



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

**RESCISSION OF TEMPORARY PERMIT TO USE PUBLIC WATERS FOR  
CONSTRUCTION PURPOSES**

On February 28, 2020, a temporary permit to use public waters for construction purposes (including dust suppression, horizontal directional drilling and hydrostatic testing) was issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St. Suite 700, Houston, TX 77002. This temporary permit authorized withdrawal of no more than 6,000,000 gallons of water (18.41 acre feet) at a maximum diversion rate of 300 gallons per minute from the Oxbow Lake at Madsen Ranch Land Co LLC located in Haakon County, South Dakota. The three points of diversion which were authorized were located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 4 and NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 3; all in T1N, R25E. This temporary permit expires by operation of law on December 31, 2020. See SDCL § 46-5-40.1. However, on October 23, 2020, counsel for Keystone reported that no water had been withdrawn to date nor were there plans to make any withdrawals for the remainder of 2020. Accordingly, I hereby rescind this temporary permit pursuant to ARSD § 74:02:01:34.01 due to abandonment prior to the date of expiration.

In accordance with SDCL § 1-26-29 and ARSD §§ 74:02:01:34.01 and 34.02, Keystone has ten days from receipt of this notice to appeal the rescission of these temporary permits by filing a written request for review of the Chief Engineer's rescission. Such a request may be submitted to Ron Duvall, DENR, Water Rights Program, 523 East Capitol, Pierre, SD 57501.

Eric Gronlund  
Chief Engineer  
DENR, Water Rights Program  
(605)773-3352



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**RESCISSION OF TEMPORARY PERMITS TO USE PUBLIC WATERS FOR  
CONSTRUCTION, TESTING, AND DRILLING PURPOSES**

On February 28, 2020, and July 14, 2020, temporary permits to use public waters for construction, testing, and drilling purposes were issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St. Suite 700, Houston, TX 77002. These temporary permits authorized a combined withdrawal of no more than 2,500,000 gallons of water (7.67 acre feet) at a maximum diversion rate of 300 gallons per minute from the Donald F King Dam located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 13, T4N, R20E, Haakon County, South Dakota. These temporary permits expire by operation of law on December 31, 2020. See SDCL § 46-5-40.1. However, on October 23, 2020, counsel for Keystone reported that no water had been withdrawn to date nor were there plans to make any withdrawals for the remainder of 2020. Accordingly, pursuant to ARSD § 74:02:01:34.01, I hereby rescind these temporary permits due to abandonment prior to the date of expiration.

In accordance with SDCL § 1-26-29 and ARSD §§ 74:02:01:34.01 and 34.02, Keystone has ten days from receipt of this notice to appeal the rescission of these temporary permits by filing a written request for review of the Chief Engineer's rescission. Such a request may be submitted to Ron Duvall, DENR, Water Rights Program, 523 East Capitol, Pierre, SD 57501.

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On February 28, 2020, and July 14, 2020, temporary permits to use public waters for construction purposes were issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St. Suite 700, Houston, TX 77002. These temporary permits authorized a combined withdrawal of no more than 2,500,000 gallons of water (7.67 acre feet) at a maximum diversion rate of 300 gallons per minute from the Smith Cattle LLC dam located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 5, T5N, R19E, Haakon County, South Dakota. These temporary permits expire by operation of law on December 31, 2020. See SDCL § 46-5-40.1. However, on October 23, 2020, counsel for Keystone reported that no water had been withdrawn to date nor were there plans to make any withdrawals for the remainder of 2020. Accordingly, pursuant to ARSD § 74:02:01:34.01, I hereby rescind these temporary permits due to abandonment prior to the date of expiration.

In accordance with SDCL § 1-26-29 and ARSD §§ 74:02:01:34.01 and 34.02, Keystone has ten days from receipt of this notice to appeal the rescission of these temporary permits by filing a written request for review of the Chief Engineer's rescission. Such a request may be submitted to Ron Duvall, DENR, Water Rights Program, 523 East Capitol, Pierre, SD 57501.

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On July 14, 2020, a temporary permit to use public waters for construction, testing, and drilling purposes was issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St. Suite 700, Houston, TX 77002. This temporary permit authorized withdrawal of no more than 3,500,000 gallons of water (10.7 acre feet) at a maximum diversion rate of 300 gallons per minute from the Shultes Family LP dam located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 29, T9N, R15E, Meade County, South Dakota. This temporary permit expires by operation of law on December 31, 2020. See SDCL § 46-5-40.1. However, on October 23, 2020, counsel for Keystone reported that no water had been withdrawn to date nor were there plans to make any withdrawals for the remainder of 2020. Accordingly, I hereby rescind this temporary permit pursuant to ARSD § 74:02:01:34.01 due to abandonment prior to the date of expiration.

In accordance with SDCL § 1-26-29 and ARSD §§ 74:02:01:34.01 and 34.02, Keystone has ten days from receipt of this notice to appeal the rescission of these temporary permits by filing a written request for review of the Chief Engineer's rescission. Such a request may be submitted to Ron Duvall, DENR, Water Rights Program, 523 East Capitol, Pierre, SD 57501.

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