

WATER PERMIT NO. 1908-1

Name of Applicant: **Homestake Mining Company**

Address: **11457 Bobtail Gulch St, Central City SD 57754** Phone: **605 722-4680**

Amount of Water Claimed: **0.067 cfs** Total Acres: **NA**

Source of Water Supply: **seepage at reclaimed Yates waste rock site**

Water to be used for: **non-consumptive** County: **Lawrence**

Type of Waste Disposal System:

Location:

PRIORITY Date Received: **2-17-10** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **Seepage water will be treated and returned to Whitewood Creek**

Diversion Point: **NE ¼ SW ¼ Sec 34-T5N-R3E**

Land to be Irrigated:

Depth of Well:

Well Driller:

Remarks:

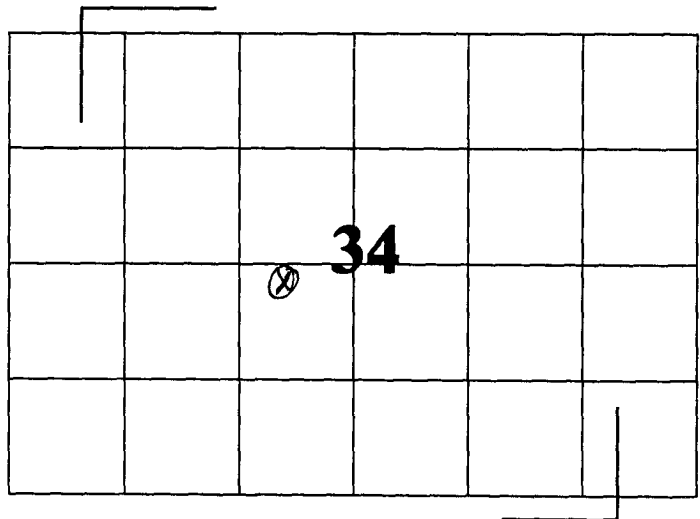
Type of Map:

Prepared by: **James D Walker, RLS**

Reviewed and the Number Assigned on: **2-17-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585LD V3
FORM 2: Application for uses other than irrigation
(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 1908-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Lawrence Co. Journal
605-578-3305 Deadwood 376 Main St A 57732

RECEIVED
FEB 17 2010
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 WATER TREATMENT

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. _____

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

1. Name of Applicant HOMESTAKE MINING COMPANY OF CALIFORNIA Phone 605.722.4680

(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 11457 BOBTAIL GULCH STREET CENTRAL CITY SD 57754
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.067 *CFS or 3ave., 30max. **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply RECLAIMED YATES WASTE ROCK SITE, SEEPAGE.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County LAWRENCE
NE/4SW/4 OF SECTION 34, T5N, R3E, B.H.M.

5. County or counties where water will be used LAWRENCE

6. Annual period during which water is to be used ALL YEAR. Jan 1 - Dec 31

7. 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)

This is a non-consumptive use of water. Water will be treated and ultimately returned to Whitewood Creek. See attached Yates Water Treatment Facility Description.

STATE OF SOUTH DAKOTA)
County of Butte) SS

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

I, Max Main, for 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 Max Main

Subscribed and sworn to before me this 16th day of February 20 10



Nichole J. O'Brien
Notary Public signature
Comm. Expires 6-10-2010

**SOUTH DAKOTA
WATER PERMIT NO. 1908-1**

Date of first receipt of application February 17, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1908-1 to Homestake Mining Company of California, 11457 Bobtail Gulch St, Central City SD 57754 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1908-1 appropriates 0.067 cubic feet of water per second (cfs) from seepage as part of the reclamation at the Yates Waste Rock site located in the NE 1/4 SW 1/4 Section 34-T5N-R3E. The peak diversion rate is 0.067 cfs (30 gallons per minute) with an average rate of 3 gallons per minute. This is a non-consumptive use of water. Once the water is treated it will be discharged to Whitewood Creek.
2. The water appropriated shall be used for the purpose of water treatment and may not exceed the amount of water needed for beneficial use.
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. 1908-1 is May 24, 2010.
5. The date from which applicant may claim right is February 17, 2010.
6. One-fifth of the construction is to be completed on or before November 24, 2012.
7. All construction is to be completed on or before May 24, 2015.
8. Water is to be put to beneficial use on or before May 24, 2019.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

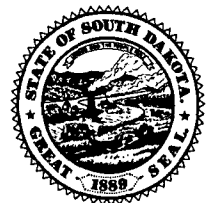
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 01 2010

date



Yates Water Treatment Facility Description

Reclamation of the Yates Waste Rock site was completed in 2005 and a seepage collection system was installed to convey low-volume storm water flows from the facility. The pH and some metals values from samples taken at the seepage collection system have fluctuated over time; that variability is believed to be due, in part, to heavy precipitation in and around the reclamation site. In response, Homestake constructed a wastewater treatment system in 2009 to manage any remnant post-construction seepage. The Yates facility is located at Latitude 44 21' 8", Longitude 103 44' 23" and consists of a reaction vessel, a settling basin, and a manhole with a connection to the Lead-Deadwood Sanitary District sewer system.

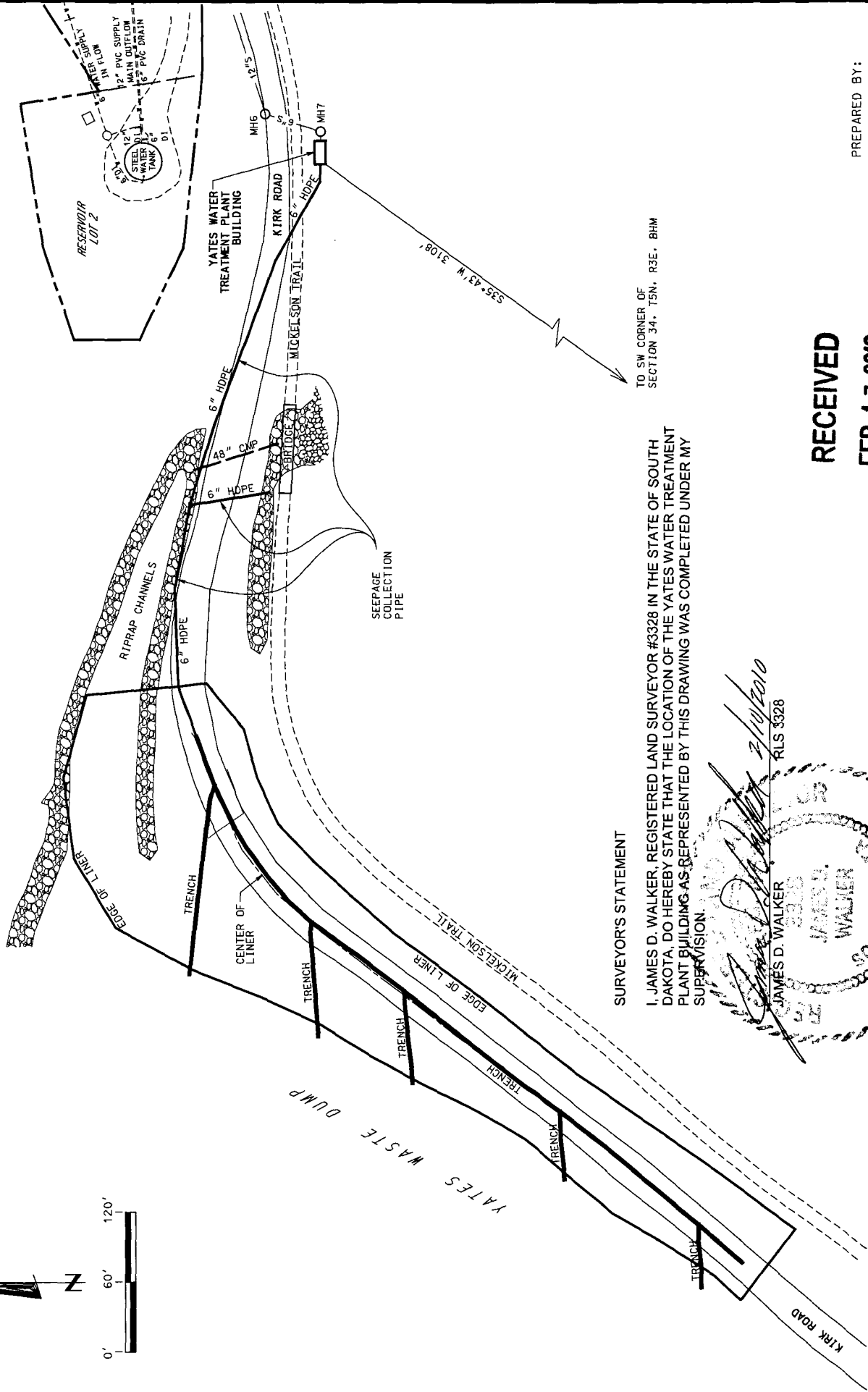
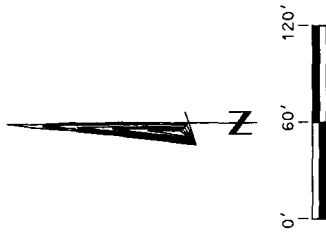
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FEB 17 2010

**WATER RIGHTS
PROGRAM**

HOMESTAKE MINING COMPANY YATES WATER TREATMENT PLANT LOCATION EXHIBIT

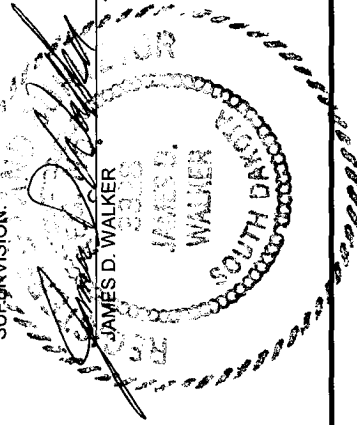
SITUATED IN THE W¹/₂ OF SECTION 34,
T5N, R3E, BHM, LAWRENCE COUNTY, SD



SURVEYOR'S STATEMENT

I, JAMES D. WALKER, REGISTERED LAND SURVEYOR #3328 IN THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT THE LOCATION OF THE YATES WATER TREATMENT PLANT BUILDING AS REPRESENTED BY THIS DRAWING WAS COMPLETED UNDER MY SUPERVISION.

James D. Walker
JAMES D. WALKER
3/10/2010
RLS 3328



RECEIVED

FEB 17 2010

WATER RIGHTS
PROGRAM

PREPARED BY:

NJS ENGINEERING
P.O. BOX 226
SPEARFISH, SD 57783
(605) 642-4172
PROJECT #4419

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/17, 20 10

RECEIVED OF Bennett Main & Gubbrud PC 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>1908-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. <u>1908-1</u>	200	00
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	300 00

No.

04482

By

Richard E. White
Chief Engineer

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

RECEIVED
FEB 17 2010
WATER RIGHTS
PROGRAM

RETIRED
DONN BENNETT

February 16, 2010

PMB 2020
DENR - Water Rights
523 E. Capitol
Pierre, SD 57501-3182

RE: Homestake Water Permit Application - Yates Water Treatment Facility; Our File No. 2365.152010.

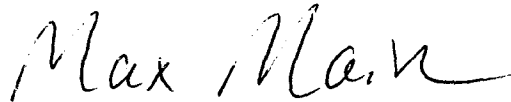
Dear Water Rights:

Enclosed is an original and one copy of Homestake's above-referenced water permit application. Also enclosed is a check payable to SDDENR in the amount of \$300 as payment of the filing fee and inspection/licensing fee.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.


Max Main

MM(njo)
Encs.
cc: Client

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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MAY 18 2010
WATER RIGHTS
PROGRAM

RETIRED
DONN BENNETT

May 17, 2010

Eric Gronlund
South Dakota DENR
PMB 2020, Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RE: Homestake, Application No. 1908-1; Our File #2365.152010.

Dear Eric:

Enclosed is an original Affidavit of Publication by the Lawrence County Journal. I believe the newspaper was supposed to send this Affidavit to you. Maybe they sent you the Proof of Publication, but in any event, I thought I would send the original Affidavit to you. We are paying the publication costs.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.

Max Main

Max Main

MM/gh
Enc.

cc: client



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1908-1, 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. 1908-1, Homestake Mining Company of California, 11457 Bobtail Gulch Street, Central City SD 57754.

The Chief Engineer is recommending APPROVAL of Application No. 1908-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 22, 2010

REPORT ON APPLICATION NO. 1908-1

For Homestake Mining of California

April 8, 2010

Application 1908-1 proposes to appropriate 0.067 cubic feet of water per second (cfs) from seepage as part of the reclamation at the Yates Waste Rock site located in the NE¼ SW¼ Section 34, T5N-R3E. The peak diversion rate is 0.067 cfs (30 gallons per minute) with an average rate of 3 gpm. This is a non-consumptive use of water.

REVIEW OF PROPOSED PROJECT

Reclamation of the Yates Waste Rock site was completed in 2005 and a seepage collection system was installed to convey low-volume storm water flows from the facility. The pH and some metals values from samples taken at the seepage collection system have fluctuated over time; that variability is believed to be due, in part, to heavy precipitation in and around the reclamation site. In response, Homestake constructed a wastewater treatment system in 2009 to manage any remnant post-construction seepage. The Yates facility is located at Latitude 44° 21' 8", Longitude 103° 44' 23" and consists of a reaction vessel, a settling basin and a manhole with a connection to the Lead-Deadwood Sanitary District sewer system.

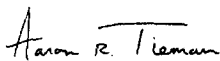
WATER SOURCE AND EXISTING WATER PERMITS/RIGHTS

There are 8 existing water rights appropriating 26.81 cfs from Whitewood Creek. Since this is a non-consumptive use of seepage water that would normally be received by Whitewood Creek as runoff there would not be an adverse affect downstream. The proposed project was designed by NJS Engineering of Spearfish, SD.

Once the water is treated it will be discharged to Whitewood Creek. Upon review, it was found that the applicant possesses a permit and is in compliance with a surface water discharge permit from the Surface Water Quality Program, Department of Environment and Natural Resources.

CONCLUSIONS

1. Application 1908-1 proposes to appropriate 0.067 cubic feet of water per second (cfs) from seepage as part of the reclamation at the Yates Waste Rock site.
2. There are no water rights on Whitewood Creek that could be affected by the proposed project.
3. The applicant is in compliance with a surface water discharge permit from the Surface Water Quality Program, Department of Environment and Natural Resources.



Aaron R. Tieman
Natural Resources Project Engineer

Approved by



Mark D. Rath
Natural Resources Engineering Specialist

BIBLIOGRAPHY

Yates Water Treatment Plant Report, prepared for Homestake Mining Company by NJS Engineering, Project No. 4419, February 10, 2010.

Water Right, 2010, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 26, 2010

Lawrence County Journal
376 Main St Suite A
Deadwood SD 57732

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1908-1 to Appropriate Water to be published twice. Please publish the first notice on May 5, 2010 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 Co. of California, c/o Max Main, 618 State St., Belle Fourche SD 57717 (Ph # 605-892-2011).

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. 1908-1

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

Date _____

We are in receipt of your letter of April 26, 2010 enclosing Notice to Appropriate Water by Application No. 1908-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

April 26, 2010

Homestake Mining Company of California
c/o Max Main
618 State St
Belle Fourche SD 57717

Dear Mr. Main:

Water Permit Application No. 1908-1 for water treatment use 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 recommendation of the Chief Engineer and report on the application 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 Notice 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

Instruction to Newspaper - Publish first Notice on May 5, 2010 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. 1908-1 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 appropriate 0.067 cubic feet of water per second (cfs) from seepage as part of the reclamation at the Yates Waste Rock site located in the NE ¼ SW ¼ Section 34-T5N-R3E. The peak diversion rate is 0.067 cfs (30 gallons per minute) with an average rate of 3 gallons per minute. This is a non-consumptive use of water. Once the water is treated it will be discharged to Whitewood Creek.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1908-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) 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 24, 2010.

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 twice at the total approximate cost of _____.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 13 2010

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 5,	2010	201
May 12,	2010	201
	201	201
	201	201
	201	201

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 43.65, 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

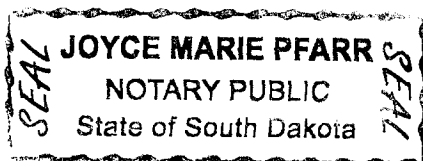
Subscribed and sworn to before me this

12th day of May, 2010

Joyce Marie Pfarr

My commission expires. 08/14/2012

Notary Public, South Dakota



Account No. 60001465

Total Amount \$43.65

NOTICE OF APPLICATION

NO. 1908-1 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 appropriate 0.067 cubic feet of water per second (cfs) from seepage as part of the reclamation at the Yates Waste Rock site located in the NE 1/4 SW 1/4 Section 34-T5N-R3E. The peak diversion rate is 0.067 cfs (30 gallons per minute) with an average rate of 3 gallons per minute.

This is a non-consumptive use of water. Once the water is treated it will be discharged to Whitewood Creek.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1908-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) 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 24, 2010.

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.

/s/ Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$43.65.

**Published Wed., May 5
and Wed., May 12, 2010
Lawrence County
Journal**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 01 2010

Homestake Mining Company of California
11457 Bobtail Gulch St
Central City SD 57754

Dear Sir:

Enclosed is Water Permit No. 1908-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

1908-1
RECEIVED

OCT 15 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate October 8, 2012TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

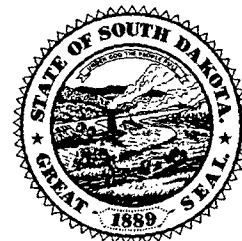
FROM:

Homestake Mining Company
(name)11457 Bobtail Gulch Street
(address)Central City, South Dakota 57754
(city, state, zip)(605) 722-4680
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1908-1 states that the water use system is to be constructed byMay 24, 2015
(date), and water is to be put to beneficial use by May 24, 2019
(date)The water use system was completed on June 30, 2009
(date)Applying the water to beneficial use was completed on July 1, 2009
(date)

You may schedule an investigation so that the water license may be issued.

Todd A. Dumas
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 17, 2012

1886-1
1908-1

Homestake Mining Company
11457 Bobtail Gulch St
Central City SD 57754

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with the systems authorized under Water Permit Nos. 1886-1 and 1908-1.

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between completion of the projects and the staff inspection has no bearing on the water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 1908-1**

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 No. **1908-1**, bearing the priority of **2/17/2010** authorizing **.067** cu. ft. per second water from seepage at the **Yates Waste Rock Site** for **industrial** purposes, in **Lawrence** County.

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

Correspondence: **% Jeff Burich, Closure Manager**
605-722-4680

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

A 6" HDPE pipe approximately 1,150 foot long collects and transports low volume storm water flows seeping from the Yates Waste Rock site to a waste water treatment system.

