



**OFFICE OF ATTORNEY GENERAL**

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

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

September 5, 2018

**SENT VIA CERTIFIED MAIL & E-MAIL**

March Kimmel  
Spyglass Cedar Creek, LP  
110 Broadway, Suite 215  
San Antonio, TX 78205  
[mkimmel@xanthuscapital.com](mailto:mkimmel@xanthuscapital.com)

Tim Granger  
Prosperity Bank  
401 Main Plaza  
New Braunfels, TX 78310  
[Timothy.Granger@prosperitybankusa.com](mailto:Timothy.Granger@prosperitybankusa.com)

James E. Davis-McCutcheon  
Tuggey McCutcheon, LLP  
1122 Colorado, Suite 1202  
Austin, TX 78701  
[jmccutcheon@icloud.com](mailto:jmccutcheon@icloud.com)

Re: *In the Matter of Spyglass Cedar Creek, LP's Violations of SDCL Chapter 45-9 and ARSD Article 74:12*

Gentlemen:

Enclosed please find a copy of the Motion for Appointment of Hearing Chair, Order Appointing Hearing Chair and Certificate of Service.

If you have any questions or concerns, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Williams", written over a horizontal line.

Richard M. Williams  
Deputy Attorney General

*Counsel for Department of Environment  
And Natural Resources*

RMW/jm  
Enclosures  
Cc: Brenda Binegar  
Lucy Dahl

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF	)	
SPYGLASS CEDAR CREEK, LP'S	)	MOTION FOR APPOINTMENT OF
VIOLATIONS OF	)	HEARING CHAIR
SDCL CHAPTER 45-9 AND	)	
ARSD ARTICLE 74:12	)	

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The Department of Environment and Natural Resources, pursuant to ARSD § 74:09:01:08, hereby moves for the appointment of a member of the Board of Minerals and Environment to sit as hearing chair for any proceedings involving the above captioned matter.

Dated this 5th day of September 2018



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Richard M. Williams  
Deputy Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Telephone: (605) 773-3215  
[Rich.Williams@state.sd.us](mailto:Rich.Williams@state.sd.us)

*Counsel for Department of Environment  
and Natural Resources*

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF	)	
SPYGLASS CEDAR CREEK, LP'S	)	ORDER APPOINTING HEARING
VIOLATIONS OF	)	CHAIR
SDCL CHAPTER 45-9 AND	)	
ARSD ARTICLE 74:12	)	

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TO: ALL PARTIES OF RECORD:

In accordance with ARSD § 74:09:01:08, Rexford A. Hagg has been appointed as Hearing Chair in the above entitled matter. Mr. Hagg's address and contact information are as follows:

PO Box 8008  
Rapid City, South Dakota 57709  
(605) 348-1125  
[rex.hagg@amatteroflaw.com](mailto:rex.hagg@amatteroflaw.com)

The Hearing Chair is responsible for conducting any prehearing conference and for conducting the hearing before the Board. The Hearing Chair may rule on all prehearing motions. Any prehearing decision made by the Hearing Chair is a final decision of the Board unless the Board overrules said decision.

A prehearing conference, as set forth in ARSD § 74:09:01:10, may be scheduled upon the motion of a Party.

In accordance with ARSD § 74:09:01:07, the original of all pleadings, motions, and other documents filed in this contested case proceeding shall be filed with Brenda Binigar, Secretary of the Board, Department of Environment & Natural

Resources, 523 E. Capitol Ave., Pierre, SD 57501-3182. A copy of all pleadings, motions, and other documents filed in this matter shall be served upon the Hearing Chair at the address noted above and shall also be served upon all parties of record.

Dated this \_\_\_\_ day of September 2018.

BOARD OF MINERALS & ENVIRONMENT

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Rexford A. Hagg, Chairman

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF	)	
SPYGLASS CEDAR CREEK, LP'S	)	CERTIFICATE OF SERVICE
VIOLATIONS OF	)	
SDCL CHAPTER 45-9 AND	)	
ARSD ARTICLE 74:12	)	

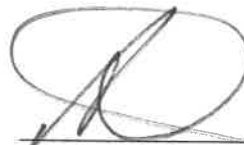
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The undersign hereby certifies that on September 5, 2018, true and correct copies of the Motion for Appointment of Hearing Chair and Order Appointing Hearing Chair was sent by U.S. certified mail upon:

March Kimmel  
Spyglass Cedar Creek, LP  
110 Broadway, Suite 215  
San Antonio, TX 78205  
[mkimmel@xanthuscapital.com](mailto:mkimmel@xanthuscapital.com)

Tim Granger  
Prosperity Bank  
2829 Bee Cave Road  
Austin, TX 78746  
[Timothy.Granger@prosperitybankusa.com](mailto:Timothy.Granger@prosperitybankusa.com)

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Tuggey McCutcheon, LLP  
1122 Colorado, Suite 1202  
Austin, TX 78701  
[jmccutcheon@icloud.com](mailto:jmccutcheon@icloud.com)



Richard M. Williams  
Deputy Attorney General