



**State of Alaska
Department of Natural Resources**

**PERMIT TO APPROPRIATE WATER
LAS 11710 - Amended**

The State of Alaska, acting by and through the Department of Natural Resources, Division of Mining, Land and Water, 550 West 7th Avenue, Suite 900A, Anchorage, AK 99501-3577, hereinafter referred to as the grantor, under AS 46.15, the Alaska Water Use Act, and the regulations adopted under it, grants to:

Coeur Alaska, Inc.
3031 Clinton Drive
Juneau, AK 99801

The right to the following use of water:

SOURCE:	Upper Sherman Creek
QUANTITY:	72,000 gallons per day
MAXIMUM WITHDRAWAL RATE:	301 gallons per minute (0.67 CFS)
PERIOD:	1 January through 31 December
USE:	mining drilling and dust control

With a PRIORITY DATE of 23 November 1987.

The LOCATION of this water source:

Infiltration gallery in Upper Sherman Creek, within the Comet No. 72 Mining Claim within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, Township 35 South, Range 62 East, Copper River Meridian.

The LOCATION to which this appropriation is appurtenant:

Mine infrastructure locations within the Kensington and Jualin groups of patented claims, federal and state unpatented claims, and state tideland and submerged land authorizations within the Kensington Mine project area.

This amendment of Permit to Appropriate LAS 11710 is made to renew the original permit for a term of ten years, effective on the date of issuance indicated below; and to change the point of withdrawal from a tributary to Upper Sherman Creek to an infiltration gallery in Upper Sherman Creek.

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Changes in the natural state of water are to be made in the manner and only for the purposes stated in this permit. This permit is subject to the pertinent statutory provisions in AS 46.15, Administrative Regulations in 11 AAC 93, and the following conditions:

The holder of this permit shall:

1. Follow acceptable engineering standards in exercising the privilege granted by this permit.
2. Except for claims or losses arising from negligence of the State, defend and indemnify the State against and hold it harmless from any and all claims, demands, legal actions, loss, liability and expense for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the privilege granted by this permit.
3. Comply with all applicable laws, regulations and conditions.
4. Notify the grantor of any change of address, transfer of any real property identified in this permit, or any proposed change in the water appropriation.
5. Respond to any request for additional information during the duration of this permit per AS 46.15.100 and AS 46.15.175. Failure to respond may result in the termination of this permit.
6. Obtain and maintain permanent right of access to the property where water is to be withdrawn, impounded, or diverted, and over which water is to be transported both to the point of use and to the point of discharge, per 11 AAC 93.040 (c) (4).
7. Pay an annual Administrative Service Fee that shall be assessed upon this appropriation of water, per 11 AAC 05.010 (a) (8) (m).
8. Measure and report to the Department monthly the daily amounts of water withdrawn from Sherman Creek, according to a water use measurement plan to be submitted to the Department not later than 60 days prior to the commencement of water withdrawal, for approval by the Department. The plan shall include provisions for the metering of all water withdrawals or diversions (except for the water component of tailings slurry transports, which shall be estimated and reported) of 30,000 gallons per day or more.

The permittee must follow all applicable statutes, regulations, and plan requirements of the Alaska Coastal Management Program (ACMP). This authorization is subject to ACMP Consistency Determination AK9702-17PA issued 15 April 1998, and to its relevant stipulations,

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as follows:

- Water may not be withdrawn from Sherman Creek at the infiltration gallery unless the instantaneous flow in Sherman Creek, as measured by a stream flow recording gage located downstream from the infiltration gallery and upstream from Outfall 001, is equal to or greater than the following instream flow values for the respective periods indicated:


December through February:	2 CFS
March:	3 CFS
April through 15 September:	4 CFS
16 September through 15 November	5 CFS
16 November through 30 November	3 CFS

- At least 60 days before the start of water withdrawal under the terms of this permit, the permittee shall submit to DNR for approval a plan to design, locate and operate a stream flow recording gage in Sherman Creek to ensure compliance with the instream flow requirements of the above stipulation.

Per 6 AAC 80.130, these stipulations are necessary to minimize impacts to resident fish by protecting important fish habitat and natural water flow.

This permit shall EXPIRE on 4 May 2015.

This Permit to Appropriate Water is issued by the authority of AS 46.15.080 and 11 AAC 93.120 on 5 May 2005.

APPROVED: 
Signature

John Dunker
Name

Water Resource Manager
Title