

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Revocation of the
Private Fish Hatchery License for Spring
Valley Ponds, LLC, and the Public Waters
Restoration and Replacement Order No.
W830836

FIRST PREHEARING ORDER

A prehearing conference was held in the above-captioned matter on June 5, 2006, at 1:30 p.m. in the Office of Administrative Hearings in Minneapolis, Minnesota. David P. Iverson, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127, appeared on behalf of the Department of Natural Resources. Charles N. Nauen and Harry E. Gallaher, Attorneys at Law, Lockridge Grindal Nauen, P.L.L.P., Suite 2200, 100 Washington Avenue South, Minneapolis, MN 55401-2179, appeared on behalf of John Bondhus and Spring Valley Ponds, LLC ("Spring Valley"). Michael D. Madigan and Edward M. Tillman, Attorneys at Law, Madigan, Dahl & Harlan, P.A., 701 Fourth Avenue South, Suite 1700, Minneapolis, MN 55415, appeared on behalf of the Petitioners for Intervention (Minnesota Center for Environmental Advocacy, Trout Unlimited, and Minnesota Trout Association). Oral argument on the Petitions for Intervention was also hearing during the prehearing conference.

Based upon discussions with counsel during the prehearing conference, IT IS HEREBY ORDERED as follows:

1. By July 14, 2006, the Department and any parties permitted to intervene in this matter shall serve Spring Valley with a statement identifying persons they expect to call as expert witnesses and, by August 4, 2006, Spring Valley shall serve the Department and any parties permitted to intervene in this matter with a statement identifying persons it expects to call as expert witnesses. These statements shall describe the subject matter of the expected testimony, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
2. All discovery in this matter shall be completed by October 31, 2006.
3. All dispositive motions shall be served and filed by November 14, 2006. Responses in opposition to such motions shall be served and filed by November 28, 2006, and reply briefs with respect to such motions shall be served and filed by December 5, 2006.

4. Oral argument regarding motions shall be heard on December 12, 2006, at 3:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.
5. By January 15, 2007, counsel shall exchange proposed exhibit and witness lists. The witness lists shall include a brief summary of the expected testimony of each witness. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.
6. By February 1, 2007, counsel shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearing. If no court reporter is requested, the hearing will be tape-recorded.
7. The hearing in this matter shall be held on February 7 – 9, 2007, commencing at 9:30 a.m. each day in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.
8. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be pre-marked using Arabic numbers without designation of the party offering the exhibit.

Dated: June 26, 2006.

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge