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EST. 1908

RETIRED
DONN BENNETT

March 4, 2011

Department of Environment & Natural Resources
Minerals & Mining Program
Attn: Eric Holm
523 East Capitol
Pierre, SD 57501-3182

RECEIVED
MAR 07 2011
MINERALS & MINING PROGRAM

**RE: 2010 Request for Determination of SECU by Wharf;
Our File No. 5003.001011.**

Dear Eric:

Enclosed for filing in the above-referenced matter is the original Terry Cemetery Association Petition to Intervene. As indicated in the included Certificate of Service, copies are being served on all previous intervenors and on DENR.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Max Main

MM/njo

Enc.

cc: client
Ron Waterland, Wharf

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

<p>IN THE MATTER OF THE 2010 REQUEST FOR DETERMINATION OF SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS AND NOTICE OF INTENT TO OPERATE FILED BY WHARF RESOURCES (USA) INC.</p>	<p style="text-align:center">TERRY CEMETERY ASSOCIATION PETITION TO INTERVENE</p> <p style="text-align:right">RECEIVED MAR 07 2011 MINERALS & MINING PROGRAM</p>
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COMES NOW, the Terry Cemetery Association (“Association”), and pursuant to ARSD ch. 74:09:01, petitions to intervene in the four petitions to nominate and list the Terry Cemetery for inclusion on the preliminary list of special, exceptional, critical, or unique lands submitted by Jeannine Guern, Vernon W. Davis, Larry Miller and the Department of Environment and Natural Resources (“DENR”). The Association states and alleges as follows:

1. The Association is a South Dakota Non-Profit Corporation. The general purpose of the Association is to manage the care and maintenance of the Terry Cemetery (at the cemetery’s existing location or any future location) and any access roads to the cemetery.
2. The hearing in this matter will be held pursuant to ARSD §74:29:10:13.
3. The applicable statutes and rules are SDCL ch. 45-6B and ARSD ch. 74:29:10.

DATED this 4th day of March, 2011.

BENNETT, MAIN & GUBBRUD, P.C.
Attorneys for the Association

By: Max Main
MAX MAIN
618 State Street
Belle Fourche, SD 57717
605.892.2011

CERTIFICATE OF SERVICE

I, MAX MAIN, one of the attorneys for Terry Cemetery Association, do hereby certify that on the 4th day of March, 2011, I caused the original of TERRY CEMETERY ASSOCIATION PETITION TO INTERVENE to be filed with:

Department of Environment & Natural Resources
Minerals & Mining Program
Attn: Eric Holm
523 East Capitol
Pierre, SD 57501-3182

and a full, true and complete copy of said document to be served upon the following named persons at their last known mailing addresses, as follows:

Jeannine Guern
P O Box 305
Deadwood, SD 57732

Vernon W. Davis
Box 291
Beulah, WY 82712

Jeannine Guern
11386 Ingersoll Lane
Belle Fourche, SD 57717

Larry Miller
309 Yellowstone Place
Spearfish, SD 57783

Terry Cemetery Association Petition to Intervene

Steven M. Pirner, Secretary
Dept of Environment & Natural Resources
523 East Capitol Ave.
Pierre, SD 57501-3182

by depositing the same in the United States Mail in Belle Fourche, South Dakota with first class postage thereon fully prepaid, in envelopes addressed as above.



Max Main