



September 1, 2021

Patrick Lennberg
CO DRMS
1313 Sherman Street Room 215
Denver, CO 80203

RE: Permit M-2000-080 Pioneer Farm
TR-2 Adequacy Review Response

Dear Mr. Lennberg,

Please accept this correspondence as clarification and further explanation of the above referenced TR application.

1. The affected area boundary is more clearly delineated on Exhibit C.
2. The operator wants to increase the area to be disturbed at any one time from 36 acres to 60 acres.
3. The description and quantity of acres in the disturbed area is as follows:

Disturbed acres description	Acres
Active mining	20
Stripped in preparation for mining	20
Acres in reclamation	20

4. Approximately 135 acres are reclaimed to date. This area is delineated on the map as dashed slash lines.
5. The location of the truck scales and scale house are clearly marked on the map.
6. The northeast corner of the permit area is outside the affected area boundary, as you noticed. The "reclaimed" hatching is removed.
7. The permit corner coordinates are provided on the map.
8. The acres encumbered by the solar farm were corrected to 10 acres on both the map and the Mine Plan.
9. The final version of the map is provided as requested.
10. Please find the enclosed Partial Surface Relinquishment Acknowledgement executed between Pioneer and solar farm owner.

Please feel free to contact me directly with any additional questions.

Respectfully submitted,

Angela M. Bellantoni Ph.D.

Cc: Dave Sawyers
Russ Bartz

OAK LEAF SOLAR 39 LLC
2645 E 2ND AVE
SUITE 206
DENVER CO 80218

RJN



PARTIAL RELEASE

05/22/2020 08:13 AM

RF: \$38.00 DF: \$0.00

Arapahoe County Clerk, CO

Page: 1 of 6

Joan Lopez, Clerk & Recorder

E0060686

PARTIAL SURFACE RELINQUISHMENT ACKNOWLEDGEMENT

STATE OF COLORADO §

§

COUNTY OF ARAPAHOE §

KNOW ALL PERSONS BY THESE PRESENTS:

This PARTIAL SURFACE RELINQUISHMENT ACKNOWLEDGMENT ("Acknowledgement") is effective this _____ day of June, 2019, by and between **PIONEER SAND COMPANY, INC.**, a Colorado corporation whose address is Attn: Russ Bartz, 630 Plaza Drive, Suite 150, Highlands Ranch Colorado, 80129, its successors and assigns ("First Party") and Oak Leaf Solar 39 LLC, a Delaware limited liability corporation whose address is 2645 East 2nd Ave, Suite 206, Denver, CO 80218, its successors and assigns ("Second Party").

RECITALS

1. First Party, is the present owner of that certain Paid-Up soil and gravel Lease (the "Soil and Gravel Lease") filed under Reception Number **D8062470** in the office of the Clerk and Recorder of Arapahoe County, Colorado.

2. Second Party, is the present owner of that certain Solar Energy Development and Operations Lease Agreement dated February 22, 2019 (the "Solar Agreement") with Rhonda Webber as Landowner, the short form of such Solar Agreement filed under Reception Number E0049838 in the office of the Clerk and Recorder of Arapahoe County, Colorado.

3. The lands which are subject to this Acknowledgement are limited to those leased surface lands subject to the Solar Agreement that are thoroughly described in **Exhibit A-1** and depicted on **Exhibit A-2** which are attached hereto and hereinafter referred to as the "Subject Land." The Subject Land does not include the subsurface estate or mineral estate underlying the land depicted on **Exhibit A-2**, and described in **Exhibit A-1**.

4. This Acknowledgement relates to the First Party and Second Party, collectively being referred to as both "Parties", surface use of Subject Lands for the duration of which the Solar Agreement and the Soil and Gravel lease are in effect.

NOW, THEREFORE, in consideration of the premises and the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Upon execution of this Acknowledgment, First Party does hereby relinquish unto the Second Party the surface rights of Subject Lands down to a depth of fifty (50) feet, the

right to enter upon the surface of said Subject Lands to explore for and remove the minerals by virtue of the subsurface estate or mineral estate underlying the lands, and First Party further waives all surface rights to the Subject Lands under the Soil and Gravel Lease, any surface use agreement, and common law. Notwithstanding anything to the contrary in the Soil and Gravel Lease and any surface use agreement affecting the Subject Lands, the First Party shall not adversely impact subjacent support for the Subject Lands or otherwise interfere with the Second Party's use of the surface of the Subject Lands, and Second Party specifically acknowledges that neither its Solar Agreement nor this Acknowledgement implies any claim by the Second Party to the mineral rights of the Subject lands either during the term of the Solar Agreement or after.

This Acknowledgment is mutually binding with regard to the use of the Subject Lands, and this Acknowledgement is not a termination of or relinquishment of any part of the underlying Soil and Gravel Lease or the surface and subsurface rights outside of said Subject Lands. First Party is only giving up its surface and subsurface rights on and underneath the Subject Lands during the term of the Solar Agreement, after the termination of which, such surface and subsurface rights contained in the First Party's Soil and Gravel Lease shall be available to the First Party.

This Acknowledgement may be freely assigned, in whole or in part, by the Second Party.

This Acknowledgement may be executed in two or more original counterparts, all of which together will constitute one and the same agreement.

[SIGNATURE AND ACKNOWLEDGEMENT PAGE FOLLOWS]

FIRST PARTY:

PIONEER SAND COMPANY, INC, a Colorado corporation

By: [Signature]
Name: Kevin Guzik
Title: COO

SECOND PARTY:

By: [Signature]
Name: John H. Hefner
Title: CEO

Acknowledgements

STATE OF Colorado §
COUNTY OF Douglas §

The foregoing instrument was acknowledged before me this 2 day of Dec, 2019 by Kevin Guzik as COO of Pioneer Sand Company, Inc, a Colorado Corporation

My Commission expires: April 4, 2023

DEENA L HARRIS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194013105
MY COMMISSION EXPIRES APRIL 4, 2023

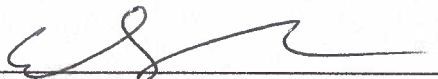
[Signature]
Notary Public

STATE OF Colorado §
COUNTY OF Denver §

The foregoing instrument was acknowledged before me this 4th day of
May, 2020 by John Herford, as CEO
— of Oak Leaf Energy's Solar 39 LLC.

My Commission expires: March 21, 2023

ELIZABETH SCANLON
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20194011173
MY COMMISSION EXPIRES MAR 21, 2023


Notary Public
Elizabeth Scanlon

EXHIBITS A-1
Legal Description – Oak Leaf Solar 39 LLC Solar Energy Facility

LEASE AREA LEGAL DESCRIPTION:

A PORTION OF THAT PERCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED, RECORDED FEBRUARY 21, 2019, AT RECEPTION NO. D9014932 IN THE OFFICIAL RECORDS OF ARAPAHOE COUNTY, COLORADO, BEING A PORTION OS THE SOUTH HALF OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, BEING MONUMENTED WITH A NO. 6 REBAR WITH A 3-1/4" ALUMINUM CAP, PROPERLY MARKED, "PLS 30087"; THENCE N37°04'25"W (BASIS OF BEARING IS THE SOUTH LINE OF SAID SECTION 34, MONUMENTED AT THE EAST END, THE SOUTHEAST CORNER OF SAID SECTION, BY A #6 REBAR WITH A 3-1/4" ALUMINUM CAP, PROPERLY MARKED, "PLS 30087" AND AT THE WEST END, THE SOUTHWEST CORNER OF SAID SECTION, BY A #6 REBAR WITH A 3" ALUMINUM CAP, PROPERLY MARKED, "PLS 6935", HAVING A MEASURED BEARING AND DISTANCE OF N89°27'07"W, 5276.39'), A DISTANCE OF 664.81 TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING SIX (6) COURSES:

1. N90°00'00"W, A DISTANCE OF 671.87 FEET,
2. N00°00'00"W, A DISTANCE OF 662.85 FEET,
3. N90°00'00"E, A DISTANCE OF 622.08 FEET,
4. S15°22'09"E, A DISTANCE OF 483.64 FEET,
5. S57°54'05"W, A DISTANCE OF 92.54 FEET,
6. S00°00'00"E, A DISTANCE OF 147.33 FEET,

TO THE POINT OF BEGINNING.

THIS PROPERTY CONTAINS A CALCULATED AREA OF 453,946 SQUARE FEET (10.421 ACRES) MORE OR LESS.

PROJECT DESCRIPTION

1.5 MW-AC (2.0 MW-DC) SINGLE-AXIS TRACKER SOLAR PROJECT

PROJECT AREA: ±11.15 ACRES INCLUDING "LIMITS OF CONSTRUCTION"

MODULE QUANTITY: 5,400 MODS. (QUANTITIES MAY VARY)

PARCEL NUMBER: 1979-00-0-00-406

Partial Surface Relinquishment Acknowledgement
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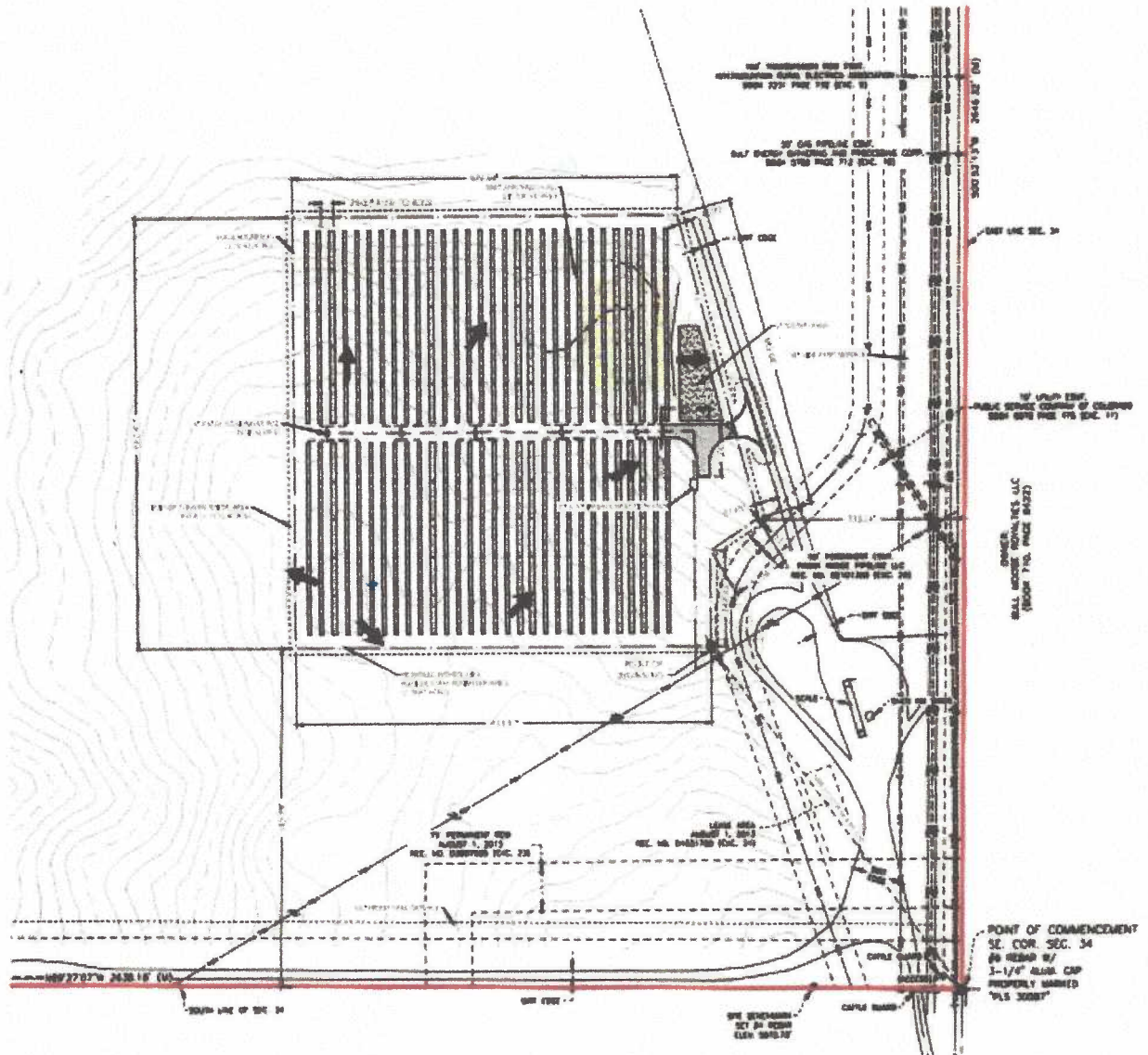


EXHIBIT C
MINE PLAN MAP

S1/2, SECTION 34, TOWNSHIP 4 SOUTH, RANGE 64
WEST OF THE 6TH P.M.
ARAPAHOE COUNTY, COLORADO

JAY L. & LISA MARIE KEITH
3020 S. ULM ST.
WATKINS, CO 80137-8837

RHONDA WEBBER ET. AL.
3035 S. MANILA ROAD
WATKINS, CO 80137-8824

RHONDA WEBBER
3035 S. MANILA ROAD
WATKINS, CO 80137-8824

RHONDA WEBBER ET. AL.
3035 S. MANILA ROAD
WATKINS, CO 80137-8824

JAMES A. &
LYNNE A. BILISOLY
PO BOX 14
WATKINS, CO 80137-0014

MARTIN P. FISCHER
1280 BIXBY ROAD
MOUNDS, OK 74047-5336

MARTIN P. FISCHER
1280 BIXBY ROAD
MOUNDS, OK 74047-5336

JOHN FRANCIS
3500 S. ULM ST.
WATKINS, CO 80137-9300

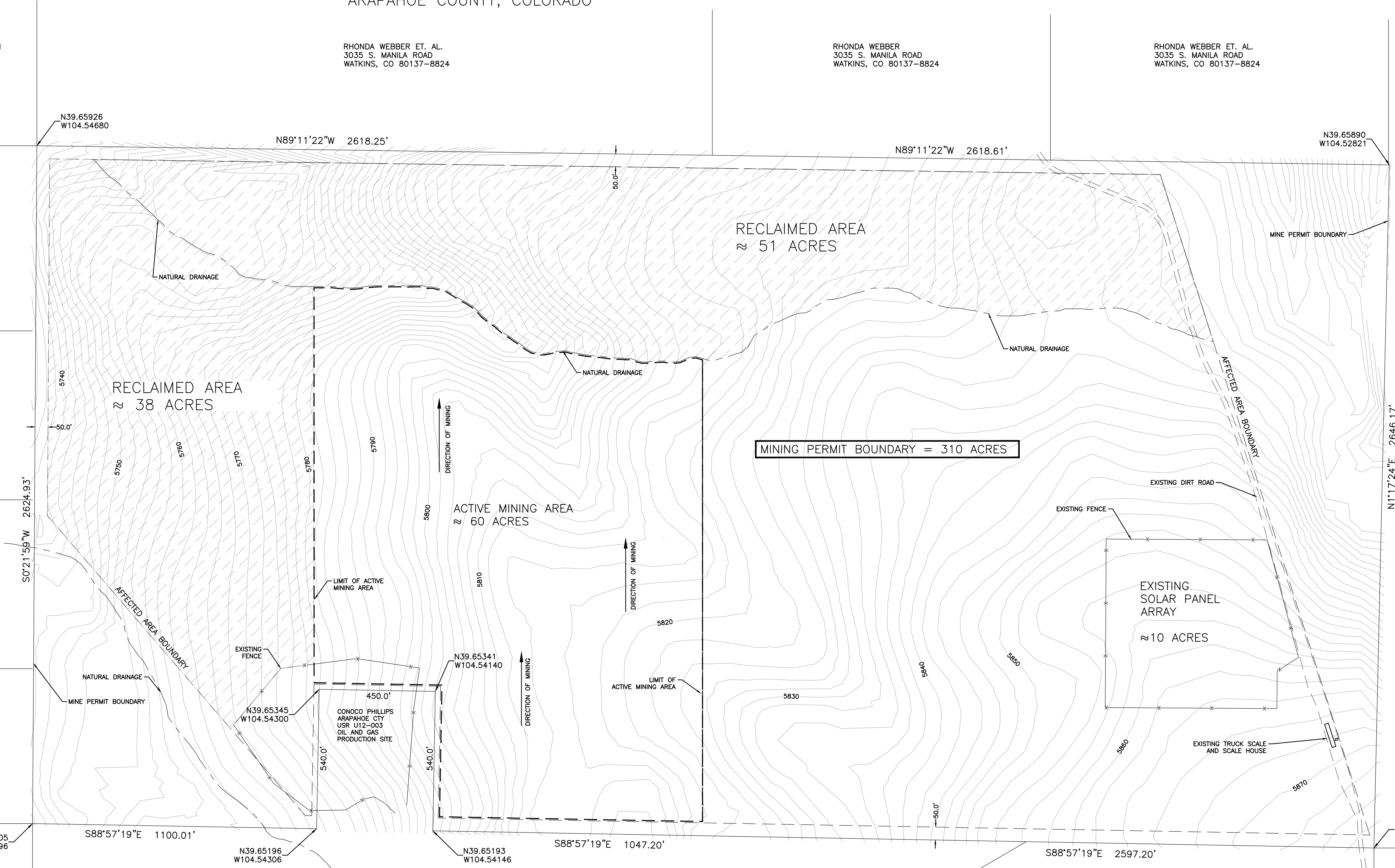
STEPHEN TEBO
PO BOX T
BOULDER, CO 80306-1966

STEPHEN TEBO
PO BOX T
BOULDER, CO 80306-1966

STEPHEN TEBO
PO BOX T
BOULDER, CO 80306-1966

KEVIN D. & TAMY J. KNIGGE
3551 S. LOOKOUT HILL RD.
WATKINS, CO 80137-7191

JOSE OLIVAS
CARMEN MENENDEZ
954 S. RICHFIELD WAY
AURORA, CO 80017-3219



PREPARED FOR: PIONEER
