

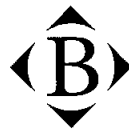
RAPID CITY

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Victoria M. Duehr
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*Attorneys also admitted in
Nebraska, North Dakota,
Minnesota and Missouri*



BANGS McCULLEN
— LAW FIRM —

Reply to Rapid City Office

Writer's e-mail address: mhipkey@bangsmccullen.com

August 23, 2013

Mr. Eric Gronlund
DENR
523 East Capitol Ave.
Joe Foss Building
Pierre, SD 57501-3182

**Re: IN THE MATTER OF THE WATER PERMIT APPLICATION NOS.
2685-2 AND 2686 POWERTECH (USA) INC.**

Dear Mr. Gronlund:

I enclose for your information and records the original **Black Hills Wild Horse Sanctuary, Susan Watt, & Dayton Hyde's Expert Witness Disclosures** along with an original **Certificate of Service**.

By copies of this correspondence, the same are being served on all counsel of record and upon each of the persons electing full participation status as shown on the certificate of service. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

Michael M. Hickey

MMH:clr
Enclosure
cc w/enc.:

Clients
Everett Hoyt
Max Main
Jeff Hallem
Diane Best
Bruce Ellison
Full Status Participants

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AUG 26 2013

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

RECEIVED
AUG 26 2013
WATER RIGHTS
PROGRAM

**IN THE MATTER OF THE WATER
PERMIT APPLICATION NOS. 2685-2
AND 2686 POWERTECH (USA) INC.**

**BLACK HILLS WILD
HORSE SANCTUARY,
SUSAN WATT, &
DAYTON HYDE'S EXPERT
WITNESS DISCLOSURES**

Black Hills Wild Horse Sanctuary, Susan Watt, and Dayton Hyde, by and through their attorney, hereby designate the following expert witnesses:

1. **Robert E. Moran, Ph.D.
Michael-Moran Assoc., LLC
Golden, CO**

Dr. Moran will testify to his opinions as set forth in his deposition of August 1, 2013, and his report dated August 22, 2013. A copy of Dr. Moran's *Curriculum Vitae* is attached hereto as Exhibit 1. A copy of his report is attached as Exhibit 2.

2. **Donald Frankenfeld
Frankenfeld Associates
815 St. Joseph Street
Rapid City, SD 57701**

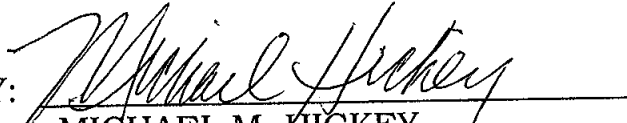
Mr. Frankenfeld will testify to his opinions as set forth in his report dated August 15, 2013. Mr. Frankenfeld's *Curriculum Vitae* is attached hereto as Exhibit 3. His report is attached as Exhibit 4.

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Dated this 23rd day of August, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



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***Attorneys for Black Hills
Wild Horse Sanctuary,
Dayton Hyde and Susan Watt***

Robert E. Moran, Ph.D.
Michael Moran Associates, L.L.C.
Water Quality/Hydrogeology/Geochemistry
Golden, Colorado, U.S.A.
remwater@gmail.com

EDUCATION

University of Texas, Austin: Ph.D., Geological Sciences, 1974
San Francisco State College: B.A., Zoology, 1966

PROFESSIONAL HISTORY

Michael-Moran Associates, LLC, Partner, 2003 to present
Woodward-Clyde Consultants, Senior Consulting Geochemist, 1992 to 1996
Moran and Associates, President, 1983 to 1992; 1996 to 2003
Gibbs and Hill, Inc., Senior Hydrogeologist, 1981 to 1983
Envirologic Systems, Inc., Senior Hydrogeologist / Geochemist, 1980 to 1981
Tetra Tech Intl./ Sultanate of Oman, Senior Hydrogeologist, 1979 to 1980
Science Applications, Inc., Geochemist / Hydrologist, 1978 to 1979
U.S. Geological Survey, Water Resources Div., Hydrologist / Geochemist, 1972 to 1978
Texas Bureau of Economic Geology, Research Scientist Assistant, summers: 1970 & 1971

REPRESENTATIVE EXPERIENCE

Dr. Moran has more than 40 years of domestic and international experience in conducting and managing water quality, geochemical and hydrogeologic work for private investors, industrial clients, tribal and citizens groups, non-governmental organizations, law firms, and governmental agencies at all levels. His experience includes the following representative project assignments.

2003 to Present: Michael-Moran Associates, LLC:

- Contraloría General de la República & IKV Pax Christi, Bogota, Colombia. Provide assistance and training to the independent auditing arm of the Colombian government on mining & environmental audits and legislation.
- The Black Hills Wild Horse Sanctuary, and Bangs, McCullen, South Dakota. Expert opinions and testimony before State regulatory agencies regarding the proposed Dewey-Burdock in-situ uranium operations.
- Sims Murray Ltd. and the Town of Florence, Arizona. Review of Town nuisance ordinance related to proposed in-situ mining and aquifer impacts. Expert opinions for litigation.
- Wild Salmon Center & World Wildlife Federation (Russia), Moscow, Russia. Elaboration and presentation of mining and water-related issues to members of Russian government, industry and the environmental communities.
- Citizens of Cañon City / Colorado Citizens Against Toxic Waste, Inc. (CCAT); Cañon City, Colorado. Technical assistance to citizen's group on hydrogeologic

EXHIBIT

1

- and geochemical issues related to contamination from disposal of radioactive, etc. materials at the Cotter uranium mill site.
- Environmental Defender Law Center and GRUFIDES (NGO), Cajamarca, Peru. Review of Environmental documents relating to the Conga Mine; site visit; report preparation.
 - Roanoke River Basin Association; Virginia. Assistance on technical issues related to proposed uranium mine and processing facilities; presentations to public and regulators; participation in government planning meetings.
 - Human Development Center "Tree of Life"; Bishkek, Kyrgyzstan. Review of operations at Kumtor Gold Mine using funds from Bankwatch, Kiev, Ukraine.
 - Za Zemiata (Sofia) and the University Autònoma de Barcelona; Krumovgrad, Bulgaria. Review of the EIS for a proposed gold mine; municipal / public meeting presentations; prepare report using E.U. funds.
 - Powder River Basin Resource Council; Oshoto, Wyoming. Review of Strata Energy NRC License Application to operate an in-situ leach uranium operation; provide technical opinions.
 - Pro Património (the National Trust of Romania); Brussels, Belgium. Presentation to members of European Union Parliament regarding environmental aspects associated with the proposed Rosia Montana Mine, Romania.
 - Trustees for Alaska. Prepared expert report on hydrogeologic and water quality impacts from exploration activities at the Pebble Mine site. Opinions prepared for litigation in Alaska Superior Court on behalf of *Nunamta Aulukestai, et. al. v. State of Alaska, et. al.* (Pebble Limited Partners); deposition and trial testimony.
 - Bank Information Center and Earthworks, Washington, D.C. Report on hydrogeologic and geochemical impacts at the proposed Weda Bay, Indonesia, cobalt-nickel mine; delivered to Multilateral Investment Guarantee Agency.
 - IKV Pax Christi (Netherlands), Bogota, Colombia. Prepare mining-environmental best practices report for presentation to Colombian Ministry of Environmental Affairs.
 - Oglala Sioux Tribe, Western Mining Action Project, Gonzalez Law Firm, South Dakota. Review of Powertech License Application and provide expert opinions: Dewey-Burdock In Situ Uranium Project.
 - Comisión de Gestión Integral de Aguas de Bolivia (Commission for the Integrated Management of Bolivian Waters) and Federación Regional Única de los Trabajadores Campesinos del Altiplano Sud (Regional Farmers Federation of the Southern Altiplano), Bolivia. Review of present mining activities and documents related to the San Cristobal Mine. Activities funded by the Municipality of Colcha K (Potosí, Bolivia), the Centro de Estudios de la Universidad de San Simón, Cochabamba, and Global Green Grants Fund.
 - Shute, Mihaly & Weinberger / San Diego State University Research Foundation. Review of hydrogeologic / environmental impacts associated with quarry construction near a university wildlife refuge.

- Sarah Vogel Law Firm, North Dakota. Litigation support and evaluation of environmental impacts resulting from a release of oilfield waters onto livestock lands and waters.
- IKV Pax Christi (Netherlands), Tolima, Colombia. Technical review of proposed La Colosa gold project (Anglo Gold Ashanti); interaction with regulators, civil society and company; prepare recommendations & report.
- Thompson Divide Coalition, Western Colorado. Technical assistance to a consortium of environmental groups in designing and conducting a baseline water sampling program in anticipation of gas drilling activities. Preparation of summary report.
- Global Green Grants / Nature's Own, Papua New Guinea. Prepare technical / policy papers on marine disposal of mining wastes.
- SAVIA, School of Ecological Thought / Comision Pastoral Paz y Ecologia, Guatemala. Presentations on ecological aspects of resource legislation to Guatemalan government ministries, high-level officials, and educational institutions. Conduct water quality training classes; assist with development of laboratory capabilities.
- Astrella & Rice, Colorado, U.S.A. Technical assistance in preparing litigation arguments for citizen lawsuit involving alleged drinking water contamination by oil and gas activities.
- Office of the Prime Minister, Iraqi Kurdistan. Development of information infrastructure and management training for numerous ministries in Northern Iraq; done in partnership with faculty of American University, Washington, D.C. Headed an audit team for the Regional Statistics Organization.
- Southwest Research and Information Center / Buryat Regional Organization on Baikal / Mongolia Nature Protection Coalition; Buryatia, Siberia, Russia and northern Mongolia. Technical information exchanges with local NGOs, government officials and mining company staffs.
- Rulison Citizens Group / Public Counsel of the Rockies. Colorado. Development of technical arguments and potential litigation support intended to define environmental issues related to gas development near the Rulison underground nuclear test site. Hearing testimony.
- The Nature Conservancy, Trout Unlimited, Alaska Conservation Foundation, Trustees for Alaska and Renewable Resources Coalition, Alaska. Presentations to public interest groups and development of technical issues and papers relating to construction of the Pebble copper-molybdenum-gold mine, proposed for operation above the largest sockeye salmon fishery in the world.
- Wild Salmon Center, Alaska. Technical evaluation of hydrogeological and chemical issues that may impact fisheries near the proposed Pebble Mine.
- Miller, Axline & Sawyer / Meyers, Nave, Riback, Silver & Wilson / City of Grass Valley, California. Technical and litigation support in a suit alleging contamination by Newmont Mining Corporation; deposition testimony.

- Latin American Water Tribunal. San Salvador, El Salvador. Prepare presentations and conduct workshops on water and water quality. Funding: Heinrich Boll Foundation.
- Alburnus Maior, Rosia Montana, Romania. Evaluation of EIA and preparation of summary report on a proposed gold mine in Transylvania. Funded by the Staples Trust, U.K. and the Open Society Foundation, Romania.
- Asociacion de Desarrollo Social Santa Marta (ADES), El Salvador. Evaluate EIA and related documents, El Dorado Mine; technical presentation at national forum; prepare review report. Funded by DIAKONIA, Swedish Ecumenical Action.
- Alburnus Maior, Romania. Review documents and prepare comments related to development of proposed Rosia Montana Mine for a Romanian NGO.
- La Lumiere, Senegal and WACAM, Ghana. Conducted water quality training sessions for NGO and government staffs, as related to mining and other development activities. Funded by Oxfam America.
- ESRI (Environmental Systems Research Institute). Provide technical assistance to several Iraqi Ministries to define information management needs, deploy map-based systems (GIS), and establish a Middle East-based Center of Excellence to support these ministries. Performed in conjunction with NGA.
- Colectivo Madre Selva, Guatemala. Evaluation of Marlin Mine site, review of EIA and preparation of report; attendance at national and indigenous mining forums; conducted water quality training; review of CAO / IFC documents. Funded partly by Misereor, Catholic Bishops' Development Organization, Germany.

1996 to 2003: Moran and Associates, Inc.:

- International Union for Conservation of Nature and Natural Resources (IUCN, Switzerland). Review of the Mining and Metals Supplement of the Global Reporting Initiative (GRI).
- World Bank, Extractive Industry Review. Member of Advisory Group assisting WB in evaluating extractive industry practices; London, Lisbon.
- Nishnawbe Aski and other Ontario First Nation bands—Ontario, Canada. Review of environmental documents relating to Montcalm Mine, a proposed copper-nickel facility. Activities paid for by Falconbridge Limited.
- Kazakh Institute of Physics and Technology / ISTC—Almaty, Kazakhstan. Technical oversight of environmental program, evaluating migration of radionuclides at the Semipalatinsk Nuclear Test site.
- Greenpeace Argentina / Mineral Policy Center—Esquel, Argentina. Review of EIA (water, environ. issues) and conditions at proposed mine in Patagonia.
- Oxfam America / Sahel Development Foundation: Syama Mine, Southern Mali. Review of environmental conditions and documents related to an IFC-funded gold mine (2003); conduct technical workshops and policy meetings with Mali government and press (2004).

- Kivalina Relocation Planning Committee—Alaska. Litigation support to Center on Race, Poverty & the Environment regarding water quality issues, Red Dog Mine. Deposition testimony.
- Asociacion de Organismos No Gubernamentales—Santa Rosa de Copan, Honduras. Independent review of water / environmental issues at San Andres mine; funded by Dan Church Aid (Danish government and NGOs) and Christian Aid (English NGO).
- Oxfam America / Friends of the Earth Int'l. / Global Green Grants—Quellaveco, Peru. Independent review of mining, water and environmental issues at request of Asociacion Civil "Labor", Lima.
- Oxfam America / Mineral Policy Center / Environmental Mining Council of B. C.: Tambogrande, Peru. Independent review of mining water and environmental issues. Includes numerous public presentations to citizens and governmental groups, including members of the Peruvian Congress.
- New Mexico Environment Department—New Mexico. Review of cost estimates for water treatment systems for closure plans / bonding calculations, Chino and Tyrone Mines.
- International Institute for Environment and Development—London, U.K. Consultant to MMSD project on sustainable development / mining issues.
- Technical Chamber of Greece—Thrace, Greece. Technical assistance to advisory arm of the Greek government and citizens groups regarding gold mining / environmental issues.
- Malerah-Wahlabul Native Title Claimants / Friends of the Earth—Sydney, Australia. Review of water quality issues related to cyanide leach gold operations on aboriginal lands, and testimony at Land and Environment Court.
- Loeb Aron & Co.—London, U.K. Preparation of report evaluating the Baia Mare, Romania waste spill for an investment banking firm.
- Centro de Investigacion y Planificacion del Medio Ambiental (CIPMA) / World Resources Institute / International Development Research Centre—Chile. Evaluation of environmental costs associated with copper mining in Chile.
- Carl Duisberg Gesellschaft / Univ. of Witwatersrand / United Nations—South Africa. Training in cyanide and environmental technology assessment issues.
- Dogrib Nation / Pape and Salter—Yellowknife, Canada. Geochemical consulting and testimony regarding the proposed Diavik diamond mine.
- Soros Foundation Kyrgyzstan—Bishkek, Kyrgyzstan. Water quality instruction to regulators and NGOs regarding mining, sampling, laboratory procedures, and general environmental issues. Review laboratory.
- General Chemical / Sierra Club—Piceance Basin, Colorado. Review of water quality, treatment, legal and policy issues regarding the proposed Yankee Gulch soda ash mine; hearing testimony.
- Sierra Club Legal Defense Fund / Okanogan Highlands Alliance—Crown Jewel Mine, Washington. Litigation support on water quality, geochemistry, treatment issues to groups opposing proposed gold operation; test case on federal mining law; deposition testimony.

- National Wildlife Federation—Carlota Mine, Arizona. Litigation support for challenge of EPA regarding water quality/ treatment issues at copper mine. Review of TMDL issues related to Pinto Creek for NWF and local citizens.
- International Rivers Network—Review of proposed dam project and associated mine water quality issues at the San Roque site, Philippines.
- Mineral Policy Center—Preparation of technical documents on the environmental behavior, analysis and toxicity of cyanides.
- Holnam Industries—Penrose, Colorado. Ground water quality/ geochemistry study for cement operation.
- World Resources Institute—mining water quality/ geochemistry assistance on Venezuelan forestry / mining environmental regulations, and environmental economics of copper mining practices, Chile.
- U.S. EPA / American Geological Services—French Gulch, Colo. Geochemical / treatment / remediation support at an abandoned mine site; negotiated Superfund issues.
- Stoel Rives / Richmond Hill Mine, So. Dakota. Review water quality treatment and geochemistry issues at a closed gold mine site with discharge violations.
- Nacho Nyak Dun First Nation / Pape and Salter—Yukon, Canada. Evaluation of proposed heap-leach gold mining facilities and practices for native group and barristers.

1992—1996: Woodward-Clyde Consultants, Inc.

-Molycorp / Unocal—Questa, New Mexico. Review of water quality, geochemical, & aquatic biology issues at a molybdenum mine / mill site.

-Minera Escondida Ltda.—Chile. Review of geochemical data for copper mine.

-Homestake Mining—Lead, South Dakota, U.S.A. Review of water quality and geochemical problems and waste rock storage and tailings stability issues.

-U.S. Bureau of Land Management / Summo Minerals—Lisbon Valley, Utah. Review of water quality and geochemistry, and assistance in preparation of an EIS at a proposed copper mining and recovery site.

-Southern Peru Copper Corp.—Toquepala, Peru. Design and oversight of water quality, geochemistry, and remediation issues at an open-pit copper mine, mill, and waste facilities.

-Cortez Mining/ Placer Dome / U.S. Bureau of Land Management - Pipeline Project, Nevada. Review of water quality and geochemistry and preparation of EIS-related reports at this proposed open pit gold site.

-Kennecott Utah Copper. Interacted with the law firm of Bogle and Gates to assist an active metal mining company in defending against a CERCLA listing. Activities

involved interpreting water quality/geochemical and other environmental data within the Hazardous Ranking System (HRS) context.