B. Works used to apply water to beneficial use:

The waste treatment facility discharges to the Lead Deadwood Sanitary Sewer. Once treated the water is discharged to Whitewood Creek. The Yates Waste Water Treatment Facility began operation in July 2009. Monthly discharges vary depending on time of year and snow/rainfall amounts. The maximum average monthly discharge to date of **0.030 cfs** (13.5 gpm) occurred during October 2013. The average discharge for the 2013 water year was 2.6 gpm. Extremely short duration discharges as high as 0.26 cfs have occurred, but the average monthly discharge is not expected to ever exceed **.067 cfs**.

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. The waste treatment facility is located as follows:
2,515' N and 1,650' E of the SW corner Section 34 T5N R3E (44.351295, -103.743324).

2. The works are capable of diverting and conveying to the place of use **.067** cu. ft. per second (**30 gpm**) of water which is used for **industrial** (reclamation) use and the license should be issued for **.067 cfs**.

3. All structures, wells and lands on map **Yes**

F. Comments or other permit(s) associated with the project: Water Permit 1815-1 is located in the immediate vicinity and also authorizes necessary diversions for reclamation of the Yates Waste Rock Facility.



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date Report Completed: **Aug 9, 2017**



Looking west along Kirk Road and toe of Yates Waste Rock site. The 6" HDPE collection pipe is located along slope the the right side of the road at the base of the waste rock slope and crosses the road in the foreground.



Looking west along Kirk Road and toe of waste rock



Yates Water Treatment Plant

Water Right Nos. 1908-1 and 1815-1
Homestake Mining Company
Aug 4, 2017

Sec 28
T005N
R03E

Sec 27
T005N
R03E

Deadwood

Sec 33
T005N
R03E

Lead

Permit #1908-1
6" HDPE collection pipe

Sec 34
T005N
R03E

Whitewood Creek original channel

Whitewood Creek original channel

1,650'

116'

2,515'

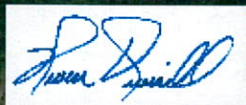
Permit #1908-1
Yates Water Treatment Plant Building
Lat: 44.351295 Lon: -103.743324

Permit #1815-1 Whitewood Creek
2,150' reconstructed channel

Start channel relocation
Lat: 44.348498 Lon: -103.749986

1,496'

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Sec 3
T004N
R03E

Sec 2
T004N
R03E

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX,
Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



1908-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 10 2017

1814-1
1908-1

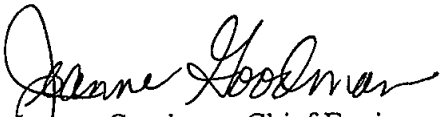
Jeff Burich
Homestake Mining Company
11457 Bobtail Gulch St
Central City SD 57754

Dear Mr. Burich:

Enclosed are Water License Nos. 1814-1 and 1908-1. They are the final water right documents completing the process of obtaining Water Rights. Included with the licenses are maps 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1908-1

(1) Homestake Mining Company, 11457 Bobtail Gulch St., Central City, SD 57754 made Application No. 1908-1, February 17, 2010 for a water permit to divert 0.067 cubic feet of water per second from seepage, as part of the reclamation at the Yates Waste Rock site located in Lawrence County, South Dakota for industrial purposes. Permit No. 1908-1, with a priority date of February 17, 2010 was approved May 24, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 24, 2015 and the application to beneficial use of said water on or before May 24, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.067 cubic feet of water per second for beneficial use.

The location of the diversion point is 2,515'N and 1,650'E of the SW corner of Section 34 T5N R3E (44.351295, -103.743324).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The waste treatment facility discharges to the Lead Deadwood Sanitary Sewer.

(4) 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 Water Right No. 1908-1 is issued a license to appropriate water, the right to use 0.067 cubic feet of water per second from seepage at the Yates Waste Rock site with a priority date of February 17, 2010 from the location specified in (2) of this license for industrial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1908-1.


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

OCT 10 2017
date

