

WATER PERMIT NO. 1886A-1

Name of Applicant: **Homestake Mining Co of California**

Address: **11457 Bobtail Gulch St, Central City SD 57754**

Phone: **605 722-4680**

Amount of Water Claimed: **NA** Total Acres: **NA**

Source of Water Supply: **Deadwood Creek**

Water to be used for: County: **Lawrence**

Type of Waste Disposal System: **NA**

Location: **Northwest of Lead**

PRIORITY Date Received: **3-11-09**

Application/License Fee: **\$50**

Corrected Application Received: **3-30-09**

Period of Annual Use: **January 1 – December 31**

Remarks: **Relocate a portion of Deadwood Creek**

Diversion Point: **S ½ Sec 29-T5N-R3E**

Land to be Irrigated: **NA**

Depth of Well: **NA**

Well Driller:

Remarks:

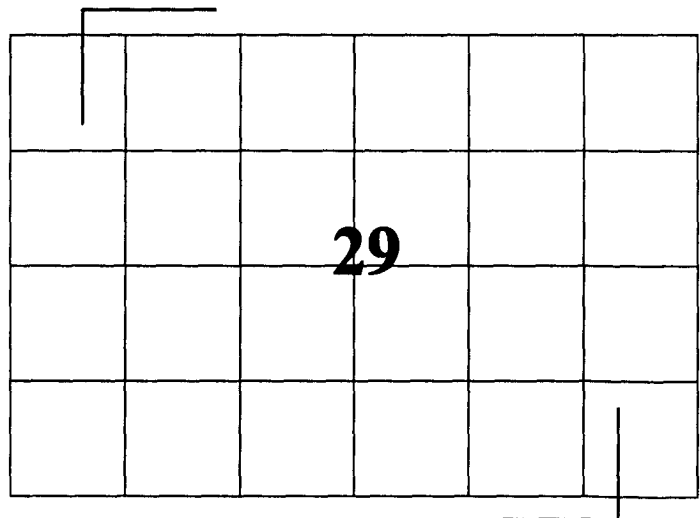
Type of Map: **topo**

Prepared by: **Kenneth Myers, PE**

Reviewed and the Number Assigned on: **3-30-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>1886A-1</u> Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Lawrence County Journal,</u> <u>Deadwood SD</u>

RECEIVED
MAR 11 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|---|---|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other Relocate portion of creek bed | |

Type of Application: (check one)

- ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 1886-1

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Length of creek channel affected is increased from 700 feet to 910 feet. Also, cross vanes are being installed for creek bed stabilization. See attached description and design drawing.

- Name of Applicant Homestake Mining Company of California Phone (605) 722-4680
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 11457 Bobtail Gulch St., Central City State SD 57754
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Deadwood Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
S1/2 of Section 29, T5N, R3E, BHM
- County or counties where water will be used Lawrence
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See attached description and design drawing.

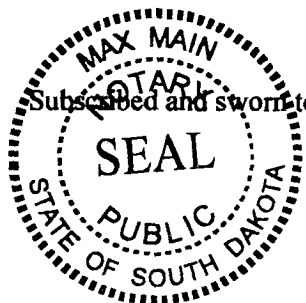
STATE OF SOUTH DAKOTA)

County of Lawrence

SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Todd Duex, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Applicant's signature

Todd A. Duex

Subscribed and sworn to before me this

9th

day of

March

2009

Max Main

Notary Public signature

Comma Exp: May 15, 2014

Tech Span Partial Removal Description of Project

As part of its Open Cut Mining Operation, Homestake constructed the Sawpit Haul Road from the Open Cut Mine to the Sawpit Waste Rock Disposal Facility. The haul road crossed Hwy. 14A and Deadwood Creek west of Central City. The haul road passed over the highway and creek on a "Tech Span" structure. The structure included a tunnel through which the highway ran and a culvert designed to accommodate the creek flows.

Homestake has removed the structure over the highway and has agreed to partially remove the structure over Deadwood Creek, thereby allowing the creek to flow through a new stream channel; approximately 910 feet in length that will be constructed around the remaining portion of the structure (see attached design drawing).

The removed material will be hauled off site and used at another Homestake construction project. The existing culvert will be plugged.

Homestake is also planning to utilize water from the creek on a temporary basis for dust suppression during the removal project.

