

NorthWesternTM Energy

April 28, 2003

Ron L. Gogolin
coordinator - Land and Easement
605-353-7528
Fax 605-353-7519
e-mail ronald.gogolin@northwestern.com

EL 03-016

600 Market Street W.
Huron, SD 57350-1500
Toll Free: 800-245-6977
Facsimile: 605-353-7519
www.northwesternenergy.com

Ms. Pam Bonrud, Executive Director
SD Public Utilities Commission
State Capitol Building
Pierre, SD 57501

RECEIVED

APR 29 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Territory Exception, Hutchinson County.

Dear Ms. Bonrud:

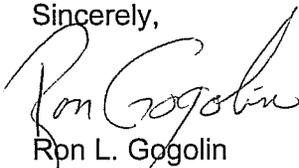
The purpose of this letter is to request approval from the Public Utilities Commission in the release to NorthWestern Energy (NorthWestern) the assigned territorial rights of Southeastern Cooperative, Inc. (Southeastern) in the Northwest Quarter (NW1/4) of Section 17 and the Northeast Quarter (NE1/4) of Section 18, Township 97 North, Range 57 West, Hutchinson County.

The territory involved in this request is located approximately one mile South and two miles West from the Town on Menno. NorthWestern has a 3-phase overhead power line running adjacent to the property. Southeastern closest 3-phase power line is approximately five miles away.

Enclosed you will find an Exception to Service on Assigned Areas between Southeastern and NorthWestern, a location Map and letter to Southeastern from Mr. Brian Herrboldt (property owner) dated January 30, 2003 requesting to be released from Southeastern's territory. This release is conditional upon Mr. Herrboldt receiving the proper water permits from the South Dakota Department of Water and Natural Resources and providing a copy of said permits to both Southeastern and NorthWestern.

Thank you, if you have any questions please give me a call at 605/353-7528.

Sincerely,



Ron L. Gogolin
Coordinator - Land and Easement

enclosure

cc: John McDonald (Southeastern)

EXCEPTION TO SERVICE ON ASSIGNED AREAS

RECEIVED

APR 29 2003

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

As Agreed To Between

Southeastern Electric Cooperative, Inc,
PO Box 388, 501 S. Broadway Ave.
Marion, South Dakota 57043-0388

And

Northwestern ~~Corporation~~ ^{Energy}
600 Market St. W.
Huron, South Dakota 57350

Southeastern Electric Cooperative, Inc. (SEC) has assigned territorial rights to provide electric service to Sections 17 and 18, T 97 N, R 57 W, of Sweet Township in Hutchinson County, SD.

Under the conditions of this agreement, SEC does hereby consent that Northwestern ~~Corporation~~ ^{Energy} may extend its facilities into the above described service area of SEC to provide electric service for proposed irrigation services intended to irrigate the northeast quarter of Section 18 and the northwest quarter of Section 17.

This release is specifically limited to proposed irrigation services and is for the life of the irrigating services.

This consent is not to be construed as having any impact upon or indicating a desire to change the service areas assigned by the South Dakota Public Utilities Commission. This agreement becomes effective upon its approval by the South Dakota Public Utilities Commission.

The foregoing is hereby made this 20th day of February 2003.

Southeastern Electric Cooperative, Inc.

By: *Halley Bruna*

Its: Board President

We have reviewed the consent of SEC for the undersigned to provide electric service under the provisions set forth therein and hereby indicate our concurrence with the consent granted to provide said proposed irrigation units with the required electric service.

Northwestern ~~Corporation~~ ^{Energy}

By: *Van Rogolin*

Its: Coordinator Land and Essement

January 30,2003

Southeastern Electric Coop.
501 South Broadway
Marion SD. 57043

RE: Territory Release

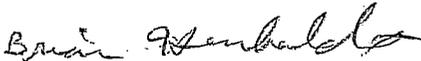
Southeastern,

I am proposing to irrigate 2 tracts of land in Section 17 & 18, Sweet Tsp, Hutchinson Co. SD. These tracts are in Southeastern's service area. During inquiry about 480 volt three phase power to operate the pumping system it was discovered that the closest three phase power available from Southeastern Electric was approximately 5 miles away which made it cost prohibitive to install for pumping purposes.

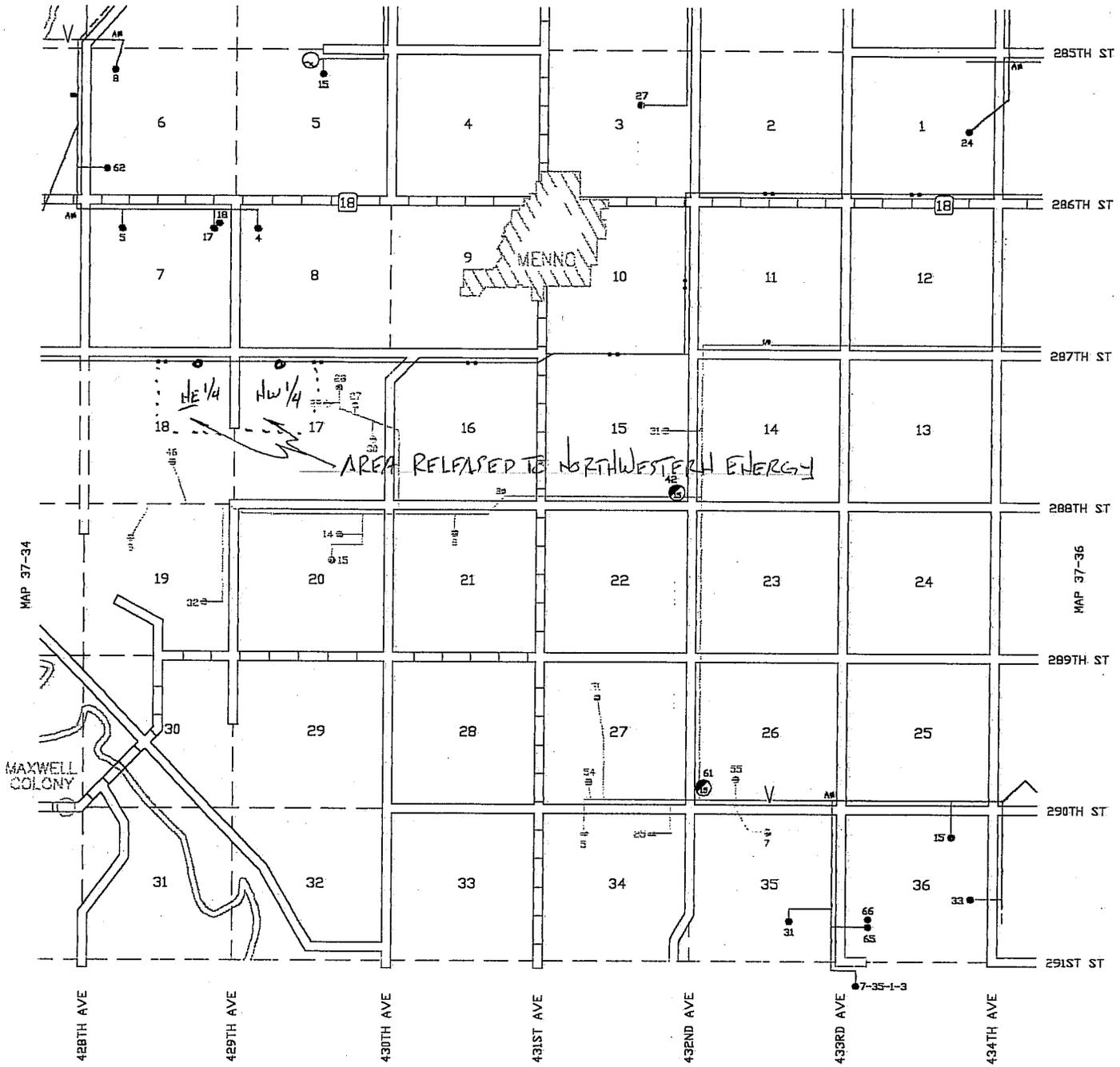
Northwestern Corporation has a three-phase line running adjacent to the property and has agreed to provide power to the irrigation systems if Southeastern Electric will release the area to Northwestern Corp.

I am requesting that Southeastern Electric release the service area to Northwestern Corp. so that my irrigation requirements can be met.

Thank You,



Brian Herrboldt
42855 287th St.
Menno SD 57045



NORTH

0 1/2 1
SCALE (MIL)

DWN. BY: JEAN M.
CHKD. BY: REN G.
DATE: APRIL 2000

DATE	REVISIONS AND PURPOSE
2/7/01	DCR LOCATIONS

SOUTHEASTERN ELECTRIC COOPERATIVE, INC.
A Touchstone Energy® Cooperative

<p>MARION OFFICE PO Box 388 501 South Broadway Avenue Marion, South Dakota 57043-0388 Telephone: 605-648-3619 Fax: 605-648-3778 E-mail: sec@sunrisenet.com</p>	<p>ALCESTER OFFICE PO Box 105 605 SD Highway 11 Alcester, South Dakota 57001-0105 Telephone: 605-934-1961 Fax: 605-934-1984 Toll-Free in SD: 1-800-333-2859</p>
---	--

DETAIL MAP		
RURAL ELECTRIFICATION ADMINISTRATION		
STATE/COUNTY	TOWNSHIP	MAP NO.
SD. DAK. HUTCHINSON	T 97 N R 57 W SWEET	37-35



Ron Gogolin
Coordinator - Land and Easement
Telephone: 605-353-7528
ronald.gogolin@northwestern.com

600 Market Street W
Huron, SD 57350-1600
Telephone: 800-245-6977
Facsimile: 605-353-7519
www.northwesternonline.com

Facsimile Transmittal Sheet

To:	Michele Ferris
Fax Number:	605 / 773 - 3809
Date:	5/2/03
Number of Pages Including This Cover:	2

Comments:

WATER PERMIT, BRIAN HERRBOLDT. Any questions give me & Cal

Ron Gogolin

NOTICE OF CONFIDENTIALITY

The information contained in this facsimile transmission is confidential information which may contain information that is legally privileged and exempt from disclosure under applicable law. The information is intended solely for the use of the individual named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this facsimile transmission in error, please notify us immediately by telephone or arrange for the return of the original transmission to us.

05/02/2003 10:32 605-568-4528

NWPS YANKTON

PAGE 02/02
P. 1

**SOUTH DAKOTA
WATER PERMIT NO. 6392-3**

Date of first receipt of application February 3, 2003.

Date of return to applicant for corrections, amendments or changes February 3, 2003.

Date of receipt of corrected application February 11, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6392-3 to Brian Herrholdt, 2855 287th St. Menno SD 57045 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6392-3 appropriates 4.46 cubic feet of water per second from two wells (Lower James Missouri Aquifer) 235 feet deep located in the approximate center between the E 1/4 NW 1/4 and W 1/4 NE 1/4 Section 18 and the approximate center between the E 1/2 NE 1/4 Section 18 and W 1/4 NW 1/4 Section 17 to irrigate 320 acres located in the E 1/4 NW 1/4, NE 1/4 Section 18 and W 1/4 NW 1/4 Section 17; all in T97N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is February 3, 2003.
4. The date of approval of Permit No. 6392-3 is April 7, 2003.
5. One-fifth of the construction is to be completed on or before October 7, 2003.
6. All construction is to be completed on or before April 7, 2008.
7. Water is to be put to beneficial use on or before April 7, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6392-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 09 2003

date



South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of May 1, 2003 through May 7, 2003

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

ELECTRIC

**EL03-016 In the Matter of the Filing for Approval of an Exception to Service on Assigned Areas
between NorthWestern Energy and Southeastern Electric Cooperative, Inc.**

NorthWestern Energy and Southeastern Electric Cooperative, Inc. have filed a joint request for approval of a service rights exception for Mr. Brian Herrboldt. Mr. Herrboldt's property is located in the NW 1/4 of Section 17 and the NE 1/4 of Section 18, Township 97 North, Range 57 West, Hutchinson County, South Dakota. Southeastern Electric Cooperative consents to NorthWestern Energy extending facilities into the above described service area to provide electric service for proposed irrigation services intended to irrigate the NE 1/4 of Section 18 and the NW 1/4 of Section 17.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 05/02/03
Intervention Deadline: 05/12/03 at 12:00 p.m.

TELECOMMUNICATIONS

**TC03-081 In the Matter of the Application of US LEC Communications Inc. for a Certificate of
Authority to Provide Interexchange Telecommunications Services in South Dakota.**

US LEC Communications Inc. has filed an application for a Certificate of Authority to provide resold interexchange telecommunications services in South Dakota.

Staff Analyst: Bonnie Bjork
Staff Attorney: Karen Cremer
Date Docketed: 05/07/03
Intervention Deadline: 05/23/03

**You may receive this listing and other PUC publications via our website or via internet e-mail.
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 FILING FOR)	ORDER GRANTING
APPROVAL OF AN EXCEPTION TO SERVICE)	APPROVAL OF AN
ON ASSIGNED AREAS BETWEEN)	EXCEPTION TO THE
NORTHWESTERN ENERGY AND)	ASSIGNED ELECTRIC
SOUTHEASTERN ELECTRIC COOPERATIVE,)	SERVICE TERRITORY
INC.)	EL03-016

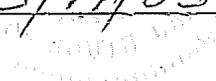
On April 29, 2003, the Public Utilities Commission (Commission) received a joint filing by NorthWestern Energy (NWE) and Southeastern Electric Cooperative, Inc. (Southeastern) for approval of an electric service rights exception for Brian Herrboldt. Mr. Herrboldt's property is located in the NW 1/4 of Section 17 and the NE 1/4 of Section 18, Township 97 North, Range 57 West, Hutchinson County, South Dakota. Southeastern consents to NorthWestern Energy extending facilities into the above described service area to provide electric service for proposed irrigation services intended to irrigate the NW 1/4 of Section 17 and the NE 1/4 of Section 18. The parties have agreed the release is specifically limited to proposed irrigation services and is for the life of the irrigating services.

At its regularly scheduled meeting of May 12, 2003, the Commission considered the matter. Commission Staff recommended approval of the joint request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that the approval of the joint request for an exception to the assignment of service territory will avoid unnecessary duplication of facilities, provide adequate electric service to all customers affected, and promote the efficient use and development of the electric systems of NWE and Southeastern. The Commission therefore concludes that the approval of the joint request for an exception to the assignment of service territory is in the public interest and it shall be granted. Further, the Commission finds that an exception to the assigned service territory is in the public interest and the joint request shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the joint request seeking approval of an exception to the assignment of service territory is hereby granted.

Dated at Pierre, South Dakota, this 16th day of May, 2003.

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: <u>Wendine Kalbo</u>
Date: <u>5/19/03</u>
 (OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner