

Electronically via E-mail  
DRMS-GJFO 7/6/18

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

- Overhead Powerlines and Poles
1. \_\_\_\_\_
  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 Grand Valley Power (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 Sunnyside Pit (operation name),  
File Number M-1986-160.

*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.*

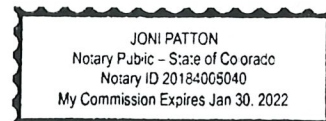
**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:   
Applicant KILGORE COMPANIES LLC Representative Name RUSSELL A LARSEN  
DBA ELAM CONSTRUCTION  
Date 06/28/2018 Title C.O.O.

STATE OF Colorado )  
 ) ss.  
COUNTY OF Mesa )

The foregoing was acknowledged before me this 28 day of June, 2018, by  
Russell A. Larsen as Chief Operating Officer of Kilgore Companies, LLC dba  
Elam Construction

 My Commission Expires: 01/30/2022  
Notary Public



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner Grand Valley Power Name Thomas Walch

Date 7/5/2018 Title CEO

STATE OF CO )

COUNTY OF MESA ) ss.

The foregoing was acknowledged before me this 5th day of July, 2018, by  
Thomas Walch as CEO of Grand Valley Power.

Thomas D Holman My Commission Expires: 11-6-2020  
Notary Public

