

WATER PERMIT NO. 1979-1

Name of Applicant: Homestake Mining Company

Address: 11457 Bobtail Gulch St, Central City SD 57754

Phone: 605 722-4796

Amount of Water Claimed: 8.0

Total Acres: 566.90

Source of Water Supply: Belle Fouché River

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: approximately 16 miles northeast of Sturgis

PRIORITY

Date Received: 6-4-18

Application/License Fee: \$ 1750

Corrected Application Received:

Period of Annual Use: May 1 – August 31

Remarks:

Diversion Point: between W 1/2 SW 1/4 Sec 2 and

SE 1/4 NW 1/4 Sec 13; all in T6N-R8E

Land to be Irrigated: W 1/2 SW 1/4, SE 1/4 SW
1/4, SW 1/4 SE 1/4 Sec 2; NW 1/4 Sec 13; E 1/2
Sec 11; N 1/2 NE 1/4, NE 1/4 NW 1/4 Sec 14; all
in T6N-R8E

Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-5-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1979-1**

Date of first receipt of application June 4, 2018.

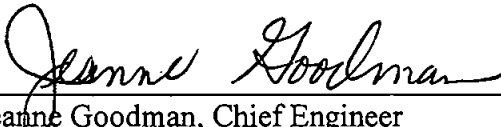
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1979-1 to Homestake Mining Company of California, 11457 Bobtail Gulch St., Central City SD 57754 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1979-1 appropriates 8.0 cubic feet of water per second from the Belle Fourche River located between points in the W 1/2 SW 1/4 Section 2 and SE 1/4 NW 1/4 Section 13 for irrigation of 566.90 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 2; E 1/2 Section 11; NW 1/4 Section 13; N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 14; all in T6N-R8E. The site is located approximately 20 miles northeast of Sturgis SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.
3. The date from which applicant may claim right is June 4, 2018.
4. The date of approval of Permit No. 1979-1 is July 23, 2018.
5. One-fifth of the construction is to be completed on or before January 23, 2021.
6. All construction is to be completed on or before July 23, 2023.
7. Water is to be put to beneficial use on or before July 23, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 29 2018
date



RECEIVED
JUN - 4 2018
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1979-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R</u>
	Newspaper <u>Faith Independent</u> <u>Rapid City Journal</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predated Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Homestake Mining Company of California

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Jeff Burich
(name and complete address if different than above name)

Mailing Address 11457 Bobtail Gulch St. Central City SD 57754
(Address) (City) (State) (Zip Code)

Home Phone (605) 722-4796 Cell (775) 397-6819 Email jburich@barrick.com

2. Amount of water claimed 8.0 *CFS or **GPM ***AF Total Acreage 566.90
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Belle Fourche River

4. Location of point of diversion between points in W1/2SW1/4 of Section 2 and SE1/4NW1/4 in Section 13, T6N, R8E BHM
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R33W)

County Meade5. County or counties where water will be used Meade6. Annual period during which water is to be used May, June, July and August of each year

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

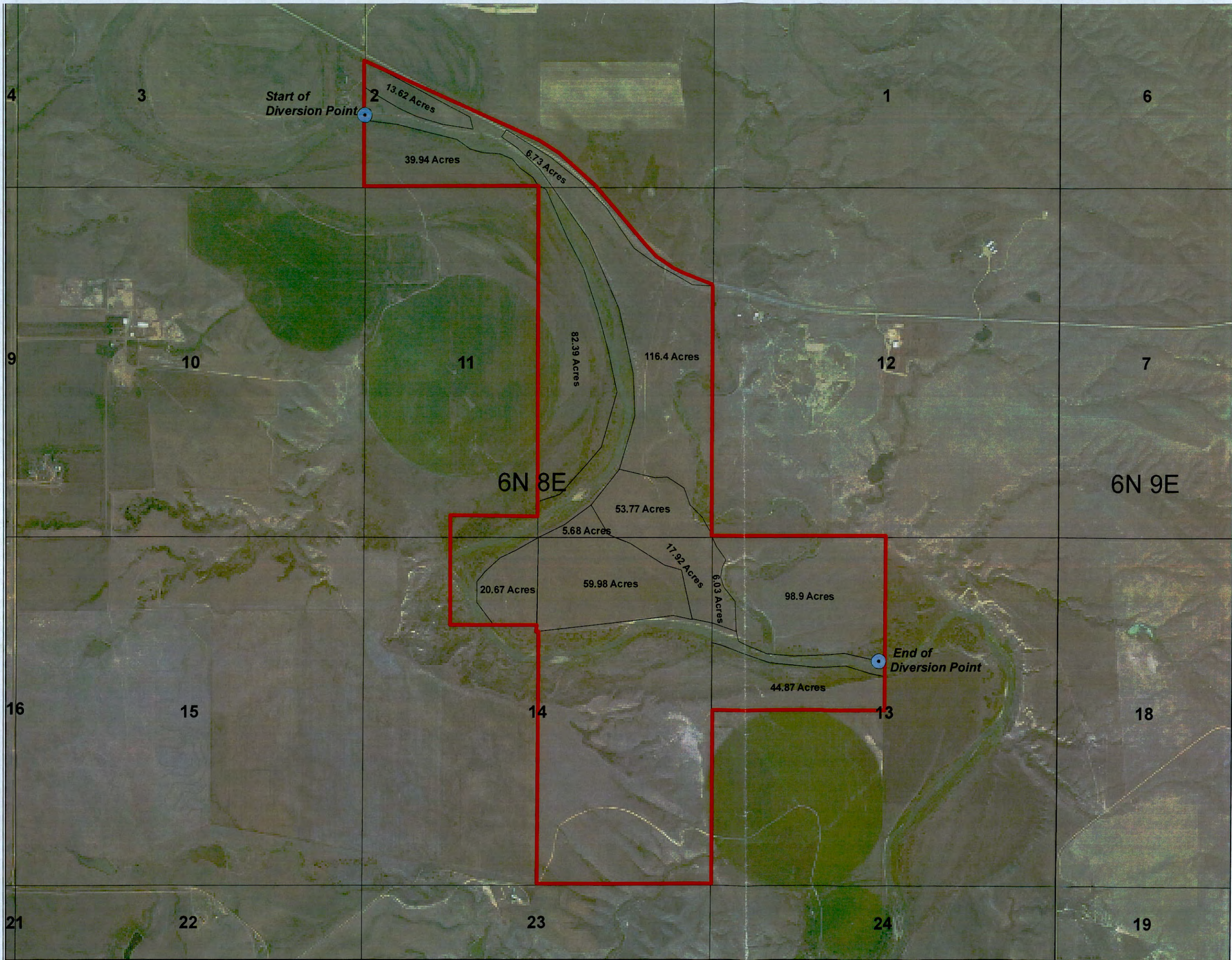
Land Description	Acres	Land Description	Acres
Section 2: W1/2SW1/4; SE1/4SW1/4; and SW1/4SE1/4	60.29	Section 11: E1/2	258.24
Section 13: NW1/4	149.80	Section 14: N1/2NE1/4 and NE1/4NW1/4	98.57
		all in T6N, R8E, BHM	

8. Give a description of the project. (Attach sheet if more space is needed)

Pump water from Belle Fourche river to irrigate hay and crop lands by sprinklers, spreaders and/or flood irrigation.
This was designated Water Permit No. 1149-1 in 1977, which was cancelled in 1987.

Peter Webster, HMC Director and General Counsel U.S., and Paul D. Judd, HMC CFO and Tax Director for

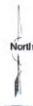
I, Peter Webster, the applicant, certify that ^{we} I have read this application,
have examined the attached map and that the matters stated are true.



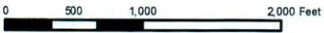
Legend

-  Diversion Point Start and End
-  HMC Ownership
-  Irrigated Fields

North



HOMESTAKE



Provisional Map - This map was not prepared from a field survey and should not be relied on as a representation of legal land descriptions. Information on this map may not be complete or up to date and its accuracy is not to be relied upon. This map is intended only as a general representation of land status and is for Barrick's use only.


BARRICK

2018 WATER RIGHT APPLICATION #1	Date: April 2018 Drawn: kau champach Path: WaterRights/ WaterRightRequest#1149.1.mxd
--	---

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 5, 20 18

RECEIVED OF Homestake Mining Co. of California 2270 Corporate Circle Ste 100 Henderson NV 89074

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

Fee for Application for Permit No. <u>1979-1</u> to Appropriate Water, to construct and to put water to beneficial use	1550	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>1979-1</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	1750	00

No. **08654**

By Jeanne Goodman
Chief Engineer ym



530453891

B0046-4177 11/30/2017 3:12PM Rec'd by SD SOS

South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2017
FILING YEAR

ANNUAL REPORT

Foreign Business Corporation
SDCL 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

FB000488
BUSINESS ID

HOMESTAKE MINING COMPANY OF CALIFORNIA
BUSINESS NAME

2. The jurisdiction under whose law it is formed **CALIFORNIA**

3. The address of the principal executive office (business address):

Actual Street Address

**818 WEST SEVENTH STREET
LOS ANGELES, CA 90017-3407**

Mailing Address

**460 WEST 50 NORTH SUITE 500
SALT LAKE CITY, UT 84101**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **C T CORPORATION SYSTEM (0000002)**

Actual Street Address in this State

**319 S COTEAU ST
PIERRE, SD 57501-3187**

Mailing Address in this State

5. The names and business addresses of its principal officers.

Title	Name	Address
Treasurer	DENI NICOSKI	161 BAY STREET, SUITE 3700, TORONTO, ON, M5J 2S1
Vice President	DENI NICOSKI	160 BAY STREET, SUITE 3700, TORONTO, ON, M5J 2S1
Secretary	DANA STRINGER	161 BAY STREET, SUITE 3700, TORONTO, ON, M5J 2S1
Vice President	MICHAEL J. BROWN	2270 CORPORATE CIRCLE, SUITE 100, HENDERSON, NV, 89074
President	Bradley Barnett	2270 Corpotate Circle, Suite 100, Henderson, NV 89074

6. The names and business addresses of its directors (governors).

Name	Address
GEORGIOS JOANNOU	161 BAY STREET, SUITE 3700, TORONTO, ON, M5J 2S1
PAUL JUDD	460 WEST 50 NORTH, SUITE 500, SALT LAKE CITY, UT, 84101
PETER WEBSTER	460 WEST 50 NORTH, SUITE 500, SALT LAKE CITY, UT, 84101

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

**LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT**
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

RECEIVED
JUN - 4 2018
**WATER RIGHTS
PROGRAM**

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

May 30, 2018

Eric Gronlund
Water Rights Program
SD DENR
523 East Capitol Ave.
Pierre, SD 57501-3182

RE: HMC Water Right Applications; Our File No. 2365.249018.

Dear Eric:

Enclosed are three original Applications for Permit to Appropriate Water for Irrigation. A map is attached to each separate Application. The handwritten number in the lower right-hand corner of each Application corresponds to the number in the lower right-hand corner of each map.

Also enclosed is a Homestake check payable to the order of SD DENR in the amount of \$5,750, as payment of the filing fees.

Thank you for your assistance, and please let me know if there are any questions.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Max Main

MM/ra
Encs. (7)
cc (letter only by email): Jeff Burich
Julie Stone



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1979-1, 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. 1979-1, Homestake Mining Company of California, c/o Jeff Burich, 11457 Bobtail Gulch St, Central City SD 57754.

The Chief Engineer is recommending APPROVAL of Application No. 1979-1 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 with the following qualifications:

1. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

July 2, 2018

REPORT ON WATER PERMIT APPLICATION NOS. 1979-1, 1980-1 & 1981-1
Homestake Mining Company of California
June 27, 2018

Application No. 1979-1 proposes to appropriate 8.0 cubic feet of water per second (cfs) from the Belle Fourche River located between points in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 for irrigation of 566.90 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; E $\frac{1}{2}$ Section 11; NW $\frac{1}{4}$ Section 13; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; all in T6N-R8E.

Application No. 1980-1 proposes to appropriate 10.7 cfs from the Belle Fourche River located between points in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9 for irrigation of 752.56 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; S $\frac{1}{2}$ S $\frac{1}{2}$ Section 5; SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7; N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 8; N $\frac{1}{2}$ Section 9; all in T5N-R9E.

Application No. 1981-1 proposes to appropriate 9.6 cfs from the Belle Fourche River located between points in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1-T4N-R11E and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31-T5N-R12E for irrigation of 675.18 acres located in the N $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1-T4N-R11E; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6-T4N-R12E and the SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31-T5N-R12E.

The three proposed irrigation projects, Nos. 1979-1, 1980-1 and 1981-1, are located 20, 23, and 38 miles east of Sturgis respectively, in southern Meade County.

Review of the Proposed Project and Water Source

Combined, application Nos. 1979-1, 1980-1, and 1981-1 propose to appropriate 29.9 cfs of water to irrigate 1994.64 acres from the Belle Fourche River. The proposed source of water for these projects is from the Belle Fourche River in a 40 mile long reach between 12 river miles downstream from the Belle Fourche Irrigation District to 30 river miles upstream of the confluence with the Cheyenne River.

The Belle Fourche River headwaters in northeast Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of the town of Wasta for an approximate distance of 290 river miles. Included in this stretch is the Belle Fourche Reservoir, which is part of the United States Department of the Interior's Belle Fourche Project. This project was completed in 1914 and includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres within the Belle Fourche Irrigation District located in southern Butte County in western South Dakota.

The United States Geological Survey (USGS) has maintained two stream flow gaging stations from 1953 to present on this reach of the Belle Fourche River east of Sturgis, SD. These three applications are located downstream of the Belle Fourche Irrigation District in the river reach

between the USGS Gaging Station near Sturgis and the USGS Gaging Station near Elm Spring (USGS, 2018). Both of these gages are located downstream of the Belle Fourche Irrigation District waste ways and tributaries such as Owl and Horse Creeks which funnel irrigation return flows from the Belle Fourche Irrigation district into the Belle Fourche River. Significant portions of the water in this reach of the river where the proposed irrigation projects are to be located consist of irrigation return flows coming from the Belle Fourche Irrigation District during the irrigation season.

Unlike a typical prairie river that has its flow peaking in the March and April due to snow melt and spring rains then trailing off throughout the summer months into fall, flow in the Belle Fourche River has an early peak in the spring and a larger peak flow in the summer from irrigation return flows. The impact of the return water from the upstream irrigation project can be observed in both Figure 1 and Figure 2 with the March and April spring peak dwarfed by a larger increase in flows during the months of May through September.

Figure 1 is a percentile flow hydrograph with the daily 5, 10, 25, and 50 percentile values for the gage near Sturgis based upon 64 years of available flow data. Based upon review of the flow hydrograph flows in excess of 50 cfs can be expected on average three out of four years during the irrigation season.

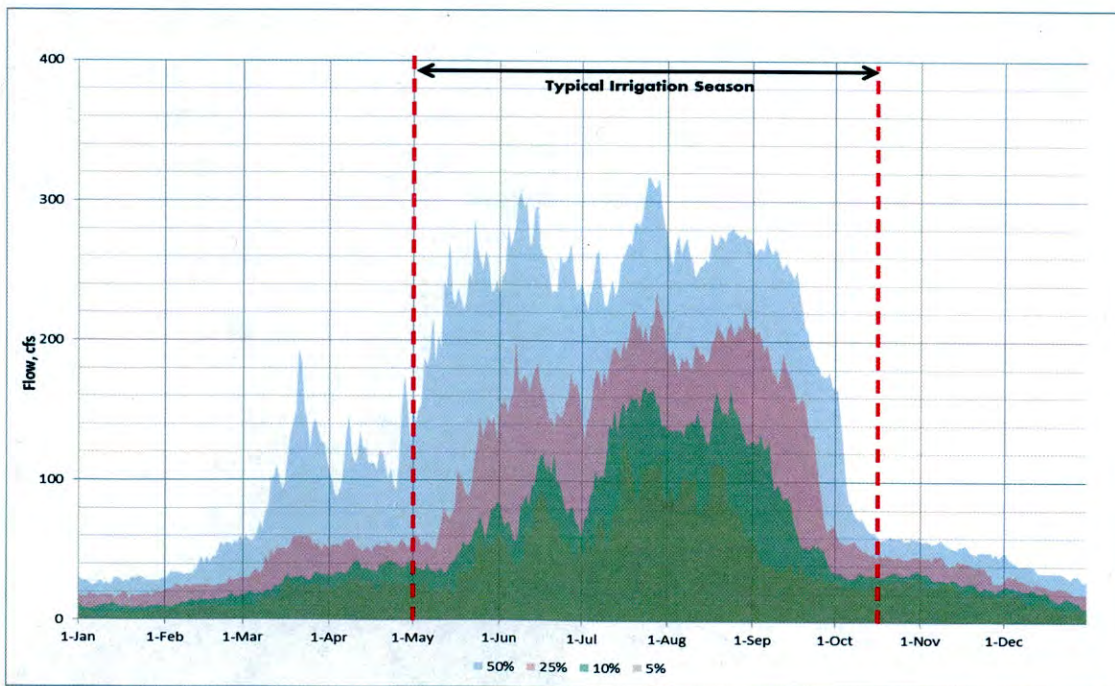


Figure 1. Daily percentile flow hydrographs for the USGS Belle Fourche River near Sturgis, 1953-2017, contributing drainage area 5798 mi² (USGS, 2018).

Figure 2 is a daily percentile flow hydrograph for the gage near Elm Springs, downstream from these proposed irrigation projects. Based upon 64 years of available flow data review of the

hydrograph indicate flows in excess of 50 cfs can be expected on average three out of four years during the irrigation season.

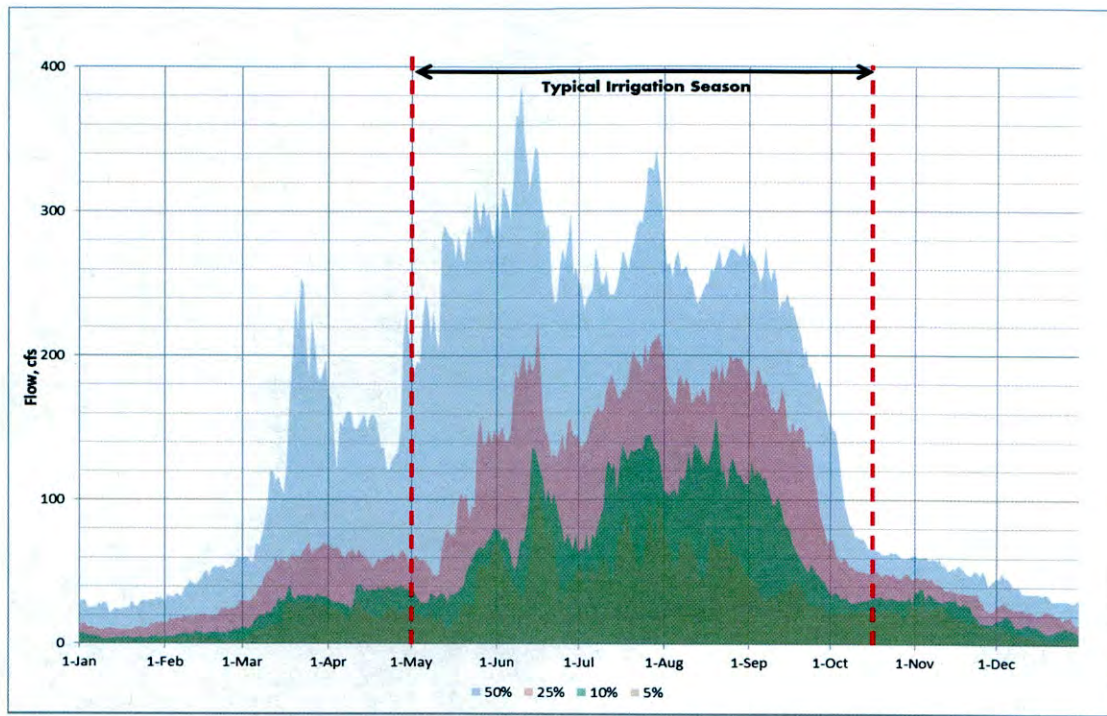


Figure 2. Daily percentile flow hydrographs for the USGS Belle Fourche River near Elm Springs, 1953-2017, contributing drainage area 6997 mi² (USGS, 2018).

Review of Existing Water Rights

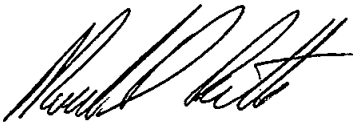
There are 20 existing water rights/permits appropriating 70.04 cfs in the Belle Fourche River reach between the USGS gaging station near Sturgis and the confluence with the Cheyenne. Based upon the historical flow records for the Sturgis gage and Elm Springs gage, there is a high probability water will be available for all three of these applications during the irrigation season (Water Rights, 2018).

Except under extremely dry climatic conditions, water availability from the Belle Fourche River would not be expected to be an issue if these applications are approved. However, to address the rare occasions when water availability is an issue, the permit should contain the following qualification:

- Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Conclusions

1. Combined, Application Nos. 1979-1, 1980-1, and 1981-1 propose to appropriate 29.9 cfs of water to irrigate 1994.64 acres from the Belle Fourche River.
2. The proposed source of water for these projects is from the Belle Fourche River in a 40 mile long reach 12 river miles downstream from the Belle Fourche Irrigation District and 30 river miles upstream of the confluence with the Cheyenne River.
3. Except under extremely dry climatic conditions, water availability from the Belle Fourche River in this reach would not be expected to be an issue if these applications are approved.
4. If approved the permit should contain the following qualification:
Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineer III

References

1. USGS, 2018. United States Geological Survey, National Water Information System -- Stream Gaging Station Network for South Dakota.
2. Water Rights, 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 02, 2018 1:08 PM
To: 'max@bellelaw.com'
Subject: Homestake Mining Company irrigation applications
Attachments: Homestake applications.pdf

Max Main,

Attached is the report, recommendations, and public notice information regarding the three water permit applications for irrigation. As stated in the letter, someone needs to contact the papers to authorize publication and arrange for payment. Paper copies being mailed today.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



**WATER RIGHTS
PROGRAM**

DIANNE HELLEKSON
 NOTARY PUBLIC
 SOUTH DAKOTA 
 My Commission Expires April 18, 2020

located approximately 23 miles east of Sturgis SD.

Application No. 1981-1 proposes to appropriate 9.8 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 1-T4N-R11E and the E 1/2 SE 1/4 Section 31-T5N-R12E for irrigation of 675.18 acres located in the N 1/2, E 1/2 SE 1/4 Section 1-T4N-R11E; W 1/2 NW 1/4, NW 1/4 SW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 6-T4N-R12E and the SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 31-T5N-R12E. The site is located approximately 35 miles east of Sturgis SD.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1979-1, 1980-1 and 1981-1 with qualifications 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. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 23, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pimer, Secretary
Department of Environment
and Natural Resources

Published July 11, 2018 at the total approximate cost of \$34.90.

NOTICE OF APPLICATION NOS. 1979-1, 1980-1 and 1981-1 to Appropriate Water

Notice is given that Homestake Mining Company of California, c/o Jeff Burich, 11457 Bobtail Gulch St. Central City SD 57754 has filed the following applications for a water permit.

Application No. 1979-1 proposes to appropriate 8.0 cubic feet of water per second (cfs) from the Belle Fourche River located between points in the W 1/2 SW 1/4 Section 2 and SE 1/4 NW 1/4 Section 13 for irrigation of 686.90 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 2; E 1/2 Section 11; NW 1/4 Section 13; N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 14; all in T5N-R3E. The site is located approximately 20 miles northwest of Sturgis SD.

Application No. 1980-1 proposes to appropriate 10.7 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 8 and the E 1/2 SE 1/4 Section 9 for irrigation of 782.39 acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4; S 1/2 S 1/2 Section 8; SE 1/4, E 1/2 SW 1/4 Section 8; NE 1/4, NE 1/4 NW 1/4 Section 7; N 1/2 NW 1/4, NE 1/4 Section 8; N 1/2 Section 9; all in T5N-R3E. The site is lo-

July 11 L21088895

**NOTICE OF APPLICATION
NOS. 1979-1, 1980-1 and 1981-1 to
Appropriate Water**

Notice is given that Homestake Mining Company of California, c/o Jeff Burich, 11457 Bobtail Gulch St, Central City SD 57754 has filed the following applications for a water permit.

Application No. 1979-1 proposes to appropriate 8.0 cubic feet of water per second (cfs) from the Belle Fourche River located between points in the W 1/2 SW 1/4 Section 2 and SE 1/4 NW 1/4 Section 13 for irrigation of 566.90 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 2; E 1/2 Section 11; NW 1/4 Section 13; N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 14; all in T6N-R8E. The site is located approximately 20 miles northeast of Sturgis SD.

Application No. 1980-1 proposes to appropriate 10.7 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 8 and the E 1/2 SE 1/4 Section 9 for irrigation of 752.56 acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4; S 1/2 S 1/2 Section 5; SE 1/4, E 1/2 SW 1/4 Section 6; NE 1/4, NE 1/4 NW 1/4 Section 7; N 1/2 NW 1/4, NE 1/4 Section 8; N 1/2 Section 9; all in T5N-R9E. The site is located approximately 23 miles east of Sturgis SD.

Application No. 1981-1 proposes to appropriate 9.6 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 1-T4N-R11E and the E 1/2 SE 1/4 Section 31-T5N-R12E for irrigation of 675.18 acres located in the N 1/2, E 1/2 SE 1/4 Section 1-T4N-R11E; W 1/2 NW 1/4, NW 1/4 SW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 6-T4N-R12E and the SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 31-T5N-R12E. The site is located approximately 38 miles east of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1979-1, 1980-1 and 1981-1 with qualifications 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. The Chief Engineer's recommendations with qualifications, the applications, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 23, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

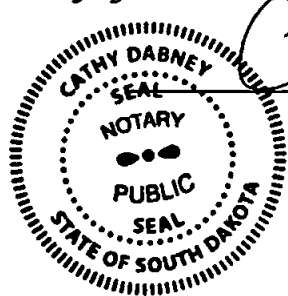
JUL 16 2018

WATER RIGHTS
PROGRAM

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each _____ day _____ for _____ one _____ successive _____ day _____, the first publication there of being on the _____ 11th _____ day of _____ July 2018 _____ that the fees charged for the publication there of are _____ 83 _____ dollars and _____ 97 _____ cents.

Sheri Sponder

Subscribed and sworn to before me this _____ 11th _____ day of _____ July _____, _____ 2018 _____.



Cathy Dabney
Notary public

4-16-2024

My commission expires



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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 NEWSPAPERS RIGHT AWAY.**

July 2, 2018

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

Dear Mr. Burich:

Water Permit Application Nos. 1979-1, 1980-1 and 1981-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith SD (Ph # 605 967-2161) and the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8300). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

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.

NOTICE OF APPLICATION NOS. 1979-1, 1980-1 and 1981-1 to Appropriate Water

Notice is given that Homestake Mining Company of California, c/o Jeff Burich, 11457 Bobtail Gulch St, Central City SD 57754 has filed the following applications for a water permit.

Application No. 1979-1 proposes to appropriate 8.0 cubic feet of water per second (cfs) from the Belle Fourche River located between points in the W 1/2 SW 1/4 Section 2 and SE 1/4 NW 1/4 Section 13 for irrigation of 566.90 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 2; E 1/2 Section 11; NW 1/4 Section 13; N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 14; all in T6N-R8E. The site is located approximately 20 miles northeast of Sturgis SD.

Application No. 1980-1 proposes to appropriate 10.7 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 8 and the E 1/2 SE 1/4 Section 9 for irrigation of 752.56 acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4; S 1/2 S 1/2 Section 5; SE 1/4, E 1/2 SW 1/4 Section 6; NE 1/4, NE 1/4 NW 1/4 Section 7; N 1/2 NW 1/4, NE 1/4 Section 8; N 1/2 Section 9; all in T5N-R9E. The site is located approximately 23 miles east of Sturgis SD.

Application No. 1981-1 proposes to appropriate 9.6 cfs from the Belle Fourche River located between points in the W 1/2 NW 1/4 Section 1-T4N-R11E and the E 1/2 SE 1/4 Section 31-T5N-R12E for irrigation of 675.18 acres located in the N 1/2, E 1/2 SE 1/4 Section 1-T4N-R11E; W 1/2 NW 1/4, NW 1/4 SW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 6-T4N-R12E and the SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 31-T5N-R12E. The site is located approximately 38 miles east of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1979-1, 1980-1 and 1981-1 with qualifications 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. The Chief Engineer's recommendations with qualifications, the applications, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 23, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 02, 2018 1:13 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1979-1, 1980-1 & 1981-1, Homestake Mining Company
Attachments: 1979to1981public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 11, 2018.

Homestake Mining Company, c/o Jeff Birich, 11457 Bobtail Gulch St, Central City SD 57754 (605 722-4796) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 02, 2018 1:12 PM
To: faithind@faithsd.com
Subject: 1979-1, 1980-1 & 1981-1, Homestake Mining Company
Attachments: 1979to1981public.short.docx; FORM8.FRM.doc

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 29 2018

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

Dear Mr. Burich:

Enclosed are Water Permit Nos. 1979-1, 1980-1 and 1981-1 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems 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,

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

enclosures

c: Max Main
Bennett Main Gubbrud & Willert
618 State St
Belle Fourche SD 57717