

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

IN THE MATTER OF THE	)	DOCKET NO. HP14-002
APPLICATION OF DAKOTA ACCESS,	)	
LLC FOR AN ENERGY FACILITY	)	SOUTH DAKOTA ASSOCIATION
PERMIT TO CONSTRUCT THE	)	OF RURAL WATER SYSTEMS, INC.
DAKOTA ACCESS PIPELINE	)	POST TRIAL BREIF

COMES NOW the South Dakota Association of Rural Water Systems, Inc. (SDARWS), by and through its attorney, Margo Northrup of Riter, Rogers, Wattier and Northrup, LLP and submits this Post Trial Brief and Proposed Findings of Fact and Conclusions of Law in the above referenced matter. SDARWS is a statewide nonprofit organization that is comprised of nonprofit rural water systems, water user districts, sanitary districts and affiliated organizations. Our members provide quality drinking water to the citizens of the State of South Dakota and SDARWS is dedicated to maintaining the quality of that drinking water.

Seven of our member nonprofit rural water systems are impacted by the pipeline proposed by Dakota Access Pipeline (DAPL). The seven rural water systems are as follows: WEB Water Development Association, Mid Dakota Rural Water System, Inc., Kingbrook Rural Water System, Minnehaha Community Water Corporation, Lincoln County Rural Water System, South Lincoln Rural Water System, and Lewis & Clark Regional Water System (Lewis & Clark). Of these seven rural water systems, six have entered into agreements with DAPL to either relocate or modify their existing waterlines to accommodate the pipeline. One system has not entered into an agreement.

**LEWIS & CLARK**

Lewis & Clark has not entered into a crossing agreement with DAPL. The waterline at issue for Lewis & Clark is the 54 inch pipe which is the backbone of its system. It supplies

almost half of the water to the City of Sioux Falls and many of the surrounding communities. A rupture to this waterline could be catastrophic to the citizens of South Dakota.

Lewis & Clark has an exclusive easement on the property for which this crossing will take place. As Troy Larson testified to at the Trial, Lewis & Clark is very concerned that its issues are addressed by DAPL before the project proceeds. There are many engineering concerns and other concerns that need to be addressed.

In accordance with SDCL 49-41B-22, DAPL has the burden of proof to establish the facility will not substantially impair the health, safety or welfare of the inhabitants. Lewis & Clark submits that until a crossing agreement is resolved between Lewis & Clark and DAPL, DAPL cannot meet this burden of proof.

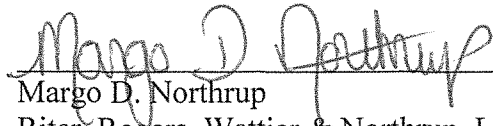
#### OTHER PROCEDURAL MATTERS

Another issue that arose during the course of the hearing was the insurance liability limits available to DAPL in the event of a catastrophic spill. The City of Sioux Falls made an oral Motion to Compel this information in which DAPL objected to. SDARWS formally joins in the Motion to Compel this information.

#### CONCLUSION

It is imperative to the citizens of the State of South Dakota that we maintain the integrity of the drinking water of South Dakota. To further this goal, SDARWS and Lewis & Clark is requesting that the DAPL permit be conditioned on DAPL entering into a signed crossing agreement with Lewis & Clark that addresses the various concerns of Lewis & Clark regarding the crossing. Lewis & Clark is further requesting that its Proposed Findings of Fact and Conclusions of Law be incorporated into a final Order.

Dated this 6th day of November, 2015.

A handwritten signature in cursive script, reading "Margo D. Northrup", is written over a solid horizontal line.

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