidate and further provided an outline for the course of these proceedings. In particular, it

required intervenors or petitioners to complete an election of participation form. Class A, or Option A, participants were those who intended to fully participate in the proceedings. Class B, or Option B, participants were those who intended only to submit sworn testimony at the beginning of the contested case proceedings. Class C, or Option C, participants included those who wished to rely upon the petitions initially submitted. The Procedural Order indicates that “[a]ny party may change participation status by timely notifying DENR staff . . . and serve copies of the notification upon the parties. The Procedural Order also provided for a limited period of discovery which commenced April 1, 2013, and was required to be completed by August 23, 2013, 45 days prior to the commencement of the contested case proceedings. The parties were also required to provide disclosures of expert witnesses, witnesses, and exhibits prior to the commencement of the contested case proceedings.

Hearing was scheduled to commence on October 7, 2013 and continue through November 1, 2013. Due to the Atlas snowstorm, the hearing was postponed until October 28 through November 1, 2013. The proceedings began with the testimony of the Class B participants. See October 28-November 1, 2013 WMB Minutes. By the conclusion of the proceedings for that week, the Board had heard opening statements and had begun to receive testimony from the Class A participants, namely the testimony of John Mays, who was Vice President of Engineering of Powertech. Before the conclusion of

the hearing, the parties were requested to brief several jurisdictional questions. *See id.*

The hearing was scheduled to continue on December 9 through 13, 2013. Briefs regarding the questions presented by the Board were submitted on November 14 and 19- 20, 2013. On November 19, 2013, Powertech also filed a Motion to Continue. The Motion to Continue was granted on November 25, 2013.

Since the issuance of that Order, no other activity has occurred in this matter. Important for the Board's purposes now, it should be noted that no instructions were given regarding the update of contact information or requirement for status updates.

FEDERAL PROCEEDINGS

The Order Granting Powertech's Motion to Continue provides that these hearings are continued until "resolution by the federal agencies of Powertech's pending applications for the Dewey-Burdock Project set forth in this Order." To conduct this project, Powertech is required to obtain a materials license from the Nuclear Regulatory Commission. Powertech submitted its application to the NRC on August 10, 2009. According to the NRC Application Review Schedule, licensing action was completed on April 8, 2014. *See* Application Review Schedule for Dewey Burdock at <https://www.nrc.gov/info-finder/materials/uranium/licensed-facilities/dewey-burdock/dewey-burdock-schedule.html>. The matter was then brought before the Atomic Safety Licensing Board (ASLB). Review was then sought in the United States Court of

Appeals for the District of Columbia Circuit. In 2018, the Court of Appeals remanded the matter to the NRC for further proceedings. *Oglala Sioux Tribe v. U.S. Nuclear Regulatory Commission, et al.*, 896 F.3d 520 (D.C. Cir. 2018). After subsequent agency proceedings, the matter is currently before the Court of Appeals once again. See *Oglala Sioux Tribe, et al. v. U.S. Nuclear Regulatory Commission, et al.*, No. 20-1489, D.C. Cir. Petitioners' Brief was submitted on April 19, 2021. The remainder of the briefing schedule is as follows: Respondents' brief is due June 3, 2021; intervenor's brief is due June 10, 2021; and Petitioners' reply brief is due July 1, 2021; the deferred appendix is due July 8, 2021; and the final briefs are due July 22, 2021. Petitioners are alleging a variety of violations involving NEPA and NHPA as well as errors in the technical analysis of the license and the final supplemental environmental impact study.

Powertech is also required to obtain from the Environmental Protection Agency permits for the Class III and Class V wells to be used in the project. The permits were issued by the EPA on November 24, 2020, with an effective date of December 24, 2020. See <https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-final-area-permits>. However, the matter was appealed to the Environmental Appeals Board (EAB). Given the change in presidential administration, EPA requested a stay of proceedings. On February 23, 2021, the EAB granted a 60 day stay and required a status update on April 19, 2021. On April 19, 2021, EPA filed a status report and requested a further stay of proceedings. See Status Report and Motion for Stay

of Proceedings, dated April 19, 2021 at

[https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Filings%20By%20Appeal%20Number/BEFF4030DBE5B79D852586BD0045370C/\\$File/R8%20Status%20Update%20%26%20Motion%20for%20Stay%20-%204-19-2021.pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Filings%20By%20Appeal%20Number/BEFF4030DBE5B79D852586BD0045370C/$File/R8%20Status%20Update%20%26%20Motion%20for%20Stay%20-%204-19-2021.pdf). In its report and motion, EPA explained that NRC was designated as the lead agency for issues involving NHPA and that given those issues were currently being reviewed by the D.C. Court of Appeals and that the outcome could result in EPA requesting a remand of these permits. In its Motion, EPA contends that a stay would not result in prejudice to Powertech as Powertech has yet to obtain the necessary state permits to commence the project. Powertech has been ordered to respond to the motion on or before May 4, 2021.

Powertech must also obtain an aquifer exemption from the EPA. The aquifer exemption was requested in January of 2013 and EPA issued the grant of the exemption on November 24, 2020. It is currently being appealed before the United States Court of Appeals for the Eighth Circuit. *See Oglala Sioux Tribe v. U.S. Environmental Protection Agency*, No. 21-1167. Though initially scheduled for briefing, the matter is currently being held in abeyance pending the outcome of the agency review of the Class III and Class V permits.

Finally, a portion of the project involves federal lands. Accordingly, Powertech must obtain the approval of the Plan of Operations by the Bureau of Land Management (BLM). BLM accepted public comments on the Plan of Operations in August of 2020. No further information was found regarding the status of this approval.

Dated this 20th day of April, 2021.

A handwritten signature in cursive script, appearing to read "A. F. Mines Bailey", is written over a horizontal line.

Ann F. Mines Bailey

Steven R. Blair

Assistant Attorneys General

1302 Hwy 14, Suite 1

Pierre, SD 57501

(605)773-3215

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES*
WATER MANAGEMENT BOARD

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

CERTIFICATE OF
SERVICE

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WATER RIGHTS
PROGRAM

The undersigned hereby certifies that true and correct copies of DANR NOTICE OF APPEARANCES AND BRIEF REGARDING PROCEDURAL HISTORY AND CURRENT STATUS OF FEDERAL PROCEEDINGS in the above entitled matter were served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on April 30, 2021:

Matthew E. Naasz
Richard M. Williams
Gunderson, Palmer, Nelson, & Ashmore,
LLP
PO Box 8045
Rapid City, SD 57709

Status "A" Intervenor:

Jillian Anawaty
Dakota Rural Action
2804 Willow Rd
Rapid City, SD 57701

Angelia Baldwin
PO Box 191
Pierpont, SD 57468

Mark Boddicker
13850 Battle Creek Rd
Hermosa, SD 57744

Cindy Brunson
11122 Fort Igloo Rd
Edgemont, SD 57735

William Cing
1446 Evanston Ave.
Hot Springs, SD 57747

Rick Draeger
617 St. Cloud
Rapid City, SD 57701

* As of April 19, 2021, the South Dakota Department of Environment and Natural Resources (DENR) became known as the South Dakota Department of Agriculture and Natural Resources (DANR).

Bruce Ellison
Attorney for Clean Water Alliance
PO Box 2508
Rapid City, SD 57709

W. Cindy Gillis
Attorney for Oglala Sioux Tribe
522 7th St. #202
Rapid City, SD 57701

Susan Henderson
PO Box 731
Edgemont, SD 57735

Lilias C. Jarding
PO Box 591
Rapid City, SD 57709

Marvin Kammerer
22198 Elk Vale Rd
Rapid City SD 57701

Sabrina King
14705 Halter Ct.
Piedmont, SD 57769

Rodney G. Knudson
PO Box 25
Hulett, WY 82720

Rebecca Michele Lord
PO Box 952
Hill City, SD 57745-0952

Gena M. Parkhurst
PO Box 1914
Rapid City SD 57709

Rick V Summerville
6509 Seminole Ln
Rapid City SD 57702

Status "B" Intervenor:

Resident
12560 Beaver Creek Road
Hot Springs, SD 57747

Brenda Gamache
2337 Wilson Ave.
Hot Springs, SD 57747

Gary Heckenlaible
PO Box 422
Rapid City, SD 57709

Michael Hickey
Attorney for Wild Horse Sanctuary
PO Box 2670
Rapid City, SD 57709

Andy Johnson
610 Nellie Ln
Spearfish SD 57783

Gwen E Kaneshiro
1446 Evanston Ave
Hot Springs SD 57747

Frank J Kloucek
29966 423rd Ave
Scotland SD 57059

Rebecca R Leas
6509 Seminole Ln
Rapid City SD 57702

Dahl H McLean
11853 Acorn Ridge Rd
Spearfish SD 57783

Roger & Cheryl A Rowe
7950 Dark Canyon Rd
Rapid City SD 57702

Douglas C. Uptain
3213 W Main #112
Rapid City SD 57702

Resident
309 S. 6th Street
Hot Springs, SD 57747

Alice
P.O. Box 861
Pine Ridge, SD 57773

Donald L. Ackerman
27128 Wonderland
Hot Springs, SD 57747

Jacqueline Arpen
2004 Maple Ave.
Rapid City, SD 57701

Brianna Badure
P.O. Box 971
Hot Springs, SD 57747

Anna K. Ball
P.O. Box 46
Piedmont, SD 57769

Thomas F. Barnes
11778 Pleasant Valley Road
Custer, SD 57730

Sudhi Baumberger
12374 Baumberger Road
Deadwood, SD 57732

Eddie Berford
241 Galveston Ave.
Hot Springs, SD 57747

Edward H. Binns
408 N. 17th Street
Hot Springs, SD 57747

Hannah Bochert
Sherman Street
Hot Springs, SD 57747

Wayne Boots
25588 Mt. Shado Road 338
Edgemont, SD 57735

Rick Britton
P.O. Box 53
Hot Springs, SD 57747

Rube D
104 Jefferson Street
Edgemont, SD 57735

Keith Alarie
840 Spruce Street, Lot 320
Rapid City, SD 57701

Brandon Bad Wound
639 Pahasapa Road
Rapid City, SD 57701

Jerri Baker
705 N. River Street
Hot Springs, SD 57747

Bernard and Laurie Barnaud
12129 Sagebrush Road
Nisland, SD 57762

Joe Bassingham
10985 Pleasant Valley Road
Hot Springs, SD 57747

Mark and Jennifer Belitz
28233 Cascade Road
Hot Springs, SD 57747

Annabelle Between Lodge
P.O. Box 118
Oglala, SD 57764

Jerry Bloomber
2146 Minnekahta Ave.
Hot Springs, SD 57747

Mary Boots
25588 Mt. Shadow Road
Edgemont, SD 57735

Karl W. Bothuf
S. 17th
Hot Springs, SD 57747

Michelle Brock
26846 Hwy 385
Hot Springs, SD 57747

Mary Burrows
2309 Wilson Ave.
Hot Springs, SD 57747

Mary Kay Carle
5821 Michael Ct.
St. Cloud, MN 56303

Julie and Emily Christensen
603 N. River Street
Hot Springs, SD 57747

Charles Cox
P.O. Box 84
Hot Springs, SD 57747

Teresa Daiss
28423 Old Highway 79
Hot Springs, SD 57747

Jeremiah J. Davis
130 E. Centennial
Rapid City, SD 57701

Peggy Detmers
13488 Shelter Drive
Rapid City, SD 57072

Kendra Dexter
23278 Pebble Court
Hot Springs, SD 57747

Francis Dicesare
1501 11st Street
Rapid City, SD 57701

Kathy Durrum
10374 Dryland Drive
Edgemont, SD 57735

Tom Emanuel, Executive Director
Peace and Justice Center
19 N. Pine Street
Vermillion, SD 57069

T. Engle
115 Scott Street
Edgemont, SD 57735

Wally Cam
690 6th Street
Hot Springs, SD 57747

Allen Chesson
545 N. River Street
Hot Springs, SD 57747

Sharon and Alex Christie
P.O. Box 74
Buffalo Gap, SD 57722

Georgiana Cross
2045 Canton Ave. #530
Hot Springs, SD 57747

Lynda Davies
P.O. Box 1204
Hot Springs, SD 57747

Joel Detmers
13488 Shelter Drive
Rapid City, SD 57702

Don DeVries
City of Hot Springs
303 N. River Road
Hot Springs, SD 57747

Ross Dexter
P.O. Box 883
Hot Springs, SD 57747

Leora Drapper
13174 Fall River Road
Hot Springs, SD 57747

Rosie Elmore
P.O. Box 888
Hot Springs, SD 57747

M. Engle
115 Scott Street
Edgemont, SD 57735

Wade Evans
27338 Taylor Lane
Hot Springs, SD 57747

Blaine Everhart
545 N. River Street
Hot Springs, SD 57747

Jeanie Fine
P.O. Box 153
Pringle, SD 57773

Ronald Fischer
711 6th Ave. East
Mobridge, SD 57601

Shirley Frederick
3411 Idlewild Court
Rapid City, SD 57702

Gary Friendshuh
27098 Elk Road
Buffalo Gap, SD 57722

Judy Gaalswyk
912 9th Street
Rapid City, SD 57701

Amber Gill
718 Harney
Custer, SD 57730

Mary Gozelet
338 S. River Street
Hot Springs, SD 57747

Garnder Gray
P.O. Box 153
Pringle, SD 57773

Diane Gross
P.O. Box 389
Hot Springs, SD 57747

William R. Hansen
NPS-Water Resource Division
1201 Oakridge Drive, #250
Fort Collins, CO 80525

Joel Hawkins
504 16th Street
Hot Springs, SD 57747

Cheryl and Jon Fair
12909 Shep's Canyon Road
Hot Springs, SD 57747

Jana Firkins
244 Galveston Ave.
Hot Springs, SD 57747

Donna M. Fisher
12311 Whiterail Road
Deadwood, SD 57732

Lisa Freshour
2045 Canton Ae. #535
Hot Springs, SD 57747

Judy Gaalaugh
912 9th Street
Rapid City, SD 57701

Rich and Jackie Gericke
305 S. 14th Street
Hot Springs, SD 57747

Mary Goulet
338 S. 5th Street
Hot Springs, SD 57747

Jesse Grant
1938 Detroit Ave.
Hot Springs, SD 57747

Lynn Gray
P.O. Box 153
Pringle, SD 57773

Jake Haacke
1026 Evanston Ave.
Hot Springs, SD 57747

Edward Harvey
1545 Albany Ave.
Hot Springs, SD 57747

Ellen Heafner
504 S. 19th Street
Hot Springs, SD 57747

Kip Heinzen
309 S. 6th Street
Hot Springs, SD 57747

Virginia M. Heinzen
309 S. 6th Street
Hot Springs, SD 57747

Patricia Hernandez
71 Apache Plume Drive
Sante Fe, NM 87508

Luella J. Hicks
P.O. Box 144
Buffalo Gap, SD 57722

Georgia Holmes
Hot Springs Council
838 Birch
Hot Springs, SD 57747

Roger K. Horton, Sr.
P.O. Box 629
Edgemont, SD 57735

Dayton Hyde, President
BH Wild Horse Sanctuary
P.O. Box 932
Hot Springs, SD 57747

Anglea and Mike Jarding
27210 Valley Road
Hot Springs, SD 57747

John B. Jarding
202 E. Nebraska Street
Rapid City, SD 57701

Patricia Jenkins
287 Evans Lane
Spearfish, SD 57783

Dan Jensen
806 Galveston
Hot Springs, SD 57747

Forest Johnson
610 Nellie Lane
Spearfish, SD 57783

Clifford Heizen
309 S. 6th Street
Hot Springs, SD 57747

Moses-Ciser and Veronica Hernandez
410 ½ South Street
Hot Springs, SD 57747

Carolyn Hertel
27615 Country View Road
Hot Springs, SD 57747

Terry Holcomb
105 S. 23rd Street
Hot Springs, SD 57747

Jeremy A. Horton
P.O. Box 629
Edgemont, SD 57735

B.J. Hunter
353 Bears Ave.
Hot Springs, SD 57747

Richardo Jacome
601 Albany Ave.
Hot Springs, SD 57747

Cheryl Jarding
202 E. Nebraska Street
Rapid City, SD 57701

Mike Jarding
27201 Valley Road
Hot Springs, SD 57747

Dianna Jensen
27999 Cascade Road
Hot Springs, SD 57747

Maxine Jensen
806 Galveston
Hot Springs, SD 57747

Terry Johnson
26680 Buffalo Butte Drive
Hot Springs, SD 57747

Dawn Johnson
P.O. Box 1123
Hot Springs, SD 57747

Boise Kaneshiro
1446 Evanston Ave.
Hot Springs, SD 57747

Don Kelley
12637 Meritt-Estes Road
Deadwood, SD 57732

Corey Kennedy
140 Adnoia Lane
Rapid City, SD 57701

Jewell Keown
410 S. 4th Street
Hot Springs, SD 57747

Judith Klein
238 N. 6th Street
Hot Springs, SD 57747

Sylvia Lambert
P.O. Box 78
Interior, SD 577501

Dan Lang
27564 Ponderosa Road
Hot Springs, SD 57747

Matt Lanz
27927 Cascade Spring Road
Hot Springs, SD 57747

Karla R. Larive
839 Almond Street
Hot Springs, SD 57747

Karla Larive
P.O. Box 752
Hot Springs, SD 57747

Pam Ludweg
810 Gordon
Custer, SD 57730

Lorna Just
21939 484th Ave.
Volga, SD 57071

Angie Keierleber
Custer Conservation District
447 Crook Street, #1
Custer, SD 57730

Kim Kelley
12637 Merritt-Estes Road
Deadwood, SD 57732

Shawntera Kennedy
140 Adnoia Lane
Rapid City, SD 57701

Stanley T. Keys
224 E. Minnesota Street, Apt. 205
Rapid City, SD 57701

Dennis and Penny Knuckles
12484 Willow Creek Road
Custer, SD 57730

Laurence and Margaret Lamont
P.O. Box 53
Buffalo Gap, SD 57722

Greg Langer
P.O. Box 141
Buffalo Gap, SD 57722

Calvin Larive
713 N. River Street
Hot Springs, SD 57747

John E. Larson
10374 Dryland Drive
Edgemont, SD 57738

Robert Lee
338 S. 5th street
Hot Springs, SD 57747

Nancy C. Magnuson
P.O. Box 54
Buffalo Gap, SD 57722

Susan Malewke
545 N. River Street #401
Hot Springs, SD 57747

Lisa Masterson
445 S. 6th Street
Hot Springs, SD 57747

Darla McGrath
8403 Pioneer Circle
Rapid City, SD 57701

Jim McKean
27317 Hidden Ct.
Hot Springs, SD 57747

Linsey McLean
14390 Edgewood Pl.
Piedmont, SD 57769

Steven and Lexxie Meyer
13050 Lakeview Drive
Hot Springs, SD 57747

Gary Miles
27528 Rathbun Road
Hot Springs, SD 57747

Marsha Miller
27316 Hidden Court
Hot Springs, SD 57747

Glenn Mushaney
P.O.Box 272
Hot Springs, SD 57747

Jean Nachtigal
12746 Country Road
Hot Springs, SD 57747

Casey Neugebauer
27552 S. Buffalo Gap Road
Oral, SD 57766

Michael O'Rourke
4513 Leo Drive #4
Madison, WI 53716

Carla Rae Marshall
P.O. Box 3184
Rapid City, SD 57709

DeAnn McComb
P.O. Box 254
Hot Springs, SD 57747

James B. McGrath
8403 Pioneer Circle
Rapid City, SD 57702

Billy Jack McLaughlin
P.O. Box 25
Buffalo Gap, SD 57722

Cynthia Messenger
12750 Merchen Road, #18
Hot Springs, SD 57747

Martin H. and Elsa Meyer
102 S. Connor Street
Hot Springs, SD 57747

Karen N. Miller
3119 Turtle Creek Court
Rapid City, SD 57703

Neal Miller
486 Almond Street
Hot Springs, SD 57747

Jason Nachtigal
12749 Country Road
Hot Springs, SD 57747

Valerie Naylor
23201 Custer Trails Road
Rapid City, SD 57702

Richard Nowlan
202 Dakota Street
Hot Springs, SD 57747

Madeline Ortego
P.O. Box 851
Pine Rige, SD 57773

Otis Osborn
523 St. Francis Street
Rapid City, SD 57701

Jason Parker
1005 S. River Street
Hot Springs, SD 57747

Mary Helen Pederson
P.O. Box 646
Hot Springs, SD 57747

Jim Peterson
1203 11st Street
Rapid City, SD 57701

Sarah and AJ Phillips
4099 S. 570 Apt. 15F
Salt Lake City, UT 84107

Rex and Mildred Piper
1609 Detroit Avenue
Hot Springs, SD 57747

Cindy Powell
1637 38th Street
Rapid City, SD 57702

Gary Putnam
204 4th Ave.
Hot Springs, SD 57747

Rick Rewe
28149 Shep's Canyon Road
Hot Springs, SD 57747

Dorothy Richards
340 N. 23rd Street
Hot Springs, SD 57747

Craig Romey
342 N 4th
Hot Springs, SD 57747

Katie Roseland
5811 Gemini St.
Rapid City, SD 57703

Raymond Palmer
27221 Windy Road
Hot Springs, SD 57747

Valerie M. parker, MD
4814 Cliff Drive
Rapid City, SD 57702

Mel Pence
2330 Washington Ave.
Hot Springs, SD 57747

Sarah Peterson
510 Jennings
Hot Springs, SD 57747

Chris Pierce
101 N. Chicago
Hot Springs, SD 57747

Linda Pirates
311 S. Wisconsin Ave.
Casper, WY 82609

Steve Preheim
2317 Washington Street
Hot Springs, SD 57747

Jim Red Cloud
13084 Gray Drive
Hot Springs, SD 57747

Charleton T. Reynar
28025 Cascade Road
Hot Springs, SD 57747

Elray Rosaaen
PO Box 125
Buffalo Gap, SD 57722

Cindy Rowe
7950 Dark Canyon Rd
Rapid City, SD 57701

Grant Rush
PO Box 172
Hot Springs, SD 57747

Betty Runzerel
PO Box 836
Hot Springs, SD 57747

Betty Russell
PO Box 836
Hot Springs, SD 57747
Mary & Jason Satway
PO Box 424
Allen, SD 57714

Connie Aann & John Schwarzenbach
2229 Minnekahta Ave.
Hot Springs, SD 57747

Marsha Seabolt
4435 Dolphin
Rapid City, SD 57701

Robert V. Shannon
24705 Timber Ridge Rd
Hermosa, SD 57744
Ashley Simpson
PO Box 587
Hot Springs, SD 57747

Russ Sisk
12619 Booke Canyon Rd
Hot Springs, SD 57747

J Smith
2728 Hoot Brook
Hot Springs, SD 57747

Maura Smith
306 Joplin #8
Hot Springs, SD 57747

Dale Steineke
13130 Greg Dr
Hot Springs, SD 57747

Susan Stolarcek
PO Box 686
Hot Springs, SD 57747

Lila Streff
12379 Beaver Den Dr
Custer, SD 57730

Frank Ruther
545 N River #413
Hot Springs, SD 57747

Gail M. Saxonis
745 Happy Hollow
Hot Spring, SD 57747
Gary Schweigert
279 Cascade Rd.
Hot Springs, SD 57747

Peggy Semler
PO Box 245
Hot Springs, SD 57747

Barbara Sharp
445 S 3rd St
Hot Springs, SD 57747

Jerry Simunter
22769 Jenny Rd
Hot Springs, SD 57747
Charlene J Smith
PO Box 481
Rapid City, SD 57709

Jeremy Smith
287 Evans Ln
Spearfish, SD 57783

Susan Stareck
PO Box 686
Hot Springs, SD 57747

Darla Stevens
1822 Evanston
Hot Springs, SD 57747

Richard Stone
12959 Buffalo Circle
Hot Springs, SD 57747

Linda M Styger
11962 Sundance Dr
Hot Springs, SD 57747

Dennis Sutherland
2202 University
Hot Springs, SD 57747

Michelle Sugeg
PO Box 139
Hot Springs, SD 57747

Alison Swan
703 N River St
Hot Springs, SD 57747

Niklaus Towne
28423 Old Hwy 79
Hot Springs, SD 57747

Mark Tubbs
10891 River Rd
Edgemont, SD 57735

Mary Ellen Uptain
3213 W Main #112
Rapid City, SD 57702

Milli Vong
333 N River St
Hot Springs, SD 57747

Lennie Walleen
448 S 18th
Hot Springs, SD 57747

Kellee Walton
1005 S River St
Hot Springs, SD 57747

Wendolyn Weimers
308 N 19th St
Hots Springs, SD 57747

Betty Welch
PO Box 14
Edgemont, SD 57735

Debra White Plume
PO Box 71
Manderson, SD 57756

Bette Wilkinson
3718 Redwood St
Rapid City, SD 57701

Paula Tonemah
306 Thompson
Hot Springs, SD 57747

Jo Beth Troxel
303 E Morse St
Callaway, NE 68825

Loraine Tucker
PO Box 1129
Hot Springs, SD 57747

Judith R Van Cleave
7711 Dark Canyon Rd
Rapid City, SD 57702

Alan Walker
303 Cedar St
Buffalo Gap, SD 57722

Barbara Walter
545 N River St, Apt 503
Hot Springs, SD 57747

Susan W Watt
BH Wild Horse Sanctuary
PO Box 700
Hot Springs, SD 57747

Debra J Weishaupl
110 N 3rd St
Hot Springs, SD 57747

Charmaine White Face
Coordinator - Defenders of the Black Hills
PO Box 2003
Rapid City, SD 57709

Kristen Wilder
506 Jennings Ave
Hot Springs, SD 57747

Jerry Wilson
30952 Frog Creek Rd
Vermillion, SD 57069

Julia Woodard
639 Pahsapa Rd
Rapid City, SD 57701

Russell D Witte
301 S Chicago
Hot Springs, SD 57747

Sandra Woodard
PO Box 533
Oglala, SD 57764-0533

Karen Yekel
2455 Minnekahta
Hot Springs, SD 57747

Status "C" Intervenors:

Kenneth D Anderson
24035 Palmer Gulch Rd
Hill City, SD 57745

Jerri & Ronald Baker
705 N River St
Hot Springs, SD 57747

Heather J Besco
PO Box 82
Buffalo Gap, SD 57722

Donald Bledsoe
27635 View Rd
Oral, SD 57766

B.R. Brygider
104 Tuflamore Rd
Garden City, NY 11530-2512

Barbara Cromwell
2313 Cruz Dr
Rapid City, SD 57702

Jeremiah David
130 E Centennial
Rapid City, SD 57701

Jon Fair
12909 Shep's Canyon Rd
Hot Springs, SD 57747

Ann Fields, PhD
2415 Amberbrooke Ln
Grayson, GA 30017

Robin Wynia
12750 Merchen Rd
Hot Springs, SD 57747

Elton Zomes
12742 Hwy 18
Hot Springs, SD 57747

Beth Audette
1929 Evergreen Dr
Rapid City, SD 57702

Larry & Doris Belitz
12747 Oak Rd
Hot Springs, SD 57747

Jay & LaVella Birkland
301 S 6th St
Hot Springs, SD 57747

Ray Boots
302 Crook St
Custer, SD 57730

George Corrigan
446 S 5th St.
Hot Springs, SD 57747

Sister Gabriella Crowley
720 E Wiswall Pl
Sioux Falls, SD 57105

Joe Drapper (Doppen)
13174 Fall River Rd
Hot Springs, SD 57747

Irene Fandrich
301 S 6th St
Hot Springs, SD 57747

Adrian Forrette III
119 S Berry Pine Rd
Rapid City, SD 57702-1911

Therese Marie Furois
1851 City Springs Rd
Rapid City, SD 57702

Rick Good Voice Flute
1216 Wambli Dr
Rapid City, SD 57701

Philip S Heckman
11936 Hay Creek Rd
Custer, SD 57730

Susan Hey
312 N 40th St
Rapid City, SD 57702

Margaret Ikonen
445 S 6th St
Hot Springs, SD 57747

Judith A Joba
3483 Elk Creek
Piedmont, SD 57769

Bonnie & Dallas Keiswetter
12899 Sapphire Ln
Hot Springs, SD 57747

Regina A Koch
515 N 1st St #1
Rapid City, SD 57701

Shirley & Robert Lautenschlager
3507 Idlewild Ct
Rapid City, SD 57702

Mike Linderman
446 Battle Mtn Ave
Hot Springs, SD 57747

Bonnie & Donald Maritz
545 N River #313
Hot Springs, SD 57747

Mark Mason
1161 Deadwood Ave #3
Rapid City, SD 57702

Ray Gellerman
12349 Moss Rock Lane
Custer, SD 57730

George Ann & Glen Graves
304 4th St
Buffalo Gap, SD 57722

Clifford Heizen
309 S 6th St
Hot Springs, SD 57747

Sharon Huston
12571 BH Flyway Rd
Hot Springs, SD 57747

Lyle Jensen
13167 Fall River Rd
Hot Springs, SD 57747

Jim Johnson
12568 Cascade Mt Rd
Hot Springs, SD 57747

Margaret Mary Keogh
1851 City Springs Rd
Rapid City, SD 57702-9602

Louise Kursave
27275 SD Hwy 79
Buffalo Gap, SD 57722

Jennifer Lena
8812 Dunsmore Rd
Rapid City, SD 57702

Grady Lockhart
PO Box 152
Oelrichs, SD 57752

Miriam & Ken Martin
801 N River St
Hot Springs, SD 57747

Gary A McDowell
701 South St, Apt B
Rapid City, SD 57701

Jody McKean
27317 Hidden Ct
Hot Springs, SD 57747

Katherine L Montague
1216 Wambli Dr
Rapid City, SD 57701-0456

Marion Muhm
1614 Coldbrook Ave
Hot Springs, SD 57747

Susan Nolan
1184 Lookout Lane
Rapid City, SD 57735

Eileen Ohliger
446 S 5th St
Hot Springs, SD 57747

James L Olson
12350 Beaver Den Dr
Custer, SD 57730

Virginia Panarella
26979 SD Hwy 89
Hot Springs, SD 57747-6002

Karen Pettigrew
1203 St Cloud St
Rapid City, SD 57701

Raymond Powell
2025 Lincoln Ave
Hot Springs, SD 57747

Antoinette Reynar
28025 Cascade Rd
Hot Springs, SD 57747

J&M Shaw
12083 Beardsley Dr
Hot Springs, SD 57747

Gail M Soave
14249 Lyons St
Livonia, MI 48154

Carol Merwin
2247 Cedar Dr
Rapid City, SD 57702

Joe W Montgomery
210 Pine St
Buffalo Gap, SD 57722

Leslie Murphy
523 E Capitol Ave
Pierre, SD 57501

Elaine Noyes
4104 Lakeview Dr
Rapid City, SD 57702

Patricia E Ohliger
446 S 5th St
Hot Springs, SD 57747

Rev. Jodi Olson
12350 Beaver Den Dr
Custer, SD 57730

Sharon Parker
1913 Jennings Ave
Hot Springs, SD 57747

Pettris
Rose or Reese
12544 W. Cascade Rd
Hot Springs, SD 57747

Carrie Regelin
2312 Serten Ave
Rapid City, SD 57701

Floyd Rowe
28144 Lot 50 Sheep Canyon
Hot Springs, SD 57747

Linda L Smith
947 S Chicago St
Hot Springs, SD 57747

Dewane Steams
11500 Indian Canyon Rd
Edgemont, SD 57735

Larry Tegantvoort
10041 Ventura Ln
Summerset, SD 57718

Jeannie Tiff
2342 Wilson Ave
Hot Springs, SD 57747

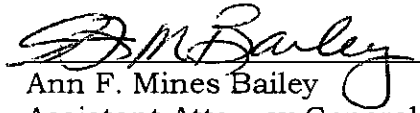
Matie Tyson
2508 Crown Hill
Rapid City, SD 57702

Bill Walsh
7450 Dark Canyon Rd
Rapid City, SD 57702

Kathryn Weller
8812 Dunsmore Rd
Rapid City, SD 57702

Trip Williams
27662 Scenic Rd
Hot Springs, SD 57747

And on the same date the original was mailed interoffice to Ron Duvall, Joe Foss Building, 523 E. Capitol Ave, Pierre, SD, 57501, a copy was mailed interoffice to Jim Hutmacher, Chairman, DANR – Water Management Board Foss Building, 523 East Capitol Ave., Pierre, SD 57501 and a copy was hand delivered to David McVey, Assistant Attorney General, Counsel for Water Mangement Board, Office of the Attorney General 1302 E. Hwy 14, Suite 1, Pierre, SD 57501.


Ann F. Mines Bailey
Assistant Attorney General
1302 Hwy 14, Suite 1
Pierre, SD 57501
(605) 773-3215



VIA EMAIL and US MAIL

May 4, 2021

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
523 E Capitol
Pierre, SD 57501

email: denrinternet@state.sd.us

Re: Response to Motion for Status Conference
Water Permit Application Nos. 2685-2 and 2686-2
Ground Water Discharge Plan GWD 1-13

Dear Mr. Duvall:

Attached for the Board's consideration at the May 5, 2021 hearing, please find the following:

1. Response to Motion for Status Conference by Susan Henderson
2. Notice of Appearance
3. Certificate of Service

I have served the Notice of Appearance and the Response via US Mail upon all the parties entitled to notice.

Given the short notice given by Azarga, I am emailing these documents to you to ensure that the Board will be able to review the enclosures prior to the hearing.

I appreciate your consideration of this matter.

Sincerely,

A handwritten signature in black ink on a light yellow rectangular background. The signature is cursive and appears to read "James G. Sword".

JAMES G. SWORD
JGS/hb

cc: Ann Mines Bailey (ann.mines@state.sd.us)
Steven R. Blair (steven.blair@state.sd.us)
David McVey (david.mcvey@state.sd.us)
Richard Williams (rwilliams@gpna)
Matthew Naasz (mnaasz@gpna.com)

State of South Dakota
Department of Agriculture and Natural Resources
Water Management Board

In the Matter of Water)
Permit Applications 2685-2 and)
2686-2 Powertech (USA) Inc.)
)
and)
)
In the Matter of the 2012)
Groundwater Discharge Plan)
Application Submitted by)
Powertech (USA), Inc.)

NOTICE OF APPEARANCE

Please take notice that James Sword of *Sword Law Office, P.C.*, hereby makes an appearance as attorney for Susan Henderson in the above-captioned matter

DATED this 3rd day of May, 2021.

A handwritten signature in blue ink, appearing to read "James G. Sword", written over a light yellow rectangular background.

JAMES G. SWORD
P.O. Box 283, 702 Jennings Ave.
Hot Springs, SD 57747
605-745-5422
email: jim@swordlawoffice.com

In the Matter of Water
Permit Applications 2685-2 and
2686-2 Powertech (USA) Inc.

and

In the Matter of the 2012
Groundwater Discharge Plan
Application Submitted by
Powertech (USA), Inc.

*RESPONSE TO MOTION FOR STATUS CONFERENCE
BY SUSAN HENDERSON*

Powertech voluntarily filed a Motion to continue this matter on November 19, 2013 and this Board granted this motion on November 25, 2013. Seven and a half years have expired since Powertech's motion was granted.

Powertech's application was submitted to this board in 2012. Over 8 and a half years have expired since Powertech's submission of its application.

Powertech has allowed its application to languish for too long. The lapse of time has resulted in significant changes occurring from the date of Powertech's original application. Those changes have occurred in the corporate structure of business entities claiming rights to the Dewey Burdock Project and in the water resource environment.

In 2018, Powertech listed Azarga Uranium Corp as a beneficial owner.

Exhibit 1. Azarga's listing is significant. Azarga is a foreign company incorporated under the laws of British Columbia, Canada. In its report entitled Management's Discussion and Analysis (December 31, 2020), Azarga boasts the following:

The Dewey Burdock Project (100% interest) - South Dakota USA

The Company's 100% owned Dewey Burdock Project is an ISR uranium project located in the Edgement uranium district, in South Dakota, USA. Through property purchase agreements, mining leases and/or mining claims, the Dewey Burdock Project is comprised of approximately 12,613 surface acres and 16,962 net mineral acres. The Dewey Burdok Project is the Company's initial development priority.

Exhibit 2. From Azarga's own disclosure report, it appears that the 2012 application is no longer correct. The applications dated June 6, 2021 indicate that Powertech (USA) Inc. is the applicant. After eight and one half years of delay, Azarga finally admitted in its own corporate document that it is the party that is benefitted from the approval of these applications. With the admission by Azarga, a new application with the correct applicant must be submitted to the Board.

The water resources in the South-Western portion of South Dakota have changed over the past eight and one half years. The area is experiencing a drought. The water resources in the area are diminishing. Azarga is proposing to appropriate over 9,000 gallons of water from two underground aquifers. In comparison, the entire city of Rapid City uses around 6,500 gallons of water per minute.

As reported by Ian James of the Arizona Republic, chronic overpumping of water resources and climate change has depleted water resources in many parts of the Western United States. Rural communities and ranches/farms are suffering depleted wells as a result of overpumping and drought conditions. Attached as Exhibit 3 is a copy of "A 'hidden crisis': Millions of groundwater wells are at risk of running dry, scientists find, Ian James, April 28, 2021.

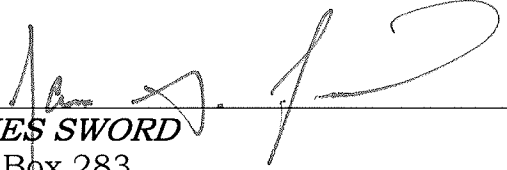
Climate change and its affects on the water supply are no longer marginal theories. In Powertech's submissions, it used data that is now over 10 years old. In light of the current drought and current climate conditions, Powertech's submission is at best outdated.

Powertech purposefully waited until 13 business days prior to the requested status conference to sent out its Motion for Status Conference. By doing so, Powertech will be able to avoid any meaningful scrutiny of its Motion for Status Conference and the significant and substantial changes that have occurred since Powertech voluntarily made its motion to continue these proceedings. Henderson joins the Clean Water Alliance's Motion for Continuance.

DATED this 3rd day of May, 2021.



SUSAN HENDERSON



JAMES SWORD
P.O. Box 283
Hot Springs, SD 57747
605-745-5422
email: jim@swordlawoffice.com
Attorney for Henderson



530475913

ANNUAL REPORT

South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Business Corporation
SDCL 59-11-24, 24.1

2018
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50
SOC (Agent) Fee: \$10
Total Fee: \$60

1. Business ID and Name:

DB050632
BUSINESS ID

POWERTECH (USA) INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**5575 DTC PARKWAY, SUITE 140
GREENWOOD VILLAGE, CO 80111-3012**

Mailing Address

**5575 DTC PARKWAY, SUITE 140
GREENWOOD VILLAGE, CO 80111-3012**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Mark Hollenbeck**

Actual Street Address in this State

**309 2ND AVE
EDGEMONT, SD 57735-0739**

Mailing Address in this State

**PO BOX 739
EDGEMONT, SD 57735-0739**

5. The names and business addresses of its principal officers.

Title	Name	Address
President	Blake Steele	5575 DTC Parkway #140, Greenwood Village, CO 80111
Vice President	John Mays	5575 DTC Parkway #140, Greenwood Village, CO 80111

6. The names and business addresses of its directors (governors).

Name	Address
Richard Clement	5575 DTC Parkway #140, Greenwood Village, CO 80111

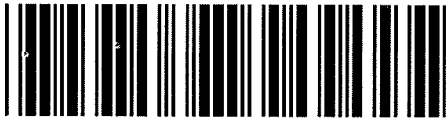
7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Name	Address
Azarga Uranium Corp	5575 DTC Parkway #140, Greenwood Village, CO 80111

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).



50049-0440 UT/11/2018 3:08PM REC'D BY SD SOS



01/11/2018

Dated

Email (Optional)

Adria Hutchison

Signature of an Authorized Person

Adria Hutchison

Printed Name

BU049-8449 01/11/2018 3:08PM REC'D BY SD SOS

AZARGA URANIUM CORP.

Management's Discussion and Analysis

For the year ended December 31, 2020

- **Focus on identifying uranium resources at the Dewey Terrace Project** – the Company is continuing the evaluation and analysis of historical data at the Dewey Terrace Project with the goal of identifying and quantifying additional uranium mineralization.
- **Complete an updated resource estimate and focus on ISR amenability at the Gas Hills Project** – the Company has successfully identified additional uranium mineralization at the Gas Hills Project and is currently working on an updated resource estimate. The Company has also completed hydrological studies, which indicate that permeability and piezometric surface conditions are suitable for ISR uranium mining. The Company will continue to evaluate future ISR development options at Gas Hills, consistent with the Company's strategy of developing ISR uranium projects in the USA.
- **Future uranium production off-take** – the Company will continue engaging with potential customers for future uranium production off-take. Although the Company plans to continue these discussions in parallel with the advancement of the Dewey Burdock Project, the level of these activities will be dependent on the market environment.

The Company expects to successfully execute its strategy as the Company believes that:

- uranium prices will move higher in the near to medium term;
- the Dewey Burdock PEA demonstrates that the project is one of the preeminent undeveloped ISR uranium projects in the USA;
- on completion of permitting at the Dewey Burdock Project, the Company expects to be able to attract financing and move into the construction phase;
- the Company's asset suite includes mineral properties at various stages of development, providing a pipeline for continued growth; and
- management and the Board of Directors have extensive experience in uranium, the broader mining sector, and financial markets.

MINERAL PROPERTIES

The Dewey Burdock Project (100% interest) – South Dakota, USA

The Company's 100% owned Dewey Burdock Project is an ISR uranium project located in the Edgemont uranium district, in South Dakota, USA. Through property purchase agreements, mining leases and/or mining claims, the Dewey Burdock Project is comprised of approximately 12,613 surface acres and 16,962 net mineral acres. The Dewey Burdock Project is the Company's initial development priority.

ENVIRONMENT

A 'hidden crisis': Millions of groundwater wells are at risk of running dry, scientists find

Ian James Arizona Republic

Published 11:31 a.m. MT Apr. 28, 2021 | Updated 12:49 p.m. MT Apr. 28, 2021

When a well runs dry, people who rely on the water often have no warning. As the water table dips lower, the pump will begin to suck air and faucets will sputter as water stops flowing.

The consequences of years of gradual declines in groundwater suddenly become visible, leaving people struggling with the costs of drilling a deeper well or finding water from another source.

New research shows that in dozens of countries around the world, from the United States to India, wells are increasingly at risk. With even moderate declines in groundwater levels, researchers have found, millions of wells could run dry.

The researchers analyzed records for about 39 million wells in 40 countries or territories and found that between 6% and 20% of wells are no more than 5 meters (16 feet) deeper than the water table. If groundwater levels continue to decline just a bit more, many of those wells could be left high and dry.

“Up to one in five wells are not much deeper than their local groundwater level,” said Debra Perrone, an assistant professor of environmental studies at the University of California, Santa Barbara. “That’s quite a lot of people that are vulnerable to having a well run dry.”

What the research found

Perrone and coauthor Scott Jasechko, an assistant professor of water resources at UCSB, compiled and analyzed millions of records of wells’ locations and depths and the dates they were drilled in countries across the world, from Canada to Argentina to Thailand.



They compared the depths of the wells to measured groundwater levels in countries that publish data, such as Mexico, France and Australia. They also used data from satellites that have tracked shifts in water resources globally and shown widespread declines in aquifers.

“Our work highlights the vulnerability of existing wells to groundwater depletion,” the researchers wrote in the study, which was published last week in the journal *Science*.

With water levels declining in many areas, newly drilled wells tend to be deeper than older wells. But the study also found, surprisingly, that newer wells aren’t being constructed deeper than older wells in some places where aquifers are falling, indicating that newer wells “are at least as likely to run dry as older wells if groundwater levels continue to decline.”

Chronic overpumping has been depleting groundwater in many parts of the western United States, from rural communities in Arizona to the farmlands of the southern High Plains in Kansas. As large farms with deep wells have pumped from the aquifers, water levels have dropped and some nearby homeowners have been left with dry wells.

A 2019 Arizona Republic investigation revealed how unchecked pumping by expanding farms has been draining groundwater while homeowners and rural towns have been left with mounting costs as wells run dry. The Republic’s analysis of state groundwater data showed water levels in nearly a fourth of the wells in the state’s monitoring program have dropped more than 100 feet since they were drilled, a loss that experts say is probably irrecoverable.

The investigation revealed that large corporate farms have been dramatically expanding their operations, that new well-drilling has been accelerating and that the largest declines in water levels have occurred in farming areas where there are no limits on pumping.

