

KC/mz

EL01-019

DOCKET NO. _____

EL01-019

In the Matter of _____

IN THE MATTER OF THE PETITION OF
 WEST RIVER ELECTRIC
 ASSOCIATION, INC. SEEKING A
 DETERMINATION AS TO WHETHER
 THE COMMISSION HAS JURISDICTION
 IN THIS INSTANCE AND SECONDLY IF
 THE COMMISSION DETERMINES THAT
 IT HAS JURISDICTION TO THEN
 APPROVE WEST RIVER ELECTRIC'S
 REQUEST TO LOCATE A NEW 115 KV
 TRANSMISSION LINE NORTH OF
 RAPID CITY

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

7/16/01 Filed and Docketed;

7/19/01 Kuebler Filing;

8/22/01 Order Determining Jurisdiction;

8/22/01 Docket Closed

EL01-019

Bangs McCullen Law Firm

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

Rapid City

Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel E. Duffy
Jeffrey G. Hurd
Veronica L. Duffy
John H. Raforth
Terry G. Westergaard
Steven R. Nolan
Gregory J. Erlandson
Kyla J. Sipprell
Rachel V. Jepsen
Pamela S. Snyder
Tracey A. Fischer

Sioux Falls

Michael A. Hauck
John P. Mallen
Robert J. Hollan

Attorneys also admitted in
Nebraska, North Dakota,
Minnesota and Montana

Trust Building
818 St. Joseph Street
P.O. Box 2670
Rapid City, SD 57709-2670
605-343-1040
Fax: 605-343-1503

Security Bank Building
100 N. Phillips Ave.
Suite 610
P.O. Box 949
Sioux Falls, SD 57101-0949
605-339-6800
Fax: 605-339-6801

www.bangsmccullen.com

Reply to Rapid City Office

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

July 13, 2001

RECEIVED

JUL 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Debra Elofson
Executive Director
Public Utilities Commission
500 East Capitol
Pierre, SD 57501

Re: West River Electric Association, Inc. – Petition

Dear Ms. Elofson:

Enclosed please find the original and ten (10) copies of the Petition of West River Electric Association, Inc., which requests that the Public Utilities Commission approve West River Electric's decision to build a 115 KV transmission line within the right-of-way located in Meade County. I am also enclosing one Affidavit of Service for your file.

Once this has been filed in your office, I would appreciate it if you would ask the individual who will be handling this matter on behalf of the PUC to contact me if there are any questions regarding the petition and also to advise as to the date scheduled for the hearing in this matter.

Best regards.

Sincerely,

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



Allen G. Nelson

agn:ke

Enc.

cc: Client

PUBLIC UTILITIES COMMISSION
OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION)
OF WEST RIVER ELECTRIC)
ASSOCIATION, INC. SEEKING A)
DETERMINATION AS TO WHETHER)
THE SOUTH DAKOTA PUC HAS)
JURISDICTION IN THIS INSTANCE AND)
SECONDLY IF PUC DETERMINES)
THAT IS HAS JURISDICTION TO THEN)
APPROVE WREA'S REQUEST TO)
LOCATE A NEW 115 KV TRANSMISSON)
LINE NORTH OF RAPID CITY)

DOCKET NO. _____

RECEIVED

JUL 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Pursuant to the provisions of SDCL 49-41B-4, West River Electric Association, Inc., does hereby petition the South Dakota Public Utilities Commission for approval of its decision to build and construct a new 115 KV transmission line North of Rapid City.

1. The state statute in question is:

SDCL 49-41B-2.1(2) which defines a transmission facility as follows:

An electric transmission line and associated facilities with a design of 115 to 250 kilovolts, if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads.....

2. West River Electric Association, Inc., (WREA) is a cooperative, not-for-profit utility incorporated under the laws of South Dakota and has been given an assigned and exclusive service area for the purpose of providing electric service to the customers within its assigned territory pursuant to South Dakota law.

3. WREA has purchased approximately 20 acres of land from two parties, Jack Sherman and Alice Sherman of Piedmont, South Dakota and, Fred McFarland of Rapid City, South Dakota, and has acquired easements from both individuals for the purpose of locating a new 115 KV transmission line

(See Exhibits A, B, C and D, whereby both of these individuals have signed warranty deeds authorizing the sale of the land and have granted the easements discussed above).

4. WREA has determined that it needs to obtain a 115 KV power connection from WAPA and run it into a switchyard where WREA would then take the 115 KV line out of the switchyard and run it approximately 2 miles to a distribution substation where it would be reduced to 7200 volts. The proposed 115 KV transmission line would terminate at this substation and would be owned and operated by WREA. Attached to this petition is a drawing that illustrates the above- described intended actions (Exhibit E).

5. The transmission line described above will run 2 miles in length and does follow adjacent to the section lines of the property involved, (the edge of the private property owned by Jack and Alice Sherman and Fred McFarland as discussed in paragraph 3 above, and it runs adjacent to County road 4C also known as Elk Creek Road). It specifically follows the section line of Section 12, which is owned by Jack Sherman and the section line of Section 7 which is owned by Fred McFarland. The actual transmission line will be located 48 feet north of the center of the section line of Section 12 and Section 7 and within the right-of-way recently acquired by Meade County which is 50 feet in width north of the section lines referred to above (See Exhibit F which is the resolution adopted by Meade county declaring the necessity to acquire an additional 17 foot right-of-way from Fred McFarland and Jack and Alice Sherman. Attached to Exhibit F is Exhibit A which is an agreement whereby Fred McFarland agreed to transfer to

Meade County the additional 17 feet of right-of-way needed from his property. Also attached to Exhibit F is Exhibit B which is an agreement whereby Jack and Alice Sherman agreed to transfer to Meade County the additional 17 feet of right-of-way needed from their property. Also see Exhibit G which is a plat which shows the additional 17 feet of right-of-way given to Meade County which was filed in the office of the Meade County Register of Deeds on May 30, 2001 at 9:56 a.m. in Books of Plats 20 beginning on page 299. In addition, see Exhibit H which is a letter from attorney Bill Nevin of the South Dakota Department of Transportation determining that Meade County has done everything necessary to acquire the additional 17 feet of right-of-way. Finally, see Exhibit I which shows that the proposed transmission line will be located 48 feet North of the section lines and within the current 50 feet of right-of-way located north of said section lines). WREA has obtained a private right-of-way easement 40 feet in width which WREA has purchased from the private landowners referred to above. Said easement begins 50 feet north of the section line of Section 7 and 12 discussed above and ends 90 feet north of said section line and runs in an easterly/westerly direction immediately adjacent to the right-of-way (See Exhibit I). WREA plans to use single pole structures and the precise location of this project is 8 miles east of Piedmont as shown on the attached Exhibit E.

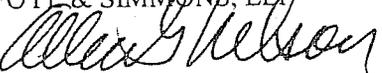
6. WREA has previously been advised by legal counsel that the above factual scenario will not result in subjecting this line to the supervision and jurisdiction of Federal Energy Regulatory Commission (FERC).

7. WREA has obtained the approval of Meade County officials for the overall plans as explained above and for the appropriate zoning of the property-acquired from Sherman's and McFarland.

WHEREFORE, West River Electric Association, Inc., requests that the Public Utilities Commission approve WREA's request to locate the 115 KV transmission line 48 feet north of the section line and within the right-of-way granted to Meade County.

Dated this 13th day of July, 2001.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, LLP



Allen G. Nelson
Attorney for West River Electric Association, Inc.
P.O. Box 2670
Rapid City, SD 57709-2670
(605) 342-1040

Prepared By: Allen G. Nelson

Bangs, McCullen, Butler, Foye & Simmons, LLP
818 St. Joseph St. PO Box 2670
Rapid City SD 57709 (605)343-1040

BOOK 557 PAGE 97

WEST RIVER ELECTRIC ASSOCIATION, INC.
WALL, SOUTH DAKOTA
RIGHT-OF-WAY EASEMENT

BE IT KNOWN BY ALL ENTITIES AND INDIVIDUALS, that the undersigned, hereinafter referred to as Grantors (whether one or more) for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto West River Electric Association, Inc., a cooperative corporation (hereinafter called the "Cooperative") whose post office address is P.O. Box 412, Wall, South Dakota, and to its successors, assigns, lessees and tenants, a perpetual and exclusive easement which easement is 40 feet in width and lies directly North of and adjacent and contiguous to the recently acquired 50-foot right-of-way which abuts and is north of the section line to the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12 in Township 3 North, Range 7 East of the Black Hills Meridian, Meade County, South Dakota, to construct, operate and maintain an electric transmission and/or/distribution line or system and/or any telephone line, cable TV line, fiber optic cable, computer cable, cable for remote meter reading and/or any other line or cable on or under the above described lands and/or in, upon or under all streets, roads, or highways abutting said lands; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Cooperative may deem advisable; and to cut, trim and control the growth, by machinery or otherwise, of trees and shrubbery located within 20 feet of the center line of said line or system (including any control of the growth or other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed).

The parties agree that the planned transmission line will be located within the right-of-way referred to above (See attached Exhibit A).

The undersigned Grantors agree that all poles, wire, and other facilities including any main service entrance equipment, installed on the above-described lands by the Cooperative, its successors and assigns and lessees and tenants shall remain the property of the above-mentioned entities, removable at the option of the Cooperative, upon termination of service to or on said lands.

The Cooperative agrees to pay any damage to growing crops, pastures, fences or buildings of the Grantors resulting from the exercise of the rights herein granted, said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the Grantors, one by the Cooperative and the third by the two so appointed, and the written award of such three persons shall be final and conclusive.

IN WITNESS WHEREOF, the undersigned has set her hand and seal this 27th day of May, 2001.

Jack E. Sherman
Jack E. Sherman

Alice L. Sherman
Alice L. Sherman

STATE OF SOUTH DAKOTA:
SS
COUNTY OF MEADE

On this the 27th day of May, 2001, before me, the undersigned officer, personally appeared Jack E. Sherman and Alice L. Sherman, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Louise Chatee
NOTARY PUBLIC
My Commission Expires: _____

Louise Chatee Notary Public
My Commission Expires July 30, 2003

WARRANTY DEED

BOOK 549 PAGE 667

Fred McFarland, a single person, of P.O. Box 2110, Rapid City, South Dakota 57709-2110, Grantor, for and in consideration of One Dollars (\$1.00) and other good and valuable consideration, grants, conveys and warrants to West River Electric Association, Inc., a South Dakota public utility, of 312 Glenn Street, Wall, South Dakota 57790, Grantee, the following described real estate in the County of Meade in the State of South Dakota:

Tract A of the West River Second Addition to Meade County, located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) in Section Seven (7), Township Three North (T3N), Range Eight East (R8E) of Black Hills Meridian, Meade County, South Dakota, as shown on the plat filed in Plat Book 20 on Page 294.



CC. NO. 02244 TRANSFER FEE: \$30.00
BOOK 549 PAGE 667
DATE May 22, 2001
TIME 4:08 PM
ANGELA M. ROSS
MEADE COUNTY
REGISTER OF DEEDS

CK# 1-5540
 TRANSFER FEE PAID \$ 30.00
 EXEMPT FROM TRANSFER FEE

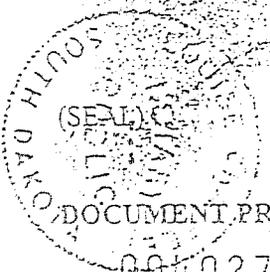
[Handwritten Signature]
Fred McFarland

STATE OF SOUTH DAKOTA :
SS
COUNTY OF PENNINGTON :

On this 22nd day of May, 2001, before me, the undersigned officer, personally appeared Fred McFarland, a single person, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing document and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Louise Chalfee Notary Public
My Commission Expires July 30, 2003
My Commission Expires: _____



DOCUMENT PREPARED BY:

Allen G. Nelson; Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
818 St. Joseph St.; P.O. Box 2670, Rapid City, SD 57709
605-343-1040

004027 MAY -1 8

WEST RIVER ELECTRIC ASSOCIATION, INC.
WALL, SOUTH DAKOTA
RIGHT-OF-WAY EASEMENT

BOOK 557 PAGE 119

BE IT KNOWN BY ALL ENTITIES AND INDIVIDUALS, that the undersigned, hereinafter referred to as Grantors (whether one or more) for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto West River Electric Association, Inc., a cooperative corporation (hereinafter called the "Cooperative") whose post office address is P.O. Box 412, Wall, South Dakota, and to its successors, assigns, lessees and tenants, a perpetual and exclusive easement which is 40 feet in width and lies directly North of and adjacent and contiguous to the recently acquired 50-foot right-of-way which abuts and is north of the section line to the South 40 feet of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7 in Township 3 North, Range 8 East of the Black Hills Meridian, Meade County, South Dakota, to construct, operate and maintain an electric transmission and/or/distribution line or system and/or any telephone line, cable TV line, fiber optic cable, computer cable, cable for remote meter reading and/or any other line or cable on or under the above described lands and to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Cooperative may deem advisable; and to cut, trim and control the growth, by machinery or otherwise, of trees and shrubbery located within 20 feet of the center line of said line or system (including any control of the growth or other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed).

The parties agree that the planned transmission line will be located within the right-of-way referred to above (See the attached Exhibit A).

The undersigned Grantors agree that all poles, wire, and other facilities including any main service entrance equipment, installed on the above-described lands by the Cooperative, its successors and assigns and lessees and tenants shall remain the property of the above-mentioned entities, removable at the option of the Cooperative, upon termination of service to or on said lands.

The Cooperative agrees to pay any damage to growing crops, pastures, fences or buildings of the Grantors resulting from the exercise of the rights herein granted, said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the Grantors, one by the Cooperative and the third by the two so appointed, and the written award of such three persons shall be final and conclusive.

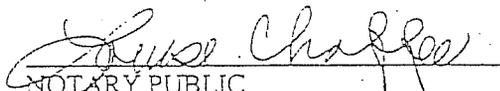
IN WITNESS WHEREOF, the undersigned has set her hand and seal this 22nd day of May, 2001.


Fred McFarland

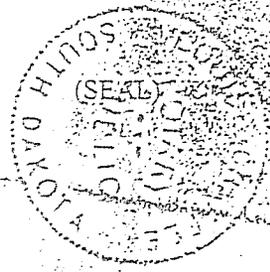
STATE OF SOUTH DAKOTA:
SS
COUNTY OF MEADE

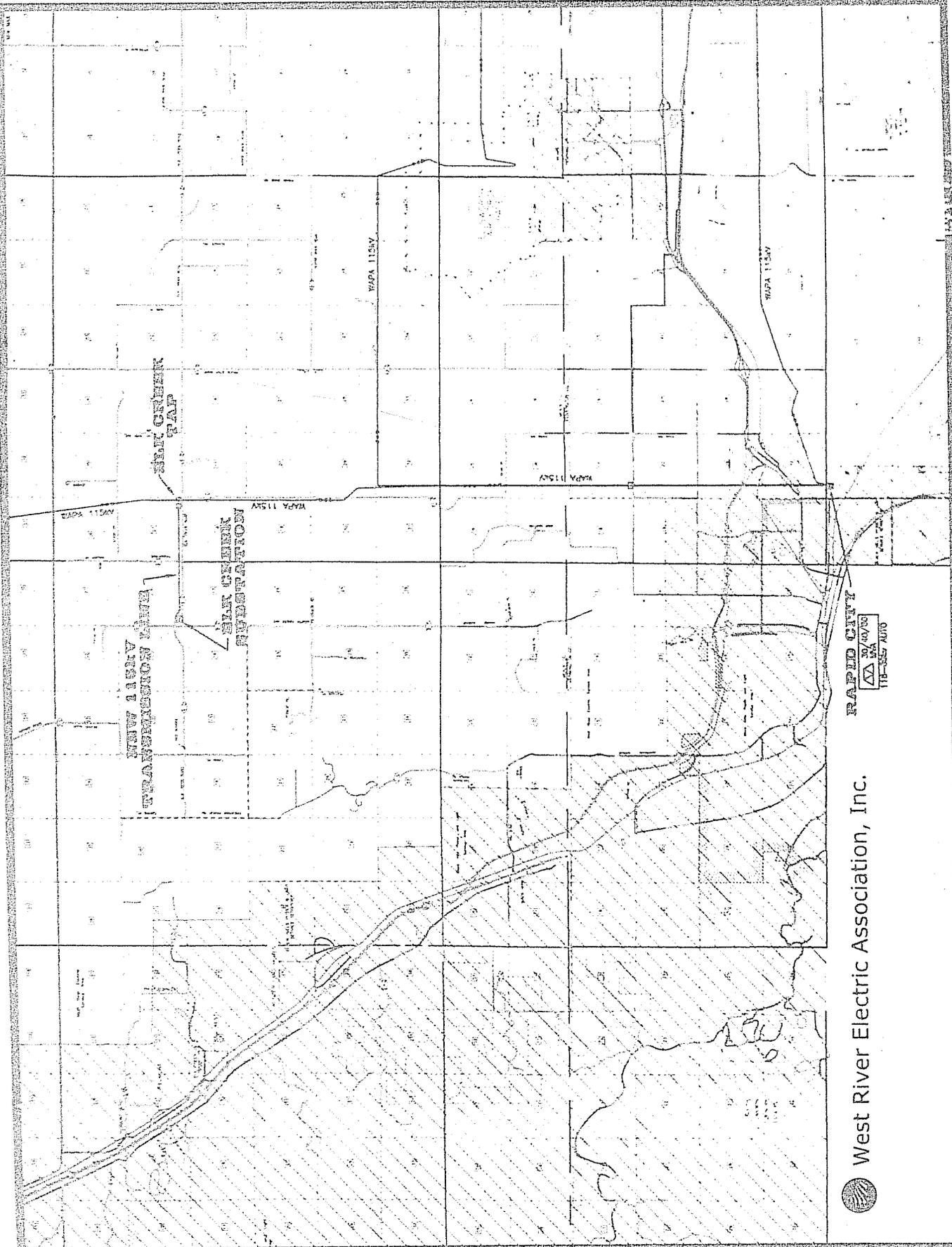
On this the 22nd day of May, 2001, before me, the undersigned officer, personally appeared Fred McFarland, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


NOTARY PUBLIC
My Commission Expires: _____

Louise Charfee Notary Public
My Commission Expires July 30, 2002





West River Electric Association, Inc.

RAPID CITY
3/10/38
115-115V AUTO

RESOLUTION NO: _____ OF MEADE COUNTY COMMISSIONERS

BE IT RESOLVED BY THE MEADE COUNTY COMMISSIONERS:

THAT, WHEREAS, Meade County acting by and through its Highway Superintendent, Dan Weischedel, has determined that it is necessary to acquire an additional 17 feet as right-of-way from Fred McFarland and Mr. and Mrs. Jack Sherman for a distance of 2 miles on land currently owned by the above individuals;

AND, WHEREAS, it is necessary to obtain by either purchase or condemnation said lands and materials for right-of-way and borrow pits in accordance with State law;

AND, WHEREAS, that the Meade County Commissioners do hereby ratify the actions of Meade County Highway Superintendent, Dan Weischedel, who has previously made arrangements to obtain the necessary right-of-way from Fred McFarland and Mr. and Mrs. Jack Sherman as shown by the attached documents marked Exhibit A and Exhibit B.

ADOPTED this 5th day of ~~May~~ ^{June}, 2001.

MEADE COUNTY COMMISSIONERS

By: Robert Malton
Its: CHAIRMAN

THIS IS TO CERTIFY THAT, this is a true and correct copy of Resolution No. _____ adopted by the Meade County Commissioners in the City of Sturgis, South Dakota, on May June 5, 2001, and the undersigned has custody of the original.



By: Law Schellert
Its: Meade Co Auditor

Man Deener
deputy auditor
6-8-01

PROJECT NO: Eik Creek Rd. COUNTY: Meade PARCEL NO.: _____

This agreement made and entered into this 26th day of Feb, 2007 by and between Meade County acting by and through the Meade County Commission, hereinafter referred to as COUNTY, and Fred McFarland, whose postal address is 5401 Dvess Avenue, Rapid City, SD 57701, hereinafter referred to as DONOR.

WHEREAS, COUNTY needs the following easements for construction, operation and maintenance of a highway: Along the south side of the S.W. 1/4 and the S.E. 1/4 of section 7-T3N-R8E
Perpetual Easement: Approx. 2.06 Acres in Section 7, T3N, R8E Consisting of an additional 17 feet for right-of-way so there will be a total of 50 feet in right-of-way north of the section line.
Temporary Easement: Future Use

NOW THEREFORE, DONOR understands his/her right to have an appraisal prepared and his/her right to receive just compensation for the above described perpetual and/or temporary easement in accordance with Title III Public Law 91-646. DONOR does hereby voluntarily donate to County the above described easements as shown on the plans for construction of the above cited PROJECT.

Stipulations of conditional donation: After road construction is completed, Meade County will install a new type III fence, and temporary fence if needed. West River Electric poles will be set at 48' from center line of road.

DONOR agrees that the erection of fences, structures or obstacles within the perpetual easement will not be permitted.

DONOR grants permission to COUNTY to COUNTY's agent to enter upon above described easement upon approval of this AGREEMENT.

The perpetual easement shall be in effect until the highway is abandoned by proper action of the MEADE County Commission and the temporary easement shall be in effect until construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed.

Attest: [Signature]
County Auditor

By: [Signature]
Donor

By: [Signature]
Chairman of County Commission

By: _____
Donor

STATE OF South Dakota
COUNTY OF meade

On this 26th day of Feb in the year of 2007, before me, Daniel E Weischedel, a Notary Public within and for said County and State, personally appeared Fred McFarland known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that he executed the same for the purpose therein stated.

My Commission Expires: _____
DANIEL E. WEISCHEDEL
Notary Public
My Commission Expires Dec. 22, 2007

[Signature]
Notary Public

PROJECT NO: FKC 2000 Rd COUNTY: Meade PARCEL NO.: _____
 This agreement made and entered into this 26th day of Feb, 2000 by and between Meade County acting by and through the Meade County Commission, hereinafter referred to as COUNTY, and Jack & Alice Sherman, whose postal address is 15236 141st Pl, Piedmont, SD 57769, hereinafter referred to as DONOR.

WHEREAS, COUNTY needs the following easements for construction, operation and maintenance of a highway: Along the south side of the S.W. 1/4 and the Perpetual Easement: S.E. 1/4 of section 12, T3N, R7E Consisting of an additional 17 feet for right-of-way so there will be a total of 50 feet in right-of-way north of the section line.

Temporary Easement: Future Use

NOW THEREFORE, DONOR understands his/her right to have an appraisal prepared and his/her right to receive just compensation for the above described perpetual and/or temporary easement in accordance with Title III Public Law 91-646. DONOR does hereby voluntarily donate to County the above described easements as shown on the plans for construction of the above cited PROJECT.

Stipulations of conditional donation: After road construction is completed, Meade County will install a new type IT fence, and temporary fence if needed. West River Electric poles, will be set at 48" from center line of road.

DONOR agrees that the erection of fences, structures or obstacles within the perpetual easement will not be permitted.

DONOR grants permission to COUNTY to COUNTY's agent to enter upon above described easement upon approval of this AGREEMENT.

The perpetual easement shall be in effect until the highway is abandoned by proper action of the MEADE County Commission and the temporary easement shall be in effect until construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed,

Attest: Lisa Schuff
 County Auditor

By: Jack Sherman
 Donor

By: Robert Mallow
 Chairman of County Commission

By: Alice Sherman
 Donor

STATE OF South Dakota
 COUNTY OF Meade

On this 26th day of Feb in the year of 2000, before me, Daniel E. Weischedel, a Notary Public within and for said County and State, personally appeared Jack and Alice Sherman known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that they executed the same for the purpose therein stated.

My Commission Expires: _____ DANIEL E. WEISCHEDEL
 Notary Public

Daniel E. Weischedel
 Notary Public

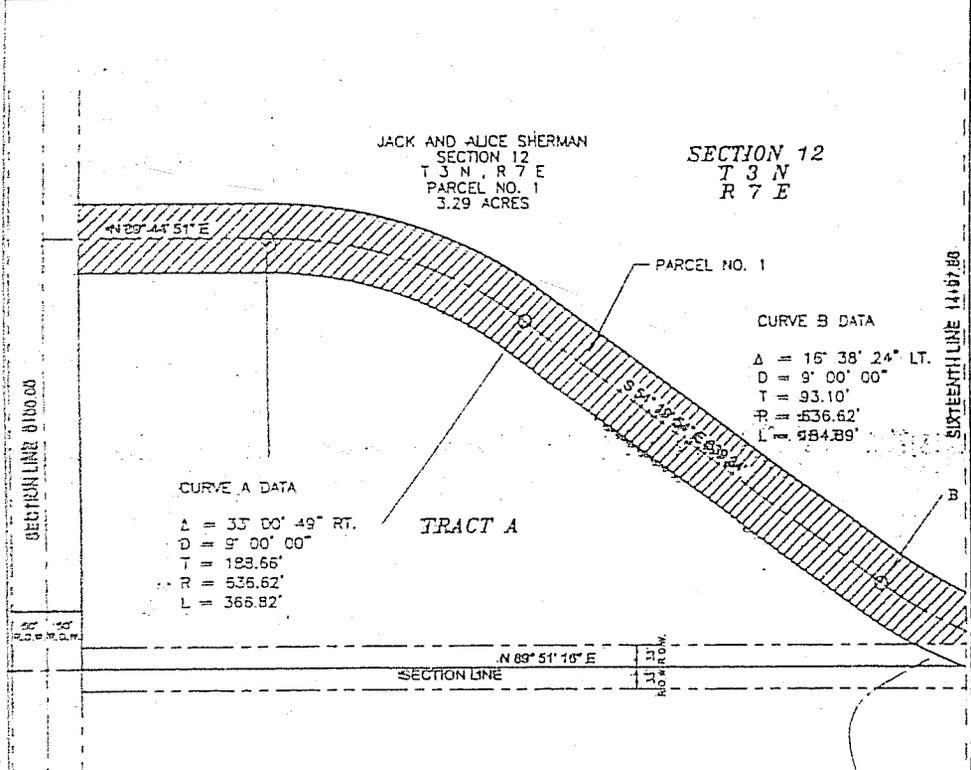
My Commission Expires Dec. 22, 2002

PLAT DRAWING

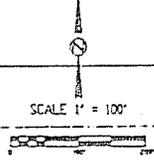
Showing a tract of land in the SW1/4SW1/4
of Section 12 - Township 3 North - Range 7
East of the 34th for construction of
Project No. 301-5799

MEADE COUNTY, SOUTH DAKOTA

SCALE 1" = 100'



SECTION 13
T 3 N
R 7 E



Drawn For	Project No.
Ernst Engineering, Inc.	434
Sturgis, South Dakota	301-5799
Drawn by	Date
John Paulson	May 17, 2021
Checked by	Date
John Paulson	May 17, 2021

SURVEYOR'S CERTIFICATE

JOHN PAULSON, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and my bearings, distances, and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 17th day of May, 2021

JOHN PAULSON
Registered Land Surveyor
South Dakota
2024

OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02363
County of Meade
Filed for record the 30th day of May, 2021 at 9:50 A.M. and recorded in Books of Plats 20 on Page 299 thereon

M/c [Signature] Register of Deeds by [Signature] Deputy

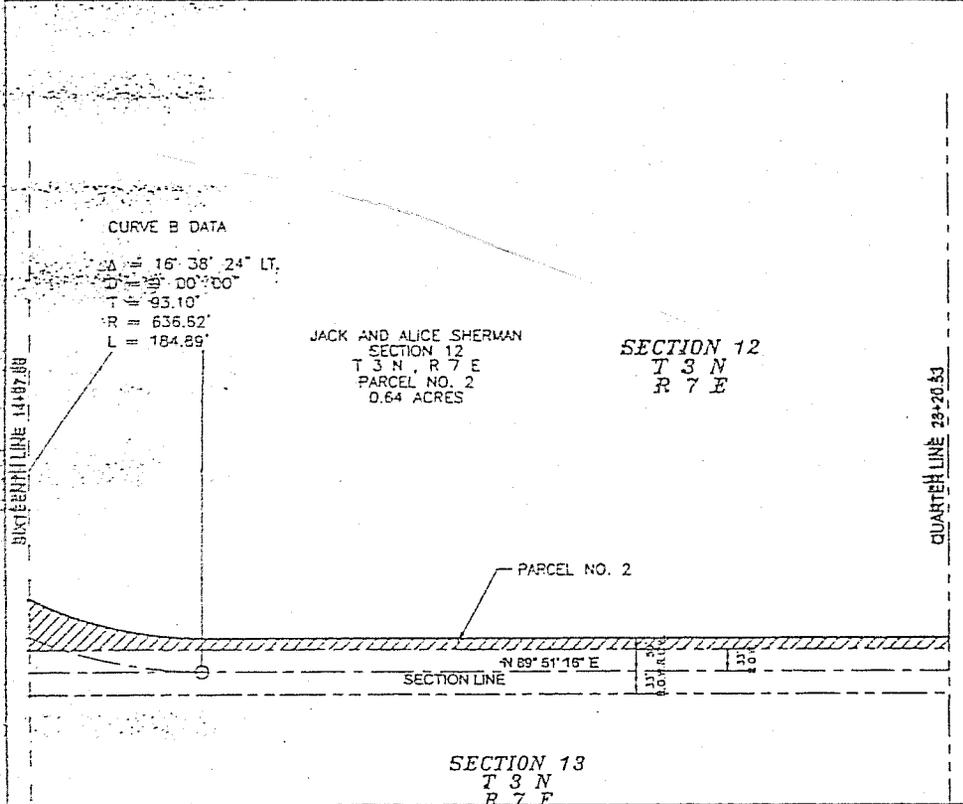
004206 MAY-18

PLAT DRAWING

Showing a tract of land in the SE1/4SW1/4
of Section 12 - Township 3 North - Range 7
East of the 8th M. for construction of
Project No. 501-5709

MEADE COUNTY, SOUTH DAKOTA

SCALE 1" = 100'



CURVE B DATA

CA = 16° 38' 24" LT.
CB = 15° 00' 00"
T = 93.10'
R = 636.52'
L = 184.89'

JACK AND ALICE SHERMAN
SECTION 12
T 3 N . R 7 E
PARCEL NO. 2
0.64 ACRES

SECTION 12
T 3 N
R 7 E

SECTION 13
T 3 N
R 7 E

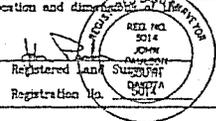
SCALE 1" = 100'

Drawn by	John Brown	Date	May 17, 2011
Checked by	John Paulson	Date	May 17, 2011

SURVEYOR'S CERTIFICATE

I, JOHN PAULSON Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as entered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and my control, and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 23rd day of May 2011



OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02364
County of Meade
Filed for record the 20th day of May 2011 at 9:51 A.M. and recorded in Books of Plats 20 on Page 202 therein



John Paulson
Register of Deeds

by

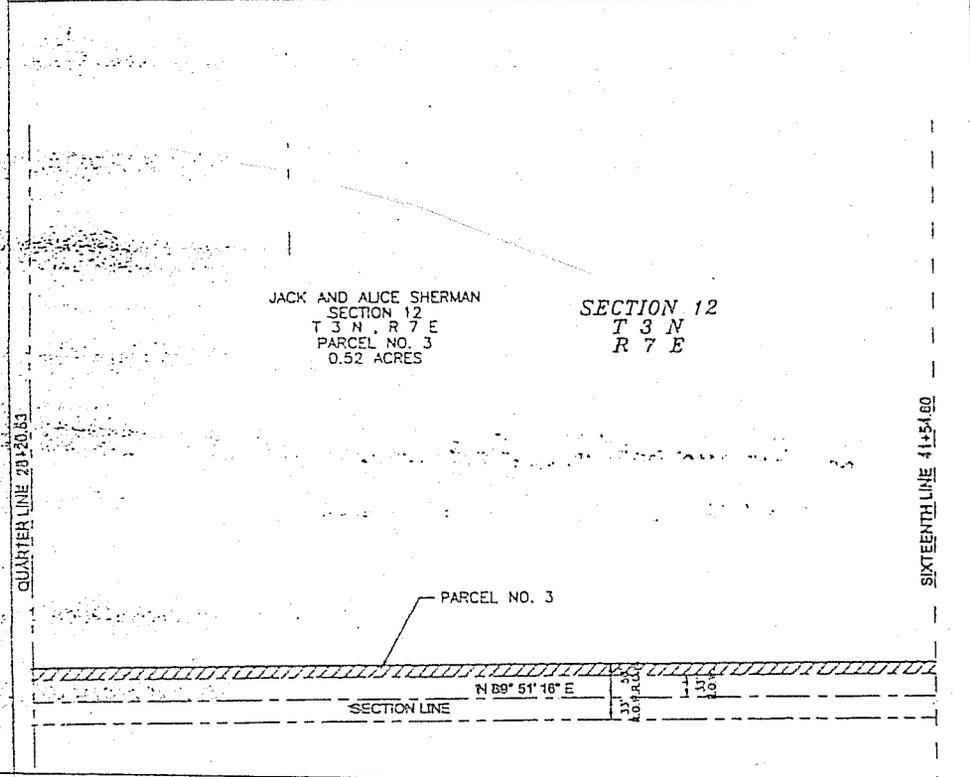
Deputy

004207 PR-18

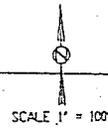
PLAT DRAWING

Showing a tract of land in the SW1/4SE1/4
of Section 12 - Township 3 North - Range 7
East of the 34th for construction of
Project No. 501-5709

MEADE COUNTY, SOUTH DAKOTA
SCALE 1" = 100'



SECTION 13
T 3 N
R 7 E

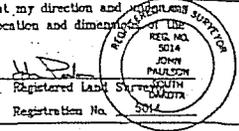


Robert Engineering Inc. P.O. Box 434
Sturgis, South Dakota
Drawn by Jerry Mudge Date May 17, 2001
Checked by John Paulson Date May 17, 2001

SURVEYOR'S CERTIFICATE

I, JOHN PAULSON, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and my control and each tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 23rd day of May, 2001



OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02265
County of Meade
Filed for record the 30th day of May, 2001 at 9:53 A.M. and recorded in Books of Plats 20 on Page 521 thereon.



Angela M. Rose
Register of Deeds

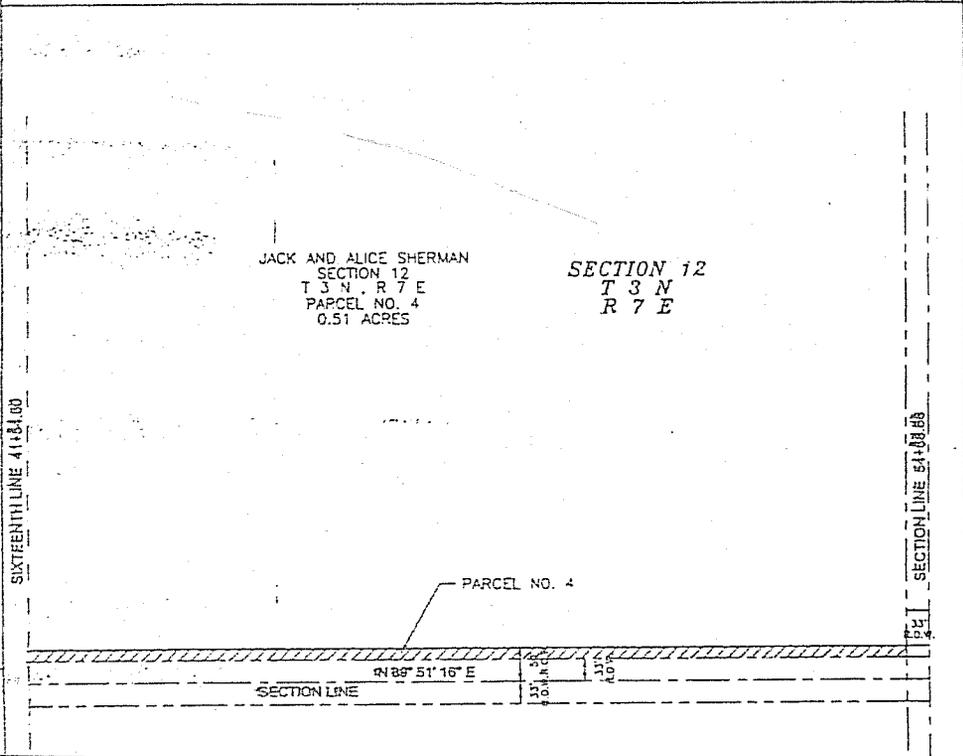
004208 RT-18

by _____ Deputy

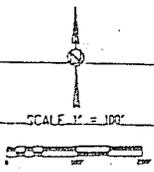
PLAT DRAWING

Showing a tract of land in the SE1/4SE1/4
of Section 12 - Township 3 North - Range 7
East of the R.M. for construction of
Project No. 201-5709

MEADE COUNTY, SOUTH DAKOTA
SCALE 1" = 100'



SECTION 13
T 3 N
R 7 E



Surveyor's License No.	
Ernst Engineering Inc.	Professional Seal
Sturgis, South Dakota	Professional Seal No. 247-272.A
Drawn by Jack Henge	Date May 17, 2001
Checked by John Paulson	Date May 17, 2001

SURVEYOR'S CERTIFICATE

I, JOHN PAULSON Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and control and each tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 23rd day of May 20 01

John Paulson
Registered Land Surveyor
Registration No. 2044

OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02366
County of Meade
Filed for record the 20th day of May 20 01 at 9:55 A.M. and recorded in Books of Plats 202 on Page 322 therein.

