

**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

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

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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	Durum	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
	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

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