Heavy use of groundwater has dried up some desert streams and reduced the flow of other rivers in the Southwest. And in places, collapsing aquifers have led to sinking ground, leaving gaping fissures in the land and cracking roads and canals.

In California, water officials have recorded more than 2,800 reports of “household water supply shortages,” which generally involve dry wells, since 2013. Many of those wells dried up during the state’s last severe drought from 2012-16, and many of those cases occurred in the Central Valley, where agricultural pumping has been drawing down water levels for decades.

As the West’s water supplies are strained by deepening drought and the long-term effects of climate change, the latest research points to serious risks that many more wells could soon be in jeopardy as groundwater levels continue to sink lower.

A global crisis, from Africa to the Southwest

The new study is the first to compile and analyze well-drilling records showing locations and depths on a global scale, and the findings show how continuing groundwater depletion may threaten a large portion of existing wells in many countries.

In an accompanying article in *Science*, water scientists Jay Famiglietti and Grant Ferguson describe it as “the hidden crisis beneath our feet.”

“Jasechko and Perrone have helped make the invisible visible,” they wrote, saying the study delivers “a timely warning that universal access to groundwater is fundamentally at risk.”

Pumped Dry: The Global Crisis of Vanishing Groundwater

Famiglietti is a hydrologist and director of the Global Institute for Water Security at the University of Saskatchewan, where Ferguson is a professor focusing on hydrogeology.

“As groundwater levels decline around the world, only the relatively wealthy will be able to afford the cost of drilling deeper wells and paying for the additional power required to pump groundwater from greater depths,” Famiglietti and Ferguson wrote. They said low-income families, poorer communities and small farms “will experience progressively more limited access in the many regions around the world where groundwater levels are in decline.”

They pointed out that it’s already been happening in California’s Central Valley, where in many cases farmworkers and other low-income homeowners rely on the shallowest wells and have often been the ones left dealing with dry wells.

“Without intervention, the gap between the water ‘haves’ and ‘have nots’ will only widen further,” Famiglietti and Ferguson wrote.

Billions of people worldwide rely on groundwater pumped from wells for drinking water. Nearly half of the world’s irrigated agriculture depends on groundwater.

In previous research, Jasechko and Perrone analyzed nearly 12 million well-drilling records from across the United States and found that in many areas Americans have been drilling deeper for groundwater as levels decline.

In their latest study, they compiled and analyzed well completion records from 70 other databases. They gathered data from Brazil, Chile, Portugal, Spain, Namibia, South Africa and other countries, all representing about half of the groundwater that is pumped each year worldwide.

The analysis focused on countries for which data are readily available, including some that are among the biggest groundwater users, such as India (No. 1), the United States (No. 2) and Mexico, which is among the top seven nations. Other major groundwater users such as China, Pakistan and Iran weren't included.

Groundwater crisis: How unchecked pumping is sucking aquifers dry in India

The researchers estimated that between 6% and 20% of wells aren't much deeper than the water table — specifically, not more than 5 meters deeper — using two different global estimates of water tables from previous studies.

In six Southwestern states from California to New Mexico, the analysis showed the prevalence of wells with depths close to the water table was a little higher, with the lower estimate turning out to be 8% instead of 6%. And in Mexico, that lower estimate was even higher, at 12%.

The Southwest really “pops out” in the data because relatively deep wells are widespread, Jasechko said, and some areas have large numbers of very deep wells.

When Jasechko made a map of well depths in central and southern Arizona, wells deeper than 100 meters (328 feet) appeared as thick concentrations of red dots, like chili powder scattered across the map.

In some rural areas of Arizona, such as Willcox, large farming operations pump water from hundreds of feet underground, drawing on wells as deep as 2,500 feet. Nearby homeowners, many of whom have wells from 350 to 600 feet deep, are relatively vulnerable as pumping continues and water levels drop.

In these rural communities, the state has no rules limiting how much water is pumped, and recent proposals to establish some rules in unregulated areas have failed to move forward in the Legislature.

When wells run dry, homeowners often must pay tens of thousands of dollars to drill a deeper well or deepen the existing well. Others have turned to paying for water hauled by truck. While selling a property with a dry well could be appealing for some, it's also tough to sell land without access to water.

“Deeper wells are expensive. And so this raises a number of equity and adaptation concerns over the long term,” Perrone said, “because the people who can drill deeper are the people with the money to do so.”

'A free-for-all': As groundwater declines in rural Arizona, oversight faces resistance

Declines in groundwater can result not only from overpumping but also from reductions in the amount of water that's recharging aquifers, due to drought, climate change or a combination of factors.

The researchers said groundwater plays an especially vital role as the world gets hotter with climate change and as droughts grow more intense in the Western U.S. and other arid regions.

"I was surprised at how many places we found groundwater levels were declining, yet newer wells were not much deeper than older wells, implying new wells are at least as vulnerable," Jasechko said.

He and other scientists often describe aquifers as underground "savings accounts" of water, finite resources that are naturally replenished very slowly and should be managed for long-term sustainability.

"I think this research has driven home how widespread reliance on groundwater is around the world, and just how important it is as a buffer against climate change and variability," Jasechko said. "Excessive groundwater pumping can deplete groundwater reserves and cause wells to run dry. And that impacts people in terms of their access to clean and reliable tap water," as well as access to water they depend on for their livelihoods.

Groundwater also is connected to rivers and streams and the ecosystems they support.

Some stretches of rivers receive inflows from groundwater, while in others, river water seeps down into aquifers. In a separate study this year, Jasechko, Perrone and other scientists found that two-thirds of streams lie above surrounding groundwater levels, showing many of these potentially "leaky" streams already may be losing flow as wells draw water close by.

Potential solutions

In their latest study, Jasechko and Perrone wrote that groundwater depletion is projected to continue in areas where it's occurring and "expand to new areas." Despite that, they said, some countries don't have long-term groundwater monitoring programs. They suggested these countries start monitoring groundwater levels and making the data publicly available.

Perrone said there are a wide variety of solutions for managing groundwater and preventing undesirable outcomes, such as implementing science-based regulations, adopting water-

saving technologies and using available water to recharge aquifers.

“The solutions are complex, but there are solutions that could get us to sustainable groundwater management,” Perrone said. For one thing, she said, having detailed local information about the water supply is fundamental.

At the global scale, Famiglietti and Ferguson said the findings show that “climate resilience is at considerable risk.”

They called for action to prevent widespread water shortages, saying the consequences of millions of wells running dry “would be severe and unparalleled,” posing major threats to food production and the health and livelihoods of millions.

“Disappearing groundwater resources may act as a trigger for violent conflicts and have the potential to generate waves of climate refugees,” they wrote. “Avoiding such a scenario is clearly paramount to human security.”

Ian James covers water, climate change and the environment for The Arizona Republic. Send him story tips, comments and questions at ian.james@arizonarepublic.com and follow him on Twitter at @ByIanJames.

Support local journalism. *Subscribe to azcentral.com today.*

Environmental coverage on azcentral.com and in The Arizona Republic is supported by a grant from the Nina Mason Pulliam Charitable Trust. Follow The Republic environmental reporting team at environment.azcentral.com and @azcenvironment on Facebook, Twitter and Instagram.

JAMES G. SWORD
P.O. Box 283, 702 Jennings Ave.
Hot Springs, SD 57747
605-745-5422

Michael M. Hickey
PO BOX 2670
Rapid City, SD 57709

Office of the Attorney General
1302 E. Highway 14 #1
Pierre, SD 57501

Gary E. Heckenlaible
PO BOX 422
Rapid City, SD 57709

Rebecca R. Leas
Rick V. Summerville
6509 Seminole Lane
Rapid City, SD 57702

Bruce Ellison
Law Office of Bruce Ellison
PO BOX 2508
Rapid City, SD 57709

Sabrina King
917 Wood Ave.
Rapid City, SD 57701

Brenda Gamache
2337 Wilson Ave.
Hot Springs, SD 57747

W. Cindy Gillis
Gonzalez Law Firm
522 7th St. #202
Rapid City, SD 57701

Douglas C. Uptain
3213 W. Main #112
Rapid City, SD 57702

Gena M. Parkhurst
PO BOX 1914
Rapid City, SD 57709

Cindy Brunson
11122 Fort Igloo Rd.
Edgemont, SD 57735

Rebecca M. Lord
PO BOX 952
Hill City, SD 57745

Dahl M. McLean
11853 Acorn Ridge Rd.
Spearfish, SD 57783

Frank J. Kloucek
29966 432rd Ave.
Scotland, SD 57059

Susan R. Henderson
11507 HWY 471
Edgemont, SD 57735

Rick Draeger
617 St. Cloud
Rapid City, SD 57701

Fall River County State's
Attorney
906 N. River St. Ste 301
Hot Springs, SD 57747

Andy & Forest Johnson
610 Nellie Lane
Spearfish, SD 57783

Roger and Cheryl A. Rowe
7950 Dark Canyon Rd.
Rapid City, SD 57702

Lilias Jones-Jarding
418 N 44th St.
Rapid City, SD 57702

Marvin Kammerer
22198 Elk Vale Rd.
Rapid City, SD 57701

Rodney G. Knudson
PO BOX 25
Upton, WY 82720

Angelia Baldwin
PO BOX 191
Pierpont, SD 57468

Jillian Anawaty
2804 Willow Rd.
Rapid City, SD 57701

Eloise Kaneshiro
1446 Evanston Ave.
Hot Springs, SD 57747

ATTN: Ashley Cortney
Edgemont Public Library
PO BOX A/412nd
Edgemont, SD 57735

ATTN: Cindy Messenger
Hot Springs Public Library
2005 Library Dr.
Hot Springs, SD 57747

ATTN: Michelle May
Woksape Tipi
Oglala Lakota College
PO BOX 310
Kyle, SD 57752

Shirley Frederick
3411 Idlewild Court
Rapid City, SD 57702

Patricia Jenkins & Jeremy
Smith
287 Evans Lane
Spearfish, SD 57783

Marc Boddicker
13850 Battle Creek Rd.
Hermosa, SD 57744

Donald L. Ackerman Sr.
27128 Wonderland Rd.
Hot Springs, SD 57747

Edward F. Harvey
1545 Albany Ave.
Hot Springs, SD 57747

Rodney Freeman
PO BOX 176
Huron, SD 57350

Keith & Kim Alarie
840 Spruce St. Lot 320
Rapid City, SD 57701

Harold Arns
22723 Tawney Court
Box Elder, SD 57719

Brandon Bad Wound
639 Pahasapa Rd.
Rapid City, SD 57701

ATTN: Government Documents
Rapid City Public Library
610 Quincy St.
Rapid City, SD 57701

ATTN: Doris Ann Mertz
Custer County Library
447 Crooks St. STE 4
Custer, SD 57730

