

Electronic PDF Via E-mail

DRMS-GJFO 7/6/18

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Overhead power lines and utility poles - See details in attachment (Memo to Structure Agreement).
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Russell Larsen, Kilgore Companies, LLC dba Elam Construction (print applicant/company name),
by Russell A. Larsen (print representative's name), as Chief Operating Officer (print
representative's title), does hereby certify that ~~Excel Energy~~ * (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Orchard Grove Industrial Pit ("23 1/4 Road Pit") (operation name),
File Number M-1990-094.

* Public Service Company of Colorado, a.b.a Xcel Energy

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant KILGORE COMPANIES LLC Representative Name RUSSELL A. LARSEN
DBA ELAM CONSTRUCTION

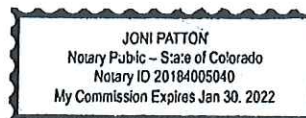
Date 6-19-18 Title CHIEF OPERATING OFFICER

STATE OF Colorado)
) ss.
COUNTY OF Mesa)

The foregoing was acknowledged before me this 19 day of June, 2018, by
Russell A. Larsen as Chief Operating Officer of Kilgore Companies, LLC dba Elam Construction

Joni Patton
Notary Public

My Commission Expires: January 30, 2022



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

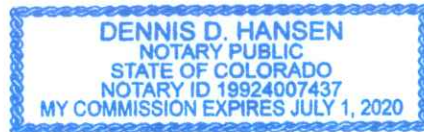
Public Service Company of
Structure Owner Colorado, d.b.a Xcel Energy Name Danny Moore

Date June 22, 2018 Title Manager for New Business Design

STATE OF Colorado)
) ss.
COUNTY OF Mesa)

The foregoing was acknowledged before me this 22 day of June, 2018, by
Danny Moore as Manager of New Business Design for.
Public Service Company of Colorado.

Dennis D. Hansen My Commission Expires: July 1, 2020
Notary Public



Memo to Structure Agreement

Notwithstanding anything to the contrary, it is also agreed that there will be no excavations within 25 feet of any utility poles or under the overhead power lines on the said property for Colorado Division of Reclamation, Mining & Safety mine ID M-1990-094.

ACKNOWLEDGED BY

Kilgore Companies LLC dba Elam Construction

Signature: _____

By: RUSSELL A. LARSEN

Title: C.O.O.

Public Service Company of Colorado, d.b.a. Xcel Energy
~~Excel Energy~~

Signature: _____

By: Danny Moore

Manager for New

Title: Business Design



Legend

 23 1/4 Road Pit

Map



1000 ft

Google earth

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