



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 1, 2021

NOTICE OF ENTRY OF ORDER

TO: Mineral Mountain Resources (SD) Inc. Matthew E. Naasz, Counsel
c/o Bennett, Main & Gubbrud Gunderson, Palmer, Nelson &
618 State St. Ashmore, LLP
Belle Fourche SD 57717 P.O. Box 8045
 Rapid City SD 57709

Interested Persons (see attached list)

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
SD DENR, Water Rights Program

SUBJECT: Pre-hearing Officer's Order concerning Motion for Continuance in the matter of Water Permit Application No. 2813-2, Mineral Mountain Resources (SD) Inc.

Enclosed is Pre-Hearing Officer Freeman's Order denying a motion for continuance in the matter of Water Permit Application No. 2813-2, Mineral Mountain Resources (SD) Inc.

Notices, orders and other pleadings filed in the matter of Water Permit Application No. 2813-2 are posted on DENR's contested case page at <https://denr.sd.gov/contested.aspx>.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

c: Ann Mines Bailey, Assistant Attorney General
David McVey, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 1, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 1, 2021, regarding an order denying a motion for continuance in the matter of Water Permit Application No. 2813-2, as addressed below and on the attached interested person. Service was also provided by email if an email address was available:

Mineral Mountain Resources (SD) Inc.
c/o Bennett, Main & Gubbrud
618 State St.
Belle Fourche SD 57717

Matthew E. Naasz, Counsel
Gunderson, Palmer, Nelson & Ashmore, LLP
P.O. Box 8045
Rapid City SD 57709

Interested Persons (see attached list)

Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

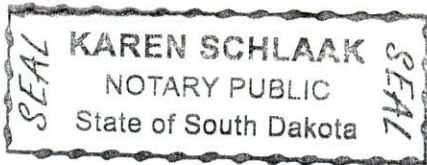
David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Vickie Maberry
Vickie Maberry
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of March, 2021.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025



List of Interested Persons regarding Water Permit Application No. 2813-2,
Mineral Mountain Resources (SD) Inc.

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

Julie Santella
422 Columbus St, Apt 1
Rapid City SD 57701

Jeremiah J. Davis
710 N. LaCrosse St. #1
Rapid City SD 57701

Mark LaCompte
P.O. Box 175
Timber Lake SD 57656

Julie Benedict
1115 McGuigan Rd.
Spearfish SD 57783

Rajni Lerman
2244 Minnekahta Ave.
Hot Springs SD 57747

Black Hills Group, Sierra Club
c/o Suzanne Iudicello Martley
P.O. Box 1624
Rapid City SD 57709

Bruce Ellison
Law Office of Bruce Ellison
P.O. Box 2508
Rapid City SD 57709

Reno L. Red Cloud Sr
Oglala Sioux Water Resources
Department/Administrator
P.O. Box 320
Pine Ridge SD 57770

Thomas Brings
Tribal Historic Preservation Officer
Cultural Affairs & Historic Preservation Office
P.O. Box 320
Pine Ridge SD 57770

RECEIVED

MAR 01 2021

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	ORDER ON MOTION FOR
APPLICATION NO. 2813-2, MINERAL)	CONTINUANCE
MOUNTAIN RESOURCES (SD), INC.)	

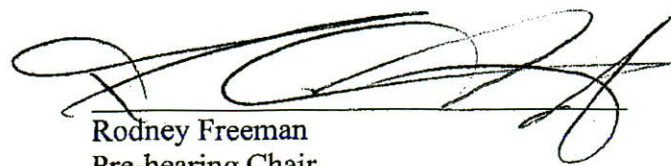
WHEREAS, Hearing on this matter will be held on March 3-4, 2021; and

WHEREAS, By procedural order, all motions were required to be filed by February 9, 2021 and all responses were required to be filed by February 19, 2021; and

WHEREAS, on February 26, 2021 intervenors Bruce, Nakea, Aaron, Samuel, and Abby Ellison ("Ellison Intervenors") filed a Motion to for a continuance based, *inter alia*, on revised CDC Guidelines related to the COVID-19 virus

NOW THEREFORE, the intervenors motion was filed after the date on which motions were required to be filed (February 9, 2021) and as such is not timely. Moreover, the issues raised by the intervenors were already addressed by the Board in the Order of the prehearing chair dated February 24, 2021. The Ellison Intervenors' Motion for a continuance is **DENIED**.

So Ordered this 1st day of March, 2021.



Rodney Freeman
Pre-hearing Chair
Water Management Board