Tom Emanuel
19 N. Pine St.
Vermillion, SD 57069

Juli Ames-Curtis
11936 Hay Creek Rd.
Custer, SD 57730

Karla R. Larive
839 Almond St.
Hot Springs, SD 57747

Mark K. Tubbs
10891 River Rd.
Edgemont, SD 57735

Resident
12560 Beaver Creek Rd.
Hot Springs, SD 57747

Twyla Amiatte
PO BOX 125
Buffalo Gap, SD 57722

Jacqueline Arpen
2004 Maple Ave.
Rapid City, SD 57701

Brianna Badure
PO BOX 971
Hot Springs, SD 57747

Jerri Baker
705 N. River St.
Hot Springs, SD 57747

Bernard & Laurie Barnaud
12129 Sagebrush Rd.
Nisland, SD 57762

Joe Bassingham
10985 Pleasant Valley Rd.
Hot Springs, SD 57747

Mark & Jennifer Belitz
28233 Cascade Rd.
Hot Springs, SD 57747

Annabelle Between Lodge
PO BOX 118
Oglala, SD 57764

Jerry Bloomer
2146 Minnekahta Ave.
Hot Springs, SD 57747

Wayne & Mary Boots
25588 Mt. Shadow Rd.
Edgemont, SD 57735

Rick Britton
PO BOX 53
Hot Springs, SD 57747

Mary R. Burrows
2309 Wilson Ave.
Hot Springs, SD 57747

Mary Kay Carle
5821 Michael Court
St Cloud, MN 56303

Julie & Emily Christensen
603 N. River St.
Hot Springs, SD 57747

Anna K. Ball
PO BOX 46
Piedmont, SD 57769

Thomas F. Barnes
11778 Pleasant Valley Rd.
Custer, SD 57730

Sudhi Baumberger
12374Baumberger Rd.
Deadwood, SD 57732

Eddie Berford
241 Galveston Ave.
Hot Springs, SD 57747

Edward H. Binns
408 N. 17th St.
Hot Springs, SD 57747

Hannah Bochert
Sherman St.
Hot Springs, SD 57747

Michelle Brock
26846 HWY 385
Hot Springs, SD 57747

Wally Caln
690 S. 6th St.
Hot Springs, SD 57747

Allen Chesson
545 N. River St.
Hot Springs, SD 57747

Sharon & Alex Christie
PO BOX 74
Buffalo Gap, SD 57722

Charles Cox
PO BOX 84
Hot Springs, SD 57747

Teresa Daiss
28423 Old Hwy 79
Hot Springs, SD 57747

Jeremiah J. Davis
130 E. Centennial St.
Rapid City, SD 57701

Don DeVries
City of Hot Springs
303 N. River Rd.
Hot Springs, SD 57747

Ross Dexter
PO BOX 883
Hot Springs, SD 57747

Leora Drapper (Doppen)
13174 Fall River Rd.
Hot Springs, SD 57747

Rose Elmore
PO BOX 886
Hot Springs, SD 57747

M. & T. Engle
115 Scott St.
Edgemont, SD 57735

Elaine Everhart
545 N. River St.
Hot Springs, SD 57747

Jeannie Fine
PO BOX 153
Pringle, SD 57773

Ronald Fischer
711 6th Ave. E
Mobridge, SD 57601

Georgiana Cross
2045 Canton Ave. #530
Hot Springs, SD 57747

Lynda Davies
PO BOX 1204
Hot Springs, SD 57747

Joel & Peggy Detmers
13488 Shelter Dr.
Rapid City, SD 57702

Kendra Dexter
23278 Pebble Court
Hot Springs, SD 57747

Francis Dicesare
1501 11th St.
Rapid City, SD 57701

Kathy Durrum
10374 Dryland Dr.
Edgemont, SD 57735

Lisa Freshour
2045 Canton Ave. #535
Hot Springs, SD 57747

Wade Evans
27338 Taylor Lane
Hot Springs, SD 57747

Cheryl Fair
12909 Sheps Canyon Rd.
Hot Springs, SD 57747

Donna M. Fisher
12311 Whitetail Rd.
Deadwood, SD 57732

Gary Friendshuh
27098 Elk Rd.
Buffalo Gap, SD 57722

Rich & Jackie Gericke
305 S. 14th St.
Hot Springs, SD 57747

Mary Goulet
338 S. 5th St.
Hot Springs, SD 57747

Jesse Grant
1938 Detroit Ave.
Hot Springs, SD 57747

Diane Gross
PO BOX 389
Hot Springs, SD 57747

William R. Hansen
1201 Oakridge Dr. #250
Fort Collins, CO 80525

Joel Hawkins
504 16th St.
Hot Springs, SD 57747

Kip, Clifford & Virginia
Heinzen
309 S. 6th St.
Hot Springs, SD 57747

Patricia Hernandez
71 Apache Plume Dr.
Santa Fe, NM 87508

Luella J. Hicks
PO BOX 144
Buffalo Gap, SD 57722

Georgia Holmes
838 Birch
Hot Springs, SD 57747

Judy Gaalaugh
912 9th St.
Rapid City, SD 57701

Amber Gill
718 Harney
Custer, SD 57730

May Gozelet
338 S. River St.
Hot Springs, SD 57747

Garnder & Lynn Gray
PO BOX 153
Pringle, SD 57773

Jake Haacke
1026 Evanston Ave.
Hot Springs, SD 57747

Edward Harvey
1545 Albany Ave.
Hot Springs, SD 57747

Ellen Heafner
504 S. 19th St.
Hot Springs, SD 57747

Moses-Ciser & Veronica
Hernandez
410 1/2 S. St.
Hot Springs, SD 57747

Carolyn Hertel
27615 Country View Rd.
Hot Springs, SD 57747

Terry Holcomb
105 S. 23rd St.
Hot Springs, SD 57747

Jeremy A. & Roger K. Horton
PO BOX 629
Edgemont, SD 57735

BJ Hunter
353 Bears Ave.
Hot Springs, SD 57747

Richardo Jacoue
601 Albany Ave.
Hot Springs, SD 57747

Cheryl & John Jarding
202 E. Nebraska St.
Rapid City, SD 57701

Dianna Jensen
27999 Cascade Rd.
Hot Springs, SD 57747

Terry Johnson
26680 Buffalo Butte Dr.
Hot Springs, SD 57747

Lorna Just
21939 464th Ave.
Volga, SD 57071

Don & Kim Kelley
12637 Merritt-Estes Rd.
Deadwood, SD 57732

Jewell Keown
410 S. 4th St.
Hot Springs, SD 57747

Judith Klein
238 N. 6th St.
Hot Springs, SD 57747

Judith Klein
238 N. 6th St.
Hot Springs, SD 57747

Patricia Jenkins
287 Evans Lane
Spearfish, SD 57783

Judith Klein
238 N. 6th St.
Hot Springs, SD 57747

Dan Lang
27564 Ponderosa Rd.
Hot Springs, SD 57747

Dayton O. Hyde
PO BOX 932
Hot Springs, SD 57747

Mike & Angela Jarding
27201 Valley Rd.
Hot Springs, SD 57747

Dan & Maxine Jensen
806 Galveston
Hot Springs, SD 57747

Dawn Johnson
PO BOX 1123
Hot Springs, SD 57747

Angie Keierleber
447 Crook St. #1
Custer, SD 57730

Corey & Shawntera Kennedy
140 Adonia Lane
Rapid City, SD 57701

Stanley T. Keys
224 E. Minnesota St. APT 205
Rapid City, SD 57702

Dennis & Penny Knuckles
12484 Willow Creek Rd.
Custer, SD 57730

Laurence & Margaret Lamont
PO BOX 53
Buffalo Gap, SD 57722

Greg Langer
PO BOX 141
Buffalo Gap, SD 57722

Matt Lanz
27927 Cascade Spring Rd.
Hot Springs, SD 57747

John E. Larson
10374 Dryland Dr.
Edgemont, SD 57738

Robert Lee
338 S. 5th St.
Hot Springs, SD 57747

Nancy C. Magnuson
PO BOX 54
Buffalo Gap, SD 57722

Carla Rae Marshall
PO BOX 3184
Rapid City, SD 57709

DeAnn McComb
PO BOX 254
Hot Springs, SD 57747

Daria McGrath
8403 Pioneer Circle
Rapid City, SD 57701

Jim McKean
27317 Hidden Ct.
Hot Springs, SD 57747

Linsey McLean
14390 Edgewood Place
Piedmont, SD 57769

Steven & Lexxie Meyer
13050 Lakeview Dr.
Hot Springs, SD 57747

Steven & Lexxie Meyer
13050 Lakeview Dr.
Hot Springs, SD 57747

Steven & Lexxie Meyer
13050 Lakeview Dr.
Hot Springs, SD 57747

Calvin Larive
713 N. River St.
Hot Springs, SD 57747

Karla Larive
PO BOX 752
Hot Springs, SD 57747

Pam Ludweg
810 Gordon
Custer, SD 57730

Susan Malewke
545 N. River St. #401
Hot Springs, SD 57747

Lisa Masterson
445 S. 6th St.
Hot Springs, SD 57747

Cynthia Messenger
12750 Merchen Rd. #18
Hot Springs, SD 57747

Neal Miller
486 Almond St.
Hot Springs, SD 57747

Jean Nachtigall
12749 Country Rd.
Hot Springs, SD 57747

Otis Osborn
523 Francis St.
Rapid City, SD 57701

Jim Peterson
1203 11th St.
Hot Springs, SD 57747

Jason Nachtigall
12749 Country Rd.
Hot Springs, SD 57747

Madline Ortego
PO BOX 861
Pine Ridge, SD 57773

Mel Pence
2330 Washington Ave.
Hot Springs, SD 57747

Linda Piraless
311 S. Wisconsin Ave.
Casper, WY 82609

James b. McGrath
8403 Pioneer Circle
Rapid City, SD 57702

Martin H & Elsa Meyer
102 S. Connor St.
Hot Springs, SD 57747

Marsha Miller
27316 Hidden Center
Hot Springs, SD 57747

Casey Neugebauer
27552 S. Buffalo Gap Rd.
Oral, SD 57766

Jason Parker
1005 S River St
Hot Springs, SD 57747

Sarah & AJ Phillips
4099 S. 570 E. APT 15F
Salt Lake City, UT 84107

Valerie Naylor
23201Custer Trails Rd.
Rapid City, SD 57702

Raymond Palmer
27221 Windy Rd.
Hot Springs, SD 57747

Sarah Peterson
510 Jennings
Hot Springs, SD 57747

Gary Putnam
204 4th Ave
Hot Springs, SD 57747

Billy Jack McLaughlin
PO BOX 25
Buffalo Gap, SD 57722

Karen Miller
3119 Turtle Creek Center
Rapid City, SD 57703

Glenn Mushaney
PO BOX 272
Hot Springs, SD 57747

Michael O'Rourke
4513 Leo Dr. #4
Madison, WI 53716

Mary Helen Pederson
PO BOX 646
Hot Springs, SD 57747

Rex & Mildred Piper
1609 Detroit Ave.
Hot Springs, SD 57747

Ricard Nowlan
202 Dakota St.
Hot Springs, SD 57747

Valerie A Parker, MD
4814 Cliff Dr.
Rapid City, SD 57702

Chris Pierce
101 N. Chicago
Hot Springs, SD 57747

Cindy Powell
1637 38th St.
Rapid City, SD 57702

Jim Red Cloud
13084 Gray Dr
Hot Springs, SD 57747

Charleton T. Reynar
28025 Cascade Rd
Hot Springs, SD 57747

Craig Romey
342 N. 4th
Hot Springs, SD 57747

Katie Roseland
5811 Gemini St.
Rapid City, SD 57703

Betty Runzerel
PO BOX 836
Hot Springs, SD 57747

Mary and Jason Salway
910 S. 6th St.
Hot Springs, SD 57747

Gary Schweigert
279 Cascade Rd.
Hot Springs, SD 57747

Peggy Semler
PO BOX 245
Hot Springs, SD 57747

Barbara Sharp
445 S. 3rd St.
Hot Springs, SD 57747

Rick Rewe
28149 Sheps Canyon Rd.
Hot Springs, SD 57747

Dorothy Richards
340 N 23rd St.
Hot Springs, SD 57747

Elray Rosaaen
PO BOX 125
Buffalo Gap, SD 57722

Grant Rush
PO BOX 172
Hot Springs, SD 57747

Frank Ruther
545 N. River #413
Hot Springs, SD 57747

Gail M. Saxonis
745 Happy Hollow
Hot Springs, SD 57747

John & Connie Schwarzenbach
2229 Minnekahta Ave.
Hot Springs, SD 57747

Marsha Seabolt
4435 Dolphin
Rapid City, SD 57701

Robert V. Shannon
24705 Timber Ridge Rd.
Hermosa, SD 57744

Russ Sick
12619 Booke Canyon Rd.
Hot Springs, SD 57747

Jerry Simunter
22769 Jenny Rd.
Hot Springs, SD 57747

Ashley Simpson
PO BOX 587
Hot Springs, SD 57747

Charlene J. Smith
PO BOX 481
Rapid City, SD 57709

Jason & Mary Salway
PO BOX 424
Allen, SD 57714

Susan Stareck
PO BOX 686
Hot Springs, SD 57747

Darla Stevens
1622 Evanston
Hot Springs, SD 57747

Richard Stone
12959 Buffalo Circle
Hot Springs, SD 57747

Linda M. Syter
11962 Sundance Dr.
Hot Springs, SD 57747

Dennis Sutherland
2202 University
Hot Springs, SD 57747

Loraine Tucker
PO BOX 1129
Hot Springs, SD 57747

J. Smith
2728 Hot Brook
Hot Springs, SD 57747

Maura Smith
306 Joplin #8
Hot Springs, SD 57747

Dale Seineke
13130 Greg Dr.
Hot Springs, SD 57747

Susan Stolarcek
PO BOX 686
Hot Springs, SD 57747

Lila Streff
12379 Beaver Den Dr.
Custer, S D57730

Michelle Sugeg
PO BOX 139
Hot Springs, SD 57747

Alison Swan
703 N. River St.
Hot Springs, SD 57747

Niklaus Towne
28423 Old Hwy 79
Hot Springs, SD 57747

Mary Ellen Uptain
3213 W. Main #112
Rapid City, SD 57702

Milli Vong
333 N. River St
Hot Springs, SD 57747

Lennie Walleen
446 S. 16th
Hot Springs, SD 57747

Judith R. Van Cleave
7711 Dark Canyon Rd
Rapid City, SD 57702

Alan Walker
303 Cedar St.
Buffalo Gap, SD 57722

Barbara Walter
545 N. River St. APT 503
Hot Springs, SD 57747

Susan W. Watt
PO BOX 790
Hot Springs, SD 57747

Debra J. Weishaupl
110 N. 3rd St.
Hot Springs, SD 57747

Charmaine White Face
PO BOX 2003
Rapid City, SD 57709

Kristen Wilder
506 Jennings Ave
Hot Springs, SD 57747

Jerry Wilson
30959 Frog Creek Rd
Vermillion, SD 57069

Julia Woodard
639 Pahasapa Rd.
Rapid City, SD 57701

Robin Wynia
12750 Merchen Rd.
Hot Springs, SD 57747

Elton Zornes
12742 HWY 18
Hot Springs, SD 57747

Kellee Walton
1005 S. River St.
Hot Springs, SD 57747

Wendolyn Weimers
306 N. 19th St.
Hot Springs, SD 57747

Betty Welch
PO BOX 14
Edgemont, SD 57735

Debra White Plume
PO BOX 71
Manderson, SD 57756

Bette Wilkinson
3718 Redwood St.
Rapid City, SD 57701

Russell D. Witte
301 S. Chicago
Hot Springs, SD 57747

Sandra Woodard
PO BOX 533
Oglala, SD 57764

Karen Yekel
2455 Minnekahta
Hot Springs, SD 57747

Steve Preheim
2317 Washington Ave.
Hot Springs, SD 57747

James B. Woodward
PO BOX 599
Wellington, CO 80549

Jennie Sotherland
27735 Cascade Rd.
Hot Springs, SD 57747

Stacy Reetz
546 Jennings Ave
Hot Springs, SD 57747

John E. Lawson
10374 Dryland Dr.
Edgemont, SD 57735

Melissa Martin
2329 Ely Ave.
Hot Springs, SD 57747

Rube D. Tifft
PO BOX 411
Edgemont, SD 57735

Bill Barlaw
PO BOX 1104
Hot Springs, SD 57747