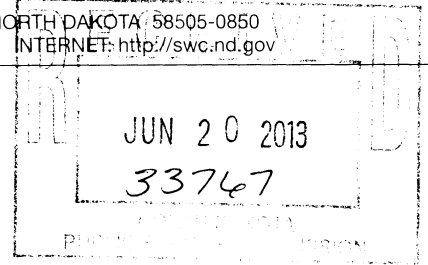




North Dakota State Water Commission

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WATER APPROPRIATION DIVISION
(701) 328-2754

June 18, 2013

Mr. James R. Deutsch, Director
Reclamation Division
Public Service Commission
State Capitol Building
Bismarck, ND 58505

Dear Mr. Deutsch:

In a June 3, 2013, letter you requested a review of American Colloid Company's application for Revision No. 7 to Permit ACPG-9701. The application proposes to mine Leonardite in the Tompkins Mine Area, located three miles east of Gascoyne in the SE1/4 of Section 35, Fischbein Township (T. 131 R. 099). The Leonardite to be mined is the Harmon lignite bed where it occurs above the water table and is partially oxidized. The Leonardite in the Tompkins area is about five to ten feet thick with a clay parting and occurs below about ten feet of overburden, plus or minus.

American Colloid Company's Page and Perkins mine areas were reviewed in letters dated December 3, 1997, and August 24, 2005. Like the Page and Perkins mine areas, the Leonardite in the Tompkins Mine Area is in the unsaturated zone. It therefore seems reasonable to not require groundwater monitoring. Groundwater has been monitored in the past in wells to the north and west of the Tompkins Mine Area, in association with mining of the Harmon Bed in the Gascoyne Mine.

Although brief, given that no groundwater monitoring is planned, the information presented regarding the groundwater aspects of the planned Tompkins Mine Area are satisfactory to this reviewer.

Sincerely,

Alan Wanek
Hydrologist Manager

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