-ASARCO - Leadville, Colorado. Oversight of water quality and geochemical activities at a historic metal mining and processing site where the client is involved in CERCLA negotiations. Interaction with State and EPA representatives and legal staff.

-Cambior Minerals - Metates Mine, Mexico. Water quality and geochemistry evaluation of a new gold property.

-Fraser Stryker and the Lindsey Chemical Co. - Nebraska. Technical support to legal staff involved in negotiations regarding a Superfund industrial processing site.

-W.R. Grace - Motorwheel Site, Michigan. Technical assistance to Grace legal staff involved in CERCLA negotiations at a hazardous waste site.

-Zortman Mining Co. / U.S. Bureau of Land Management. Technical and management responsibilities for water resources and geochemistry tasks in preparation of revised EIS at a gold-cyanide leach site with existing acid drainage problems.

-Echo Bay Mining, Lamefoot Mine, Republic, Washington. Responsible for geochemistry and water quality aspects of a supplemental EIS at a new gold mine site. Development of monitoring, testing and remedial recommendations to the BLM.

-Angelina Farms, Louisiana. Technical support to legal staff of oil production companies accused of contaminating groundwaters with brines.

-Amax Gold / Haile Mining, South Carolina. Water quality consulting at a gold mining site with existing acid drainage problems.

-Chino Mines, New Mexico. Technical evaluation of water quality and geochemical issues associated with leaching operations at an operating copper facility.

1983 to 1992: Moran and Associates, Inc.:

-Shea and Gardner / Rockwell--Rocky Flats Nuclear Plant, Colorado. Reviewed and evaluated geochemical studies; proposed future activities in preparation of potential environmental-criminal litigation.

-Saunders, Snyder, Ross and Dickson / American Water Development, Inc. - San Luis Valley, Colorado. Coordinated water quality and geochemistry activities in support of water rights litigation. Oversaw water quality sampling, evaluated water quality and remote sensing data, assisted attorneys in technical strategy development and opponents' depositions; supplied deposition testimony.

-Arnold and Porter / Keystone Ski Corporation - Keystone, Colorado. Designed water quality and geochemical sampling program for ski area expansion in a previously mined area. Evaluated data and proposed remediation activities.

-Advanced Sciences, Inc. / EG&G - Rocky Flats Nuclear Plant, Colorado. Evaluated existing water quality and geochemical sampling programs; prepared document on non-facility related sources of chemical constituents and background.

-City of Brighton - Brighton, Colorado. Evaluated existing surface and groundwater quality data and suggested remedial activities to deal with excessive manganese and dissolved organic concentrations. Provided testimony to City Council.

-Chadwick & Associates, Inc. / Newmont Mining - Telluride, Red Mountain, Colorado. Provided diverse water quality and geochemical consulting relating to remediation of acid mine drainage problems.

-Intergraph Corp. - Reston, Virginia. Assisted in technical development and marketing of a new environmental data management / GIS product.

-U.S. Forest Service - Salmon, Idaho. Geochemical / water quality consultant at the Beartrack mine site, a proposed cyanide-leach gold project.

-Earth Satellite Corporation / Navajo Nation / Patton, Boggs, and Blow - Window Rock, Arizona. Conducted a preliminary reconnaissance of water resources on the joint-use area of the Navajo/Hopi reservations using satellite imagery.

-Mission-Viejo / Morrison and Forester - Denver Basin, Colorado. Acted as a geochemical consultant in a groundwater rights dispute.

-Bunker Hill Corporation / Dames and Moore - Kellogg, Idaho. Reviewed field and laboratory water quality procedures at a CERCLA metal-mining and processing facility. Audited proposed laboratory.

-Saunders, Snyder, Ross, and Dickson / Adolph Coors Company - Golden, Colorado. Water quality consultant; reviewed data from Central City/Blackhawk, CERCLA site, and determined potential impact to the Coors water treatment plant. Provided testimony at stream classification hearings, Colorado Water Quality Control Commission.

-Colorado Water Resources and Power Authority - San Luis Valley, Colorado. Conducted water quality/geochemical and Landsat evaluations of deep groundwater to aid in development decisions.

-Armstrong, Teasdale, Kramer, Vaughan, and Schlafly / Anschutz Corp. - Fredricktown, Missouri. Supervised technical activities of a CERCLA / SARA-related

lawsuit; acted as a technical liaison with attorneys and regulators; managed consultants; authored reports; deposition testimony.

-Holland and Hart / White and Jankowski / Weller, Friedrich, Ward and Andrew / Breckenridge Ski Corporation - Breckenridge, Colorado. Technical supervision of water quality-related issues in a private lawsuit against Breckenridge Ski Corporation. Managed sampling and data interpretation; interacted with attorneys on strategy and assisted at depositions; authored reports; expert witness.

-Dames and Moore / Hecla Mining Corporation - Leadville, Colorado. Acted as hydrogeological/geochemistry consultant to Hecla on a natural resources damage suit; interacted with attorneys at Davis, Graham and Stubbs.

-Dames and Moore / Davis, Graham and Stubbs - Eagle Mine, Colorado. Supervised water quality/hydrogeology activities in preparation of a legal defense of Gulf and Western Corporation versus the State of Colorado in a natural resources damage suit; supervised and participated in all sampling; QA activities and report preparation; interacted with attorneys and regulators; assisted at depositions; deposition testimony; testified before Colorado Water Quality Control Commission on appropriateness of proposed metals standards.

-Jacobs Engineering - Albuquerque, New Mexico. Prepared policy documents on water quality/geochemistry procedures associated with the Uranium Mill Tailings Remedial Actions Project (UMTRA).

-University of Wisconsin. Designed a proposed groundwater exploration program for Gambia, West Africa, in conjunction with Earth Satellite Corporation.

-Harza Engineering Company / University of Michigan - Senegal, Guinea, and Gambia, West Africa. Evaluated potential impacts of new dam construction within the Gambia River basin. Reviewed local hydrogeology, mining production and exploration data; interacted with local officials.

-Engineering-Science, Inc. Faisalabad, Pakistan. Assisted in design of a well field for a groundwater supply in the central Punjab where high salinity and TDS were major problems; negotiated with local officials; prepared reports for Asian Development Bank.

1981-1983: Gibbs & Hill, Inc.

-Holme Roberts and Owen - Canon City, Colorado. Reviewed and interpreted existing hydrogeology and water quality data at the Cotter uranium mill and tailings; proposed future activities; interpreted background concepts, prepared position papers for attorneys in negotiations with State of Colorado.

-Earth Satellite Corporation - Sultanate of Oman. Conducted an interpretive study of regional groundwater potential in Oman, with the staff of Earth Satellite Corporation. Activities included interpretation of existing geology and Landsat imagery combined with conventional low altitude flight and ground reconnaissance. Prepared reports for government of Oman.

-Anschutz Mining Corporation - Fredericktown, Missouri. Managed water resource-related activities for environmental baseline studies at a proposed cobalt/ nickel mine. Designed sampling programs, oversaw sampling, data interpretation, and report preparation.

-Kemmerer Coal Company - Frontier, Wyoming. Managed and conducted hydrogeologic and water quality studies at a proposed open-pit coal mine. Supervised well installation, aquifer testing, sampling, report preparation; interacted with state regulators.

-Anaconda Copper Company - Rico, Colorado. Conducted an investigation of hydrology, water chemistry, and aquatic biology at a complex-ore mining district.

-Union Carbide Corporation - Uravan, Colorado. Managed and conducted a water quality monitoring program for a proposed uranium tailings disposal area and effluent evaporation basin. Assisted in design of geochemical testing program to evaluate potential leachate quality.

-Anschutz, Mining Corporation - Laredo, Texas. Managed and conducted an investigation of groundwater hydrology and soils geochemistry and associated hazardous wastes at a metal ore handling and reagent storage facility. Designed sampling protocol; prepared reports; negotiated with state regulators; interacted with attorneys at Baker, Botts.

-Snowmass Coal Company - Carbondale, Colorado. Managed and conducted hydrogeology investigation of an underground coal mine with steeply dipping seams.

-Marline Uranium Corporation / Union Carbide Corporation - Danville, Virginia. Managed water resources portion of a baseline investigation at a proposed hard-rock uranium mine site. Oversaw well installation monitoring programs and dewatering investigations.

-Southern Pacific Petroleum - Means, Kentucky. Conducted baseline hydrogeological/geochemical investigations at a proposed oil shale mine and retort facility.

1980-1981: Envirollogic Systems, Inc.

-Central Arizona Association of Governments - Globe/Miami, Arizona. Conducted study to determine hydrogeologic/geochemical impact of long-term copper mining and processing facility. Designed monitoring programs; interacted with federal, state, local and tribal officials; prepared numerous reports.

-United Nuclear - Homestake Partners - Milan, New Mexico. Conducted hydrogeological/geochemical evaluation of an existing monitoring program for a uranium milling and waste-disposal facility.

-Homestake Uranium - Marshall Pass, Colorado. Hydrogeological / geochemical evaluation of a proposed, hardrock, open-pit uranium mine.

1979-1980: Sultanate of Oman / Tetra Tech International - Muscat, Oman. Member of Water Resources Council Staff, Sultanate of Oman, based in Muscat, Oman. The Water Resources Council was an inter-ministerial body intended to coordinate all water-related activities within the Sultanate. Duties involved planning and design of surface and groundwater projects (both exploration and utilization) for the Omani government; development of water resources policy for the government; hydrogeological field work on both exploration and resource characterization projects - aquifer testing, borehole geophysics, water quality sampling, hydrogeologic mapping; review of work performed (or planned) by other consultants to the government, published reports on water resources of Oman.

1978-1979: Science Applications Inc.:

-EG&G - Idaho National Engineering Laboratory, Idaho Falls, Idaho. Managed a hydrologic investigation of transuranic nuclide migration in groundwater. Contributed geochemical expertise to evaluation of waste isolation and transport modeling.

-Kerr-McGee Corporation - Grants, New Mexico. Conducted investigation into geochemistry of selenium associated with uranium mining/ milling.

1972—1978: U.S. Geological Survey Water Resources Division; responsible for the design, management, and implementation of the following hydrogeological / geochemical studies:

-Metal-Mine Drainage - Colorado. Study of impacts of mining activities (metals, uranium, coal) on the quality of streams in all major Colorado mining districts.

-Selenium in Groundwater - Golden, Colorado. Hydrogeological / geochemical investigation of selenium, uranium and associated constituents at the margins of the Rocky Flats nuclear plant.

-Geothermal Resources - Colorado. Reconnaissance investigation of potential geothermal resources throughout Colorado.

-Underground Coal Mine Water Quality - Colorado. Evaluation of existing and potential water quality problems from underground coal mines.

-In Situ Uranium Leaching - Grover, Colorado. Study of geochemical and hydrologic processes associated with in situ uranium mining and reinjection of waste products.

-Alluvial Metal Transport - Telluride, Colorado. Investigation of metal (especially chromium) movement from tailings ponds into alluvium.

-Southwest Colorado Groundwater - Colorado. Study to determine availability and quality of groundwater in southwestern Colorado.

-Oil Shale Waters - Piceance Basin Colorado. Evaluation of disposal of saline groundwater discharged to the surface during oil shale development.

-Grace Coal Site - Axial Basin, Colorado. Hydrogeological / water quality study of proposed open-pit coal site.

1970, 1971, Summers: Texas Bureau of Economic Geology. Evaluation of the aqueous geochemistry and biochemistry of Gulf Coastal sedimentary sulfur and uranium deposits and their relationships with hydrocarbons: interpretation of geologic and geophysical logs, water quality data.

PUBLICATIONS, REPORTS AND PRESENTATIONS

Moran, R.E. 1974. Trace element content of a stream affected by metal-mine drainage, Bonanza, Colorado. University of Texas at Austin. Ph.D. dissertation. 168 pp.

Moran, R.E. and D.A. Wentz, 1974. Effects of metal-mine drainage on water quality in selected areas of Colorado, 1972-1973. Colorado Water Conservation Board. Water Resources Circular No. 25, 250 pp.

<http://co.water.usgs.gov/publications/pubsnonusgs.html>

Moran, R.E. and D.A. Wentz, 1974. Thermodynamic constraints on Metal Solubilities in a stream affected by mine drainage, Bonanza, Colorado. pp. 54-64, in *Water Resources Problems Related to Mining*. Hadley, R.F. and D.T. Snow (eds.). American Water Resources Association. Minneapolis, Minnesota. 236 pp.

Moran, R.E. and D.A. Wentz, 1974. Trace element content of a stream affected by metal-mine drainage, Bonanza, Colorado pp. 84-91 IN: *International Symposium on Water-Rock Interaction Proc.* Cadek, J. and T. Paces (eds.). Prague, Czechoslovakia. September 9-19, 1974. Geological Survey, Prague. 464 pp.

Moran, R.E., 1976. Geochemistry of Selenium in Groundwater near Golden, Jefferson County, Colorado. Abstracts with Programs, Geological Society of America. 1976 Annual Meeting. November 8-11, 1976. 8(6):1018.

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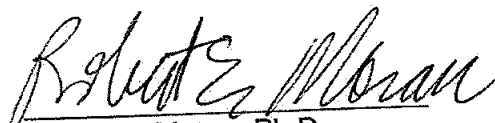
EXPERT DECLARATION OF ROBERT E. MORAN

- A. Attached is my CV.
- B. The general subject matter on which I may testify concerning Water Permit Applications 2685-2 and 2686-2 and the Groundwater Discharge Plan Application submitted by Powertech are that they are not in the public interest as required by South Dakota law and therefore should not be granted.
- C. My opinions are based upon several factors including but not limited to the following:
1. The Dewey-Burdock project area has previously been negatively impacted by past uranium mining and exploration activities, which have never been adequately remediated. The site contains more than 4000 exploration boreholes, most of which have never been adequately plugged and which will permit the movement of contaminated groundwater between formations.
 2. The amount of water being requested and the resulting impact on existing and future uses of water will have a negative impact on future uses.
 3. The proposed operation of the in situ leach operation will negatively impact and degrade the quality of local surface and ground waters and will endanger the health, safety and general welfare of the people of South Dakota.
 4. The applications are based upon inadequate and inaccurate geology and hydrogeology information.
 5. The exact nature, method and means of operations, including the disposal of liquid waste, is unknown and no permits by the State should be granted until and unless all required permits and licenses are first obtained from the appropriate federal authorities.
 6. It is not in the public interest to grant these applications and then attach subsequent conditions. To do so is contrary to ensuring the health, safety, and general welfare of the people of the state of South Dakota. All relevant information should be submitted and reviewed prior to the issuance of any permits.
 7. The information supplied in support of the applications is inaccurate and incomplete and based upon data prepared and collected by Powertech staff or contractors paid and directed by Powertech. It has not been subjected to any type of independent review and verification.
 8. The applications should be denied because long-term experience from other *in-situ* leach uranium operations shows they have been unable to

control excursions and spills which endanger the public health and welfare and are not in the public interest.

9. The applications should be denied because long-term experience from other *in-situ* leach uranium operations demonstrates that post-mining remediation has not been capable of returning aquifer water quality to true pre-mining conditions. As such, post-mining site waters may not be usable for all desired future uses (i.e. livestock, agricultural, recreational, domestic, etc.). Thus, the long-term costs for additional water treatment of these waters must be borne by the general public, and the public is left with the un-remediated impacts which endanger the health, safety, and general welfare of the people of the state of South Dakota.
10. The financial assurances offered by Powertech are inadequate to cover the potential financial liabilities that will result from an unforeseen closure of the Dewey-Burdock operations. As a result the costs (or un-remediated impacts) will be borne by the people of the state of South Dakota which is not in the public interest.
11. State and federal regulatory systems lack adequate funding, staff and political support to ensure viable "checks and balances" related to such an ISL operation thereby allowing the Dewey-Burdock operations to be largely self-regulated and self-monitored which is not in the public interest.
12. Powertech has not previously operated any ISL mine site and it is not in the best interests of the general public to risk the likely negative, long-term impacts to local water resources by awarding the relevant permits to an undercapitalized corporation with limited ties to the State of South Dakota when the yellowcake produced will be transported to Canada for enrichment and ultimate sale to entities and countries. All of this will be done without the regulatory oversight of either the U.S or State government which is not in the public interest. Thus these applications are not in the public interest as required by South Dakota law.

Dated this 22nd day of August, 2013.


Robert E. Moran, Ph.D.

Donald L. Frankenfeld
Economist/Financial Expert
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EXHIBIT

3

PROFILE

Harvard- and Yale-trained economist Frankenfeld testified more than any other expert before the federal September 11th Victim Compensation Fund. With engagements balanced between plaintiff and defense, Frankenfeld testifies and consults on economic, financial and investment matters and serves as an NASD securities arbitrator and mediator. He testified in Mirapex Multi-District Litigation; at a Texas settlement hearing valuing \$262 million (face value) in coupons; and consulted on the Microsoft California class action. Ten percent of his otherwise billable time is pro bono.

EDUCATION

Yale AB cum laude, Harvard Business School MBA, Kennedy School of Government (Harvard) MPA. Study at Harvard as a Bush Foundation Fellow included Advanced Torts, Economics and the Law, Strategy and Conflict, Negotiation, Venture Capital, Harvard Program on Negotiation workshop. Former associate member, New York Society of Security Analysts.

CURRENT EXPERIENCE

Frankenfeld Associates

1984 to Present

Forensic economist, financial analyst and securities arbitrator. Prepare detailed economic analyses. Extensive state and federal court experience. Experienced in mediation and negotiation. Court-appointed Receiver, Golden Hills Resort (for Homestake Mining Company). Designated NASD arbitrator and mediator.

FAI, Inc.

1997 to Present

CEO of Internet-based marketing and consulting firm with proprietary skills in virtual intelligence and database-driven websites. Developed first Internet-based voter contact and persuasion system. Principal speaker in multi-state seminar, "Using the Internet to Improve Your Legal Practice."

Dakota Ventures, Incorporated (DVI)

1991 to 2001

Founder and CEO of bank-sponsored venture fund providing equity to startups. Managing general partner of Frankenfeld Partners, organized to sponsor DVI.

PAST EXPERIENCE

E. F. Hutton

1979 to 1987

Direct Investment Marketing Manager for California, Texas and Florida. Developed and presented public seminars and training sessions. Annually placed \$50 million, traveled 150,000 miles. *National Direct Investment Manager* for fee-based Financial Planning Division; coordinated nationwide broker training. Also *Branch Office Manager*, *Registered Options Principal* and *Account Executive*.

Prior

Investment analyst/economist for multi-billion dollar trust department; *senior securities analyst* for NYSE firm; *financial relations consultant*; *television station controller*.

GOVERNMENT AND CIVIC PARTICIPATION

Chair and campaign manager, People for YES on #4 (ATT/Qwest, first-in-nation telecommunications deregulation, 1988). State Senator (1977-1984). Chair, tax committee (authored nationally significant interest rate reforms which caused CitiGroup to locate credit card headquarters in South Dakota); Co-chair, Republicans for Daschle (2004); Chair, NIX on SIX statewide issue campaign (2006).

Former board member: Western Providers (PHO); Wellspring (adolescent counseling); South Dakota Investment Council (\$6 billion fund); Children's Care Center; Rapid City Regional Hospital; United Way of the Black Hills; Center for Restorative Justice. Current board member: Equality South Dakota; Friends of Rapid City Parks. Volunteer financial advisor to St. Martin Monastery.

Frequent public speaker. Former reporter for Harvard Business School *Harbus News*.

June 2013

Donald L. Frankfeld
Trial and Deposition Testimony History

Date	Case	Testimony	Lawyer	Firm	Rep.
Jan-01	Bontie Herrig	mediation	Robert Moore	Moore Law Firm, Rapid City, SD	plaintiff
Mar-01	Feldhaus v. Shreiner	deposition	Patricia Meyers	Cosello Porter, Rapid City, SD	plaintiff
May-01	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Steve Beardsley	Johnson Eiesland Huffman et al., Rapid City, SD	plaintiff
May-01	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Richard Huffman	F. Shields McKanus	plaintiff
May-01	Abdallah et al. v. The Coca-Cola Company	affidavit	Tim Rensch	Rensch Law Firm, Rapid City, SD	defense
Dec-01	Garland v. Rosskreicht	deposition	Mark W. Haigh	Davenport, Evans, Hurwitz & Smith, Sioux Falls, SD	plaintiff
Jan-02	Kafka for Christensen v. Larson Manufacturing Co., Inc.	deposition	Ronald J. Lee	Faegre & Benson, Minneapolis, MN	plaintiff
Jan-02	Fern Johnson	deposition	Patricia Meyers	Cosello Porter, Rapid City, SD	plaintiff
Mar-02	Richardson v. Richardson	deposition	Jamie L. Denson	Damon Law, Pierre, SD	plaintiff
Mar-02	Butterfield v. Butterfield	deposition	Jeffrey Hake	Finch Bettman Males, Rapid City, SD	plaintiff
Jul-02	Chambers v. Conesco Finance Servicing Corp.	deposition	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	plaintiff
Dec-02	Digna Alexandra Rivera-Costanza (9/11 victim)	videotaped testimony	Steve Beardsley/Richard Huffman	Beardsley, Jensen/Johnson Eiesland, Rapid City, SD	plaintiff
Jan-03	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Chris Nipe	Larson & Nipe, Mitchell, SD	plaintiff
May-03	Elisasser v. Dr. Horst Blumie	deposition	G. Verne Goodsell	Ellis Carstaphen, Houston/Hillard Munoz, Corpus Christi, TX	plaintiff
Jun-03	Ronnie & Nancy Haese et al. v. H & R Block, Inc. et al.	hearing (TX)	Steven C. Beardsley	Beardsley, Jensen/Johnson Eiesland, Rapid City, SD	plaintiff
Jun-03	Matthew Bedrey v. Qwest	deposition	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	plaintiff
Jul-03	Paul Salvo (9/11 victim)	deposition	John K. Nooney	Thomas Nooney Braun Soley & Bernard, Rapid City, SD	plaintiff
Aug-03	Evelyn Downey v. Helen Sarvel	deposition	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	plaintiff
Aug-03	Richard N. Poulos (9/11 victim)	special hearing (NY)	Barry R. Temkin	Jacobowitz, Garfinkel & Lesman, New York, NY	plaintiff
Aug-03	James P. Hopper (9/11 victim)	special hearing (NY)	Spencer Herman	Law Offices of Spencer H. Herman, P.C., Kew Gardens, NY	plaintiff
Aug-03	Ramon Grijalvo (9/11 victim)	deposition	Tina M. Hogue	Finch Bettman Males & Hogue, Rapid City, SD	plaintiff
Sep-03	Loretta Ham v. Banner Health System	deposition	Terry Pachota	Pachota, Leach & Dewell, Rapid City, SD	plaintiff
Oct-03	Marques Good Low v. United States of America	deposition	Darren Epstein	Fellows Hymowitz and Epstein, New York, NY	plaintiff
Oct-03	Yudi V.S. Jain (9/11 victim)	special hearing (NY)	Jay Edelson	Blum & Edelson, LLC, Chicago, IL	plaintiff
Oct-03	Zurakov v. Register.com and Forman Interactive Corp.	settlement hearing (IL)	Dan Johnson	Law Offices of V. Alan Khoshbin, P.C., Atlanta, GA	plaintiff
Oct-03	Thornton v. Flander's Construction	deposition	Dan Johnson	Kimm Law Firm, Hackensack, NJ	plaintiff
Nov-03	Bocco v. United States	deposition	Michael Kimm	Robins, Kaplan, Miller & Ciesi, Minneapolis, MN	plaintiff
Dec-03	Edward Pullis (9/11 victim)	special hearing (NY)	Vincent Moccio	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Dec-03	Bryan v. Dakota Fluid Power	deposition	Wyatt Gunderson	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Dec-03	Frederick W. Grey, III (9/11 injury victim)	special hearing (NY)	Daniel Chappock	Lieff Cabraser Heimann & Bernstein, New York, NY	plaintiff
Jan-04	Travis Daniels	deposition	Robin Zepher	Abourezak Law Firm, Rapid City, SD	plaintiff
Jan-04	Salvatore F. Peles (9/11 victim)	deposition	Delane E. Anderson, Jr.	Law Office of Delane E. Anderson, Jr., Lynn, MA	plaintiff
Feb-04	Dorson v. South Dakota	videotaped deposition	Ed Carpenter	Cosello Porter, Rapid City, SD	plaintiff
Feb-04	Zoe and Diana Falkenberg (9/11 victims)	special hearing (DC)	Gregory S. Smith	Sutherland Asbill & Brennan, Washington, DC	claimant
Mar-04	George Strauch (9/11 victim)	special hearing (NY)	Vincent Moccio	Robins, Kaplan, Miller & Ciesi, Minneapolis, MN	claimant
Mar-04	Wendy Alexander (9/11 victim)	special hearing (NY)	Gale D. Pearson	Robinson Calogian Robinson, Minneapolis, MN	claimant
Mar-04	Edmond Gaston (9/11 injury victim)	special hearing (CA)	Gretchen Wetting/Russell Wetarson	Proskauer Rose LLP, Los Angeles, CA	claimant
Mar-04	Jeffrey Colman (9/11 victim)	special hearing (NY)	Robert S. Fader	Law Offices of Robert S. Fader, P.C., Lake Success, NY	claimant
Mar-04	Ronald Hoerner (9/11 victim)	deposition	Michael A. Wilson	Barber Wilson Reynolds & Burke, Rapid City, SD	claimant
Mar-04	Pimmel v. Nash Finch	deposition	Richard Sexton	Kalow and Springuel LLP, New York, NY	claimant
Apr-04	Sharon Balkcom (9/11 victim)	deposition	Steve Beardsley/Richard Huffman	Beardsley Jensen/Delamater Jensen, Rapid City, SD	claimant
Apr-04	Shabel & Andre v. Krebs, LifeUSA & Allianz Life Ins. Co.	deposition	Bruce Morris	Morris Lober & Dobson, LLC, Atlanta, GA	claimant
Apr-04	Adam White (9/11 victim)	special hearing (DC)	The D'Ono	Motola Klar Dwinatz & Carfagna, LLP, New York, NY	claimant
Apr-04	Yvette Moreno (9/11 victim)	special hearing (NY)	Barry R. Temkin	DeSena and Warshaw, Red Bank, NJ	claimant
Apr-04	Alona Abraham (9/11 victim)	special hearing (NY)	Michael Kafer	Fiedelman Garfinkel & Lesman, New York, NY	claimant
Apr-04	Margaret Seeliger (9/11 victim)	special hearing (NY)	Brian Drazin	DeSena and Warshaw, Red Bank, NJ	claimant
Apr-04	John Grazioso (9/11 victim)	special hearing (NY)	Doug Ganille	Douthitt Frets Rouse & Gentile, LLC, Kansas City, MO	claimant
Apr-04	Julie Geis (9/11 victim)	special hearing (NY)	Donna Marie Wilkerson	Law Office of Donna M. Wilkerson, Bloomfield, CT	claimant
Apr-04	Matthew Horning (9/11 victim)	special hearing (NY)	Nicholas Dierland	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
Apr-04	John Napolitano (9/11 victim)	special hearing (NY)	Dan Greenburg	Law Office of Dan Greenburg, Merrick, NY	claimant
Apr-04	Jose Espinal (9/11 victim)	special hearing (NY)	Anthony Loscalzo	Loscalzo & Loscalzo, New York, NY	claimant
Apr-04	Maria Elena Gomez (9/11 injury victim)	special hearing (NY)	Joseph Fields	Loscalzo & Loscalzo, New York, NY	claimant
Apr-04	Timothy Coughlin (9/11 victim)	trial	Kenneth R. Dowell	Dickstein Shapiro Morin & Oshinsky, LLP, New York, NY	claimant
Apr-04	Hang v. Lee	deposition	Steven M. Christensen	Law Office of Steven M. Christensen, Deadwood, SD	claimant
Apr-04	Crooks v. Crooks	deposition	Marcia Goffin	Gould Fishbein Reimer & Gottfried, LLP, New York, NY	claimant
May-04	Jose Montalvo, Jr. (9/11 injury victim)	special hearing (NY)	Michael Goffin	Landman Cori Ballaine & Ford, P.C., New York, NY	claimant
May-04	Joseph P. Roberto (9/11 victim)	special hearing (NY)	William T. Leder	Brand & Brand, Garden City, NY	claimant
May-04	John J. Tripping (9/11 victim)	special hearing (NY)	Garth Rosengren/C. Brooks Cutler	Kenshaw Cutter Ratnoff & York, LLP, Sacramento, CA	claimant
May-04	Sadie Ete (9/11 victim)	special hearing (NY)	Deborah Garskof	Ury & Moskowitz, Fairfield, CT	claimant
May-04	Lai Yin (Agnes) Lum (9/11 injury victim)	special hearing (NY)	Kim Levy	Milberg Weiss Bershad Hynes & Lerach, New York, NY	claimant
May-04	Robert Linnane (9/11 victim)	special hearing (NY)	Rodney S. Dowell	Berman & Dowell, Boston, MA	claimant
May-04	Jane Simpkin (9/11 victim)	hearing by phone (MA)	Elizabeth H. Cronise	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Daniss Crant (9/11 victim)	special hearing (NY)	Gretchen N. Miller	Greenberg Trautman, P.C., Chicago, IL	claimant
May-04	Dennis J. McHugh (9/11 victim)	special hearing (NY)	Christopher J. Tinley	Kelley & Lehan, P.C., Omaha, NE	claimant
May-04	Michael Tinley (9/11 victim)	special hearing (NY)	Rachael Gennaro/Nicholas Diamond	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Richard Zircz (9/11 injury victim)	special hearing (NY)	Guy Halfreth/Caroline Marshall	Milberg Weiss Bershad Hynes & Lerach, New York, NY	claimant
May-04	Joseph Maloney (9/11 victim)	special hearing (NY)	Deborah Garskof	Ury & Moskowitz, Fairfield, CT	claimant
May-04	Laura Bezz (9/11 injury victim)	special hearing (NY)	Daniela Raz	Kasowitz Benson Torres & Friedman, LLP, New York, NY	claimant
May-04	Jacquelyn Sanchez (9/11 victim)	special hearing (NY)	Steve Loewenthal	Heidel Pittoni Murphy & Bach, LLP, New York, NY	claimant
May-04	Ernest Figueroa (9/11 injury victim)	special hearing (NY)			claimant

Date	Case	Testimony	Lawyer	Firm	Rep.
May-04	Carlos L. Marinho (9/11 injury victim)	special hearing (NY)	Rachel Geman	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
May-04	Jan Kozinski (9/11 injury victim)	special hearing (NY)	Duncan E. Williams	Willkie Farr & Gallagher, LLP, New York, NY	claimant
May-04	Susan Ryan (9/11 injury victim)	special hearing (NY)	Jay S. Dankberg	Law Office of Jay Stuart Dankberg, New York, NY	claimant
May-04	David Handschuh (9/11 injury victim)	special hearing (NY)	Robert K. Simonds	Cravath Swaine & Moore, LLP, New York, NY	claimant
May-04	Indira Singh (9/11 injury victim)	special hearing (NY)	Jay S. Dankberg	Law Office of Jay Stuart Dankberg, New York, NY	claimant
May-04	Llewellyn Malcolm (9/11 injury victim)	special hearing (NY)	Daniel P. Chplock	Lieff Cabraser Heimann & Bernstein, New York, NY	claimant
Jun-04	Waldtraut Matush	arbitration (CO)	Steven C. Beardsley	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
Jun-04	Marques Good Low	trial	Terry Pechota	Pechota Law Firm, Rapid City, SD	plaintiff
Jun-04	Vincencia Brings Plenty	deposition	Rena Atchison	Abourezk Law Firm, Rapid City, SD	plaintiff
Jul-04	Dina/Pucci-Advest	arbitration (NY)	Henry N. Christensen	Norton & Christensen, Goshen, NY	plaintiff
Aug-04	Vincencia Brings Plenty	pre-trial hearing	Rena Atchison	Abourezk Law Firm, Rapid City, SD	plaintiff
Sep-04	Gau v. Larry M. Pence & GWR Investments, Inc.	arbitration (NE)	Kevin R. McManaman	Krudsen Berkheimer Richardson & Endacott, Lincoln, NE	defense
Nov-04	Steven Jay Pincus v. Calmac Manufacturing Corp., et al.	trial (NY)	William R. Bronner	Law Office of William R. Bronner, Ossining, NY	plaintiff
Dec-04	Robert Blestein v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Dec-04	Shane Sheesley v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Dec-04	Thomas Vermeulen v. Cessna Aircraft Co., et al.	trial (NE)	Jeffrey James Colerick	Jeffrey James Colerick, P.C., Colorado Springs, CO	plaintiff
Dec-04	Lester v. Michelle, Goodrich, Hayes Lemmerz	deposition (AZ)	Mark Mitchell	Law Office of Mark Mitchell, Williamson, WV	plaintiff
Aug-05	Robert Blestein v. Cessna Aircraft Co., et al.	deposition	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Aug-05	Shane Sheesley v. Cessna Aircraft Co., et al.	deposition	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Aug-05	Thomas Vermeulen v. Cessna Aircraft Co., et al.	deposition	Thomas G. Fritz	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Oct-05	Holm v. City of Rapid City v. Hitchcock	deposition	Jason Sniley	Gunderson Palmer Goodsell & Nelson, Rapid City, SD	plaintiff
Nov-05	Karen Martin v. Dallas Krausch	trial	Andrew R. Barry	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	plaintiff
Dec-05	Clifford/Linda Meads v. Securities America & Duane Russell	arbitration (NE)	Thomas G. Fritz	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Feb-06	Wharton v. Wharton	trial	Joseph Giovannillo, Jr.	Ladenburg Thalmann and Co., Inc., New York, NY	plaintiff
Feb-06	O'Brien et al. v. Western Dakota Technical Institute	arbitration (by phone)	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Mar-06	Kyburz-Carlson Constr. Co. et al. v. Jean Hurlbert et al.	deposition	Steven M. Johnson/Brendan V. Johnson	Johnson Heidepriem Miner Marlow & Jandlow, Sioux Falls, SD	plaintiff
Sep-06	Cheryl and Drew Maz v. Dadah	deposition	David Bradsley	Bradsley, Bradsley & Bradsley, Rapid City, SD	plaintiff
Sep-06	Cheryl Schumacher	deposition	Eric Packer	Bangs McCullen Butler Foye & Simmons, Rapid City, SD	plaintiff
Oct-06	Russo et al. v. G.M., Suzuki Motor Corp., Takata Corp., et al.	deposition	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Oct-06	Cheryl and Drew Maz v. Dadah	deposition	David Bradsley	Bradsley, Bradsley & Bradsley, Rapid City, SD	plaintiff
Oct-06	Maurer v. Chrysler et al.	deposition (OH)	Doug Gentile	Douglas Frats Rouse & Gentile, LLC, Kansas City, MO	plaintiff
Nov-06	Robert Blestein v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/James Leach	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Nov-06	Shane Sheesley v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Nov-06	Thomas Vermeulen v. Cessna Aircraft Co., et al.	trial	Arthur Wolk/Barton Banks	Wolk Law Firm, Philadelphia, PA/Banks Johnson, Rapid City, SD	plaintiff
Nov-06	Watson v. Public Service Company of Colorado	videotaped deposition	Andrew T. Brake	Andrew T. Brake, P.C., Englewood, CO	plaintiff
Mar-07	Ennen v. Stephens	deposition	John Nooney	Thomas Nooney Braun Soley & Bernard, LLP, Rapid City, SD	plaintiff
Mar-07	Stemore v. OwnerGuard, et al.	deposition	Robin Zepher	Abourezk Law Firm, Rapid City, SD	plaintiff
Mar-07	Stanley v. Hall	deposition	Steven C. Beardsley	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
Mar-07	Floyd & Lily Lund v. Lombard Securities, et al.	deposition	John Nooney	Thomas Nooney Braun Soley & Bernard, LLP, Rapid City, SD	plaintiff
May-07	Ennen v. Stephens	trial	Jim Jeffries	Jeffries Law Office, P.C., Rapid City, SD	plaintiff
May-07	Reoh v. Szabo	trial	John Blim	Blim & Edelson, LLC, Chicago, IL	plaintiff
May-07	Pulcin et al. v. Bally Fitness Center	deposition	George Burnett	Liebman, Conway, Olejniczak & Jerry, S.C., Green Bay, WI	plaintiff
Jun-07	St. Laurent v. American Manufacturers Mutual Ins. et al.	deposition	James Nelson	Gunderson, Palmer, Goodsell & Nelson, Rapid City, SD	plaintiff
Jul-07	Blakely v. Buckmaster and Buckmaster & Macy, LLP	trial	George J. Nelson	Law Office of George J. Nelson, Rapid City, SD	plaintiff
Jul-07	Russo et al. v. G.M., Suzuki Motor Corp., Takata Corp., et al.	trial	Frank Bettman	Finch, Bettman, Marks & Hogue, Rapid City, SD	plaintiff
Aug-07	Modde v. Harland	deposition	Jennifer Wolman	Woods, Fuller, Schults & Smith, Sioux Falls, SD	plaintiff
Oct-07	Forrest v. ITI	deposition	Frank Bettman	Finch Bettman Marks, Rapid City, SD	plaintiff
Oct-07	Modde v. Harland	deposition	Vincent Mocco	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Jan-08	Manywoods v. Walmart	deposition (MN)	Keneth R. Dewell	McGuire Woods, Baltimore, MD	plaintiff
Feb-08	Etchey v. Green	deposition	S. Ben Yhim	Johnson Edelson Law Firm, Rapid City, SD	plaintiff
Feb-08	Abrams et al. v. Facebook	deposition	Mykes McGuire	Kamberdelson, LLC, Chicago, IL	plaintiff
Apr-08	Elk v. The United States of America	trial (US Dist Ct N CA)	Robin Zepher	Abourezk Law Firm, Rapid City, SD	plaintiff
May-08	Kitching v. Morgan Tire & Auto, Inc., d/b/a Tires Plus	deposition	Adam Horowitz	Herman & Mermisstein, Miami, FL	plaintiff
May-08	Taft v. Suffco, et al.	deposition	Patrick Duffy	Morgan Theiler Wheeler Cogley & Peterson, Mitchell, SD	plaintiff
Jun-08	Simpson et al. v. New York Dept. of Civil Service and G. Simott	deposition	Myriam Diaz	Duffy & Duffy, Rapid City, SD	plaintiff
Jun-08	Littlehawk v. McPherson and Moreford	deposition	Keneth R. Dewell	Gary, Williams, Finney, Lewis, Watson & Sperando, Stuart, FL	plaintiff
Jul-08	Brandis v. Farmers Alliance Mutual Insurance Company	deposition	Mark O'Leary	Johnson Edelson Law Firm, Rapid City, SD	plaintiff
Jul-08	Henry v. Harry	deposition	Vincent Mocco	O'Leary Law Office, Sioux Falls, SD	plaintiff
Jul-08	Charbonneau v. Boehringer Ingelheim Pharmaceuticals, et al.	deposition	Patrick Duffy	Brady Plummer Law Firm, Spearfish, SD	plaintiff
Aug-08	Zwayer v. Boehringer Ingelheim Pharmaceuticals, et al.	deposition	Karen P. Hunt	Robins, Kaplan, Miller & Ciresi, Minneapolis, MN	plaintiff
Aug-08	Wild v. Suffco, et al.	deposition	Vincent Mocco	Duffy & Duffy, Rapid City, SD	plaintiff
Sep-08	Murphy v. Sears Holdings Corporation/Kmart Corporation	deposition	Austin McKillip	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	plaintiff
Oct-08	Rodette v. Merrill Lynch	hearing (WI)	Steven C. Beardsley/Brad J. Lee	Beardsley Jensen & Von Wald, Rapid City, SD	plaintiff
Nov-08	Sims v. Verizon Wireless	deposition	George Burnett	Liebman, Conway, Olejniczak & Jerry, S.C., Green Bay, WI	plaintiff
Jan-09	Latham v. Eaves, O'Neal and S & L Trucking	deposition	Jay Edelson	Kamberdelson, LLC, Chicago, IL	plaintiff
Feb-09	Selling v. Safeco Insurance Company of America	deposition	Heather Lammer Bogard	Abourezk Law Firm, Rapid City, SD	plaintiff

Date	Case	Testimony	Lawyer	Firm	Rep.
May-09	Scalia v. Boehringer Ingelheim Pharmaceuticals, et al.	deposition	Pro Se	Johnson Heidepriem Abdullah & Johnson, Sioux Falls, SD	plaintiff
July-09	Bird Hotel Corporation v. Super 8 Hotels, Inc.	deposition	Scott A. Abdullah	Gunderson, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Aug-09	Hospitality Systems Inc., et al. v. City of Rapid City, et al.	deposition	James Nelson	Kumpher, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Sep-09	VanDyke and Walker et al. v. Media Breakaway, LLC	trial affidavit (FL)	Rafey S. Balabanian	Murphy, Goldammer & Prendergast, LLP, Sioux Falls, SD	defense
Oct-09	Stem Oil v. J.R. Brown d/ba Exxon Goode to Go & Freeway Mobil	trial affidavit	Matthew S. McCauley	Murphy, Goldammer & Prendergast, LLP, Sioux Falls, SD	defense
Oct-09	Stem Oil v. J.R. Brown d/ba Exxon Goode to Go & Freeway Mobil	trial	Matthew S. McCauley	Costello Porter, Rapid City, SD	defense
Nov-09	Latham v. Eaves, O'Neal and S & L Trucking	trial	Heather Lammers Bogard	Kumpher, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Nov-09	McFerrin, Tegle et al. v. AT&T Mobility LLC	trial affidavit (GA)	Steven L. Lazell	Kumpher, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Dec-09	Hospitality Systems Inc., et al. v. City of Rapid City, et al.	trial	James Nelson	Barker Wilson Law Firm, LLP, Rapid City, SD	plaintiff
Dec-09	Jensen, K., Spec. Admin. for J. Waddell v. Biegler Bros et al.	deposition	Michael Wilson	Lynn, Jackson, Shultz & Lebrun, Rapid City, SD	plaintiff
Dec-09	Orr v. Pamida Stores Operating Co.	deposition	Jane Pfeifle	Bangs McGuire, Butler Foye & Simmons, Rapid City, SD	defense
Jan-10	Clarkson v. Continental	trial	Michael Hickey	Edelson McGuire, LLC, Chicago, IL	plaintiff
Jan-10	Toyota Recall	trial (IL)	Michael J. McMorrow	Kumpher, Palmer, Nelson & Ashmore, Rapid City, SD	plaintiff
Mar-10	Bradbury v. Mylan Pharmaceuticals, et al.	deposition	Michelle West/James Orr	Robinson Caltagnie & Robinson, CA/Heygood, Orr & Pearson, TX	plaintiff
Apr-10	Robert's v. B.P. West Coast Products, LLC, et al.	deposition (CA)	Robert A. Welbourn III	Law Office of Robert A. Welbourn	plaintiff
Jun-10	Hamblin v. British Airways	deposition (video)	Mary Schiavo	Mortley Rice, LLC, Mt. Pleasant, SC	plaintiff
Jun-10	Tripp v. Western National Mutual Insurance Company	deposition (CA)	Mark O'Leary	O'Leary Law Office, Sioux Falls, SD	plaintiff
Jun-10	Lewis v. Strong, Verizon, et al.	deposition (MN)	Kathleen Flynn Peterson	Robins, Kaplan, Miller & Cress, Minneapolis, MN	plaintiff
Aug-10	Lewis v. Strong, Verizon, et al.	deposition (phone-CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Aug-10	Wehrkamp v. Wehrkamp	trial	Robert L. Morris	Sulton Law Offices, Milwaukee, WI	plaintiff
Aug-10	Boldt, B. Pers. Rep. of Estate of J. Boldt v. Biegler & Kraft et al.	deposition	Anne T. Sulton	Day Morris Law Firm, LLP, Belle Fourche, SD	plaintiff
Nov-10	Allstate Sweeping v. City and County of Denver, et al.	deposition (CO)	Anne T. Sulton	Nooney, Solay & Van Norman, Rapid City, SD	plaintiff
Jan-11	Smith and Flying A-J is Towing Company v. John Wilson et al.	deposition (WI)	Charles Abourezk	Sulton Law Offices, Milwaukee, WI	plaintiff
Jan-11	Poster v. Atlas Van Lines, Inc. and Golden Van Lines, Inc.	deposition	Terry Pechota	Abourezk Law Firm, Rapid City, SD	plaintiff
Feb-11	Estate of Robert Whinnard Horse v. Timothy Hotz	trial	Kirk Wolden	Pechota Law Firm, Rapid City, SD	plaintiff
Feb-11	Estate of Catherine Randall v. Timothy Hotz	deposition (phone-CA)	Terry Pechota	Arnold Law Firm, Sacramento, CA	plaintiff
Mar-11	Johnson v. Kaiser Foundation Health Plan, Inc.	arbitration (phone-CA)	Kirk Wolden	Arnold Law Firm, Sacramento, CA	plaintiff
Apr-11	Johnson v. Kaiser Foundation Health Plan, Inc.	trial	Steven C. Beardsley/Brad J. Lee	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
May-11	Goe v. City of Deadwood	arbitration (NE)	James M. Bausch	Cline Williams Wright Johnson & Oldfather, LLP, Lincoln, NE	plaintiff
May-11	Hagerty v. Merrill Lynch	federal hearing (CO)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
May-11	Allstate Sweeping v. City and County of Denver, et al.	trial	James M. Bausch	Clayborne, Loos, Strommen & Sabers, Rapid City, SD	plaintiff
Jul-11	Whites v. Whites	trial	Michael K. Sabers	Mortley Rice, LLC, Mt. Pleasant, SC	plaintiff
Jul-11	Serra v. Toy Air, Inc. and Cesna Aircraft Company	deposition (SC)	Mary Schiavo	Nooney, Solay & Van Norman, Rapid City, SD	plaintiff
Aug-11	Fila et al. v. First Premier Bank	deposition (CO)	John K. Nooney	Sulton Law Offices, Milwaukee, WI	plaintiff
Nov-11	OneSource and Affordable Svcp v. City and Co. of Denver, et al.	deposition (WI)	Anne T. Sulton	Sulton Law Offices, Milwaukee, WI	plaintiff
Nov-11	Rodriguez v. Museus, et al.	trial (US Dist Ct N CA)	William Gray	Edelson McGuire, LLC, Chicago, IL	plaintiff
Nov-11	Farell et al. v. OpenTable, Inc.	federal hearing	George Burnett	Beardsley, Jensen & Von Wald, Rapid City, SD	plaintiff
Dec-11	Murphy v. Sears Holdings Corporation/Kmart Corporation	arbitration (by phone)	George J. Nelson	Abourezk Law Firm, Rapid City, SD	plaintiff
Feb-12	Junkin v. Knutson	deposition	George J. Nelson	Goodsell Quinn, Rapid City, SD	plaintiff
Feb-12	Strand v. Dr. Young & Black Hills Dermatology, P.C.	deposition (HI)	G. Verne Goodsell	Goodsell Quinn, Rapid City, SD	plaintiff
Feb-12	Kwak et al. v. Island Colony Hotel, et al.	deposition	Terence R. Quinn	Goodsell Quinn, Rapid City, SD	plaintiff
Mar-12	Peer v. McGee et al.	trial	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Mar-12	Strand v. Dr. Young & Black Hills Dermatology, P.C.	deposition (NU)	Michael Kimm	Kinn Law Firm, Englewood Cliffs, NJ	plaintiff
Mar-12	Wells Fargo Heloc Class Action	deposition (US Dist Ct E IL)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
May-12	Cho v. Trinitas Regional Medical Center, et al.	deposition (US Dist Ct N IL)	George J. Nelson	Abourezk Law Firm, Rapid City, SD	plaintiff
Jul-12	Wigod v. Wells Fargo Home Mortgage f/r/a Wachovia Mortgage	videotaped trial test	John Burke	Thomas Braun Bernard Burke	plaintiff
Aug-12	Junkin v. Knutson	trial	John Burke	Law Office of Stephen A. Rubes	plaintiff
Aug-12	Humble v. Wyant	deposition (IA)	Stephen A. Rubes	Sulton Law Offices, Milwaukee, WI	plaintiff
Aug-12	Rubes (Estate of Sara Seely) v. Gmnnel Select Insurance Company	trial (CO)	Aime T. Sulton	Edelson McGuire, LLC, Chicago, IL	plaintiff
Sep-12	Richmond v. City and County of Denver, et al.	deposition (US Dist Ct N CA)	Rafey S. Balabanian	Bangs McGuire Butler Foye & Simmons, Rapid City, SD	defense
Oct-12	Nerflix Privacy Litigation	deposition	Jeffrey G. Hurd	Sulton Law Offices, Milwaukee, WI	plaintiff
Dec-12	Schultz et al. (Cosmos) v. Life Scandrett and Heidi Bybee	trial (US Dist Ct CO)	Anne T. Sulton	Edelson McGuire, LLC, Chicago, IL	plaintiff
Jan-13	Lewis v. Strong, Verizon, et al.	deposition (US Dist Ct N IL)	Steven Lezell Woodrow	Edelson McGuire, LLC, Chicago, IL	plaintiff
Jan-13	Citibank HELOC Reduction Litigation	deposition (US Dist Ct N IL)	Andrew D. Haas	Bradley Davitt Haas & Watkins, PC, Golden, CO	plaintiff
Jan-13	JP Morgan Chase Bank HELOC Litigation	tribal court testimony	Terry Pechota	Pechota Law Firm, Rapid City, SD	

Memorandum

To: Michael M. Hickey, Esq.
From: Don Frankenfeld
Date: August 15, 2013
Re: Powertech (USA), Inc.

I have been engaged to address three issues. Each of the three appears below, together with my preliminary response. I expect that my analysis and conclusions will be expanded in my final report; in addition, I may supplement or modify my conclusions as more information becomes available.

First, please review Powertech's Economic Assessment and identify and be prepared to testify to the deficiencies in the arguments offered by Powertech and place an estimated dollar value on those deficiencies where possible. Additionally, please comment on any underlying assumptions made by Powertech in its assessment that are not valid (i.e., price of uranium).

Powertech's Economic Assessment is seriously deficient, with the result that asserted economic benefits to the community are overstated. The company's analysis is based upon a uranium price of \$65 per pound, when the current spot price is less than \$36 per pound. Thus asserted extraction tax benefits, at current prices, will be dramatically below the levels the company projects. Moreover, at current uranium prices the project will barely break even on a cash basis, and probably operate at a loss on a full cost basis. Under such circumstances, the life of the plant is likely to be significantly less than proponents project; asserted community economic benefits will be proportionally reduced.

There are further deficiencies in proponents' analysis regarding the appropriate discount rate; projections of direct-employment; projections of derivative employment (or "multiplier effect"); state and local value added benefits; and potential effects upon housing. The proponents utilize IMPLAN data to make their projections; further examination will show whether IMPLAN is an appropriate model, and whether the specific input assumptions are appropriate.

Secondly, please provide an evaluation of the potential costs of the project associated with the asserted benefits.

The proponent's economic impact analysis is in essence an argument about benefits; costs are generally ignored. For example, even if the project causes 86 direct-employment jobs to materialize, the citizens represented by those jobs may place demands on government that result in significant taxpayer-funded costs to the community. Likewise, to the extent truly new jobs are created, rather than transferred from existing jobs in the area, taxes for infrastructure and schools may

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EXHIBIT

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Memo to Michael M. Hickey
August 15, 2013
page two

be required. Further analysis is likely to reveal more instances where asserted benefits are offset in whole or in part by additional costs.

Thirdly, if we assume that Powertech fails to meet the promised standards for safety and environmental protection to the air, land and water, please estimate the economic consequences thereof and provide a reasonable estimate as to the amount of any surety bond that would need to be put in place.

While I do not expect to assign probabilities to the likelihood of various potential failures during the project life or thereafter, I expect to characterize the economic consequences of failure. For example, if ground water is polluted below baseline standards, the negative consequences for both crops and livestock could be severe. Depending on the magnitude of failure, derivative effects, such as the effect on tourism, could likewise be material.

As South Dakota has learned from prior experience, a surety bond (or alternative contingent protection) should be of sufficient size to ensure after-the-fact remediation, if necessary. This matter is particularly critical in light of Powertech's current fragile financial condition, which jeopardizes the company's ability to remediate on its own. In my final report, I expect to characterize the magnitude of the contingent remediation liability, and to analyze the company's ability to bear this cost.

DLF:meu

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AUG 26 2013

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

**IN THE MATTER OF THE WATER
PERMIT APPLICATION NOS. 2685-2
AND 2686 POWERTECH (USA) INC.**

Certificate of Service

The undersigned hereby certifies that he filed the original with
Eric Gronlund and served copies of **Black Hills Wild Horse Sanctuary,**
Susan Watt, and Dayton Hyde's Expert Witness Disclosures upon the
persons herein next designated, all on the date below shown:

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and upon each of the persons shown on the attached full participation list,
including the Libraries, by depositing copies thereof in the United States
mail at Rapid City, South Dakota, postage prepaid, in envelopes addressed
to said addressees, which are the last addresses of the addressees known
to the subscriber.

Dated this 23rd day of August, 2013.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY:



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P.O. Box 2670

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**Attorneys for Black Hills
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Dayton Hyde/Susan Watt**

IN THE MATTER OF THE WATER PERMIT APPLICATION NOS. 2685-2 AND 2686 POWERTECH (USA) INC.
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