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AUG 25 2021

MINERALS & MINING PROGRAM

Department of Agriculture and Natural Resources
Minerals and Mining Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182
Telephone: (605) 773-4201 Fax: (605) 773-5286

TRANSFER OF MINING PERMIT

Pursuant to SDCL 45-6B-47

Mine permit number: 404

Present operator: SCHIEFER, ROY

Address: 22722 SCHIEFER PL
ROCHFORD SD 57745-6034

Telephone number: (605) 574-2724

Township/Range: T2N-R4E

Legal description: N1/2 NW1/4 NW1/4 SECTION 28; T2N-R4E

County: Pennington

Transfer to: Ray Schiefer / Fred Johnson

Address: 22722 Schiefer Place
Rochford, SD. 57745-6034

Telephone number: 605-574-2724

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

Resident Agent Telephone number:

Name and address of surface owner:
U.S. Forest Service
1019 N 5th St
Custer, SD. 57730

Name and address of mineral owner:
Ray Schiefer / Fred Johnson
22722 Schiefer Place
Rochford, SD. 57745-6034
605-574-2724

INSTRUCTIONS:

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.

I _____ agree to the transfer of mining permit *404* to _____.
Signature of Present Operator — New Operator

This transfer releases *SCHIEFER, ROY* 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: _____

STATE OF _____

COUNTY OF _____

On this _____ day of _____ before me personally appeared _____

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

_____
Notary Public

My Commission Expires: _____

I _____ agree to the transfer of mining permit *404* from *SCHIEFER, ROY.*
Signature of New Operator

This transfer releases *SCHIEFER, ROY* of all liability with regard to reclamation of the affected area. I understand that in agreeing to this transfer Fred Johnson, Ray Schiefer 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.
New Operator

Date: 7-28-2021

STATE OF South Dakota

COUNTY OF Beadle

On this 28 day of July, 2021 before me personally appeared Fred Johnson

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

Stacy Langbehn
Notary Public

My Commission Expires: 3-21-2023

STACY LANGBEHN Notary SEAL Public South Dakota

FOR DEPARTMENT USE ONLY

_____ Date Approved: _____
Chairman, SD Board of Minerals and Environment

SD EForm - 2088LD V1

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MINERALS & MINING PROGRAM

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF	)	**CERTIFICATION OF**
Ray Schiefer, Fred Johnson	)	**APPLICANT**
STATE OF South Dakota	)	
COUNTY OF Beadle	)	

I, Fred Johnson, 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 1-40-27 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,

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 1-40-27, 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 28 day of July, 2021.

FRED Johnson
Applicant (print)

Applicant (signature)

Subscribed and sworn before me this 28 day of July, 2021.

Stacy Langbehn
Notary Public (signature)

My commission expires: 3-21-2023

(SEAL)

STACY LANGBEHN Notary SEAL Public South Dakota

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION