the sedimentation ponds was necessary, the water was released in accordance with the NPDES permit.

A Rapid Creek water rights holder asserted that the mine was impacting the flow in Rapid Creek to the injury of his water right. At the request of the Colorado Division of Water Resources, Office of the State Engineer and the Division Engineer for Water Division 5 (together "DWR"), SCC had a study performed to investigate this concern. The study concluded that a portion of the total outflow from the mine could be attributed to a reduction of the available surface flow in discrete segments of Rapid and Cottonwood Creeks. The initial study concluded that the effect of the mine on groundwater flow may be reducing the available surface flow in those segments of Rapid and Cottonwood Creeks by approximately 38 GPM, based on an average measured discharge of 118 GPM from the mine outfall.

SCC entered into a Compliance Order on Consent ("Consent Order") with DWR on January 13, 2022 to implement and adjudicate a plan for augmentation with the Water Court in and for Water Division 5 to remedy any water rights injury attributable to the reduced flow in Rapid and Cottonwood Creeks induced by the Roadside South Portal Mine. The Consent Order is presented in Appendix 7-4.

In compliance with the terms of the Consent Order, SCC prepared and submitted (1) proposed construction plans and specifications for rehabilitation of the existing dam and outlet works at Vincent Reservoir No. 2, (2) a Substitute Water Supply Plan ("SWSP") request and supporting analyses, documentation and forbearance agreements to address 2022 out-of-priority depletions to Rapid and Cottonwood Creeks associated with the mine, (3) a well permit application for the Roadside

Mine Dewatering System No. 1 at its presently permitted discharge point at the mine outfall, (4) an application filed on December 29, 2022 with the Water Division No. 5 Water Court, Case No. 2022CW3126, for groundwater rights associated with the mine dewatering system, groundwater rights for an augmentation pumping system, conditional water storage rights for Vincent Reservoir No. 2, and for approval of a plan for augmentation, including exchange project rights, to replace out-of-priority depletions to Rapid and Cottonwood Creeks associated with the mine by a combination of releases from Vincent Reservoir No. 2, delivery of water from the Colorado River to Rapid Creek via SCC's Snowcap Pump System, and appropriative exchanges (the "Water Court Augmentation Plan Application"), and (5) SWSP requests and supporting analyses and documentation to address 2023 out-of-priority depletions to Rapid and Cottonwood Creeks associated with the mine, if any, by the same methods identified in the Water Court Augmentation Plan Application and by transport of water diverted from the Colorado River, or other legally available sources, to Rapid Creek using water trucks. SCC achieved substantial completion of the rehabilitation project at Vincent Reservoir No. 2 on October 15, 2022 and that reservoir, which is not located within SCC's permit area, is anticipated to be available to replace out-of-priority depletions associated with the mine, if any, during the 2023 irrigation season. SCC's Snowcap Pump System consists of a well that draws water from the alluvium of the Colorado River and conveys that water through pipelines crossing through portions of SCC's permit area en route to the point(s) of delivery for augmentation on Rapid Creek. The Water Court Augmentation Plan Application and 2023 SWSP request are pending approval as of the date of this Minor Revision. Approval of the application will create permanency for the reservoir and pumping system. The route of the SCC Snowcap Pump System and its permanent pipeline through the permit area are shown on Exhibit 17.

(4) Maps

The locations of all applicable surface water hydrology features in the Roadside North and South Portals permit area and adjacent areas are shown in Exhibit 17, Tab Section 7.