

**SOUTH DAKOTA  
WATER PERMIT NO. 1986-1**

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Date of first receipt of application October 15, 2018.

The Water Management Board approved Water Permit No. 1986-1 on February 26, 2020 for TransCanada Keystone Pipeline, L.P., 700 Louisiana St, Suite 700, Houston TX 77002 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. 1986-1 appropriates 238.21 acre-feet of water at a maximum pump rate of 6.68 cubic feet of water per second from the Cheyenne River located in the approximate center of the S 1/2 Section 1-T6N-R17E (Meade and Pennington Counties) for use in pipeline construction which includes dust control along project right-of-way, horizontal directional drilling, pump station construction and hydrostatic testing of the pipeline. The diversion points are located approximately 36 miles south of Faith SD.
2. The water appropriated shall be used for the purpose of pipeline construction and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is October 15, 2018.
5. One-fifth of the construction is to be completed on or before August 26, 2022.
6. All construction is to be completed on or before February 26, 2025.
7. Water is to be put to beneficial use on or before February 26, 2029.
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. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Prior to any withdrawal of water from the Cheyenne River and subject to design approval by the Chief Engineer, the permit holder shall install real-time instantaneous metering of water withdrawals at the water withdrawal site which may be monitored by appropriate communications technology; and the permit holder shall report to the Chief Engineer weekly the amount of water diverted from the Cheyenne River during the previous week and the previous fifty-two weeks.
3. Water Permit No. 1986-1 authorizes a total diversion of 238.21 acre feet of water.

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4. After construction and reclamation of disturbed lands are complete, this water right shall be subject to cancellation by the Water Management Board due to no further water needs for pipeline construction purposes. The permit holder shall report to the Chief Engineer within 60 days of cessation of water use authorized by Water Permit No. 1986-1 for the purpose of proceeding with cancellation of the permit.
5. Prior to any withdrawal of water from the Cheyenne River, the permit holder shall provide to the Chief Engineer for approval engineering plans and specifications, the operation plan, and the proposed location for a real-time instantaneous instream flow measuring device as close downstream from the pump site as reasonable and practicable. The operation and flow measurements by the instream flow device are to be constructed utilizing appropriate telecommunications technology so as to permit monitoring of instantaneous flow readings by DENR. The permit holder shall complete construction and operation of the measuring device prior to diverting water from the Cheyenne River.

**WATER MANAGEMENT BOARD**

By: *Jeanne Goodman*  
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

FEB 28 2020

date



**SOUTH DAKOTA  
WATER PERMIT NO. 2792-2**

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Date of first receipt of application October 15, 2018.

The Water Management Board approved Water Permit No. 2792-2 on February 26, 2020 for TransCanada Keystone Pipeline, L.P., 700 Louisiana St, Suite 700, Houston TX 77002 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. 2792-2 appropriates 223.68 acre-feet of water at a maximum pump rate of 6.68 cubic feet of water per second (cfs) from the White River located in the approximate center of the S 1/2 Section 21-T103N-R78W (Lyman and Tripp Counties) for use in pipeline construction which includes dust control along the project right-of-way, horizontal directional drilling, pump station construction and hydrostatic testing of the pipeline. The diversion points are located approximately 14 miles south and 6 miles west of Presho SD.
2. The water appropriated shall be used for the purpose of pipeline construction and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is October 15, 2018.
5. One-fifth of the construction is to be completed on or before August 26, 2022.
6. All construction is to be completed on or before February 26, 2025.
7. Water is to be put to beneficial use on or before February 26, 2029.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

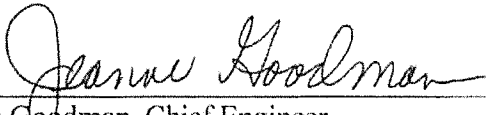
**QUALIFICATIONS**

1. This Permit authorizes the diversion of water from the White River until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs while pumping under this Permit.
3. Prior to any withdrawal of water and subject to design approval by the Chief Engineer, the permit holder shall install real-time instantaneous metering of water withdrawals at the water withdrawal site which may be monitored by appropriate communications technology; and the permit holder shall report to the Chief Engineer weekly the amount of water withdrawn from the White River during the previous week and the previous fifty-two weeks.

