



1                   TRANSCRIPT OF PROCEEDINGS, held in the  
2 above-entitled matter, at the South Dakota State Capitol  
3 Building, Room 413, 500 East Capitol Avenue, Pierre,  
4 South Dakota, on the 30th day of April, 2015.

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1           CHAIRMAN NELSON:  HP14-002, In the Matter of the  
2 Application of Dakota Access, LLC for an Energy Facility  
3 Permit to Construct the Dakota Access Pipeline.

4           And the question that we're dealing with today  
5 is shall the Commission grant late intervention to the  
6 South Dakota Association of Rural Water Systems, Inc.?

7           And we will go to Rural Water Systems, a new  
8 face in our meeting room.

9           Welcome, Mr. Riter.

10          MR. RITER:  Good morning, Mr. Chair, members of  
11 the Commission.  Bob Riter, I'm an attorney in Pierre  
12 with Riter Rogers.  Our firm has filed a Petition for  
13 Intervention on behalf of the South Dakota Association of  
14 Rural Water Systems.

15          I don't need to go back through all of our basis  
16 for the Petition, but suffice it to say that the  
17 Applicants in their Application on pages 15 and 16 of the  
18 Application reference our Association and the fact that  
19 there are seven different Rural Water Systems lines that  
20 are being crossed by this project.

21          Our Association thought it appropriate to submit  
22 this Application so we can be party status and be a  
23 participant in this.

24          I will tell you that we think it's important not  
25 only to our system but to the public to ensure the

1 crossings are engineered in an environmentally safe  
2 manner. And we believe that we are well suited to assist  
3 in negotiations with the Applicant to ensure that that  
4 does occur.

5 From our review of the file, we would suggest  
6 that the parties will not be prejudiced if this  
7 Application were to be allowed for our intervention and  
8 that we have been in contact with them.

9 I say "we." More particularly, Margo Northrup  
10 from our firm has been. I don't understand that they  
11 object to it, but I don't profess to speak for them  
12 either.

13 Certainly, we're optimistic that there will be  
14 resolutions between our members, individual members who  
15 are particularly involved, and the Applicant in this  
16 matter, but this gives us the opportunity to make sure  
17 that we are right along with this as this progresses and  
18 we think it appropriate and in the public's best interest  
19 that we be allowed to intervene.

20 Thank you.

21 CHAIRMAN NELSON: I'm going to go to questions  
22 immediately.

23 Typically I take a pretty dim view of late  
24 intervention requests. I don't disagree that you have a  
25 significant interest.

1           Why didn't you intervene at the appropriate  
2 time?

3           MR. RITER: As I understand it, and as you might  
4 understand it, this is a nonprofit corporation. We have  
5 quarterly meetings. The quarterly meeting most recently  
6 held was, I believe, in April. At that point in time the  
7 discussion was had regarding this. We've been doing --  
8 we've been having negotiations outside of this proceeding  
9 with them, and so there was the thought that perhaps we  
10 didn't need to intervene.

11           But upon further reflection we thought it  
12 appropriate so that we can run both proceedings, our  
13 independent discussions and negotiations with this Docket  
14 so that we are kept aware and, frankly, can make certain  
15 that the public's interests and the interest in safe  
16 rural water is maintained.

17           CHAIRMAN NELSON: Thank you. I appreciate that.

18           Additional questions for Mr. Riter?

19           Seeing none, thank you.

20           Mike Nadolski from Lincoln County, have you  
21 joined us?

22           Okay. Not hearing from Mike. I don't see --

23           Is there anybody from Dakota Access wishing to  
24 speak?

25           Any other Interveners in this Docket wishing to

1 speak?

2 MR. RAPPOLD: This is Matt Rappold, Commissioner  
3 Nelson. I represent Rosebud Sioux Tribe on this matter  
4 in addition to the other hydrocarbon docket.

5 I don't think that we would really be in  
6 opposition to the Rural Water Systems wanting to join the  
7 case as an Intervener at this point with the  
8 understanding that the deadline had passed.

9 It's in the sound discretion of the Commission  
10 to make a decision on this but we don't object and I  
11 don't really see how any of the parties could be  
12 prejudiced by the Commission granting the Application to  
13 intervene at this point.

14 CHAIRMAN NELSON: Thank you.

15 MR. RAPPOLD: You're welcome.

16 CHAIRMAN NELSON: Any of the other Intervenors  
17 in this Docket wishing to speak?

18 MR. GOUGH: Bob Gough, InterTribal COUP. No  
19 objection.

20 CHAIRMAN NELSON: Thank you. Any others?

21 MR. ELLISON: Bruce Ellison on behalf of Dakota  
22 Rural Action. We have no objection. I think the water  
23 interests are very important.

24 CHAIRMAN NELSON: Any others?

25 MS. REAL BIRD: Thomasina Real Bird on behalf of

1 the Yankton Sioux Tribe. We have no objection either.

2 CHAIRMAN NELSON: Thank you. Others?

3 Hearing nothing further, any questions from the  
4 Commission?

5 Commission actions?

6 Commissioner Hanson.

7 COMMISSIONER HANSON: Mr. Chairman, in Docket  
8 HP14-002 I move that the Commission grant late  
9 intervention to the South Dakota Association of Rural  
10 Water Systems, Incorporated.

11 CHAIRMAN NELSON: Discussion on the Motion.

12 I would simply say I'm going to support the  
13 Motion. I do believe that this organization has a  
14 distinct interest in being involved in this. I don't  
15 want this in any way to be a statement that we're going  
16 to open the floodgates for others to come in, but this  
17 organization certainly needs to be involved. So I'll  
18 support the Motion.

19 Other discussion.

20 COMMISSIONER HANSON: I had the same question as  
21 you did, Mr. Chairman, regarding the dilatoriness of the  
22 filing and appreciate the answer by Mr. Riter. And thank  
23 you for the comments that you just made. I think they're  
24 very appropriate.

25 CHAIRMAN NELSON: Other discussion.

1           ACTING COMMISSIONER SATTGAST: I think I tend to  
2 agree with both Commissioners on this as that it's early  
3 enough in the stages that I think we could grant this.  
4 But I have the same concerns that both of you have  
5 expressed, and so I also don't want to see that this  
6 deadline gets pushed beyond with other Intervenors.

7           CHAIRMAN NELSON: Thank you.

8           Additional discussion?

9           Seeing none, all of those in favor will vote  
10 aye. Those opposed, nay.

11          Commissioner Sattgast.

12          ACTING COMMISSIONER SATTGAST: Aye.

13          CHAIRMAN NELSON: Commissioner Hanson.

14          COMMISSIONER HANSON: Aye.

15          CHAIRMAN NELSON: Nelson votes aye.

16          The Motion is carried. Intervention is  
17 granted.

18          Thank you, Mr. Riter.

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1 STATE OF SOUTH DAKOTA)

2 :SS CERTIFICATE

3 COUNTY OF SULLY )

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5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 30th day of  
11 April, 2015, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 2nd day of  
14 June, 2015.

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Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

