

BEFORE THE PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION
OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO
CONSTRUCT THE DAKOTA ACCESS
PIPELINE

HP14-002

**PRE-FILED TESTIMONY OF
Marilyn Jean Murray**

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF Minnehaha

Marilyn Jean Murray, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Marilyn Jean Murray

1416 S. Larkspur Trl.

Sioux Falls, SD 57106

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

4/26/1883 Land was Homesteaded by Philip Eichhorn-
He was given a Patent (deed) September, 1887.

4-16-1896 sold to Paul Nichel for \$1800.

2/28/1920 Quit claim deed from Rose (daughter of Paul and Sophia Nichel) & Milo Hoffman to Sophia Nichel.

4/23/1923 Sophia Nichel sold to Gilbert Schoffelman for \$18,000. \$112.50 per acre –

8-1-1930 Upon Gilbert's death distribution to heirs in 1931 – Dora (wife) 1/3 and to children remaining 2/3 rds (John, Hilda, Aldrich, Henry, Elmer, Laura, Esther)

10-27-1947 Dora Schoffelman sold 1.02 acres (Lot H1) to the state of South Dakota for roads.

4-23-1959 Upon Elmer's death his share was conveyed to his mother (Dora).

6/11/1959 John Schoffelman purchased from his siblings and his mother for \$37,840 - \$236.50 per acre.

12/4/1959 – John added Leona's name

5/18/2004 – termination of Leona's name on deed due to death

3/23/2004 – John deeded to children - Janice Petterson, Mavis Parry, Linda Goulet, Corliss Wiebers, Shirley Oltmanns, Marilyn Murray & Kevin Schoffelman w/John having Life Estate

4/13/2012 – Termination of John's Life Estate

The question of whether farming will be continued by future generations remains to be determined.

Tillable acres will probably continue to be leased for row-crop farming and pasture acres for cash rent for several years. However discussions have taken place for development of the land starting with the 3 building eligibilities.

Please describe your current farming operations.

The tillable acres are farmed by Jerry and Bill Crevier and the pasture is rented by Scott Daggett.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

Based on the most recent maps by Dakota Access and flags placed in the road ditch, the pipeline would enter the NW corner going to the SE corner cutting diagonally across the entire farm. This area includes crop production land as well as pasture.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

Approximately 300 yards to the nearest building and 340 yards to the well.

It is planned to go under the creek which drains the watershed NW of Tea and flows into the Sioux River.

The pipeline would cross the easement held by South Lincoln Rural Water.

As stated previously it would cross the grazing area.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

The land is drain tiled, some of which is clay.

Open Waterway ditch running south on east side of property.

It currently has 3 housing eligibilities with potential for additional future longer term development since Highway 17 runs on the west side of the property.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

Initially, no access for daily operations on cropland on south half of property. Natural waterways blocked and would need to be reconstructed. The tillable acres won't produce the same and the quality of the pasture will be impaired.

Future development potential diminished due to restrictions of building on pipeline and lack of desire for homeowners to live near pipeline. There is currently an existing housing development ½ mile NE of our farm, located outside of the City of Tea as well as a second development planned (zoning has been changed to agriculture/residential) ½ mile directly north of our farm. These developments are outside of the City of Tea growth plan. Just because a particular city doesn't have these affected areas in their growth plan, doesn't mean they won't be developed – unless of course pipeline easements restrict the development.

Has your farmland been improved with drain tile? If so, please describe whether you are concerned that pipeline construction may damage and impair the drain tile performance and investment.

Yes, it has been drain tiled and parts of it are clay tile. I am concerned that the tile may crumble by excavating the ground near it, construction equipment going over it or by additional underground pressure from settling afterwards.

Do you believe that the Dakota Access Pipeline will pose a threat of serious injury to the environment or the inhabitants within the siting area? If so, why?

Yes. Ruptures, oil leaks, environmental damages in the future. As steward of the land our obligation is for also for future generations.

In February, the Wall Street Journal compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive. This was introduced December 11, 2104 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

Do you believe that the Dakota Access Pipeline will substantially impair the health, safety and welfare of the inhabitants of the siting area? If so, why?

Watershed damage as East Beaver Creek drains the Watershed North and West of Tea and flows through our farm, eventually into the Big Sioux River and then the Missouri. Will eliminate the potential for future development due to people not wanting to reside near an oil pipeline.

Have you been sued by Dakota Access Pipeline to compel court ordered access to your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority (i.e., state statute) supporting its claim that you have no right to exclude Dakota Access from your land at the time of said lawsuit? and (2) Have you incurred legal fees in defending against this lawsuit?

Yes- I have been sued.

No- Dakota Access has not provided any legal authority (state statute).

Yes- I have incurred legal fees.

Please state any other concerns you have regarding the Dakota Access Pipeline.

The fact that their plan is to run the pipeline through Minnehaha and Lincoln county shows total disregard for the welfare of our state, it's inhabitants and the future development in the this area. I'm concerned it will lower my property value.

Would you be available to present testimony and respond to questions during the formal hearing scheduled for September 29 through October 8, 2015?

No.

Does that conclude your testimony?

Yes.

Marilyn Jean Murray

Subscribed and sworn before me this 18th day of June, 2015.

Christie L Stewart

Notary Public – South Dakota

My Commission Expires: 9-7-17

<SEAL>

