



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 27, 2017

Chris Gilbreath
Tri-State Generation and Transmission Association
12050 North Pecos St. Suite 100
Westminster, CO 80234

**Re: New Horizon Mine (Permit No. C-1981-008)
Succession of Operator No. 2 (SO-2)**

Dear Mr. Gilbreath:

The Colorado Division of Reclamation, Mining and Safety (Division) received your application for SO-2 for the New Horizon Mine on August 8, 2016. The Division proposed its decision for SO-2 on October 3, 2016 and issued SO-2 on November 3, 2016.

After SO-2 was issued, the original application form submitted by Tri-State Generation and Transmission Association, Inc. (Tri-State) needed to be signed by the Division Director and returned to you. This detail was overlooked at the time. Attached is a copy of the original application form submitted by Tri-State with the Division Director signature. Please retain this copy with the current New Horizon permit to show that the succession of operator was completed. The operator name will be updated on the permit during the permit renewal process of 2018.

If you have any questions or need additional information, please contact me at (303) 866-3567 ext. 8142.

Sincerely,

Brock Bowles
Environmental Protection Specialist
brock.bowles@state.co.us



STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



REQUEST FOR TRANSFER OF COAL PERMIT AND SUCCESSION OF OPERATORS

I.

RECITALS

A. On May 5, 1983, the Mined Land Reclamation Board of the Colorado Department of Natural Resources (the "State") granted to Western Fuels-Colorado, A Limited Liability Company, address 27646 West 5th Street, PO Box 628 Nucla, CO 81424 ("Permittee") permit number C-1981-008 (the "Permit") pursuant to which Permittee has been conducting a mining and reclamation operation known as New Horizon Mine in the County of Montrose, State of Colorado.

B. Permittee wishes to assign the permit to Elk Ridge Mining and Reclamation, LLC, address 27646 West 5th Street, PO Box 628 Nucla, CO 81424, as Successor Operator ("Successor") and Successor wishes to become Successor Permittee under the permit.

C. Successor understands that the reclamation plan (the "Plan") required by the permit and by applicable State laws and regulations has not been completed and is willing to assume full responsibility for the completion of the Plan.

II.

AGREEMENTS

Permittee and Successor hereby agree, for their own benefit and for the benefit of the State, such agreements to be effective ipso facto upon the approval by the State of the transfer of the Permit from Permittee to Successor, as follows:

1. Successor has inspected the mining and reclamation operations to its entire satisfaction and is fully aware of the condition thereof. Successor understands and accepts all of the conditions of the Permit.

2. Successor will complete the reclamation plan, and hereby assumes liability for completing such plan as to all areas heretofore disturbed, as well as to all areas hereafter disturbed. Successor will perform all of the obligations of the Permittee under the Permit which have not heretofore been performed by Permittee.

3. Successor hereby tenders to the State its attached reclamation bond*, which is to be substituted for the bond and surety heretofore filed by the Permittee effective upon the release of the latter bond and surety.

4. Successor represents to the State that, to the best of its knowledge, information and belief, it is not in violation of any of the provisions of the Colorado Surface Coal Mining Reclamation Act with respect to any other operation conducted by it in the State of Colorado.

Permittee and Successor hereby request the State to consent to the assignment of the Permit, to recognize Successor as Successor Operator under the Permit, and to accept the tendered substitute bond and surety in place of the bond and surety presently on file with the State.

* Attach executed reclamation bond.

EXECUTED this 4 day of August, 2016.

Western Fuels-Colorado, A Limited Liability Company

Elk Ridge Mining and Reclamation, LLC

Name of Permittee

Name of Successor

By

Barbara A. Walz
Signature of Officer

Sr Vice President Policy Compliance
Chief Compliance Officer

Title of Permittee

By

Barbara A. Walz
Signature of Officer

Sr Vice President Policy Compliance
Chief Compliance Officer

Title Successor Operator

NOTARY FOR PERMITTEE

STATE OF COLORADO

COUNTY OF Adams) ss.

The foregoing instrument was acknowledged before me this 4 day of

August, 2016, by BARBARA A. WALZ as
Sr. VP Policy Compliance / CCO of WESTERN FUELS-COLORADO, A LIMITED LIABILITY
Company

Diane K. Byers
NOTARY PUBLIC

My Commission expires

Sept. 4, 2020

DIANE K. BYERS
Notary Public - State of Colorado
Notary ID 20124057535
My Commission Expires Sep 4, 2020

NOTARY FOR SUCCESSOR

STATE OF COLORADO)
COUNTY OF Adams) ss.

The foregoing instrument was acknowledged before me this 4 day of August,
2016, by BARBARA A. WALTZ as
SVP Policy + Compliance / CEO of Elk Ridge Mining and Reclamation, LLC

Diane K. Byers
NOTARY PUBLIC

My Commission expires:

Sept. 4, 2020

DIANE K. BYERS
Notary Public - State of Colorado
Notary ID 20124057535
My Commission Expires Sep 4, 2020

CONSENT OF STATE

- (a) Consent is hereby granted to the transfer of the Permit above referred to
from Western Fuels-Colorado, A Limited Liability Company to
Elk Ridge Mining and Reclamation, LLC.
- (b) Elk Ridge Mining and Reclamation, LLC
is hereby recognized as Successor Operator under such Permit.
- (c) The bond substitution above proposed is hereby accepted and approved.

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
MINED LAND RECLAMATION BOARD
DIVISION OF RECLAMATION, MINING AND SAFETY

Date: 4.20, 17

By [Signature]
Division Director