

Frequently Asked Questions

What is the Black Butte Copper Project?

Tintina Montana, Inc. (Tintina) is proposing to develop and operate a new underground mine and mill for the purposes of extracting and shipping copper concentrate mined from the Johnny Lee copper deposit. The proposed project is located approximately 15 miles north of White Sulphur Springs in Meagher County. The mine permit area is located Sections in 24, 25, and 36 in Township 12N Range 6E and in Sections 19, 29, 30, 31, and 32 in Township 12N Range 7E. The life of the mine is anticipated to be 19 years which includes two years of construction and pre-production, 13 years of active production mining, and four years of reclamation and closure.

What water rights does Tintina Montana, Inc. plan to use?

Tintina proposes to use a combination of new and existing water rights to fulfill its needs at the mine site and mitigate effects to other water users. It has applied for a permit in the amount of 1.11 cubic feet per second, up to 350 acre-feet per year, to appropriate groundwater from the mine workings for industrial use. The requested groundwater permit is the only water right proposed by Tintina for industrial use at the mine site. The remaining applications (one permit application and six applications to change existing water rights) are for purposes of mitigating surface water depletions caused by Tintina's diversion of groundwater.

Tintina proposes to divert and store water during high spring flows from Sheep Creek during the period of May through July. The proposed appropriation is to store water during runoff conditions and discharge it back into area streams later in the season. The plan will partially mitigate depletions to those streams caused by Tintina's groundwater appropriation.

Tintina also has an agreement to lease existing water rights from two local ranch owners to complete its mitigation plan. The plan includes retirement of up to six irrigation water rights and leaving the water instream to replace surface water depletions. Use of the six irrigation rights for mitigation purposes will vary yearly depending on the amount of water needed to fully mitigate depletions.

Will the proposed project affect my water right?

The Department has *preliminarily determined* that the applications related to the project satisfy the criteria for issuance of a permit and change in appropriation right. The preliminary determinations include findings that Tintina's proposed mitigation plans will protect other water rights from being adversely affected.

What is the status of the water right applications and what are the next steps?

The Department has evaluated the technical and legal aspects of Tintina's applications, and those of Bar Z Ranch and Thorson Ranch, and has issued Preliminary Determinations to Grant all eight related applications. Interested parties may review the decisions at the following online address: <http://dnrc.mt.gov/divisions/water/water-rights/new-appropriations-program/proposed-black-butte-copper-project-tintina-resources>.

The Department is providing public notice of the applications and the Preliminary Determinations pursuant to § 85-2-307, MCA, and objections may be filed by a person with standing pursuant to § 85-2-308, MCA. Those that choose to object can do so by filing an objection form stating the name and address of the objector and facts indicating that one or more of the statutory criteria for permit issuance and/or change authorization found in § 85-2-311, 85-2-402, and 85-2-420, are not met.

Can I file an objection?

Pursuant to § 85-2-308, MCA, a person has standing to file an objection if the property, water rights, or interests of the objector would be adversely affected by the proposed appropriations or water right changes.

When is the deadline for filing an objection?

The deadline to file an objection is June 15, 2020.

What is required to file an objection?

To file an objection, you must complete an Objection to Application form (Form No. 611). A separate objection form must be filed for each water right application, and a fee of \$25 is required. *The form and filing fee must be received by the Department or postmarked by June 15, 2020.* An objection is valid if the objector has standing pursuant to § 85-2-308, MCA, has filed a correct and complete objection within the prescribed time period, and has stated the applicable information required under § 85-2-308, MCA, and the Department's rules at ARM [36.12.117](#).

The objection form (form 611) can be found on the Department's website at <http://dnrc.mt.gov/divisions/water/water-rights/water-right-forms>.

Please submit completed forms and filing fees to:

Montana Department of Natural Resources and Conservation (DNRC)
Water Resources Division - Water Rights Bureau
1424 9th Avenue
PO Box 201601
Helena, MT 59620-1601

What happens if objections to the applications are filed?

If the Department determines that an objection(s) to an application is valid, a contested case hearing will be scheduled and held. The Department will hold an administrative hearing pursuant to Title 2, Chapter 4, Part 6, MCA, and § 85-2-309, MCA. A hearing examiner will hear the case and make the Department's final decision (Final Order). Any aggrieved party may appeal the Final Order.

What happens if no objections are made to the applications? What if objections made to the applications are later withdrawn?

Pursuant to § 85-2-310, MCA, if the applications receive no valid objections or all valid objections are unconditionally withdrawn, the Department will grant the application(s) under the terms stated in the Preliminary Determinations.

Where can I find more information?

Information related to the Department's water right permitting and change application materials can be found at <http://dnrc.mt.gov/divisions/water/water-rights/new-appropriations-program/proposed-black-butte-copper-project-tintina-resources>.

To review your water right please access the Water Right Query System. The query can be found at <http://wrqs.dnrc.mt.gov/default.aspx>.

Information related to the Environmental Impact Statement (EIS) prepared by the Montana Department of Environmental Quality (DEQ) and other materials regarding the Black Butte Copper Project can be found at <http://deq.mt.gov/Mining/hardrock/tintinamines>.