

PAID

TRANSFER OF MINING PERMIT

Pursuant to SDCL 45-6B-47

AUG 26 2026

Ck# 6566

Rec't# \$100

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AUG 28 2026

Mine permit number: 479

Present operator: PACE, ROBERT W.

Address: PO BOX 191
NEW UNDERWOOD SD 57761-0191

Telephone number: (605) 484-5621

Township/Range: T2N-R4E

Legal description: E1/2 SE1/4 NW1/4 Section 28; T2N-R4E

Transfer to:

Address:

Telephone number:

Name and address of Resident Agent
if you are an out-of-state corporation:

County: Pennington

Resident Agent Telephone number:

Name and address of surface owner:

US FOREST SERVICE
2014 N MAIN ST
INSTRUCTIONS: SPLARFISH, SA. 57783

Name and address of mineral owner:

JOHN E. AYE
4820 VALLEY DR. EAST 16
MILE CITY, MT. 59301
PH# 406-951-7931

Include a \$100 check payable to the Department of Agriculture and Natural Resources, a replacement surety, copies of written instruments of consultation with the surface and mineral owners (if not the operator) indicating pending transfer of the mining permit, and certified mail receipts confirming mailing of such consultation to them.

Robert W Pace
Signature of Present Operator

agree to the transfer of mining permit 479 to

BRET AYE
New Operator

This transfer releases **PACE, ROBERT W.**

of all liability with regard to reclamation of the affected area. I

understand that the surety submitted to cover reclamation will be released only upon approval of the transfer by the Board of Minerals and Environment.

Date: August 6, 2026

STATE OF South Dakota

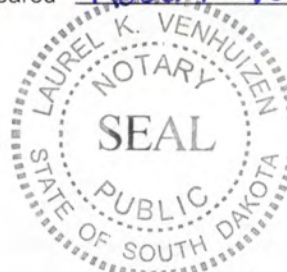
COUNTY OF Pennington

On this 6th day of August before me personally appeared Robert W Pace

who acknowledged that he is authorized to execute the transfer of this mining permit.

Laurel K Venhuizen
Notary Public

My Commission Expires: 6/8/30



Bret Aye
Signature of New Operator

agree to the transfer of mining permit 479 from

PACE, ROBERT W.

This transfer releases **PACE, ROBERT W.**

of all liability with regard to reclamation of the affected area. I

understand that in agreeing to this transfer BRET AYE is assuming all responsibility and liability for this mining permit and reclamation of the area affected under this permit. I understand that a replacement surety must be provided prior to the transfer. It is also understood that any changes to the existing operating or reclamation plans of this permit must be submitted to the Department of Agriculture and Natural Resources for approval. All terms and conditions established in this permit shall be followed.

Date: August 20, 2026

STATE OF Montana

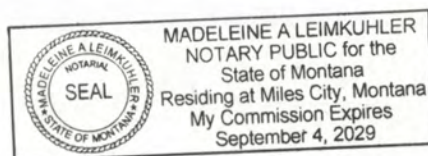
COUNTY OF Custer

On this 20th day of August 2026 before me personally appeared Bret Aye

who acknowledged that he is authorized to execute the transfer of this mining permit.

Madeline A. Leimkuhler
Notary Public

My Commission Expires: September 4, 2029



FOR DEPARTMENT USE ONLY

Date Approved: _____

Chairman, SD Board of Minerals and Environment

STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF

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AUG 28 2026
MINERALS & MINING PROGRAM

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE
APPLICATION OF

Transfer of Small Scale Mine Permit 479

CERTIFICATION OF

APPLICANT

STATE OF Montana

COUNTY OF Custer

I, BRET AYE, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-41-20 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

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consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-41-20, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 20 day of August, 2026.

Applicant (print) BRET AYE

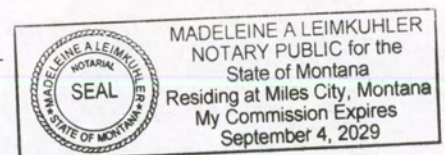
Bret Aye
Applicant (signature)

Subscribed and sworn before me this 20th day of August, 2026.

Madeline A. Leimkuhler
Notary Public (signature)

My commission expires: September 4, 2029

(SEAL)



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE
ALL FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-41-20 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**