

EL98-017

DOCKET NO. _____

IN THE MATTER OF THE FILING BY
CORNING CLARK ELECTRIC
COOPERATIVE, INC. AND THE CITY
OF WATERTOWN, SOUTH DAKOTA
FOR APPROVAL OF AGREEMENT TO
ACCEPT ASSIGNED SERVICE AREA

Public Utilities Commission of the State of South Dakota

MEMORANDA

*See on Schedule;
See on Schedule to Agreement Suggesting Assigned Service Area;
See on Schedule Suggesting Changes in Service Area;
See on Schedule.*

MUNICIPAL UTILITIES DEPARTMENT

RECEIVED

500 South Center Boulevard

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6138

FAX (605) 882-6138

APR 24 1998

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Mr. William Gullard, Jr.
Executive Director
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-2070

April 20, 1998

Re: ~~Map 98-02~~ Agreement to Modify Assigned Service Area
Between Codington Clark Electric Cooperative
and the City of Watertown

Dear Mr. Gullard:

On February 8, 1998, the Public Utilities Commission approved the
above referenced Agreement allowing the modification of electric
service areas between Codington Clark and Watertown.

As a part of the Order approving the Agreement, we were to file
all future boundary changes with the Commission, and we have just
realized that we inadvertently have forgotten to do so.

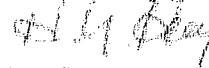
Attached for the Commission files, please find information on the
following four accretions to the City of Watertown resulting in
boundary changes between the parties:

- 1) Green Addition to the City of Watertown, located in
Sec 1, T117N, R52W, Codington County
- 2) Hawthorne Addition to the City of Watertown, located
in Sec 20, T117N, R52W, Codington County
- 3) River Ridge Estates Addition to the City of Watertown,
located in Sec 19, T117N, R52W, and Sec 24, T117N,
R52W, Codington County
- 4) Pleasant Ridge Addition to the City of Watertown,
located in Sec 14, T117N, R52W, Codington County

We apologize for the oversight in not filing these changes. None
of the boundary changes has resulted in wasteful or unnecessary
expansion of facilities or services, and the Agreement
continues to serve the parties well. We pledge to keep the
Commission up to date on all future boundary changes as they
occur.

If you should have any questions or require any further
information on this matter, please let us know.

Sincerely,



H. G. HEIG
Supt. of Utilities

WGH:jap

WGH

cc: Gene Ford, Manager

Codington Clark Electric Coop

RESOLUTION NO. Y-1002

A RESOLUTION ANNEXING PROPERTY TO THE CITY OF WATERTOWN, SOUTH DAKOTA:

WHEREAS, Ina C. Kahnke, of Watertown, South Dakota, is the owner of all the following described property:

The Northeast 1/4 of that part of the plat entitled: "Railroad Addition to Sections 2, 3 and 4, Township 116 North, Range 53 West of the 1st Principal Meridian, Codington County", located in Section 3, Township 116 North, Range 53 West of the 1st Principal Meridian, Codington County, South Dakota.

and

The East 1/4 of the Northeast Quarter of Section 3, Township 116 North, Range 53 West of the 1st P.M., Codington County, South Dakota, less the North 60 feet and the South 60 feet of the West 128 feet of the East 1/4 of the said Northeast Quarter, and subject to highway easements of reg. visible or recorded easements and reservations of record, if any.

AND WHEREAS the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City, pursuant to Section 7-4-1 SDCL 1987 and acts amendatory thereof, and

WHEREAS, there are no legal voters residing on the said property and that the property being annexed is contiguous to the City of Watertown and should be annexed thereto.

BEFORE WHEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, that the Petition of Ina C. Kahnke, by Virgil Olson, Sr., her agent, be and the same is hereby approved and the property therein described is hereby declared to be annexed to the City of Watertown, South Dakota, and that the said area be zoned R-4, under the zoning ordinances of the City of Watertown.

The above and foregoing Resolution was moved for adoption by Alderwoman Jack, seconded by Alderman Singrey, and upon roll call all voted aye whereupon the Mayor declared the resolution to be duly passed and adopted.

Dated at Watertown, South Dakota this 6th day of March, 1995.

Brenda S. Barger
Mayor

ATTEST:

Frank S. Tschak
Clerk

WITNESSES:

Section 1, Township 118 North, Range 33 West of the 3rd Principal Meridian in the County of Cookston, located in Section 1, Township 118 North, Range 33 West of the 3rd Principal Meridian, Cookston County, South Dakota.

The East 1219.7 feet of the Northwest Quarter of Section 1, Township 118 North, Range 33 West of the 3rd Principal Meridian, Cookston County, South Dakota, more the North 62.7 feet and also the West 122 feet of the East 1219.7 feet of the South 90 feet thereof, and subject to Highway Right-of-Way, visible or recorded easements and reservations of record.

Legal Description

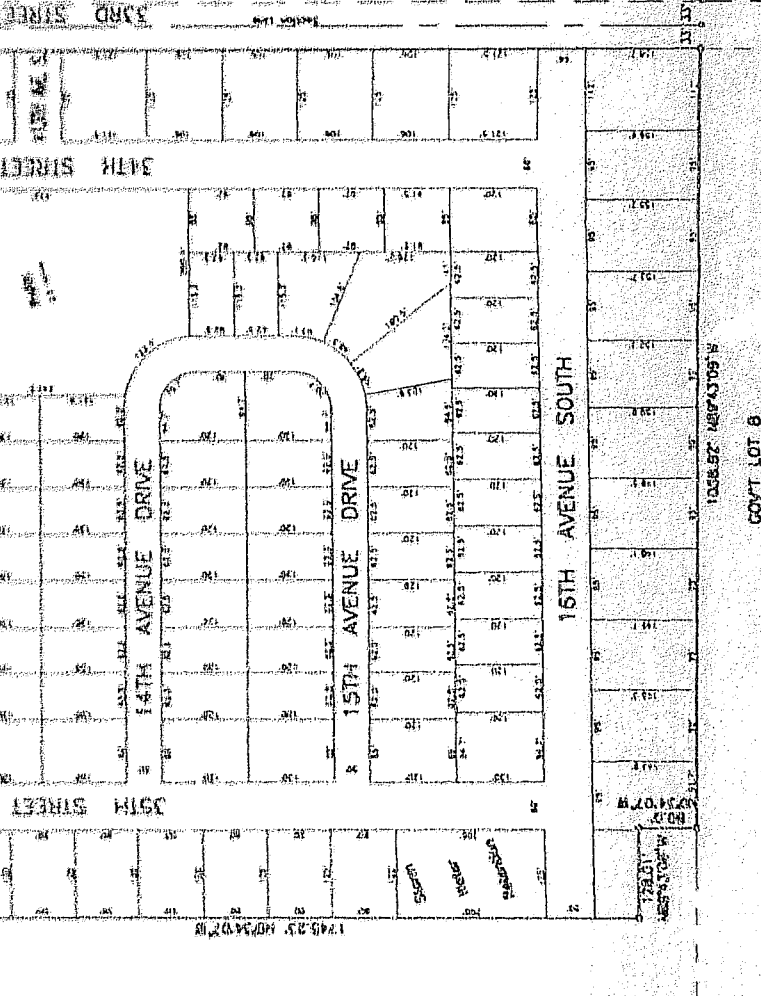
The East 1219.7 feet of the Northwest Quarter of Section 1, Township 118 North, Range 33 West of the 3rd Principal Meridian, Cookston County, South Dakota, more the North 62.7 feet and also the West 122 feet of the East 1219.7 feet of the South 90 feet thereof, and subject to Highway Right-of-Way, visible or recorded easements and reservations of record.

Tract Contains 49.38 Acres more or less

Double Widens 72 Lots

Single Widens 82 Lots

Total Lots 154 Lots



U.P.S.
BUILDING
SITE

1374 AVENUE SOUTH

1374 AVENUE DRIVE

1374 AVENUE DRIVE

1374 AVENUE DRIVE

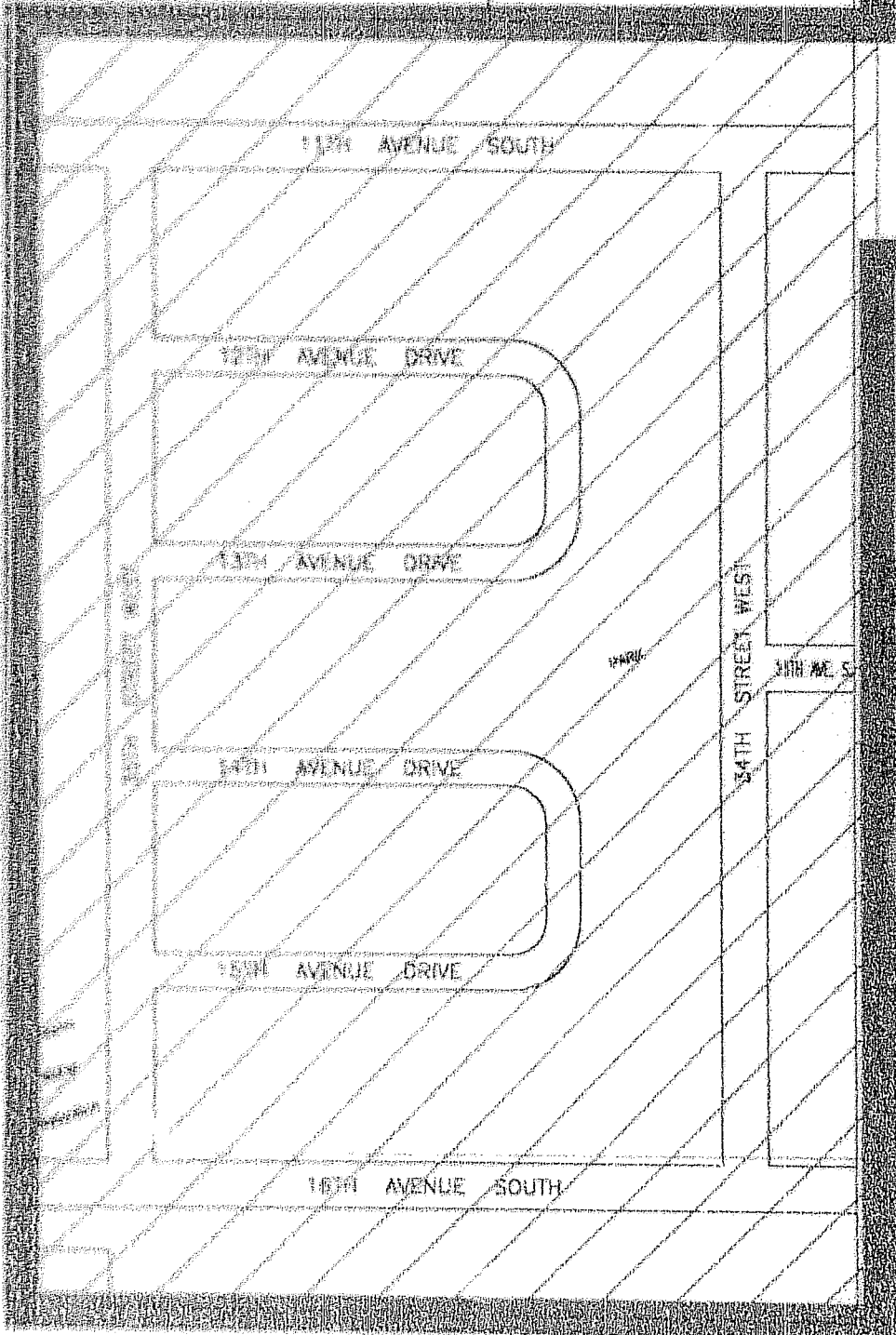
1374 AVENUE DRIVE

1374 AVENUE SOUTH

34TH STREET WEST

1374 AVENUE SOUTH

PARK



RESOLUTION NO. Y-3046

INTRODUCED BY THE CITY PLAN COMMISSION
 A RESOLUTION TO ANNEX PROPERTY TO THE
 MUNICIPALITY OF WATERTOWN, SOUTH DAKOTA:

WHEREAS, John/Tucker L.L.C., the sole owner of the Southwest Quarter, less the North 10 Rods thereof, of Section 20, Township 117 North, Range 52 West of the P.M., in Codington County, South Dakota, has petitioned the City Council of the Municipality of Watertown, South Dakota to annex that property (less Lots 1 through 5 of Northridge Addition to the Municipality of Watertown, in the County of Codington, which has already been platted and annexed to the Municipality of Watertown, South Dakota pursuant to SDCL 5-4-1, and

WHEREAS, there are no registered voters residing within this territory and this territory is contiguous to the Municipality of Watertown, South Dakota; and

WHEREAS, the City Plan Commission of the Municipality of Watertown, South Dakota has reviewed the petition and examined the territory and found the Petition for Annexation to be lawful and proper in all respects, and has recommended approval thereof.

AND, THEREFORE, BE IT RESOLVED by the City Council of the Municipality of Watertown, South Dakota, that the Petition for Annexation submitted by John/Tucker L.L.C is hereby approved, and the Southwest Quarter, less the North 10 Rods thereof, of Section 20, Township 117 North, Range 52 West of the Fourth P.M., Codington County, South Dakota (less Lots 1 through 5 of Northridge Addition to the Municipality of Watertown, in the County of Codington, which has already been platted and annexed) is hereby annexed to the Municipality of Watertown, South Dakota.

Passed at Watertown, South Dakota this 16th day of January, 1996.

The above and foregoing Resolution was moved for adoption by Alderman Betsy, seconded by Alderman McBeek, and upon roll call, all voted aye, whereupon the Mayor declared the same to be duly passed and adopted.

ATTEST:

John D. Tucker, CPA
 Finance Director

Brenda S. Barger
 Mayor

Publish: January 27, 1996

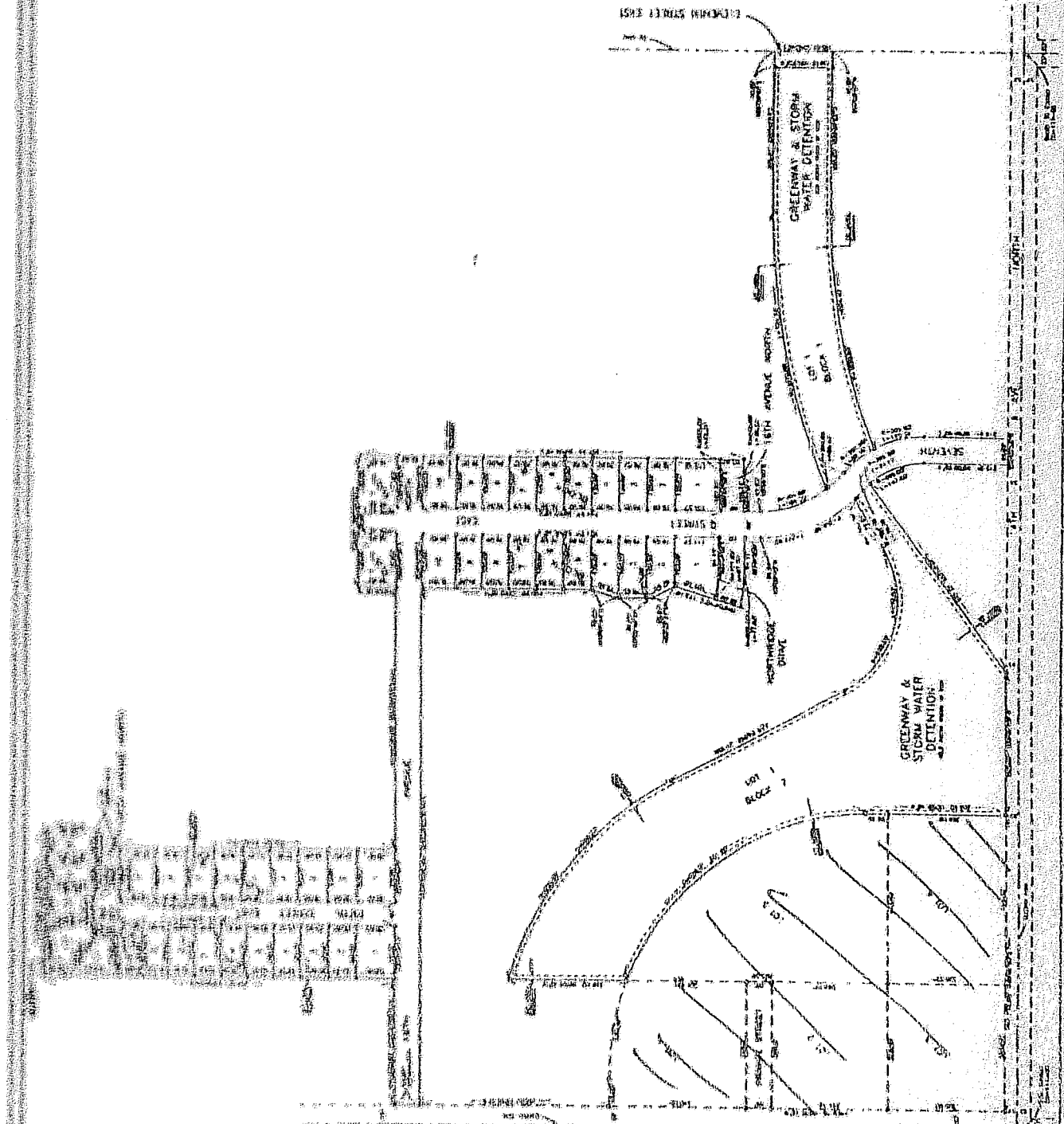
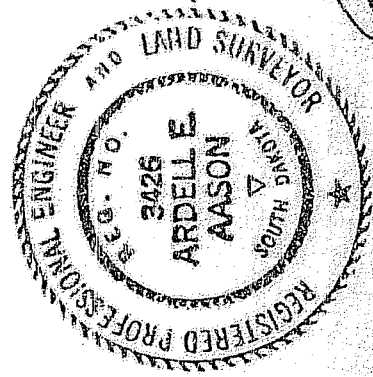
Vertical text on the left margin, possibly a title or reference.

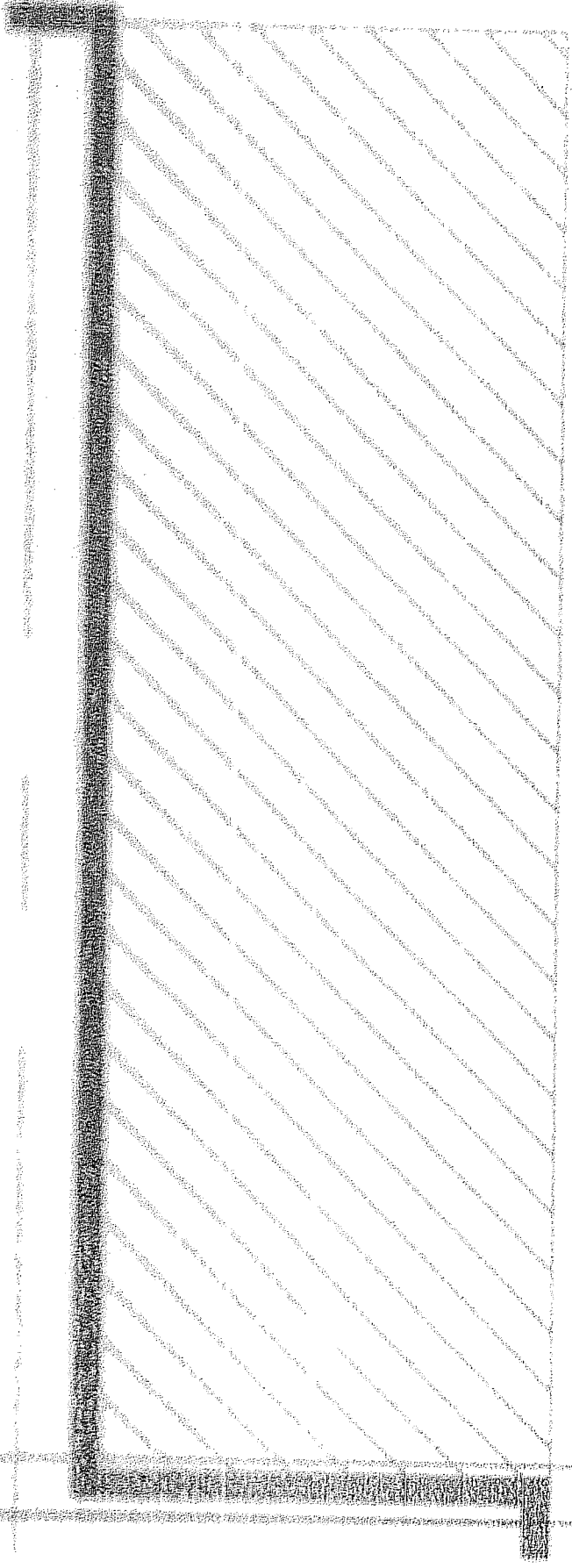
Vertical text on the left margin, possibly a title or reference.



Vertical text on the right margin, possibly a title or reference.

Handwritten signature or name in the top right corner.





431 STREET EAST
L.S. H.W. 41

RESOLUTION NO. Y-3065

A RESOLUTION ANNEXING PROPERTY TO THE CITY OF WATERTOWN, SOUTH DAKOTA:

WHEREAS, the owners of all of the following described property:

Tract I

The South One Thousand Six Hundred Feet (1600') of the Northwest Quarter of Section 19, in Township 141 South, of Range 33 West of the Fifth Principal Meridian in Codington County, South Dakota.

Tract II

The South One Thousand Six Hundred Feet (1600') of all that part of the Northeast Quarter of Section 24, Township 141 North, Range 33 West of the Fifth P.M., lying East of the Right of Way of the St. Paul, Minneapolis and Manitoba Railway Company (now Great Northern Railroad), less the North 315 Feet thereof, Codington County, South Dakota.

and whereas the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City, pursuant to Section 9-4-1, together with the following property, a dedication hereby by operation of state statute:

Tract III

The road right-of-way extending North from the North Boundary of 2nd Street NW, in the City of Watertown, Codington County, South Dakota to that point along the East boundary of Tract I, to the northernmost point of said Tract, as dedicated by operation, maintenance and control of the political subdivisions of the State of South Dakota in which it lies, or otherwise dedicated by action of the county Commission of the County of Codington, South Dakota

and

WHEREAS, there are no legal voters residing on the said property and that the property being annexed is contiguous to the City of Watertown and should be annexed thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, that the Petition on said property by the record owners, be and the same is hereby approved and the property above-described is hereby declared to be annexed to the City of Watertown, South Dakota, and

(1) That the said area be zoned A-1, under the zoning ordinance of the City of Watertown, and shall continue to be so zoned until a master plan for development is submitted and approved by the Planning Commission or City Council; and

(2) That no building permits shall be issued on Tract I and Tract II until a master plan for development is submitted and approved by the Planning Commission.

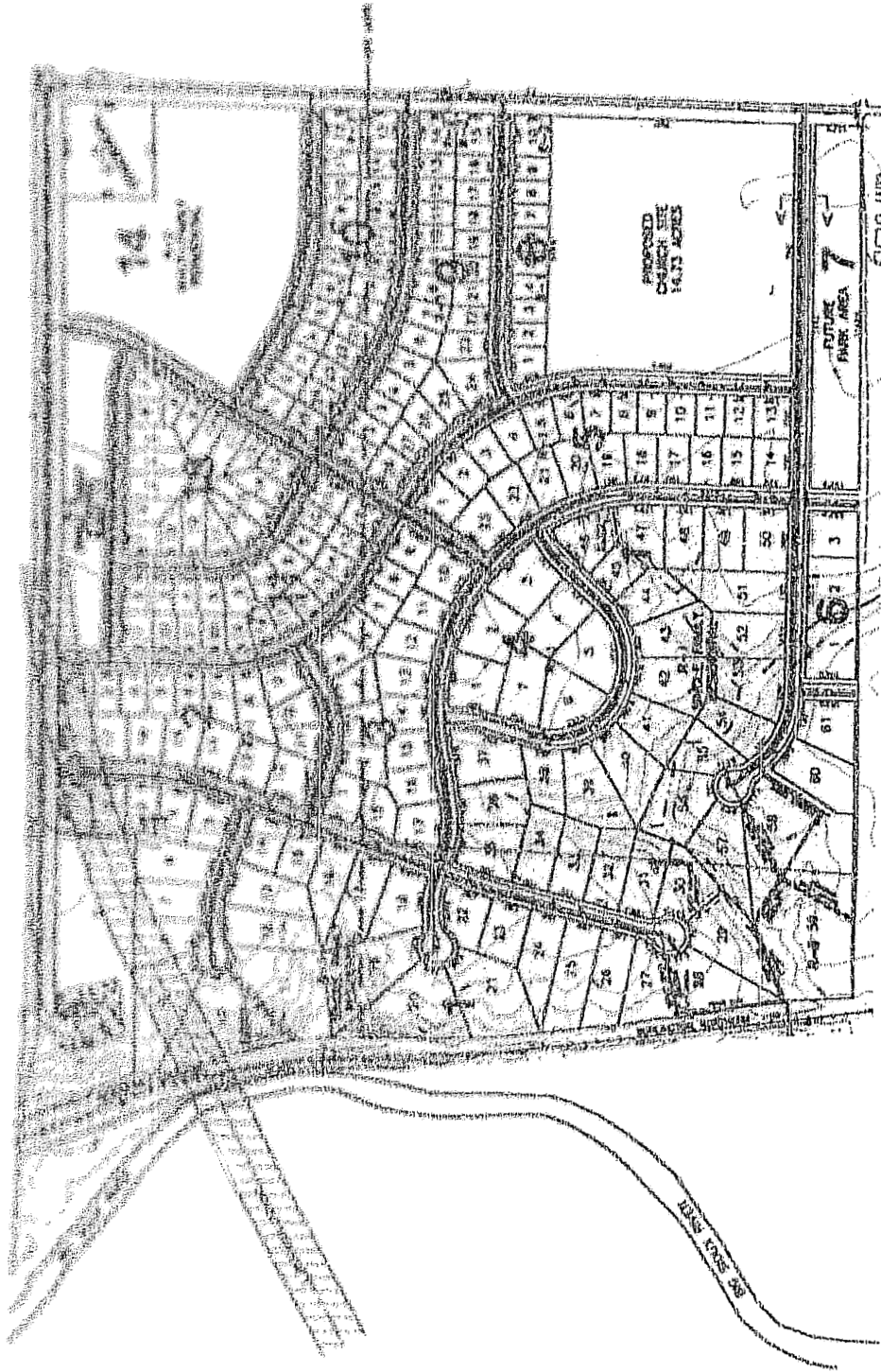
The above and foregoing Resolution was moved for adoption by Alderman Urban, with the condition that it be subject to the appropriate dedication of park property under the City Ordinance, seconded by Alderman Nygaard, and upon roll call all voted aye, whereupon the Mayor declared the same to be duly passed and adopted.

Passed at Watertown, South Dakota, this 1st day of July, 1996.

ATTEST:

Terry G. Surtak, CPA
 Planning Officer

Brenda S. Barger
 Mayor

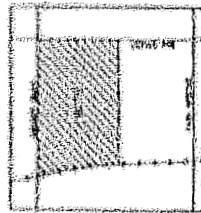


REVISIONS: (None)

DATE: 10/15/03

BY: [Signature]

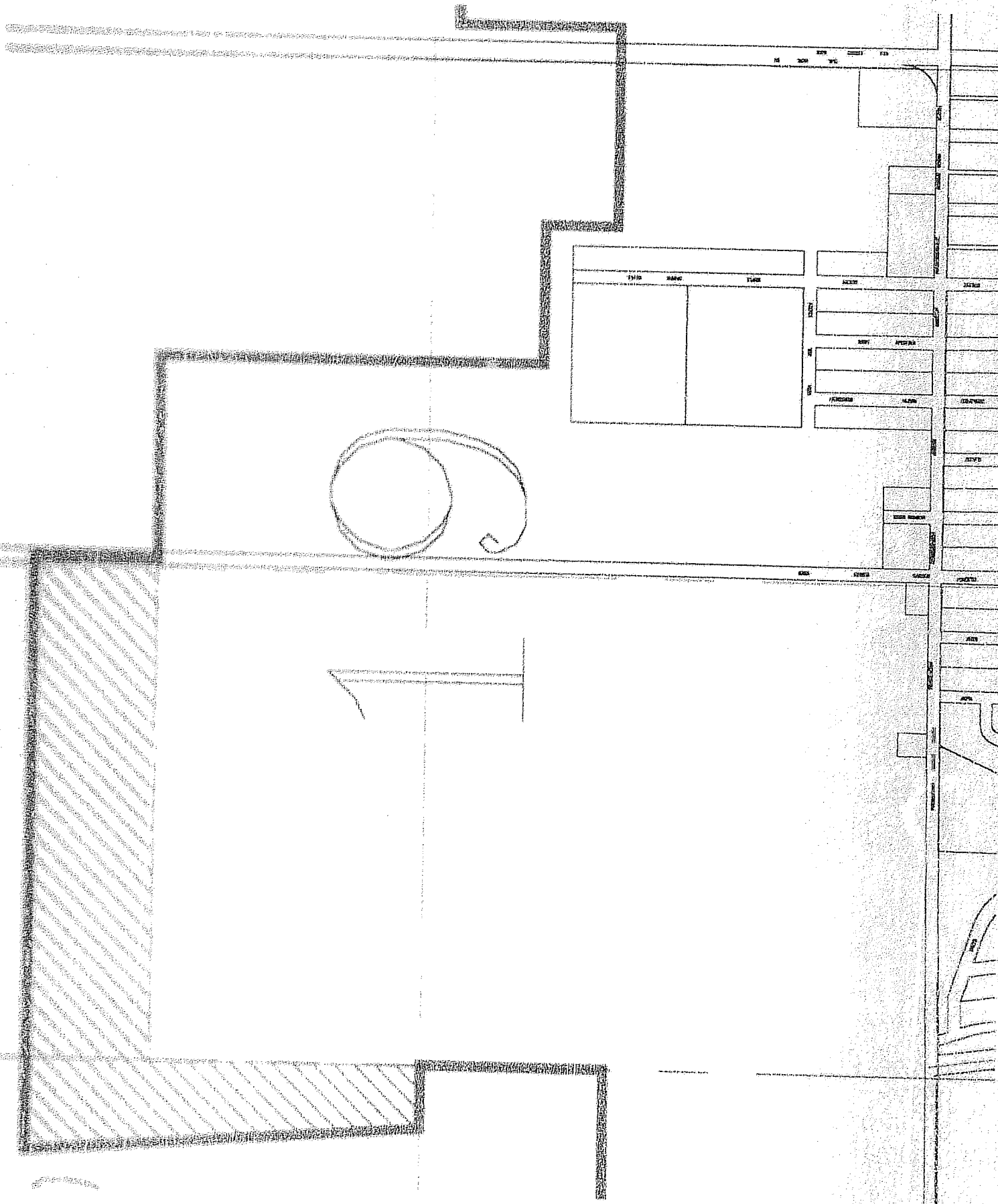
FOR: [Signature]



PRELIMINARY DEVELOPMENT PLAN FOR RIVER RIDGE ESTATES WATERTOWN, SOUTH DAKOTA

OWNER/DEVELOPER:
DON HOFTIEZER
(605) 856-3030

HEWITT, KALDA & ASSOCIATES
SURVEY & CIVIL ENGINEERS, INC. 021-22-1541
140 South Main Street, Watertown, SD 57201



RESOLUTION NO. Y-3105

A RESOLUTION ANNEXING PROPERTY
TO THE CITY OF WATERTOWN, SOUTH DAKOTA

WHEREAS, Watertown Development Company, A. Jeffrey Fox and Laurretta C. Fox are the owners of all of the following described property:

The South Half of the Northeast Quarter, Section 34, Township 117 North, of Range 52 West of the 6th P.M.;

and

The Southeast Quarter, excluding property now platted as "Block 1 and Lots 1 thru 9 of Block 2 of Fox Land Estates Addition to the City of Watertown", less the following:

Lot 1 of Block 1 of the plat entitled: "Lot 1 of Block 1 of Fox Addition in the Southeast Quarter, Section 34, T 117 N, R 52 W of the 5th P.M. in the County of Codington";

Block 2 of the plat entitled: "Block 2 of Fox Addition in the S.E. 1/4 of Sec. 34, T117N R52W in the County of Codington";

All that portion of the South 834.5 feet of the SE 1/4 of Section 34, T117N, R52W of the 5th P.M. lying more than 7 feet east of the 41st Street East Dedicated Road Right-of-Way as shown on the plat entitled: "Block 1 and Lots 1 thru 9 of Block 2 of Fox Land Estates Addition to the City of Watertown",

all in Section 34, Township 117 North, of Range 52 West of the 5th P.M.

and

The East 7 Feet of Block 2 of the plat entitled: "Block 2 of Fox Addition in the S.E. 1/4 of Sec. 34, T117N R52W in the County of Codington".

and petition the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City pursuant to Section 9-4-1 SDCL 1997 and acts amendatory thereof, and

WHEREAS, there are no legal voters residing on the said property and that the property being annexed is contiguous to the City of Watertown and should be annexed thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, that the Petition of Watertown Development Company, A. Jeffrey Fox and Laurretta C. Fox, be and the same is hereby approved and the property above-described is hereby declared to be annexed to the City of Watertown, South Dakota, and that the said area be zoned as I-1 (Light Industrial), under the zoning ordinances of the City of Watertown.

The above and foregoing Resolution was moved for adoption by Alderman Kirby,
seconded by Alderwoman York, and upon voice vote, all voted "aye", whereupon the Mayor
declared the same to be duly passed and adopted.

Dated at Watertown, South Dakota, this 4th day of August, 1997.

ATTEST

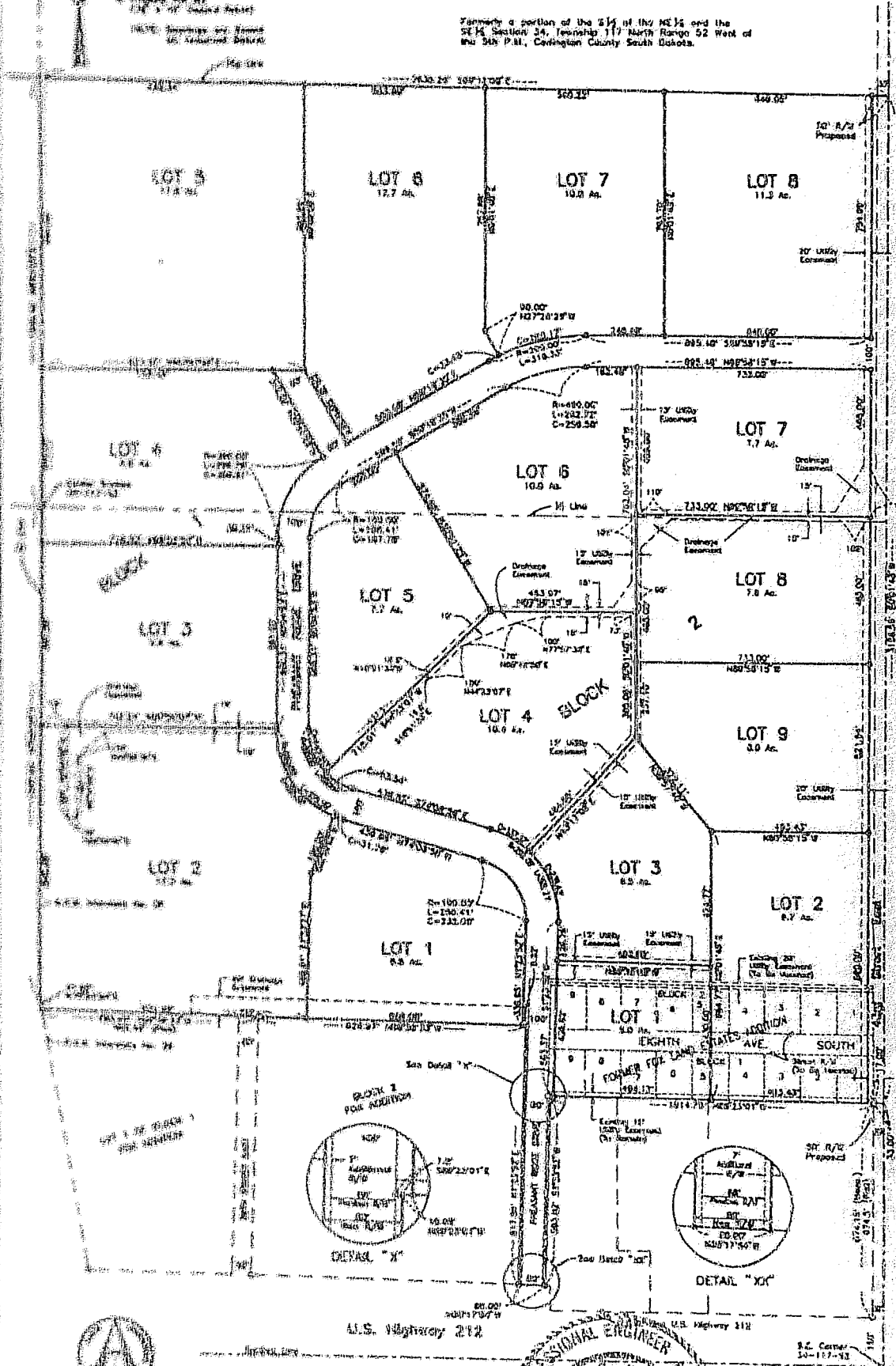
Tracy D. Turbak, CPA
Finance Officer

Brenda S. Barger
Mayor

Printed August 9, 1997

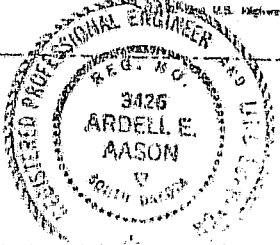
Present Ridge Development Addition to the Municipality of Watertown, in the County of Codington, South Dakota.

Formers a portion of the 214 of the M14 and the SE14 Section 34, Township 117 North Range 52 West of the 34th P.M., Codington County South Dakota.



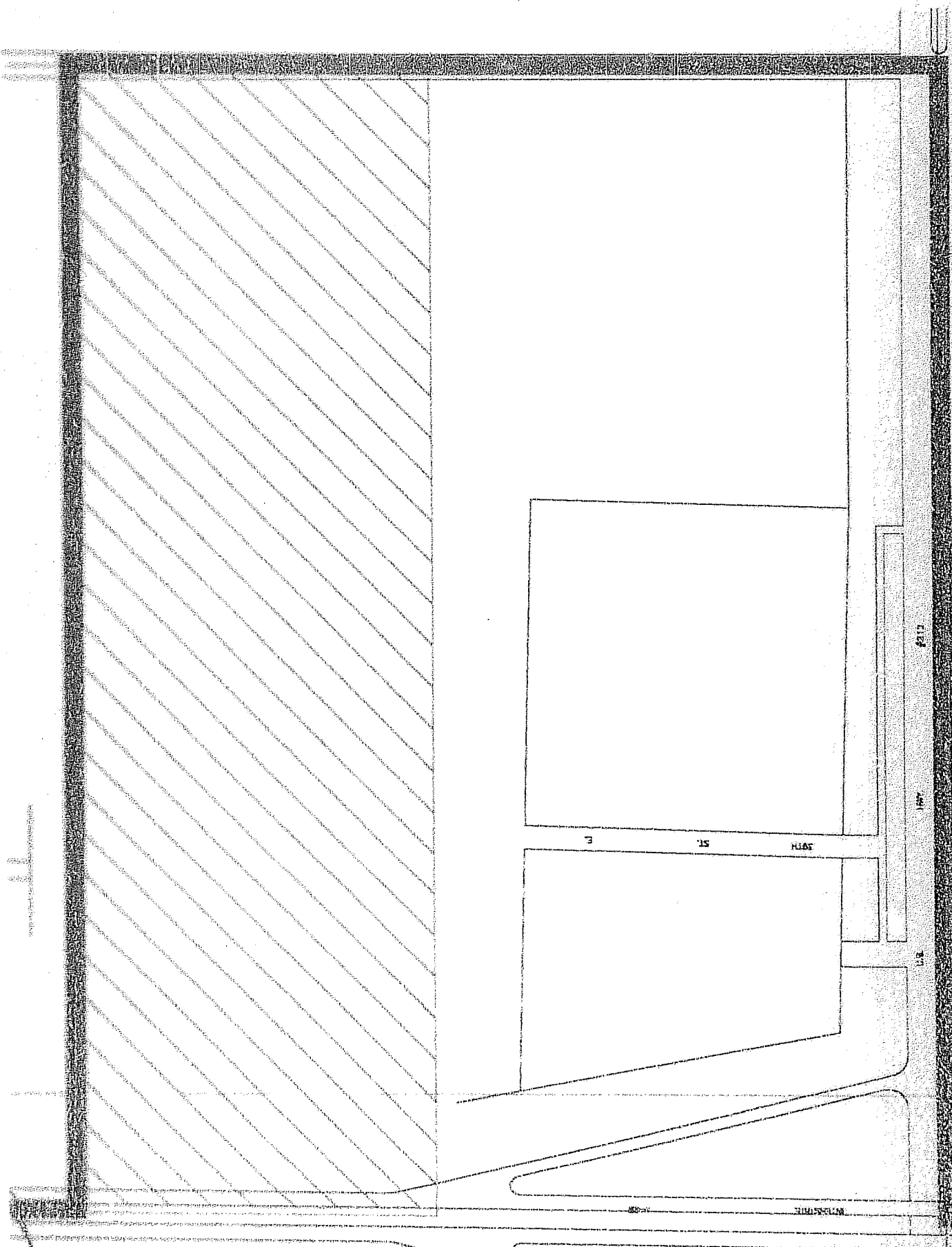
Prepared and Plotted By
 [Name]
 [Address]

U.S. Highway 212



Ardele E. Aason
 Eng. and Land Surveyor

S.E. Corner
 10-117-VI



E. SOUTH ST.

2117

1447

13

W. 2ND ST.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPROVAL OF
THE AGREEMENT TO MODIFY ASSIGNED
SERVICE AREA BETWEEN CODINGTON-
CLARK ELECTRIC COOPERATIVE, INC.
AND CITY OF WATERTOWN, SOUTH
DAKOTA.

) ORDER APPROVING AGREEMENT

)
)
) (EL90-28)
)
)
)

On December 4, 1990, the Commission received a letter from Francis C. Burns of Gribbin, Burns & Eide, attorneys at law in Watertown, South Dakota. Mr. Burns enclosed, for Commission approval, an agreement to modify assigned service areas assigned by Codington-Clark Electric Cooperative and the Municipal Utilities Department of the City of Watertown. This docket appeared on the agenda for the December 18, 1990, Commission meeting. After discussion of the agreement, the matter was deferred until the next Commission meeting.

At its January 15, 1991, Commission meeting, the Commission reviewed the agreement. The Commission has continuing jurisdiction over this matter pursuant to SDCL 49-34A, specifically SDCL 49-34A-42 to 44 and 49-34A-55. After its review the Commission found that the agreement is in the public interest and shall be approved, with the condition that the agreement shall not in any way result in wasteful and unnecessary duplication of facilities and services. The parties shall file all future boundary changes with the Commission as they occur during the course of this agreement. It is therefore

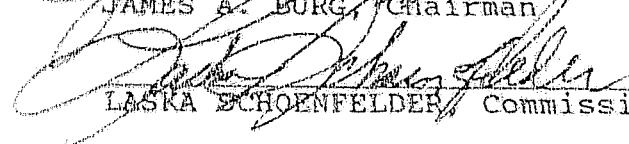
ORDERED, that the above referenced agreement, incorporated in this Order as if set forth in full herein, shall be approved, with the condition that the agreement shall not in any way result in wasteful and unnecessary duplication of facilities and services. The parties shall file all future boundary changes with the Commission as they occur during the course of this agreement. Pursuant to SDCL 1-26, the Commission hereby enters its final decision in this matter.

Dated at Pierre, South Dakota, this 8th day of February, 1991.

BY ORDER OF THE COMMISSION:



JAMES A. BURG, Chairman



LASKA SCHOENFELDER, Commissioner

KENNETH STOFFERAHN, Commissioner
(Dissenting)

(OFFICIAL SEAL)

AGREEMENT TO MODIFY
ASSIGNED SERVICE AREA BETWEEN
CODINGTON-CLARK ELECTRIC COOPERATIVE, INC.,
AND CITY OF WATERTOWN, SOUTH DAKOTA

THIS AGREEMENT made and entered into this 3rd day of
December, 1990, by and between CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC., (Public Utility or Codington-Clark) and the
CITY OF WATERTOWN, SOUTH DAKOTA (Electric Utility or City);

WITNESSETH:

WHEREAS, SDCL 49-34A-55 authorizes the adjustment of service
rights between Municipalities and Electric Utility Cooperatives,
subject to approval by the South Dakota Public Utilities
Commission, and

WHEREAS, the parties hereto believe that the Agreement
embodied herein will eliminate or reduce duplication of facilities
which wastes resources and increases consumer costs, and that this
Agreement will benefit consumers of the parties hereto, and
promote the proper and efficient operation of such utility;

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants herein contained,
City and Codington-Clark agree as follows:

1. ELECTRIC SERVICE AREA as used in this Agreement refers to
the electric service areas as established under SDCL 49-34A-44.
2. City shall provide electric service to all meters,
whether presently existing or hereafter installed, within its
electric service area, except as provided for by paragraph 4
below. Codington-Clark shall serve no meters within such electric

service area, except as provided by paragraph 4 below.

3. Codington-Clark shall provide electric service to all meters, whether presently existing or hereafter installed, outside of the City's electric service area as defined in paragraph 1 above, and within the electric service area of Codington Clark, except as to areas hereinafter annexed by the City of Watertown, which shall be treated as provided in paragraph 4 below.

4. At any time the City hereafter annexes into the City of Watertown any area outside of its electric service area as defined in paragraph 1, Codington-Clark shall continue to serve all meters or services existing prior to the effective date of such annexation within its electric service area and City shall serve all meters or services thereafter installed within the annexed area. City further agrees that per SDCL 9-35-1 no franchise from the City shall be required in order for Codington-Clark to continue to serve such meters or services within the annexed area. In any such annexed area, City shall waive payment from Codington-Clark of the payments provided in SDCL 49-34A-46.

5. Codington-Clark waives its right to compensation from City as provided in SDCL 49-34A-50 for the City's acquisition by virtue of this Agreement of any area which was within the Codington-Clark service territory as of June 1, 1990, and which electric consumers pursuant to this Agreement are to be served by the City.

6. This Agreement shall be subject to the approval of the South Dakota Public Utilities Commission, and both parties agree

to use their best efforts to attempt to obtain such approval.
This Agreement will expire in three (3) years and to be
considered for renewal at that time.

IN WITNESS WHEREOF the parties have hereto cause this
instrument to be signed, sealed and delivered as of the day
and date first above written.

CITY OF WATERTOWN, SOUTH DAKOTA
(Municipal Utilities Department)

BY Loren C. Jensen
Its President
Municipal Utilities Department
City of Watertown

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

BY Maurice Bergh
Its President

(CORPORATE SEAL)

South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

May 11, 1998

H. G. Heig
Superintendent of Utilities
Watertown Municipal Utilities Department
901 Fourth Avenue Southwest
Watertown, SD 57201-4107

Dear Mr. Heig:

By letter dated April 20, 1998, you submitted information on four annexations to the City of Watertown pursuant to an "Agreement to Modify Assigned Service Area Between Codington Clark Electric Cooperative and the City of Watertown (Docket EL90-28)." Our records show that this agreement expired on December 3, 1993, and was not renewed. The four annexations for which you have submitted information, all took place after the expiration of this agreement, and therefore can not be considered pursuant to the agreement approved in EL90-28.

Absent the approval of the renewal of the agreement approved in EL90-28, the four annexations which you have submitted and considered for approval, should be resubmitted for approval under the appropriate sections of SDCL 49-34A.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Martin C. Bettmann
Staff Engineer

Capital Office

Telephone (605) 771-3221
Fax (605) 771-3222

Transportation

Watertown Division
Telephone (605) 771-3190
Fax (605) 771-3113

Consumer Hotline

1-800-333-3782

TTY Through

Relay South Dakota
1-800-557-1113

Internet

Public Utilities Commission

*

Jim Hunt

Chairman

Pat Nelson

Vice Chairman

Linda G. Berghoff

Commissioner

William Hubbard Jr.

Assistant Director

Michael Anderson

Brian Best

Martin E. Bismeyer

Charles Holt

Dan Quisenberry

Karen E. Gieser

William H. Hinkle

Sharon Pugh

Lowell Thompson

Brian Winkler

Tom Winkler

William Winkler

Alan Winkler

Tom Winkler

Tom Winkler

Tom Winkler

Tom Winkler

Tom Winkler

Tom Winkler

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Tom Winkler

Tom Winkler

Tom Winkler

*

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233 • FAX (605) 882-6238

May 13, 1998

Mr. Martin C. Bettmann
Staff Engineer
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

MAY 15 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: EL90-28 Agreement to Modify Assigned Service Area
Between Codington Clark Electric Cooperative
and the City of Watertown

Dear Mr. Bettmann:

Please refer to your letter of May 11, 1998 regarding the Agreement between Codington Clark Electric Cooperative and the City of Watertown, as approved in the above referenced Docket.

We wish to advise that this Agreement was renewed by the parties on December 3, 1993. It was apparently not filed with the Commission at that time because the original Agreement allowed consideration for renewal upon expiration, and no changes were made except for the term. A copy of the renewed Agreement is attached for your information.

If there are any requirements in this regard that we are unaware of, please advise and we will comply as soon as possible.

Sincerely,



H. G. HEIG
Supt. of Utilities

RCH:jap
Earl.

cc: Gene Ward, Manager
Codington Clark Electric Coop

AGREEMENT TO MODIFY
ASSIGNED SERVICE AREA BETWEEN
CODINGTON-CLARK ELECTRIC COOPERATIVE, INC.,
AND CITY OF WATERTOWN, SOUTH DAKOTA

THIS AGREEMENT made and entered into this 3rd day of December, 1993, by and between CODINGTON-CLARK ELECTRIC COOPERATIVE, INC., (Public Utility or Codington-Clark) and the CITY OF WATERTOWN, SOUTH DAKOTA (Electric Utility or City);

WITNESSETH:

WHEREAS, SDCL 49-34A-55 authorizes the adjustment of service rights between Municipalities and Electric Utility Cooperatives, subject to approval by the South Dakota Public Utilities Commission, and

WHEREAS, the parties hereto believe that the Agreement embodied herein will eliminate or reduce duplication of facilities which wastes resources and increases consumer costs, and that this Agreement will benefit consumers of the parties hereto, and promote the proper and efficient operation of such utility:

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants herein contained, City and Codington-Clark agree as follows:

1. ELECTRIC SERVICE AREA as used in this Agreement refers to the electric service areas as established under SDCL 49-34A-44.
2. City shall provide electric service to all meters, whether presently existing or hereafter installed, within its electric service area, except as provided for by paragraph 4 below. Codington-Clark shall serve no meters within such electric

service area, except as provided by paragraph 4 below.

3. Codrington-Clark shall provide electric service to all meters, whether presently existing or hereafter installed, outside of the City's electric service area as defined in paragraph 1 above, and within the electric service area of Codrington Clark, except as to areas hereinafter annexed by the City of Haverlow, which shall be treated as provided in paragraph 4 below.

4. At any time the City hereafter annexes into the City of Haverlow any area outside of its electric service area as defined in paragraph 1, Codrington-Clark shall continue to serve all meters of services existing prior to the effective date of such annexation within its electric service area and City shall serve all meters or services thereafter installed within the annexed area. City further agrees that per SDCL 9-35-1 no franchise from the City shall be required in order for Codrington-Clark to continue to serve such meters or services within the annexed area. In any such annexed area, City shall waive payment from Codrington-Clark of the payments provided in SDCL 49-34A-46.

5. Codrington-Clark waives its right to compensation from City as provided in SDCL 49-34A-50 for the City's acquisition by virtue of this Agreement of any area which was within the Codrington-Clark service territory as of June 1, 1990, and which electric consumers pursuant to this Agreement are to be served by the City.

6. This Agreement shall be subject to the approval of the South Dakota Public Utilities Commission, and both parties agree

to use their best efforts to attempt to obtain such approval.
This Agreement will be perpetual unless otherwise modified by
written agreement of the parties.

IN WITNESS WHEREOF the parties have hereto caused this
instrument to be signed, sealed and delivered as of the day
and date first above written.

CITY OF WATERTOWN, SOUTH DAKOTA
(Municipal Utilities Department)

BY *Harold T. Mueh*
Its President
Municipal Utilities Department
City of Watertown

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

BY *Harold C. Kuehler*
Its President

(CORPORATE SEAL)

South Dakota

Public Utilities Commission

Public Utilities Commission, 300 East Capitol Avenue, Pierre, South Dakota 57501-5070



June 15, 1998

Mr. H. G. Heigh
Superintendent of Utilities
Municipal Utilities Department
901 Fourth Avenue SW
Watertown, SD 57201-4107

COPY

RE: Agreement to Modify Assigned Service Area Between Codington Clark Electric Cooperative and the City of Watertown.

Dear Mr. Heigh:

After reviewing the agreement submitted with your letter of May 13, 1998, it is my recommendation that the agreement should be submitted to the Commission for approval. While it may be true that the only change in the new agreement is the term of the agreement, it is a new agreement and therefore is subject to the approval by the Commission. Also, I believe the language in Part 6 of the agreement where it states that "This agreement shall be subject to the approval of the South Dakota Public Utilities Commission, and both parties agree to use their best efforts to attempt to obtain such approval..." points out that the parties intended to have the second agreement approved by the Commission.

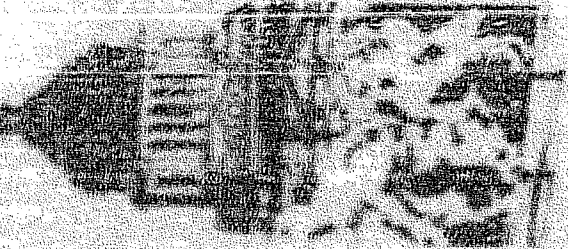
A letter requesting approval of the documents already submitted, should be suffice.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Martin C. Beumann
Staff Engineer.

cc: Gece Ward, Manager
Codington Clark Electric Coop



Faint, illegible text at the bottom of the page, possibly a routing slip or administrative notes.

EL 98-017

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233

FAX (605) 882-6238

June 19, 1998

Mr. Martin C. Bottmann
Staff Engineer
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

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JUN 20 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

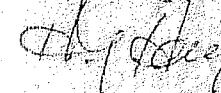
Re: Agreement to Modify Assigned Service Area
Between Codington Clark Electric Cooperative
and the City of Watertown.

Dear Mr. Bottmann:

Please accept this letter as our formal request for Commission approval of the above referenced Agreement, in accordance with the procedure outlined in your correspondence dated June 15, 1998.

If you should have any questions or require any further documentation, please let us know.

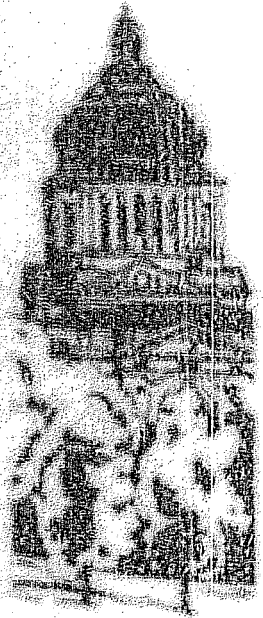
Sincerely,



H. G. HEIG
Supt. of Utilities

ENC: jap

cc: Gene Ward, Manager
Codington Clark Electric Coop



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 7, 1998

Mr. H. G. Heig
Superintendent of Utilities
Municipal Utilities Department
901 Fourth Avenue S.W.
Watertown, SD 57201-4107

Mr. Gene Ward
Manager
Codington-Clark Electric Coop
P. O. Box 880
Watertown, SD 57201-0880

Re: Agreement to Modify Assigned Service Area
between Codington-Clark Electric Cooperative
and the City of Watertown
Docket EL98-017

Gentlemen:

Commission staff has asked that this matter be placed on the agenda for the next meeting of the Public Utilities Commission which is scheduled for July 21, from 10:00 A.M. to 12:00 Noon.

Typically, the Commissioners have had questions of the utilities when these agreements come before them and accordingly, I would ask that you join us by conference call or, if you wish, you may attend in person. One item that the Commissioners are typically concerned with is the consent of the parties who are served by the respective utilities and whether those customers will be satisfied with the proposed agreement. Since this is a unique situation in this particular case, this arrangement may be of interest to the Commissioners and you may wish to be prepared to address this. In the meantime, should you have any questions, please feel free to contact either Martin Bettmann or me.

Very truly yours,

Cameron Hoseck
Staff Attorney

CH dk

cc Mr Martin Bettmann

Telephone (605) 773-0281
FAX (605) 773-0887

Telephone (605) 773-3168
FAX (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

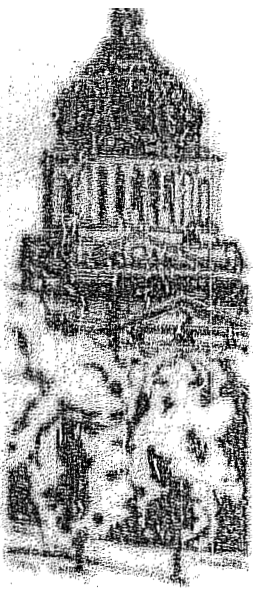
Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123

Telephone (605) 773-3123



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 16, 1998

Mr. H. G. Heig
Superintendent of Utilities
Municipal Utilities Department
901 Fourth Avenue S.W.
Watertown, SD 57201-4107

Mr. Gene Ward
Manager
Codington-Clark Electric Coop
P. O. Box 880
Watertown, SD 57201-0880

Re: Agreement to Modify Assigned Service Area
between Codington-Clark Electric Cooperative
and the City of Watertown
Docket EL98-017

Gentlemen:

Earlier I sent you a letter regarding consideration of this Agreement by the Commission. It has been put on the agenda for the next meeting. Please note that the meeting has been changed from July 21 to July 23 at 1:30 PM.

Enclosed is a copy of the agenda. Should you wish to participate by conference call, please contact our office for further instructions consistent with the notice on the agenda.

Very truly yours,

Camron Haseck
Staff Attorney

CH:dk

cc: Mr. Martin Bettmann

Capitol Office
Telephone (605) 773-1191
FAX (605) 773-1829

Transportation
Washington Division
Telephone (605) 773-1286
FAX (605) 773-1228

Consumer Hotline
1-800-442-1791

TTY Through
Relay South Dakota
1-800-877-1111

Internet
http://www.puc.state.sd.us

Don Burg
Chairman
Paul Nelson
Vice Chairman
Linda Schwendener
Commissioner

William Doherty Jr.
Executive Director

Edward E. Anderson
Helen Ott
William J. Bettmann
Charles Balle
Executive

William H. Krenner
Markus Fawcett
Michael Fagan
Lynn Johnson
Kara Harkel
Lori Harty

Charles Harnack
Dore Anderson
Ted Spack
Dennis Laska

Doris F. Johnson
Tony Henson
Gregory A. Walker
Linda Johnson
Robert M. Wagoner
Margaret Ann West

*

BURNS LAW OFFICE

16 EAST KEMP — P.O. BOX 903
WATERTOWN, SOUTH DAKOTA 57201-0903

EL 98-017

PHONE
(605) 886-5895
FAX
(605) 886-2899

July 29, 1998

RECEIVED

JUL 30 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Honorable Jim Burg
South Dakota Public Utilities
Commission
Capitol Building
500 E. Capitol Avenue
Pierre, SD 57501


Re: Codington-Clark Electric/City of Watertown

Dear Chairman Burg:

Enclosed is a copy of the Addendum to Agreement Regarding Assigned Service Area, which limits the term of the Agreement to July 23, 2001, as approved by the commission last Thursday. Thank you for consideration.

Cordially yours,

BURNS LAW OFFICE


By: Thomas F. Burns

TFB/rs

cc: Gene Ward
Geoffrey Heig

RECEIVED

JUL 30 1998

ADDENDUM TO AGREEMENT REGARDING
ASSIGNED SERVICE AREA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

This Addendum is made this 27 day of July, 1998, to the
AGREEMENT TO MODIFY ASSIGNED SERVICE AREA BETWEEN CODINGTON-CLARK
ELECTRIC COOPERATIVE, INC., AND CITY OF WATERTOWN, SOUTH DAKOTA
dated December 3, 1993,

WITNESSETH:

WHEREAS, Codington Clark Electric Cooperative, Inc., and the
City of Watertown, South Dakota, on December 3, 1993, entered into
an agreement to modify assigned service area, and

WHEREAS, said agreement provided that the term thereof shall
be perpetual, and

WHEREAS, said agreement provided that the parties could
modify the same by mutual consent,

NOW, THEREFORE,

IN CONSIDERATION the mutual covenants herein contained, it is
agreed that the said agreement to modify assigned service area is
amended by providing that the term thereof shall expire after July
31, 2001.

In all other respects the terms of the said agreement dated
December 3, 1993, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this
instrument to be executed the day and year first above written.

CITY OF WATERTOWN, SOUTH DAKOTA
(Municipal Utilities Department)

By: Shirley Lopez
Its President

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

Le Roy Berg

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

IN THE MATTER OF THE FILING BY)	ORDER APPROVING
CODINGTON-CLARK ELECTRIC)	CHANGES IN SERVICE
COOPERATIVE, INC., AND THE CITY OF)	AREA
WATERTOWN, SOUTH DAKOTA, FOR)	
APPROVAL OF AGREEMENT TO MODIFY)	EL98-017
ASSIGNED SERVICE AREA)	

On June 20, 1998, the Public Utilities Commission (Commission) received a request from the City of Watertown (Watertown) seeking Commission approval of an agreement to modify assigned service area between Codington-Clark Electric Cooperative, Inc., and the City of Watertown. The request is a result of four annexations to Watertown resulting in boundary changes between the parties.

On July 23, 1998, at its regularly scheduled meeting, the Commission considered Watertown's request for approval of the agreement to modify assigned service area. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that the changes in service area are in the public interest and the request shall be granted. The Commission determined that the agreement should be amended to expire three years from July 23, 1998. Both parties agreed to amend the agreement to include this expiration date. As the Commission's final decision in this matter, it is therefore

ORDERED that the request seeking approval of changes in service area is hereby granted subject to the inclusion of the July 23, 2001, expiration date; and it is

FURTHER ORDERED, that the parties amend the agreement to expire on July 23, 2001, and submit it to the Commission.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

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.
<i>Melanie Kells</i>
Date <u>8/7/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner