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**To:** "Fiegen, Kristie" , "Hanson, Gary (PUC)" , "Nelson, Chris"  
**Subject:** FW: [EXT] CWF update

Commissioners and Staff,

Geronimo has been using the below statue to justify their sending surveyors on to landowners (such as myself) private property to survey boundaries—even though our land is not in the Crocker Wind Farm project. Many of the local landowners are very upset and the Clark County sheriff has been called and involved in some confrontations. What kind of a license did you give to Geronimo by approving their permit? They appear to think they can do whatever they want in the area. I agree they should have this right to enter land of people who signed up, are getting paid for this, and gave up their property rights; but they should not be able to trespass, drive over and destroy crops, etc on land that is not in the project area. The above picture is along my property fence line that is ½ mile from the nearest land that is in the CWF footprint. WHY IS THIS NECESSARY???? I would like a response.

I think the important part of the below statute is: **“For the purpose of making surveys required by or essential to the effect of any acts of the United States Congress or of the Legislature of this state”**—and I doubt if the CWF qualifies for this. I also think the below highlighted statement **“shall not be construed as authoring any unnecessary interference with private rights”** should prevent anyone from trespassing on anyone’s land because that would appear to interfere with private rights.

Under Geronimo’s apparent interpretation, I should be able to take my transit and trespass on anyone’s land for the purpose of surveying boundaries---because I am an engineer, I took and passed my engineering survey classes, I have survey instruments, and I know how to use them.

[http://sdlegislature.gov/statutes/Codified\\_laws/DisplayStatute.aspx?Statute=1-1-10&Type=Statute](http://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=1-1-10&Type=Statute) reads as follows””:

1-1-10. Land entry authorized to survey boundaries--Consent required to enter mine--Damage to property. For the purpose of making surveys required by or essential to the effect of any acts of the United States Congress or of the Legislature of this state or for the determination of boundaries of real estate, any of the duly authorized officers or agents of the United States or of this state, or any engineer or land surveyor duly qualified or registered under the laws of this state, and the persons necessarily and lawfully employed in

making any such survey may enter upon lands within the boundaries of this state for such purposes, **but this section shall not be construed as authorizing any unnecessary interference with private rights**. Nothing in this section shall be construed to permit any person to enter any shaft, tunnel, stope, or underground workings of any individual person engaged in mining for precious metals without consent of the owner or person in possession of such shaft, tunnel, stope, or underground working.

Nothing herein contained shall exempt any person from payment of actual damages done by him while upon such land.

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