SOUTH DAKOTA
WATER PERMIT NO. 1886A-1

Date of first receipt of application March 11, 2009.

Date of return to applicant for corrections, amendments or changes March 13, 2009.

Date of receipt of corrected application March 30, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1886A-1 to Homestake Mining Company of California, 11457 Bobtail Gulch St, Central City SD 57754 authorizing the construction of the relocation of a segment of Deadwood Creek subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1886-1 authorized the relocation of an approximate 700 feet segment of Deadwood Creek in the S 1/2 Section 29-T5N-R3E. Homestake originally constructed the Sawpit Haul road from the Open Cut Mine to the sawpit Waste Rock Disposal Facility. The haul road crossed Hwy 14A and Deadwood Creek west of Central City. The structure included a tunnel through which the highway ran and a culvert designed to accommodate the creek flows. Homestake removed the haul road structure over the highway and plans to partially remove the structure over Deadwood Creek, thereby allowing the creek to flow through a channel that will be constructed around the remaining portion of the structure. The existing culvert will be plugged. This permit authorizes increasing the length of the creek channel realignment from 700 feet to 910 feet. Homestake will utilize water from the creek on a temporary basis for dust suppression during the removal project.
2. The water appropriated shall be used for the purpose of reclamation at the Sawpit haul road.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1886A-1 is May 25, 2009.
5. The date from which applicant may claim right is March 8, 2007 (established by Permit No. 1886-1).
6. One-fifth of the construction is to be completed on or before January 2, 2010.
7. All construction is to be completed on or before July 2, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: Garland Erbele

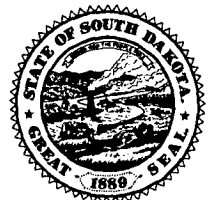
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 09 2009

date



LAW OFFICES OF
BENNETT, MAIN & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
EMAIL: bellelaw@bellelaw.com

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED IN SOUTH DAKOTA AND WYOMING

EST. 1908

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WATER RIGHTS
PROGRAM

RETIRED
DONN BENNETT

March 10, 2009

Water Rights Program, DENR
Attn: Eric Gronlund
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

**RE: Homestake Water Permit 1886-1; Amendment;
Our File No. 2365.129007.**

Dear Eric:

Enclosed are an original and one copy of the Application to Amend Water Permit 1886-1, pursuant to our previous discussions. From the instructions, I cannot tell for sure what the filing fee should be. If you will let me know, we will send the appropriate fee to you right away.

If you have questions or require further information, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Max Main

MM/njo

Encs.

cc: Client (w/ encs.)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/16, 20 09

RECEIVED OF Bennett, Main & Gubbrud PC (Homestake) 618 State St Belle Fourche SD 57717

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1886A-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04073

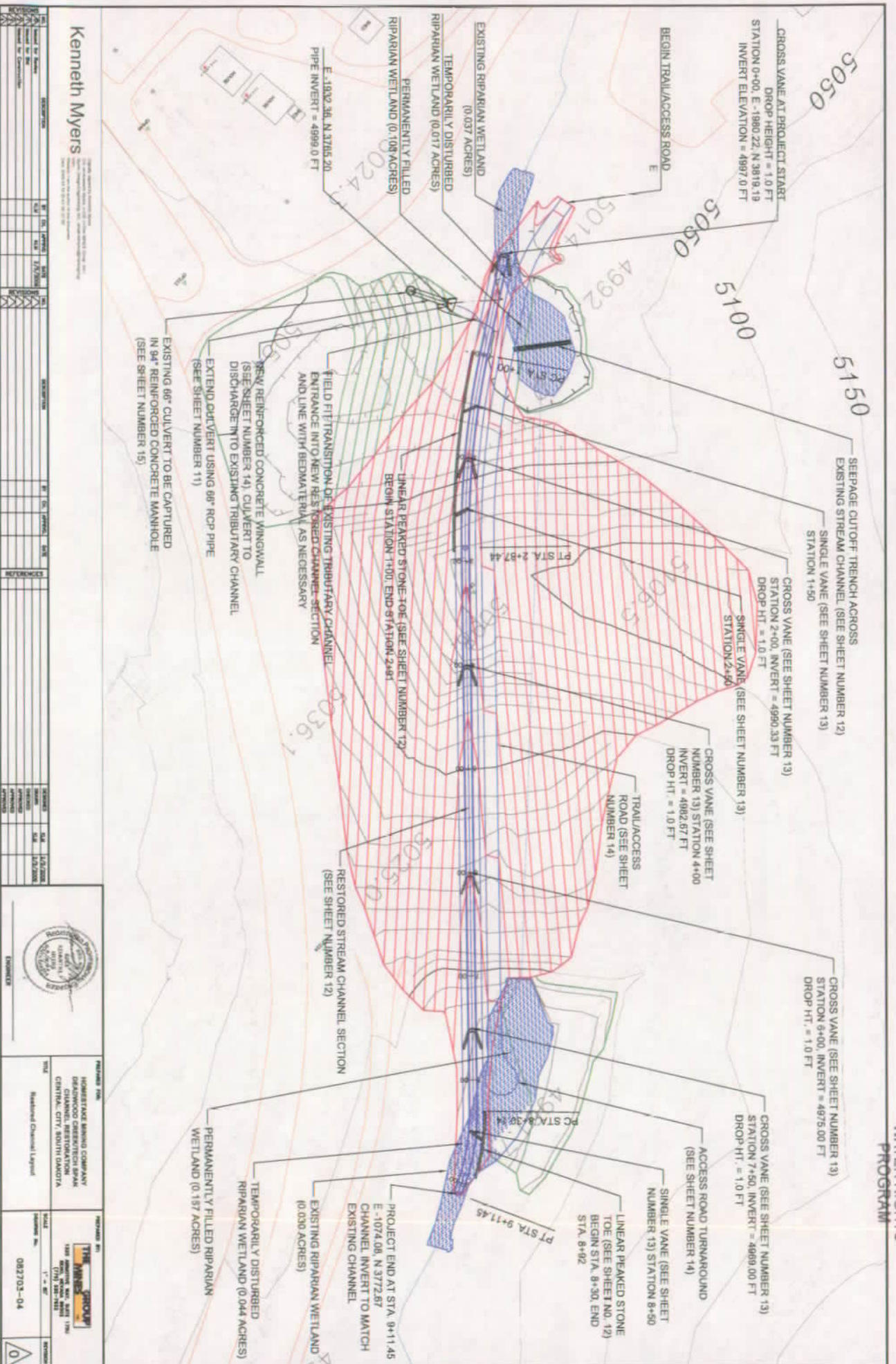
By

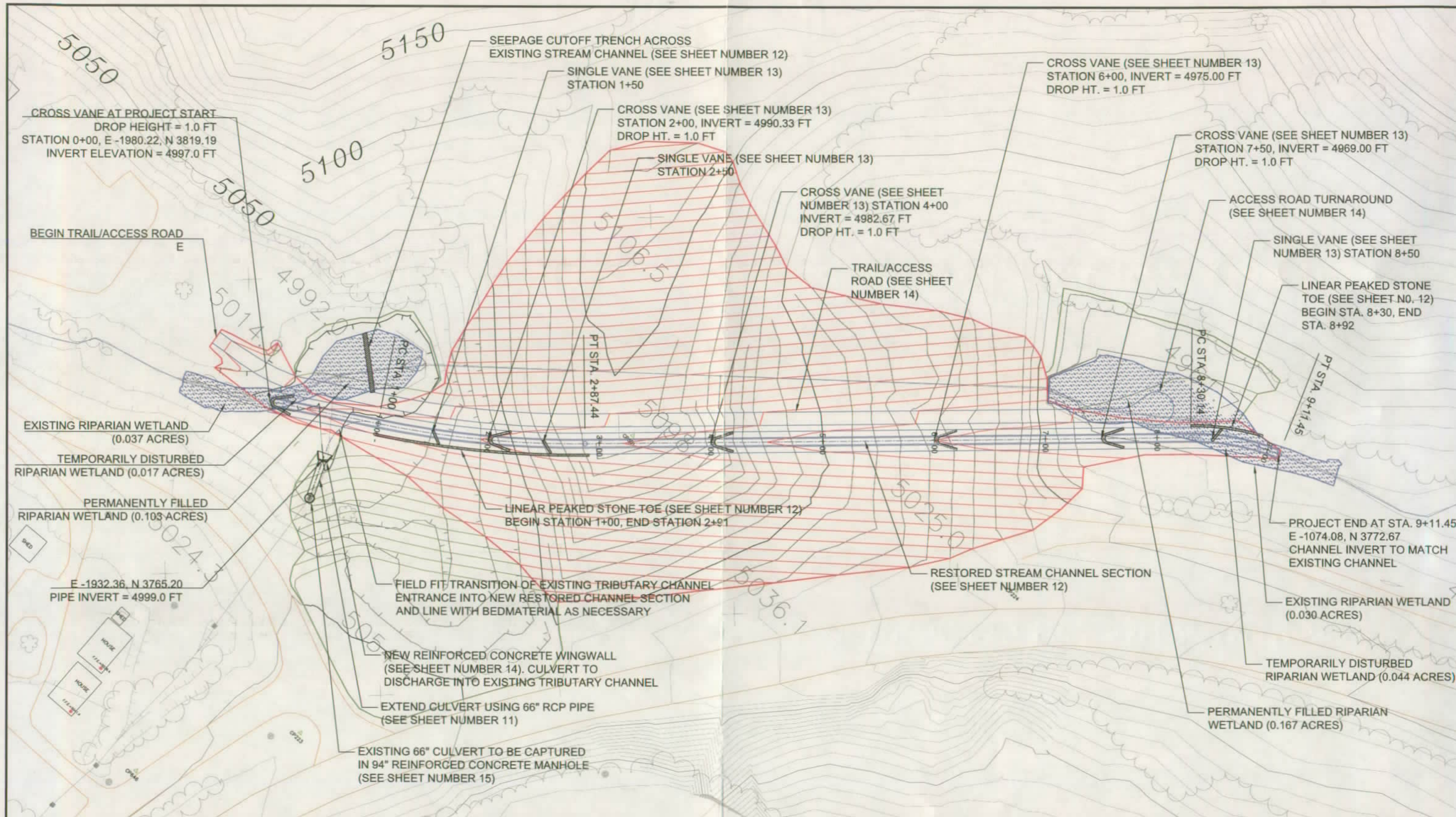
Jonathan Erbe
Chief Engineer

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MAR 3 0 2009

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NO.	DESCRIPTION	BY	CHK.	APPROV.	DATE	NO.	DESCRIPTION	BY	CHK.	APPROV.	DATE
1	Issued for Review	KLM		KLM	2/5/2009	1					
2	Issued for Bid					2					
3	Issued for Construction					3					

RECEIVED
MAR 11 2009
WATER RIGHTS PROGRAM
ENGINEER

PREPARED FOR: HOMESTAKE MINING COMPANY DEADWOOD CREEK/TECH SPAN CHANNEL RESTORATION CENTRAL CITY, SOUTH DAKOTA	PREPARED BY: THE MINES GROUP 1325 AIRMOTIVE WAY, SUITE 175U RENO, NEVADA 89502 (775) 322-7822
TITLE Restored Channel Layout	SCALE 1" = 40'
DRAWING NO. 082703-04	REVISION 0

LAW OFFICES OF
BENNETT, MAIN & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
EMAIL: bellelaw@bellelaw.com

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED IN SOUTH DAKOTA AND WYOMING

EST. 1908

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MAR 16 2009

WATER RIGHTS
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RETIRED
DONN BENNETT

March 13, 2009

Water Rights Program, DENR
Attn: Eric Gronlund
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

**RE: Homestake Water Permit 1886-1; Amendment;
Our File No. 2365.129007.**

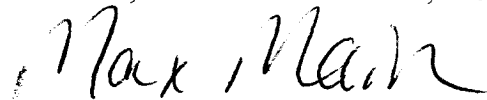
Dear Eric:

As stated in your March 13 email, enclosed is a check payable to the Water Rights Program, DENR, in the amount of \$50 for payment of the application fee to Amend Water Permit 1886-1. Also, we will be getting a stamped drawing to you in the near future.

Thank you.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Max Main

MM/njo
Enc. - Check \$50



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1886A-1, Homestake Mining Company of California**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1886A-1, Homestake Mining Company of California, c/o Todd Duex, 11457 Bobtail Gulch Street, Central City SD 57754.

The Chief Engineer is recommending APPROVAL of Application No. 1886A-1 because 1) the proposed project as amended can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 30, 2009

REPORT ON APPLICATION NO. 1886A-1

For Homestake Mining of California

May 29, 2007

Application 1886A-1 proposes to amend Water Permit No. 1886-1 which authorized the relocation an approximate 700 foot segment of Deadwood Creek in the S½ Section 29, T5N-R3E west of Central City, SD to facilitate mine reclamation operations in the area.

This application proposes to increase the length of creek channel relocation from 700 to 910 feet.

REVIEW OF PROPOSED PROJECT

As part of its Open Cut Mining Operation, Homestake constructed the Sawpit Haul Road from the Open Cut Mine to the Sawpit Waste Rock Disposal Facility. The haul road crossed Hwy. 14A and Deadwood Creek west of Central City. The structure included a tunnel through which the highway ran and a culvert designed to accommodate the creek flows. Homestake removed the haul road structure over the highway and plans to remove a portion of the structure over Deadwood Creek, thereby allowing the creek to flow through a channel around the remaining portion of the structure. The existing culvert will be plugged. Homestake is also planning to utilize water from the creek on a temporary basis for dust suppression during the project. The original design permitted under No. 1886-1 specified a 700 foot long channel. The request to allow for a realignment of the channel requires a length of 910 feet.

WATER SOURCE AND EXISTING WATER PERMITS/RIGHTS

There are no water rights on Deadwood Creek downstream from this location that could be affected by the proposed project.

The proposed project was designed by The Mines Group from Reno, Nevada. Review of principal design considerations such as the proposed channel location, depth of flow and flow velocities indicate that the relocated channel will not alter the hydrology or the environment of Deadwood Creek in a significant way during and after the proposed project.

CONCLUSIONS

1. Application 1886A-1 proposes to relocate a segment of Deadwood Creek west of Central City, SD to facilitate mine reclamation operations in the area.
2. There are no water rights on Deadwood Creek that could be affected by the proposed project.
3. Review of principal design considerations that the relocated channel will not alter the hydrology or the environment of Deadwood Creek in a significant way.

Aaron R. Tieman

Aaron R. Tieman
Natural Resources Engineer

Approved by

Mark D. Rath

Mark D. Rath
Natural Resources Project Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 1, 2009

Homestake Mining Company of California
c/o Todd Duex
11457 Bobtail Gulch St
Central City SD 57754

Dear Mr. Duex:

Water Permit Application No. 1886A-1 for channel relocation has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Lawrence County Journal printed at Deadwood SD (Ph # 605-578-3305). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notices and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 1, 2009

Lawrence County Journal
376 Main St Ste. A
Deadwood SD 57732

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1886A-1 to Appropriate Water to be published twice. Please publish the first notice on May 6, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Homestake Mining Company of California, c/o Todd Duex, 11457 Bobtail Gulch St., Central City SD 57754 (Ph # 605-722-4680).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 1886A-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 1, 2009 enclosing Notice to Appropriate Water by Application No. 1886A-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 6, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1886A-1 to Appropriate Water

Notice is given that Homestake Mining Company of California, 11457 Bobtail Gulch St, Central City SD 57754 has filed an application for a water permit to amend Water Permit No. 1886-1. Water Permit No. 1886-1 authorized the relocation of an approximate 700 feet segment of Deadwood Creek in the S ½ Section 29-T5N-R3E. Homestake had constructed the Sawpit Haul road from the Open Cut Mine to the sawpit Waste Rock Disposal Facility. The haul road crossed Hwy 14A and Deadwood Creek west of Central City. The structure included a tunnel through which the highway ran and a culvert designed to accommodate the creek flows. Homestake removed the haul road structure over the highway and plans to partially remove the structure over Deadwood Creek, thereby allowing the creek to flow through a channel that will be constructed around the remaining portion of the structure. The existing culvert will be plugged. This application proposes to increase the length of the creek channel realignment from 700 feet to 910 feet. Homestake will utilize water from the creek on a temporary basis for dust suppression during the removal project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1886A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 25, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 14 2009

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Teri Adler, being duly sworn, says: That the *Lawrence County Journal* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Spearfish, Lawrence County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as Customer Service Representative by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

May 6,	2009	200
May 13,	2009	200
	200	200
	200	200
	200	200

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 52.79, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Teri Adler
Customer Service Rep

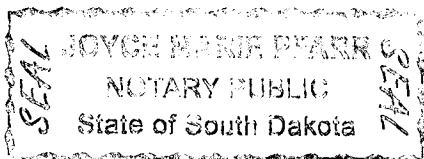
Subscribed and sworn to before me this

13th day of May, 2009

Joyce Marie Pfarr

My commission expires. 08/14/2012

Notary Public, South Dakota



Account No. 60049217

Total Amount 52.79

o

**NOTICE OF APPLICATION
NO. 1886A-1 to
Appropriate Water**

Notice is given that Homestake Mining Company of California, 11457 Bobtail Gulch St, Central City SD 57754 has filed an application for a water permit to amend Water Permit No. 1886-1. Water Permit No. 1886-1 authorized the relocation of an approximate 700 feet segment of Deadwood Creek in the S 1/2 Section 29-T5N-R3E. Homestake had constructed the Sawpit Haul road from the Open Cut Mine to the sawpit Waste Rock Disposal Facility. The haul road crossed Hwy 14A and Deadwood Creek west of Central City. The structure included a tunnel through which the highway ran and a culvert designed to accommodate the creek flows. Homestake removed the haul road structure over the highway and plans to partially remove the structure over Deadwood Creek, thereby allowing the creek to flow through a channel that will be constructed around the remaining portion of the structure. The existing culvert will be plugged. This application proposes to increase the length of the creek channel realignment from 700 feet to 910 feet. Homestake will utilize water from the creek on a temporary basis for dust suppression during the removal project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1886A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 25, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Published Wed., May 6
and Wed., May 13, 2009
Lawrence County Journal**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 09 2009

Homestake Mining Company
c/o Todd Duex
11457 Bobtail Gulch St
Central City SD 57754

Dear Mr. Duex:

Enclosed is Water Permit No. 1886A-1 authorizing the increase of the length of the creek channel realignment for reclamation of the Sawpit haul road.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 1886-1 and 1886A-1

I have this day, Aug 4, 2017 made a thorough examination of the water use system constructed by Homestake Mining Company, 11457 Bobtail Gulch St., Central City, SD 57754 of Permit Nos. 1886-1 and 1886A-1, bearing the priority of 3/8/2007 authorizing relocation of approximately **910** feet of **Deadwood Creek** for **reclamation** purposes, in Lawrence County.

Inspection contact & relationship to permit holder, if applicable: **Mark Tieszen, Environmental Manager**
605-722-4680

Correspondence: **% Jeff Burich, Closure Manager**
775-397-6819

A. Works used to divert and transport water to place of use:

Homestake removed the haul road over Hwy 14A constructed from the Open Cut Mine to the Sawpit Waste Rock Disposal Facility. A culvert placed to accommodate creek flows through the haul road was plugged and a 910 foot long channel was constructed around what remained of the haul road structure.

B. Works used to apply water to beneficial use:

Homestake utilized water from the creek for dust suppression during the structure removal.

C. Compliance with Permit Requirements:

1) Permit qualifications being abided by Yes
list any extended period of nonuse: **none**

2) Exceptions to compliance are: none

D. Condition and Location:

1. The system is in good condition with the points of diversion located as follows:

Channel reconstruction start:

1,600' N and 2,416' E of the SW corner Section 29 T5N R3E (44.363017, -103.781424).

Channel reconstruction end:

2,200' N and 2,160' W of the SE corner Section 29 T5N R3E (44.36464, -103.778711).

2. The channel was constructed **910 foot** long and water utilized as authorized and the **licenses should be issued.**

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: Water Permit 1886-1 authorized relocation of approximately 700 feet of Deadwood Creek in the S ½ Section 29 T5N R3E to facilitate removal of the Sawpit Haul road and authorized utilization of water from the creek for dust suppression during the removal project. Water Permit 1886A-1 authorized increasing the length of the channel realignment from 700 feet to 910 feet.

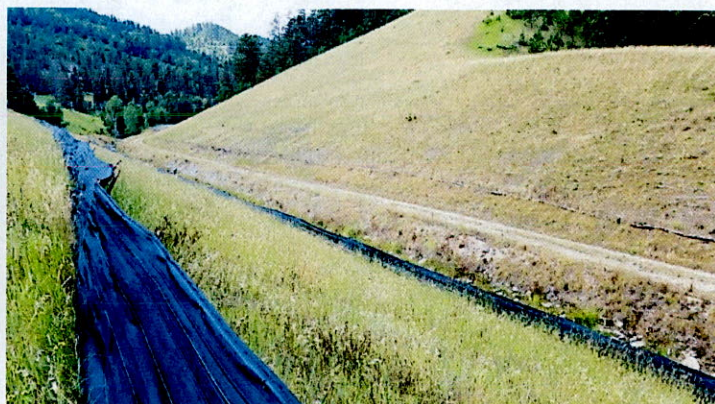


Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date Report Completed: **October 4, 2017**



Looking downstream from start of channel relocation



Looking upstream from lower end of channel relocation

Water Right Nos. 1814-1, 1886-1 and 1886A-1
Homestake Mining Company
Aug 4, 2017

Sec 20
T005N
R03E

Sec 21
T005N
R03E

Sec 22
T005N
R03E

Piping to Blacktail Feed Pond

Sawpit Gulch diversion
Lat: 44.368189
Lon: -103.773977

Bobtail diversion
Lat: 44.369096
Lon: -103.761481

Discharge to Deadwood Creek
Lat: 44.369574 Lon: -103.758621

East Gayville diversion
Lat: 44.369908
Lon: -103.748667

Sec 30
T005N
R03E

Permit #1886-1 and 1886A-1
930' channel relocation

Sec 29
T005N
R03E

Channel relocation start
Lat: 44.363017 Lon: -103.781424

Central City

Blacktail Waste Water
Treatment Plant

Sec 28
T005N
R03E

Gayville diversion
Lat: 44.368656
Lon: -103.753095

East Ravine diversion
Lat: 44.368791
Lon: -103.746948

Sec 27
T005N
R03E

Blacktail diversion
Lon: 44.368195
Lat: -103.757151

Channel relocation end
Lat: 44.36464 Lon: -103.778711

2,416'

2,160'

1,600'

2,200'

Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Steven Quissell

Sec 32
T005N
R03E

Lead

Sec 33
T005N
R03E

Sec 34
T005N
R03E

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoMapping, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community



1886A-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

OCT 13 2017

1815-1
1886-1
1886A-1

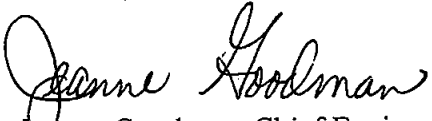
Jeff Burich
Homestake Mining Company
11457 Bobtail Gulch St
Central City SD 57754

Dear Mr. Burich:

Enclosed are Water License Nos. 1815-1 and 1886A-1. They are the final water right documents completing the process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water.

Sincerely,


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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 1886-1 were incorporated into Water License No. 1886A-1.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1886A-1

(1) Homestake Mining Company, 11457 Bobtail Gulch St., Central City, SD 57754 made Application No. 1886A-1, March 8, 2007 for a water permit authorizing relocation of a segment of Deadwood Creek in Lawrence County for reclamation purposes at the Sawpit haul road. Permit No. 1886A-1, with a priority date of March 8, 2007 was approved May 25, 2009 and issued to the applicant with construction of the described project to be completed on or before July 2, 2012.

Water Permit No. 1886-1, with a priority date of March 8, 2007, authorized relocation of an approximate 700 feet segment of Deadwood Creek in the S ½ Section 29, T5N, R3E. Water Permit No. 1886A-1 increased the length of the creek channel realignment from 700 feet to 910 feet.

The applicable portions of Water Permit No. 1886-1 have been incorporated into this Water License No. 1886A-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the project.

Homestake removed the haul road over Hwy 14A constructed from the Open Cut Mine to the Sawpit Waste Rock Disposal Facility. A culvert placed to accommodate creek flows through the haul road was plugged and a 910 foot long channel was constructed around what remained of the haul road structure.

Channel reconstruction start:

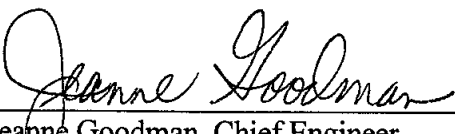
1,600'N and 2,416'E of the SW corner of Section 29, T5N, R3E (44.363017, -103.781424).

Channel reconstruction end:

2,200'N and 2,160'W of the SE corner of Section 29, T5N, R3E (44.36464, -103.778711).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Homestake Mining Company, 11457 Bobtail Gulch St., Central City, SD 57754 the holder and/or owner of Incorporated Water Right No. 1886A-1 is issued a license to maintain the stream relocation of Deadwood Creek with a priority date of March 8, 2007 at the locations specified in (2) of this license for reclamation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 1886A-1



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

OCT 13 2017

date