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<b>1</b>	<p><b>appointed</b> [1] - 9:8  <b>appreciate</b> [2] - 5:17, 7:22  <b>appropriate</b> [5] - 3:21, 4:18, 5:1, 5:12, 7:24  <b>April</b> [4] - 1:8, 2:4, 5:6, 9:11  <b>assist</b> [1] - 4:2  <b>Association</b> [3] - 3:6, 3:13, 7:9  <b>association</b> [2] - 3:18, 3:21  <b>attached</b> [1] - 9:11  <b>attorney</b> [1] - 3:11  <b>Avenue</b> [1] - 2:3  <b>aware</b> [1] - 5:14  <b>aye</b> [4] - 8:10, 8:12, 8:14, 8:15</p>	<p><b>CHRIS</b> [1] - 1:11  <b>comments</b> [1] - 7:23  <b>Commission</b> [7] - 3:5, 3:11, 6:9, 6:12, 7:4, 7:5, 7:8  <b>COMMISSION</b> [3] - 1:1, 1:10, 1:13  <b>Commissioner</b> [4] - 6:2, 7:6, 8:11, 8:13  <b>COMMISSIONER</b> [7] - 1:12, 1:12, 7:7, 7:20, 8:1, 8:12, 8:14  <b>Commissioners</b> [1] - 8:2  <b>concerns</b> [1] - 8:4  <b>CONSTRUCT</b> [1] - 1:5  <b>construct</b> [1] - 3:3  <b>contact</b> [1] - 4:8  <b>corporation</b> [1] - 5:4  <b>correct</b> [1] - 9:11  <b>County</b> [1] - 5:20  <b>COUNTY</b> [1] - 9:3  <b>COUP</b> [1] - 6:18  <b>Cremer</b> [1] - 1:15  <b>crossed</b> [1] - 3:20  <b>crossings</b> [1] - 4:1  <b>CRR</b> [1] - 1:24</p>	<b>E</b>	<b>I</b> <span style="float: right;">1</span>
<p><b>15</b> [1] - 3:17  <b>16</b> [1] - 3:17</p>			<p><b>early</b> [1] - 8:2  <b>East</b> [1] - 2:3  <b>Edwards</b> [1] - 1:16  <b>either</b> [2] - 4:12, 7:1  <b>ELLISON</b> [1] - 6:21  <b>Ellison</b> [1] - 6:21  <b>energy</b> [1] - 3:2  <b>ENERGY</b> [1] - 1:5  <b>engineered</b> [1] - 4:1  <b>ensure</b> [2] - 3:25, 4:3  <b>entitled</b> [2] - 2:2, 9:10  <b>environmentally</b> [1] - 4:1  <b>expressed</b> [1] - 8:5</p>	<p><b>immediately</b> [1] - 4:22  <b>important</b> [2] - 3:24, 6:23  <b>IN</b> [1] - 1:4  <b>Inc</b> [1] - 3:6  <b>incorporated</b> [1] - 7:10  <b>independent</b> [1] - 5:13  <b>individual</b> [1] - 4:14  <b>interest</b> [4] - 4:18, 4:25, 5:15, 7:14  <b>interests</b> [2] - 5:15, 6:23  <b>InterTribal</b> [1] - 6:18  <b>intervene</b> [4] - 4:19, 5:1, 5:10, 6:13  <b>Intervener</b> [1] - 6:7  <b>Interveners</b> [1] - 5:25  <b>Intervenors</b> [2] - 6:16, 8:6  <b>intervention</b> [5] - 3:5, 4:7, 4:24, 7:9, 8:16  <b>Intervention</b> [1] - 3:13  <b>involved</b> [3] - 4:15, 7:14, 7:17</p>
<b>2</b>			<b>F</b>	<b>J</b>
<p><b>2015</b> [4] - 1:8, 2:4, 9:11, 9:14  <b>2nd</b> [1] - 9:13</p>	<b>B</b>		<p><b>face</b> [1] - 3:8  <b>FACILITY</b> [1] - 1:5  <b>facility</b> [1] - 3:2  <b>fact</b> [1] - 3:18  <b>favor</b> [1] - 8:9  <b>file</b> [1] - 4:5  <b>filed</b> [1] - 3:12  <b>filing</b> [1] - 7:22  <b>firm</b> [2] - 3:12, 4:10  <b>floodgates</b> [1] - 7:16  <b>FOR</b> [1] - 1:4  <b>frankly</b> [1] - 5:14</p>	<p><b>John</b> [1] - 1:14  <b>join</b> [1] - 6:6  <b>joined</b> [1] - 5:21  <b>Joseph</b> [1] - 1:18  <b>June</b> [1] - 9:14</p>
<b>3</b>		<b>D</b>	<b>G</b>	<b>K</b>
<p><b>30</b> [1] - 1:8  <b>30th</b> [2] - 2:4, 9:10</p>		<p><b>DAKOTA</b> [4] - 1:2, 1:4, 1:5, 9:1  <b>Dakota</b> [11] - 2:2, 2:4, 3:2, 3:3, 3:6, 3:13, 5:23, 6:21, 7:9, 9:7, 9:13  <b>Darren</b> [1] - 1:17  <b>Dated</b> [1] - 9:13  <b>deadline</b> [2] - 6:8, 8:6  <b>dealing</b> [1] - 3:4  <b>decision</b> [1] - 6:10  <b>different</b> [1] - 3:19  <b>dilatoriness</b> [1] - 7:21  <b>dim</b> [1] - 4:23  <b>disagree</b> [1] - 4:24  <b>discretion</b> [1] - 6:9  <b>discussion</b> [5] - 5:7, 7:11, 7:19, 7:25, 8:8  <b>discussions</b> [1] - 5:13  <b>distinct</b> [1] - 7:14  <b>DO</b> [1] - 9:8  <b>Docket</b> [4] - 5:13, 5:25, 6:17, 7:7  <b>docket</b> [1] - 6:4  <b>duly</b> [1] - 9:8  <b>duly-appointed</b> [1] - 9:8</p>	<p><b>GARY</b> [1] - 1:12  <b>GOUGH</b> [1] - 6:18  <b>Gough</b> [1] - 6:18  <b>grant</b> [3] - 3:5, 7:8, 8:3  <b>granted</b> [1] - 8:17  <b>granting</b> [1] - 6:12  <b>Greg</b> [1] - 1:16  <b>Gustafson</b> [1] - 1:18</p>	<p><b>Karen</b> [1] - 1:15  <b>Katlyn</b> [1] - 1:18  <b>Kearney</b> [1] - 1:17  <b>kept</b> [1] - 5:14  <b>Kristen</b> [1] - 1:16</p>
<b>4</b>			<b>H</b>	<b>L</b>
<p><b>413</b> [1] - 2:3</p>			<p><b>Hanson</b> [2] - 7:6, 8:13  <b>HANSON</b> [4] - 1:12, 7:7, 7:20, 8:14  <b>hearing</b> [2] - 5:22, 7:3  <b>held</b> [2] - 2:1, 5:6  <b>HEREBY</b> [1] - 9:8  <b>HP14-002</b> [3] - 1:4, 3:1, 7:8  <b>hydrocarbon</b> [1] - 6:4</p>	<p><b>late</b> [3] - 3:5, 4:23, 7:8  <b>Lincoln</b> [1] - 5:20  <b>lines</b> [1] - 3:19  <b>LLC</b> [2] - 1:4, 3:2</p>
<b>5</b>				<b>M</b>
<p><b>500</b> [1] - 2:3</p>	<b>C</b>			<p><b>maintained</b> [1] - 5:16  <b>manner</b> [1] - 4:2  <b>Margo</b> [1] - 4:9</p>
<b>9</b>				
<p><b>9</b> [1] - 1:8</p>				
<b>A</b>				
<p><b>a.m</b> [1] - 1:8  <b>above-entitled</b> [2] - 2:2, 9:10  <b>ACCESS</b> [2] - 1:4, 1:5  <b>Access</b> [3] - 3:2, 3:3, 5:23  <b>ACTING</b> [3] - 1:12, 8:1, 8:12  <b>Action</b> [1] - 6:22  <b>actions</b> [1] - 7:5  <b>addition</b> [1] - 6:4  <b>additional</b> [2] - 5:18, 8:8  <b>agree</b> [1] - 8:2  <b>allowed</b> [2] - 4:7, 4:19  <b>AN</b> [1] - 1:4  <b>answer</b> [1] - 7:22  <b>Applicant</b> [2] - 4:3, 4:15  <b>Applicants</b> [1] - 3:17  <b>APPLICATION</b> [1] - 1:4  <b>Application</b> [6] - 3:2, 3:17, 3:18, 3:22, 4:7, 6:12</p>	<p><b>basis</b> [1] - 3:15  <b>BEFORE</b> [1] - 1:10  <b>behalf</b> [3] - 3:13, 6:21, 6:25  <b>best</b> [1] - 4:18  <b>between</b> [1] - 4:14  <b>beyond</b> [1] - 8:6  <b>BIRD</b> [1] - 6:25  <b>Bird</b> [1] - 6:25  <b>Bob</b> [2] - 3:11, 6:18  <b>brian</b> [1] - 1:17  <b>Bruce</b> [1] - 6:21  <b>Building</b> [1] - 2:3</p>			

<p><b>Matt</b> [1] - 6:2  <b>MATTER</b> [1] - 1:4  <b>matter</b> [5] - 2:2, 3:1, 4:16, 6:3, 9:10  <b>McComsey</b> [2] - 1:24, 9:18  <b>MCCOMSEY</b> [1] - 9:5  <b>meeting</b> [2] - 3:8, 5:5  <b>meetings</b> [1] - 5:5  <b>members</b> [3] - 3:10, 4:14  <b>might</b> [1] - 5:3  <b>Mike</b> [2] - 5:20, 5:22  <b>morning</b> [1] - 3:10  <b>most</b> [1] - 5:5  <b>Motion</b> [4] - 7:11, 7:13, 7:18, 8:16  <b>move</b> [1] - 7:8  <b>MR</b> [6] - 3:10, 5:3, 6:2, 6:15, 6:18, 6:21  <b>MS</b> [1] - 6:25</p>	<p><b>organization</b> [2] - 7:13, 7:17  <b>outside</b> [1] - 5:8</p>	<p><b>Realtime</b> [2] - 9:6, 9:19  <b>recently</b> [1] - 5:5  <b>reference</b> [1] - 3:18  <b>reflection</b> [1] - 5:11  <b>regarding</b> [2] - 5:7, 7:21  <b>Registered</b> [2] - 9:5, 9:19  <b>Reported</b> [1] - 1:24  <b>reporter</b> [1] - 9:9  <b>Reporter</b> [4] - 9:6, 9:19, 9:19  <b>represent</b> [1] - 6:3  <b>requests</b> [1] - 4:24  <b>resolutions</b> [1] - 4:14  <b>review</b> [1] - 4:5  <b>Rezac</b> [1] - 1:18  <b>RICH</b> [1] - 1:12  <b>Rislov</b> [1] - 1:16  <b>Riter</b> [6] - 3:9, 3:11, 3:12, 5:18, 7:22, 8:18  <b>RITER</b> [2] - 3:10, 5:3  <b>Rogers</b> [1] - 3:12  <b>Rolayne</b> [1] - 1:15  <b>Room</b> [1] - 2:3  <b>room</b> [1] - 3:8  <b>Rosebud</b> [1] - 6:3  <b>Rounds</b> [1] - 1:17  <b>RPR</b> [1] - 1:24  <b>run</b> [1] - 5:12  <b>Rural</b> [6] - 3:6, 3:7, 3:14, 3:19, 6:22, 7:9  <b>rural</b> [2] - 5:16, 6:6</p>	<p><b>stages</b> [1] - 8:3  <b>STATE</b> [2] - 1:2, 9:1  <b>State</b> [2] - 2:2, 9:7  <b>statement</b> [1] - 7:15  <b>status</b> [1] - 3:22  <b>submit</b> [1] - 3:21  <b>suffice</b> [1] - 3:16  <b>suggest</b> [1] - 4:5  <b>suited</b> [1] - 4:2  <b>SULLY</b> [1] - 9:3  <b>support</b> [2] - 7:12, 7:18  <b>system</b> [1] - 3:25  <b>Systems</b> [5] - 3:6, 3:7, 3:14, 3:19, 7:10  <b>systems</b> [1] - 6:6</p>	<p><b>Wittler</b> [2] - 1:24, 9:18 2</p>
<b>N</b>	<b>P</b>	<p><b>pages</b> [1] - 3:17  <b>participant</b> [1] - 3:23  <b>particularly</b> [2] - 4:9, 4:15  <b>parties</b> [2] - 4:6, 6:11  <b>party</b> [1] - 3:22  <b>passed</b> [1] - 6:8  <b>perhaps</b> [1] - 5:9  <b>permit</b> [1] - 3:3  <b>PERMIT</b> [1] - 1:5  <b>Petition</b> [2] - 3:12, 3:16  <b>Pierre</b> [2] - 2:3, 3:11  <b>PIPELINE</b> [1] - 1:5  <b>Pipeline</b> [1] - 3:3  <b>point</b> [3] - 5:6, 6:7, 6:13  <b>prejudiced</b> [2] - 4:6, 6:12  <b>pretty</b> [1] - 4:23  <b>proceeding</b> [1] - 5:8  <b>PROCEEDINGS</b> [1] - 2:1  <b>proceedings</b> [3] - 5:12, 9:9, 9:12  <b>Proceedings</b> [1] - 1:7  <b>profess</b> [1] - 4:11  <b>Professional</b> [2] - 9:6, 9:19  <b>progresses</b> [1] - 4:17  <b>project</b> [1] - 3:20  <b>Public</b> [2] - 9:7, 9:18  <b>public</b> [1] - 3:25  <b>PUBLIC</b> [2] - 1:1, 1:10  <b>public's</b> [2] - 4:18, 5:15  <b>pushed</b> [1] - 8:6</p>	<b>T</b>	<b>Y</b>
<p><b>Nadolski</b> [1] - 5:20  <b>nay</b> [1] - 8:10  <b>need</b> [2] - 3:15, 5:10  <b>needs</b> [1] - 7:17  <b>negotiations</b> [3] - 4:3, 5:8, 5:13  <b>Nelson</b> [2] - 6:3, 8:15  <b>NELSON</b> [14] - 1:11, 3:1, 4:21, 5:17, 6:14, 6:16, 6:20, 6:24, 7:2, 7:11, 7:25, 8:7, 8:13, 8:15  <b>new</b> [1] - 3:7  <b>none</b> [2] - 5:19, 8:9  <b>nonprofit</b> [1] - 5:4  <b>Northrup</b> [1] - 4:9  <b>Notary</b> [2] - 9:7, 9:18  <b>nothing</b> [1] - 7:3</p>	<b>Q</b>		<b>S</b>	<p><b>tend</b> [1] - 8:1  <b>THE</b> [6] - 1:1, 1:2, 1:4, 1:5, 1:10  <b>Thomasina</b> [1] - 6:25  <b>TO</b> [1] - 1:5  <b>today</b> [1] - 3:4  <b>took</b> [1] - 9:9  <b>TRANSCRIPT</b> [1] - 2:1  <b>Transcript</b> [1] - 1:7  <b>transcription</b> [1] - 9:12  <b>Tribe</b> [2] - 6:3, 7:1  <b>true</b> [1] - 9:11  <b>typically</b> [1] - 4:23</p>
<b>O</b>	<b>R</b>	<p><b>safe</b> [2] - 4:1, 5:15  <b>SATTGAST</b> [3] - 1:12, 8:1, 8:12  <b>Sattgast</b> [1] - 8:11  <b>see</b> [3] - 5:22, 6:11, 8:5  <b>seeing</b> [2] - 5:19, 8:9  <b>seven</b> [1] - 3:19  <b>shall</b> [1] - 3:5  <b>shorthand</b> [2] - 9:9  <b>significant</b> [1] - 4:25  <b>simply</b> [1] - 7:12  <b>Sioux</b> [2] - 6:3, 7:1  <b>Smith</b> [1] - 1:14  <b>sound</b> [1] - 6:9  <b>South</b> [7] - 2:2, 2:4, 3:6, 3:13, 7:9, 9:7, 9:13  <b>SOUTH</b> [2] - 1:2, 9:1  <b>SS</b> [1] - 9:2  <b>STAFF</b> [1] - 1:13</p>	<b>U</b>	
<p><b>o'clock</b> [1] - 1:8  <b>object</b> [2] - 4:11, 6:10  <b>objection</b> [3] - 6:19, 6:22, 7:1  <b>occur</b> [1] - 4:4  <b>OF</b> [7] - 1:2, 1:4, 1:4, 2:1, 9:1, 9:3  <b>Onida</b> [1] - 9:13  <b>open</b> [1] - 7:16  <b>opportunity</b> [1] - 4:16  <b>opposed</b> [1] - 8:10  <b>opposition</b> [1] - 6:6  <b>optimistic</b> [1] - 4:13</p>	<b>R</b>	<b>S</b>	<b>UTILITIES</b> [2] - 1:1, 1:10	
	<b>Q</b>	<b>V</b>	<b>V</b>	
	<b>R</b>	<b>S</b>	<b>V</b>	
	<b>R</b>	<b>S</b>	<p><b>view</b> [1] - 4:23  <b>vote</b> [1] - 8:9  <b>votes</b> [1] - 8:15</p>	
	<b>R</b>	<b>S</b>	<b>W</b>	
	<b>R</b>	<b>S</b>	<b>W</b>	
	<b>R</b>	<b>S</b>	<p><b>Water</b> [5] - 3:6, 3:7, 3:14, 3:19, 7:10  <b>water</b> [3] - 5:16, 6:6, 6:22  <b>welcome</b> [2] - 3:9, 6:15  <b>Wiest</b> [1] - 1:15  <b>wishing</b> [3] - 5:23, 5:25, 6:17  <b>WITTLER</b> [1] - 9:5</p>	