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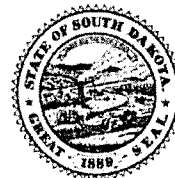
4. Water Permit No. 2792-2 authorizes a total diversion of 223.68 acre feet of water.
5. After construction and reclamation of disturbed lands are complete, this water right permit shall be subject to cancellation by the Water Management Board due to no further water needs for pipeline construction purposes. The permit holder shall report to the Chief Engineer within sixty (60) days of cessation of water use authorized by Water Permit No. 2792-2 for the purpose of proceeding with cancellation of the permit.
6. Prior to any withdrawal of water from the White River, the permit holder shall provide to the Chief Engineer for approval engineering plans and specifications, the operation plan, and the proposed location for a real-time instantaneous instream flow measuring device as close downstream from the pump site as reasonable and practicable. The operation and flow measurements by the instream flow device are to be constructed utilizing appropriate telecommunications technology so as to permit monitoring of instantaneous flow readings by DENR. The permit holder shall complete construction and operation of the measuring device prior to diverting water from the White River.

**WATER MANAGEMENT BOARD**

By:   
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

FEB 28 2020

date



**SOUTH DAKOTA  
WATER PERMIT NO. 2793-2**

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Date of first receipt of application October 15, 2018.

The Water Management Board approved Water Permit No. 2793-2 on February 26, 2020 for TransCanada Keystone Pipeline, L.P., 700 Louisiana St, Suite 700, Houston TX 77002 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. 2793-2 appropriates 50.44 acre-feet of water at a maximum pump rate of 0.67 cubic feet of water per second (cfs) from the Bad River located in the W 1/2 Section 3-T1N-R25E (Haakon County) for use in pipeline construction which includes dust control along the project right-of-way and horizontal directional drilling. The diversion points are located approximately 2 1/2 miles east of Midland SD.
2. The water appropriated shall be used for the purpose of pipeline construction and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is October 15, 2018.
5. One-fifth of the construction is to be completed on or before August 26, 2022.
6. All construction is to be completed on or before February 26, 2025.
7. Water is to be put to beneficial use on or before February 26, 2029.
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. Prior to any withdrawal of water from the Bad River, the permit holder shall provide to the Chief Engineer for approval engineering plans and specifications, the operation plan, and the proposed location for a real-time instantaneous instream flow measuring device as close downstream from the pump site as reasonable and practicable. The operation and flow measurements by the instream flow device are to be constructed utilizing appropriate telecommunications technology so as to permit monitoring of instantaneous flow readings by DENR. The permit holder shall complete construction and operation of the measuring device prior to diverting water from the Bad River.
2. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed.
3. This Permit does not authorize diversion from the Bad River, unless at least 6 cfs is flowing past the diversion point, when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

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4. Prior to any withdrawal of water and subject to design approval by the Chief Engineer, the permit holder shall install real-time instantaneous metering of water withdrawals at the water withdrawal site which may be monitored by appropriate communications technology; and the permit holder shall report to the Chief Engineer weekly the amount of water withdrawn from the Bad River during the previous week and the previous 52 weeks.
5. Water Permit No. 2793-2 authorizes a total diversion of 50.44 acre feet of water.
6. After construction and reclamation of disturbed lands are complete, this water right permit shall be subject to cancellation by the Water Management Board due to no further water needs for pipeline construction purposes. The permit holder shall report to the Chief Engineer within sixty (60) days of cessation of water use authorized by Water Permit No. 2793-2 for the purpose of proceeding with cancellation of the permit.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

*Jeanne Goodman*  
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

**FEB 28 2020**

\_\_\_\_\_  
date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

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

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St, Suite 700, Houston TX 77002 authorizing withdrawal of no more than 2,500,000 gallons of water (7.67 acre feet) at a maximum rate of 300 gallons per minute from the Donald F King Dam located in the NE ¼ NE ¼ Section 13, T4N, R20E, Haakon County, South Dakota.

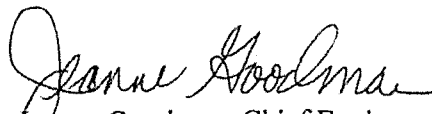
The project involves use of water for dust suppression along the project right of way and public and private access roads in Pennington, Haakon, and Jones Counties.

**Qualifications:**

- The dam's spillway must not be obstructed or blocked as a result of or during access to diverting water from the dam. The King Dam is a Category 1, High Hazard dam due to the downstream residence. Care should be taken not to negatively impact the condition of the dam structure if there is to be vehicle traffic across the top of or near the dam.
- This permit does not provide necessary right-of-way. Such arrangements should be made with the land owner.
- The volume of water pumped from the dam under this temporary permit must be reported to the DENR, Water Rights Program on a weekly basis. The report must be submitted electronically to Blaise Hansen at [blaise.hansen@state.sd.us](mailto:blaise.hansen@state.sd.us) and include the volume of water pumped for the week and a running total volume pumped from the water source.

This temporary permit becomes effective March 5, 2020 and expires on December 31, 2020.

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.



Jeanne Goodman, Chief Engineer

Issued: February 28, 2020

Water Rights Program  
605 773-3352

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John Taylor, Taylor Law Firm at [john.taylor@taylorlawsd.com](mailto:john.taylor@taylorlawsd.com)



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

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St, Suite 700, Houston TX 77002 authorizing withdrawal of no more than 6,000,000 gallons of water (18.41 acre feet) at a maximum rate of 300 gallons per minute from the Oxbow Lake at Madsen Ranch Land Co LLC located in Haakon County, South Dakota. The three withdrawal points are 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.

Use of water from Oxbow Lake will be used for dust suppression along the project right of way and public and private access roads, horizontal directional drilling, and hydrostatic testing.

**Qualifications:**

- Any discharge of water must comply with the "General Permit for Temporary Discharges" issued by this Department.
- This temporary permit does not provide necessary right-of-way. Such arrangements should be made with the land owner.
- The volume of water pumped from the lake under this temporary permit must be reported to the DENR, Water Rights Program on a weekly basis. The report must be submitted electronically to Blaise Hansen at [blaise.hansen@state.sd.us](mailto:blaise.hansen@state.sd.us) and include the volume of water pumped for the week and a running total volume pumped from the water source.

This temporary permit becomes effective March 5, 2020 and expires on December 31, 2020.

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.

Jeanne Goodman, Chief Engineer  
Water Rights Program  
605 773-3352

Issued: February 28, 2020

- c: Gayle Konik w/TransCanada at [gayle\\_konik@tcenergy.com](mailto:gayle_konik@tcenergy.com)  
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**TEMPORARY PERMIT TO USE PUBLIC WATERS  
FOR CONSTRUCTION PURPOSES**

This temporary permit to use public waters for construction purposes is issued to TransCanada Keystone Pipeline LP (Keystone), 700 Louisiana St, Suite 700, Houston TX 77002 authorizing withdrawal of no more than 2,500,000 gallons of water (7.67 acre feet) at a maximum rate of 300 gallons per minute from the Smith Cattle LLC dam located in the NW ¼ NW ¼ Section 5, T5N, R19E, Haakon County, South Dakota.

Use of water at this location will be used for dust suppression along the project right of way and public and private access roads in Pennington, Haakon, and Jones Counties.

**Qualifications:**

- The dam's spillway must not be obstructed or blocked as a result of or during access to diverting water from the dam.
- This permit does not provide necessary right-of-way. Such arrangements should be made with the land owner.
- The volume of water pumped from the dam under this temporary permit must be reported to the DENR, Water Rights Program on a weekly basis. The report must be submitted electronically to Blaise Hansen at [blaise.hansen@state.sd.us](mailto:blaise.hansen@state.sd.us) and include the volume of water pumped for the week and a running total volume pumped from the water source.

This temporary permit becomes effective March 5, 2020 and expires on December 31, 2020.

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.

Jeanne Goodman, Chief Engineer  
Water Rights Program  
605 773-3352

Issued: February 28, 2020

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Kristine Smith, Smith Cattle LLC, 20951 201<sup>st</sup> St, Milesville SD 57553  
Ann Mines Bailey, Assistant Attorney General (email)  
John Taylor, Taylor Law Firm at [john.taylor@taylorlawsd.com](mailto:john.taylor@taylorlawsd.com)