
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET
HP09-001 TO CONSTRUCT THE
KEYSTONE XL PIPELINE

**GARY DORR'S
WITNESS AND
EXHIBIT LISTS**

HP14-001

Gary Dorr ("Dorr"), *pro se*, is providing the following lists of fact witnesses and exhibits as required under the Public Utilities Commission's Order Amending Procedural Schedule (Witness and Exhibit Lists) of April 2, 2015. Dorr does not intend to offer expert testimony. The disclosures are based on information currently known and reasonably available to Dorr. Dorr reserves the right to supplement his witness list and/or exhibit list as permitted by the Rules of Civil Procedure.

FACT WITNESSES

Dorr may call the following fact witnesses at the evidentiary hearing:

1. Wayne Frederick, 11 Legion Avenue, Rosebud, SD 57570 (605) 747-2381, may be called to testify regarding facts within his knowledge relating to the Fort Laramie Treaty of 1868 and the Rosebud Sioux Tribe opposition to Keystone crossing Treaty territory of the Rosebud Sioux Tribe and the nature of the Mni Wicnoi Water Easement held in trust by the United States for the Rosebud Sioux Tribe and any other facts within his knowledge related to the claims in the Applicant's Petition.
2. Donn Fire Thunder, PO BOX 2070 Pine Ridge, SD 57770 (605) 867-582, will be called to testify regarding facts relating to the Fort Laramie Treaty of 1868 and the Oglala Sioux

Tribal Government opposition to Keystone crossing Treaty territory of the Oglala Sioux Tribe and the nature of the Oglala Sioux Rural Water Easement and the system held in trust by the United States for the Oglala Sioux Tribe and any other facts within his knowledge related to the claims in the Applicant's Petition.

3. Syed Huq, PO Box 910, Rosebud, SD 57570 (605) 747-2559, will be called to testify regarding facts on the construction of the Mni Wiconi waterline, the funding of that waterline, and the easement agreements of the waterline. Syed will testify that the funding for the entire water system is federally funded. Syed will testify that the easement agreement will be of a nature that is held in trust by the United States and that the tribes as a beneficiary interest should be consulted in any decisions which would affect the waterline. Syed will also testify that the ownership of the waterline from the core and distribution lines is the water system's until you get to the pump at which point it is owned by the homeowner, no matter how many hydrants or buildings the homeowner runs lines to. The facts are that the senior easement agreements for the Mni Wiconi Waterlines or the Oglala Sioux Rural Water Supply System contain language that permission is needed to break ground on the waterline. Another fact is that as a beneficiary of the Mni Wiconi water system, the United States has a fiduciary duty to protect the tribes' right to safe drinking water.

1. Any witness designated by the Applicant.
2. Any witness designated by any Intervenor.
3. Any individual who has submitted affidavits/declarations in this matter.
4. Any witness necessary to establish the foundation for admission of other evidence.
5. Any person deposed in this matter.

6. Rebuttal and/or impeachment witnesses.

Dorr reserves the right to supplement his witness list in response to facts, testimony, issues or exhibits offered by the Applicant or any Intervenor.

EXHIBITS

Dorr may offer the following as exhibits at the evidentiary hearing:

1. Exhibit 1- Engineering Planning Map for Oglala Sioux Rural Water Supply System.
2. Exhibit 2-Treaties of Fort Laramie of 1851 and 1868
3. Exhibit 3-Various Easements for establishing and crossing the Oglala Sioux Rural Water Supply System waterlines. (Dahlke-Mann, Iverson, Hostutlers)
4. Exhibit 4-Oglala Sioux Rural Water Supply System As-Built Standards for Dahlke-Mann Property in Jones County
5. Exhibit 5- Lyman Jones Water Standard Easement Agreement
6. Exhibit 6-Map of Great Sioux Nation
7. Exhibit 7-PDF Public Law 100-516
8. Exhibit 8-PDF U.S. 9th Circuit Court of Appeals Case Washington v. Fishing Vessel Assn., 443 U.S. 658 (1979)
9. Exhibit 9-US DISTRICT COURT of Idaho Case No 3:13-CV-348-BLW, Nez Perce Tribe and Idaho Rivers United v. United States Forest Service and Resources Conservation Company International.
10. Exhibit 10 -Article from New Mexico Law Review “Bad Men Among Whites” discussing valid legal remedies as a result of treaty stipulations with American Indian tribes.

11. Exhibit 11-Article from California Law Review Volume 63 Issue 3 May 1975
“Judicial Review of Indian Treaty Abrogation: As long as Water Flows or Grass Grows upon the Earth—How long is that?”
12. Exhibit 12-Rosebud Sioux Tribe Government Resolutions opposing TransCanada from crossing the Treaty Territory and from doing business on the reservation.
13. Exhibit 13 -36 CFR Part 800 Code of Federal Regulations for protection of historic properties.
14. Exhibit 14-Article from California Law Review 78 Cal. L.Rev. 1142-1990,
Congressional Intent in Federal Indian Law.
15. Exhibit 15-Text from US Court of Federal Claims No 05-186L (Filed April 28, 2009), Lavetta Elk v. United States
16. Portions of Rosebud Sioux Tribal Code Section “4-2-6 Jurisdiction Over Persons”
17. Portions of Rosebud Sioux Tribal Council Resolution 91-173.
18. Exhibit 14- Text of US Supreme Court Case 430 US 584 (1977) Rosebud Sioux Tribe v. Kneip.

Dorr reserves the right to supplement his exhibit list in response to facts, testimony, issues or exhibits offered by the Applicant or any Intervenor.

Dated this 21st day of April, 2015.

Gary F. Dorr
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