Angela M. Rose
Register of Deeds

by _____ Deputy

004 209 MAY -18

PLAT DRAWING

Showing a tract of land in the SE1/4SW1/4
of Section 7 - Township 3 North - Range 8
East of the B.M. for construction of
Project No. 501-5700

MEADE COUNTY, SOUTH DAKOTA

SCALE 1" = 100'

SIXTEENTH LINE 70-72.75

QUARTER LINE 70-67.37

FRED MCFARLAND
SECTION 7
T 3 N. R 8 E
PARCEL NO. 2
0.52 ACRES

SECTION 7
T 3 N
R 8 E

PARCEL NO. 2

SECTION LINE S 89° 38' 14" E

SECTION 18
T 3 N
R 8 E

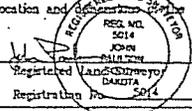
SCALE 1" = 100'

Drawn by	John Paulson	Date	May 17, 2001
Checked by	John Paulson	Date	May 17, 2001

SURVEYOR'S CERTIFICATE

I, JOHN PAULSON Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and my control and each tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 23rd day of May 2001



OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02363

Filed for record the 20th day of May 2001 at 9:55 A.M. and recorded in Books of Plats 20 on Page 204 therein



John Paulson
Register of Deeds

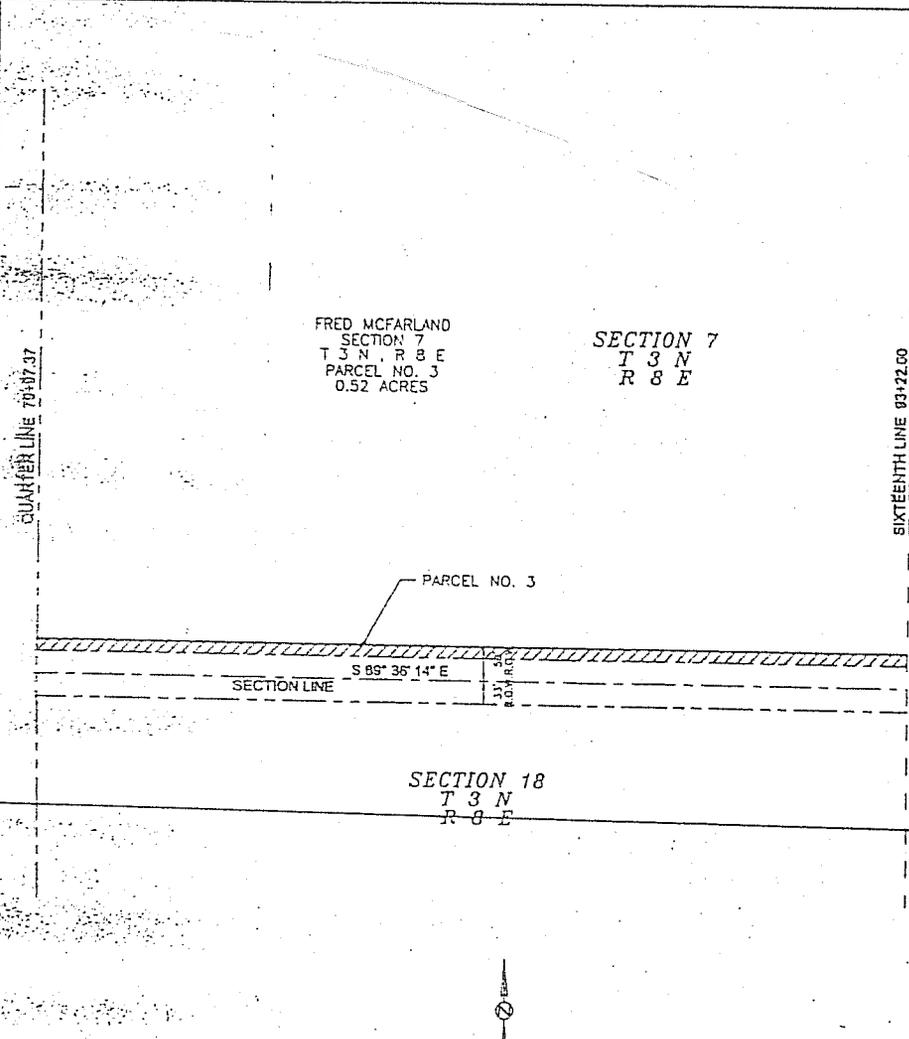
by _____ Deputy 004211 MAY-18

PLAT DRAWING

Showing a tract of land in the SW1/4SE1/4 of Section 7 - Township 3 North - Range 8 East of the B.M. for construction of Project No. SM-5708

MEADE COUNTY, SOUTH DAKOTA

SCALE 1" = 100'



FRED MCFARLAND
SECTION 7
T 3 N. R 8 E
PARCEL NO. 3
0.52 ACRES

SECTION 7
T 3 N
R 8 E

SECTION 18
T 3 N
R 8 E

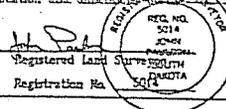
SCALE 1" = 100'

Mapas Prepared by
Bross Engineering Inc. P.O. Box 626
Sturgis, South Dakota Phone (605) 847-2222
Drawn by Mike Henge Date May 17, 2001
Checked by John Paulson Date May 17, 2001

SURVEYOR'S CERTIFICATE

I, JOHN PAULSON Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed at my direction and under my control and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof I have set my hand this 25th day of May 2001



OFFICE OF REGISTER OF DEEDS

State of South Dakota Doc # 02359

County of Meade

Filed for record this 30th day of May 2001 at 2:58 P.M. and recorded in Books of Plats 22 on Page 205 therein



Deborah M. Penn
Register of Deeds

by

Deputy

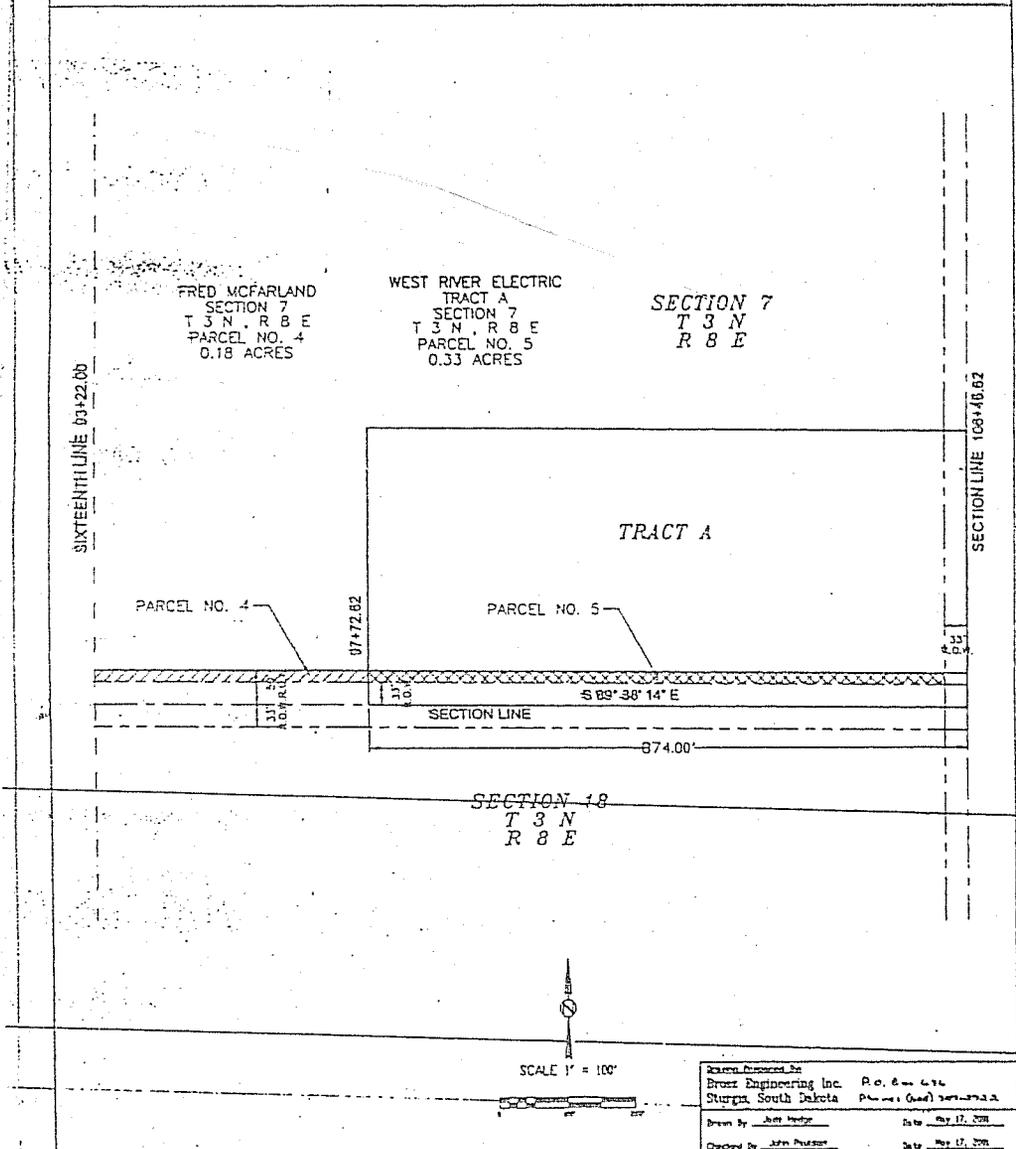
004212 MAY-18

PLAT DRAWING

Showing a tract of land in the SE1/4SE1/4
of Section 7 - Township 3 North - Range 8
East of the BHM for construction of
Project No. 501-5709

MEADE COUNTY, SOUTH DAKOTA

SCALE 1" = 100'

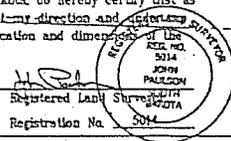


Drawn by	John Paulson	Date	May 17, 2001
Checked by	John Paulson	Date	May 17, 2001

SURVEYOR'S CERTIFICATE

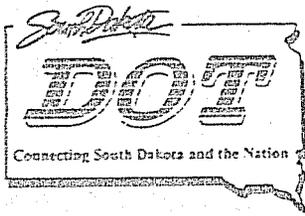
JOHN PAULSON, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the Meade County Commission the tract of land as shown on this plat has been surveyed in my direction and control, and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand this 17th day of May 2001



OFFICE OF REGISTER OF DEEDS

State of South Dakota #02370
County of Meade
Filed for record this 30th day of May 2001 at 10:11 A.M. and recorded in Books of Plats 20 on Page 504 thereon.
W/C [Signature] Register of Deeds by [Signature] Deputy.
004213 PLAT-1 R



Department of Transportation

Office of Legal Counsel

700 Broadway Avenue East
Pierre, South Dakota 57501-2586 605/773-3262
FAX: 605/773-3921

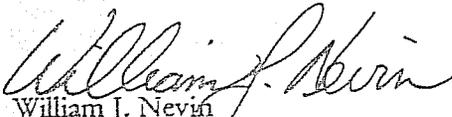
June 14, 2001

TO WHOM IT MAY CONCERN:

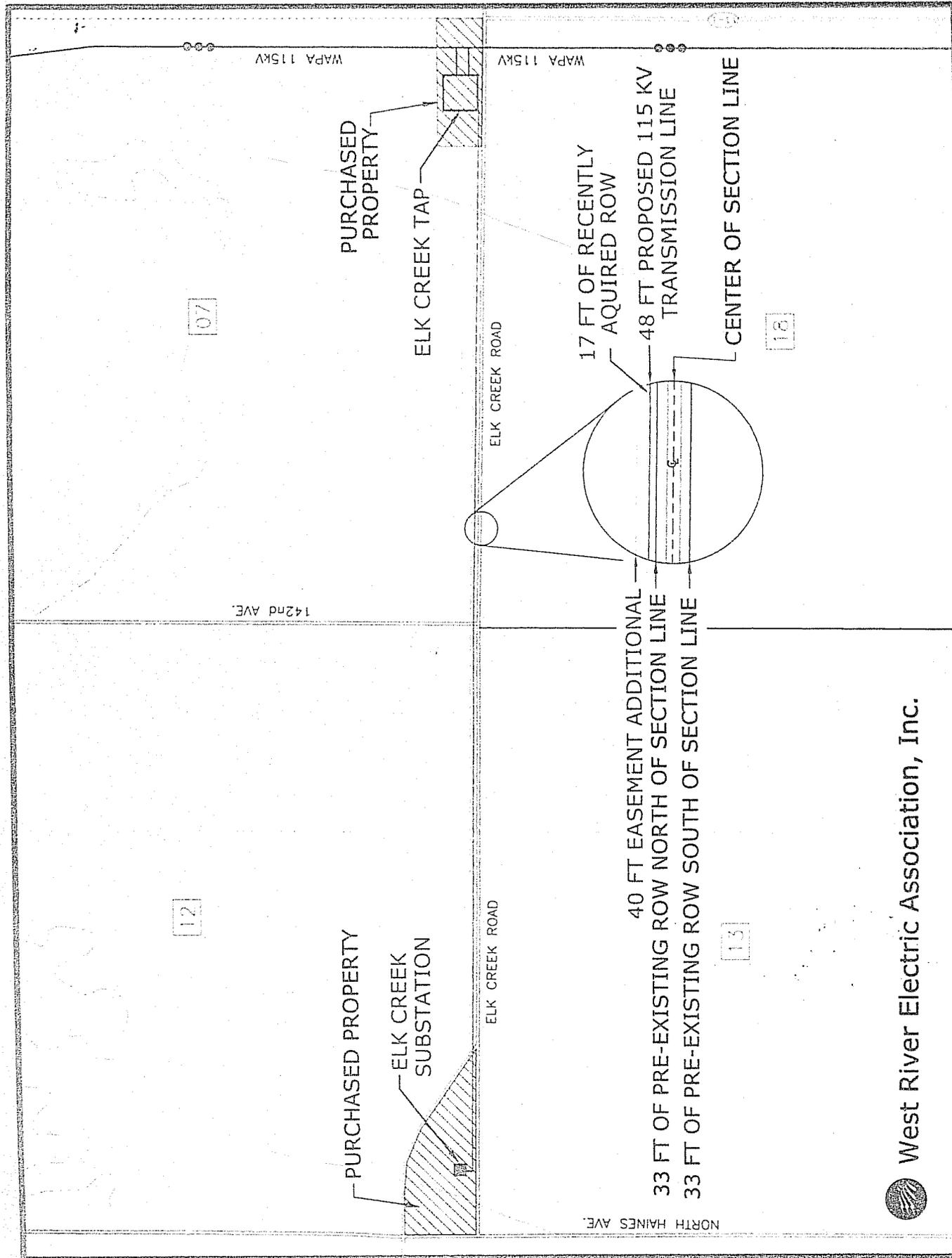
I have reviewed a Resolution of the Meade County Board of Commissioners, recorded plats and donation agreements concerning the acquisition of right-of-way for highway purposes by Meade County in Section 12, Township 3 North, Range 7 East of the B.H.M., and Section 7, Township 3 North, Range 8 East of the B.H.M. all in Meade County, South Dakota. Based on my review of the documents, it is my opinion that Meade County has done all things necessary to acquire as highway right-of-way the property described in those documents.

Very truly yours,

OFFICE OF LEGAL COUNSEL


William J. Nevin
Assistant Attorney General

WJN/jm



07

16

12

13

West River Electric Association, Inc.



EL 01-019

PUBLIC UTILITIES COMMISSION
OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION)
OF WEST RIVER ELECTRIC)
ASSOCIATION, INC. SEEKING A)
DETERMINATION AS TO WHETHER)
THE SOUTH DAKOTA PUC HAS)
JURISDICTION IN THIS INSTANCE AND)
SECONDLY IF PUC DETERMINES)
THAT IS HAS JURISDICTION TO THEN)
APPROVE WREA's REQUEST TO)
LOCATE A NEW 115 KV TRANSMISSON)
LINE NORTH OF RAPID CITY)

DOCKET NO. _____

RECEIVED

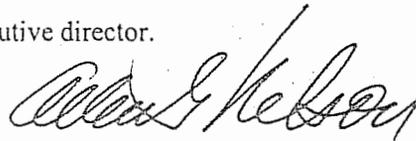
JUL 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

AFFIDAVIT OF SERVICE

STATE OF SOUTH DAKOTA)
)
COUNTY OF PENNINGTON)

Allen G. Nelson of Bangs, McCullen, Butler, Foye & Simmons, LLP, Rapid City, South Dakota, being duly sworn, says that on this 13th day of July, 2001, he served the Petition on Ms. Debra Elofson, Executive Director, Public Utilities Commission, 500 E. Capitol, Pierre, SD 57501, in the above-entitled action, by mailing the original and ten (10) copies enclosed in an envelope, postage prepaid, and by depositing same in the post office at Rapid City, South Dakota, directed to said executive director at Pierre, South Dakota, the last known address of said executive director.



Allen G. Nelson

Subscribed and sworn to before me this 13th day of July, 2001.



Karlene Larson

Notary Public
My Commission Expires: 3/25/2006

(SEAL)

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 12, 2001 through July 18, 2001

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Koibo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT01-029 In the Matter of the Complaint filed by Gayle G. Fountain, Flandreau, South Dakota, against Direct One Com.Long Distance Regarding Unauthorized Billing for Services.

Complainant states that her credit card was charged for unauthorized billing by Direct One Com.Long Distance. She states that she has never heard of the company and does not want their service. Complainant requests that the company not be allowed to do business in South Dakota, that the Commission fine Direct One for the harassment and fraud to the Complainant.

Staff Analyst: Mary Healy
Staff Attorney: Kelly Frazier
Date Filed: 7/12/01
Intervention Deadline: N/A

CT01-030 In the Matter of the Complaint filed by Kelli Fuhrmann, Pierre, South Dakota, against McLeodUSA Telecommunications Services, Inc., Regarding Delayed Installation.

Complaint alleges the delayed installation of phone lines is due to poor customer service, ineffective procedures and failure to communicate with her. Complainant alleges that the many delays in installation and the loss of phone services resulted in costs to the business. The complainant requests reimbursement for the costs associated with the delay and in improved customer service to include getting service in a more timely fashion and providing the customer with a written guideline of when service can be expected.

Staff Analyst: Charlene Lund
Staff Attorney: Kelly Frazier
Date Docketed: 07/12/01
Intervention Deadline: NA

CT01-031 In the Matter of the Complaint filed by S&S Communications and Les Sumption, Aberdeen, South Dakota, against MCI WorldCom Regarding Unauthorized Billing for Services.

The Complainants state that they were billed for unauthorized service by MCI WorldCom. The Complainants indicate that they ceased using MCI's T1s on or about May 31, 2001 and that the billing in dispute is for T1 service from July 7 through August 6, 2001. Complainants request \$1,000.00 for the unauthorized billing, that the invoice be ruled as invalid, and an imposition of a civil penalty.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 07/18/01
Intervention Deadline: N/A

CT01-032 In the Matter of the Complaint filed by S&S Communications and Les Sumption, Aberdeen, South Dakota, against MCI WorldCom Regarding Unauthorized Billing for Services.

The Complainants state that they were billed for unauthorized service by MCI WorldCom. The Complainants indicate that they ceased using MCI's long distance service several weeks prior to the issuing of the invoice and that the billing in dispute is for Toll Free Service from June 1 through June 25, 2001. Complainants request \$1,000.00 for the unauthorized billing, that the invoice be ruled as invalid, and an imposition of a civil penalty.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 07/18/01
Intervention Deadline: N/A

ELECTRIC

EL01-019 In the Matter of the Petition of West River Electric Association, Inc. Seeking a Determination as to Whether the Commission has Jurisdiction in this Instance and Secondly if the Commission Determines that it has Jurisdiction to then Approve West River Electric's Request to Locate a New 115 KV Transmission Line North of Rapid City.

West River Electric Association, Inc. (WREA) is proposing to construct a 115 kilovolt transmission line north of Rapid City, South Dakota. WREA has determined that it needs to obtain a 115 kilovolt power connection from Western Area Power Administration and run it into a switchyard where WREA would then take the 115 kilovolt line out of the switchyard and run it approximately 2 miles to a distribution substation. WREA is seeking a determination from the Commission as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a South Dakota Public Utilities Commission permit.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 07/16/01
Intervention Deadline: N/A

TELECOMMUNICATIONS

TC01-093 In the Matter of the Filing for Approval of Transfer of Certificates of Authority from OneStar Long Distance, Inc. and CRG International, Inc. to OneStar Communications, LLC.

Application by OneStar Long Distance, Inc. and CRG International, dba Network One, to transfer their Certificates of Authority to operate as telecommunications companies in South Dakota to OneStar Communications, LLC. OneStar Communications, LLC also requests a waiver of certain Administrative Rules which require authorization by customers for a change in telecommunications providers.

Staff Analyst: Dave Jacobson
Staff Attorney: Kelly Frazier
Legal Intern: Sarah Sharp
Date Filed: 07/17/01
Intervention Deadline: 08/03/01

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

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

IN THE MATTER OF THE PETITION OF WEST)
RIVER ELECTRIC ASSOCIATION, INC.)
SEEKING A DETERMINATION AS TO)
WHETHER THE COMMISSION HAS)
JURISDICTION IN THIS INSTANCE AND)
SECONDLY IF THE COMMISSION)
DETERMINES THAT IT HAS JURISDICTION)
TO THEN APPROVE WEST RIVER)
ELECTRIC'S REQUEST TO LOCATE A NEW)
115 KV TRANSMISSION LINE NORTH OF)
RAPID CITY)

**ORDER DETERMINING
JURISDICTION**

EL01-019

On July 16, 2001, the South Dakota Public Utilities Commission (Commission) received a Petition from West River Electric Association, Inc. (WREA) seeking a determination as to whether the Commission has jurisdiction in this instance and secondly if the Commission determines that it has jurisdiction to then approve WREA's request to locate a new 115 kV transmission line north of Rapid City, South Dakota. According to the filing, WREA is proposing to construct a new 115 kV electric transmission line source from the existing Western Area Power Administration substation. WREA has determined that it needs to obtain a 115 kilovolt power connection from Western Area Power Administration and run it into a switchyard where WREA would then take the 115 kilovolt line out of the switchyard and run it approximately 2 miles to a distribution substation. The proposed line will be built with single pole structures and the entire line follows the section lines of the property involved. WREA is seeking a determination from the Commission as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a South Dakota Public Utilities Commission permit.

On August 16, 2001, at its regularly scheduled meeting, the Commission considered the matter. The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-41B, specifically, 49-41B-2.1(2) which states that a 115 kV transmission line is subject to the Commission's siting jurisdiction "if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads or is not reconstruction or modification of existing transmission lines and existing associated facilities located on abandoned railroad rights-of-way." The Commission finds that the proposed project does not meet the definition of a transmission line and associated facility and therefore is not subject to the Commission's siting jurisdiction. It is therefore

ORDERED, that the WREA's proposed 115 kV transmission line is exempt from the Commission's siting jurisdiction because the entire line will follow the section lines of the property involved.

Dated at Pierre, South Dakota, this 22nd day of August, 2001.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By Neilina Kalka

Date 8/23/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner