



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 11, 2008

Vern Meier
Trans Canada Keystone Pipeline LP
717 Texas St Suite 2400
Houston TX 77002

Dear Mr. Meier:

Enclosed are 19 temporary water permits for use of water in South Dakota for dust control, hydrostatic testing and horizontal directional drilling purposes.

The original application submitted to our department in January contained additional sources of water that the company would like to be able to use for the pipeline project. Those sources were questionable for water availability. Mark Rath with our program is working with Jean Decker with ENSR to find alternate sources near those sites for your use. Once those sources are secured, temporary permits will be issued.

Temporary permits can only be issued until the end of the current calendar year. Please note that all of the temporary permits are effective May 1, 2008 and expire on December 31, 2008. Additional temporary permits will need to be obtained for the portion of the project extending into 2009. If you have any questions concerning the enclosed permits, please contact Genny McMath or Mark Rath with our program at 605 773-3352.

Sincerely,

A handwritten signature in black ink that reads 'Garland Erbele'.

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

c: Steve Craycroft, Environmental Liaison (via email at scraycroft@ensr.aecom.com)
Jean Decker (via email at JDecker@ensr.aecom.com)
Natalie Gates with USFWS (via email at Natalie_Gates@fws.gov)



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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for hydrostatic testing purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 8,325,553 gallons of water at a maximum rate of 3,000 gallons per minute from an unnamed creek located in the NE ¼ Section 20, T123N, R59W, Day County.

As part of the hydrostatic testing any discharge of water must comply with the “*General Permit for Temporary Discharges*” issued by this Department. (The “*General Permit for Temporary Discharges*” is issued as a separate permit).

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

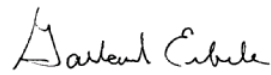
Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

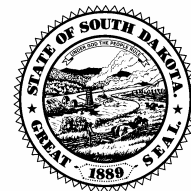
This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issuance of this temporary permit deals with the withdrawal of water only. It does not address other concerns or permitting issues from other State or Federal entities.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for hydrostatic testing purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 10,968,244 gallons of water at a maximum rate of 3,000 gallons per minute from Wolf Creek located in the NW ¼ Section 25, T103N, R57W, Hanson County.

As part of the hydrostatic testing any discharge of water must comply with the “*General Permit for Temporary Discharges*” issued by this Department. (The “*General Permit for Temporary Discharges*” is issued as a separate permit).

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

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This temporary permit to use public waters for hydrostatic testing purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 6,165,037 gallons of water at a maximum rate of 3,000 gallons per minute from the James River located in the NE ¼ Section 13, T95N, R56W, Yankton County.

As part of the hydrostatic testing any discharge of water must comply with the “*General Permit for Temporary Discharges*” issued by this Department. (The “*General Permit for Temporary Discharges*” is issued as a separate permit).

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for hydrostatic testing purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 9,311,965 gallons of water at a maximum rate of 3,000 gallons per minute from Marne Creek (Missouri River) located in the SE ¼ Section 18, T93N, R55W, Yankton County.

As part of the hydrostatic testing any discharge of water must comply with the “*General Permit for Temporary Discharges*” issued by this Department. (The “*General Permit for Temporary Discharges*” is issued as a separate permit).

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a maximum rate of 100 gallons per minute from an unnamed lake located in the NE ¼ Section 15, T127N, R59W, Marshall County. The project involves use of water for dust control.

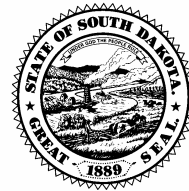
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This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

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This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

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This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

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This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

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This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

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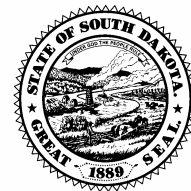
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This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a maximum rate of 100 gallons per minute from Pearl Creek located in the NE ¼ Section 3, T112N, R59W, Beadle County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:


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- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

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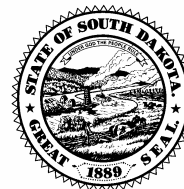
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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a maximum rate of 100 gallons per minute from South Fork Pearl Creek located in the SW ¼ Section 30, T111N, R58W, Kingsbury County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

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Water Rights Program
605 773-3352



- c: Steve Craycroft, Environmental Liaison (via email at scraycroft@ensr.aecom.com)
Jean Decker (via email at JDecker@ensr.aecom.com)
Natalie Gates with USFWS (via email at Natalie_Gates@fws.gov)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a maximum rate of 100 gallons per minute from West Redstone Creek located in the NE ¼ Section 21, T109N, R58W, Kingsbury County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

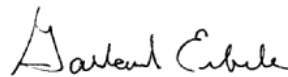
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

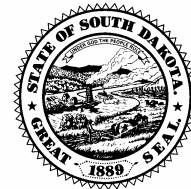
This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issuance of this temporary permit deals with the withdrawal of water only. It does not address other concerns or permitting issues from other State or Federal entities.



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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a maximum rate of 100 gallons per minute from Rock Creek located in the SW ¼ Section 21, T105N, R57W, Miner County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

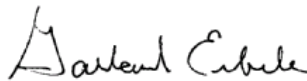
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a

maximum rate of 100 gallons per minute from Wolf Creek located in the NW ¼ Section 5, T101N, R56W, McCook County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

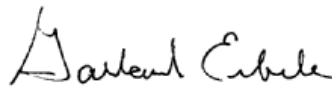
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

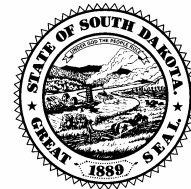
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maximum rate of 100 gallons per minute from Wolf Creek located in the NE ¼ Section 14, T100N, R57W, McCook County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

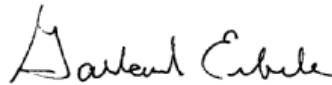
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a

maximum rate of 100 gallons per minute from Beaver Creek located in the NE ¼ Section 18, T94N, R55W, Yankton County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

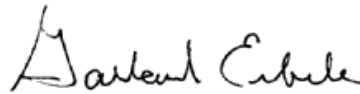
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 1,500,000 gallons of water at a

maximum rate of 100 gallons per minute from Marne Creek (Missouri River) located in the SE ¼ Section 18, T93N, R55W, Yankton County. The project involves use of water for dust control.

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

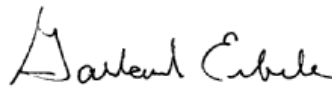
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

This temporary permit becomes effective May 1, 2008 and expires on December 31, 2008.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

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TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline, LP, 717 Texas St, Suite 2400, Houston TX 77002 authorizing withdrawal of 250,000 gallons of water at a maximum rate of 15,000 gallons per day from Marne Creek (Missouri River) located in the SE ¼ Section 18, T93N, R55W, Yankton County. The project involves use of water for horizontal directional drilling.

As part of the horizontal drilling, any discharge of water must comply with the “*General Permit for Temporary Discharges*” issued by this Department. (The “*General Permit for Temporary Discharges*” is issued as a separate permit).

This permit authorizes withdrawal of water from a stream that has been listed by the US Fish and Wildlife Service in an area where the Topeka Shiner, a listed endangered species under the Endangered Species Act, is known to exist. It is a violation of federal law to harm, kill, capture, or otherwise "take" an endangered species, either directly or even by means of impairment to habitat. This permit does not authorize the "take" of the Topeka Shiner or harm to its habitat. Accordingly the following conditions apply:

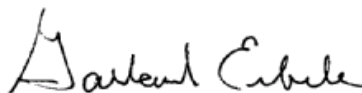
- This permit prohibits use of water during low flows. Dewatering of the stream will result in immediate revocation or suspension of this permit.
- This permit is subject to shut-off orders to protect either domestic use or Topeka Shiner habitat or both.
- In order to reduce the likelihood of entrainment or impingement of the Topeka Shiner, diversions under this temporary permit shall be in accordance with the safeguards laid out in "Keystone Pipeline Project, Final Biological Assessment" February 2008.

Questions regarding proper methods to avoid entrainment or protection of habitat should be directed to the United States Fish and Wildlife Service (USFWS). For information, call Natalie Gates with USFWS at 605 224-8693.

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