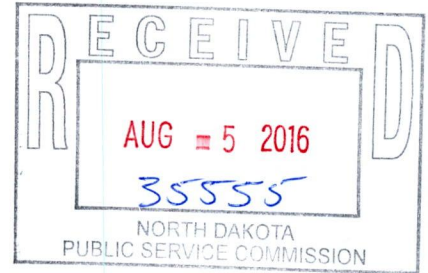




State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>



WATER APPROPRIATION DIVISION (701)328-2754

August 5, 2016

Mr. James R. Deutsch, Director
Reclamation Division
Public Service Commission (via INSIDE MAIL)
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505

Dear Mr. Deutsch:

In July 27, 2016 letter, you requested a review of proposed Revision Number 39 to BNI Coal Ltd.'s Surface Coal Mining Permit BNCR-9702 by the State Engineer. Review of mine permits with regard to groundwater and wells is made by a hydrologist in the Water Appropriations Division of the State Engineer's Office. Revision 39 involves changes to post-mine topography, surface water management, reclamation plans, etc. related to closure an ash disposal cell, along with changes to post-mine topography and reclamation in preparation for a final pit location. The proposals will not affect groundwater and wells, and therefore I have no further comment.

Sincerely,

Jennifer Weier
Hydrologist Manager

JW:/1687.01