

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



CONSTRUCTION MATERIALS

LIMITED IMPACT (110) OPERATION

RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: _____ **There is a File Number Already Assigned to this Operation**

Permit # M - - - (Please reference the file number currently assigned to this operation)

_____ **New Application** (Rule 1.4.5) _____ **Amendment Application** (Rule 1.10)

_____ **Conversion Application** (Rule 1.11)

Permit # M - - - (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information described below.

1. **Applicant/operator or company name (name to be used on permit):** _____
 - 1.1 Type of organization (corporation, partnership, etc.): _____
2. **Operation name (pit, mine or site name):** _____
3. **Permitted acreage (new or existing site):** _____ permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - 3.2 Total Acreage in Permit Area _____ acres
4. **Fees:**
 - 4.1 New Application: \$1258.00 application fee
 - Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
5. **Primary commoditie(s) to be mined:** _____
 - 5.1 Incidental commoditie(s) to be mined: 1. _____ / _____ lbs/Tons/yr 2. _____ / _____ lbs/Tons/yr 3. _____ / _____ lbs/Tons/yr
4. _____ / _____ lbs/Tons/yr 5. _____ / _____ lbs/Tons/yr
 - 5.2 Anticipated end use of primary commoditie(s) to be mined: _____
Anticipated end use of incidental commoditie(s) to be mined: _____

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

INSPECTION CONTACT

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

7. **Name of owner of the subsurface rights of affected land:** _____

8. **Name of owner of the surface of affected land:** _____

9. **Type of mining operation:** _____ Surface _____ Underground _____ In-situ

10. **Location information:** The center of the area where the majority of mining will occur:

COUNTY: _____

PRINCIPAL MERIDIAN (check one): _____ 6th (Colorado) _____ 10th (New Mexico) _____ Ute

SECTION (write number): S _____

TOWNSHIP (write number and check direction): T _____ North _____ South

RANGE (write number and check direction): R _____ East _____ West

QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

QUARTER/QUARTER SECTION (check one): _____ NE _____ NW _____ SE _____ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

11. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____._____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____._____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____._____ (5 decimal places)

Longitude(W) _____._____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) _____ Zone _____

Easting _____

Northing _____

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

- | | | |
|---|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources (WR) | | <input type="checkbox"/> Mining (MN) |

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

15. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps, to include the location of any recorded easements
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 6.5 Geotechnical Stability Exhibit (as required)

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

MA

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

MA

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

MA

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

MA

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

MA

5. It is your responsibility to notify the Office of any changes in your address or phone number;

MA

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

MA

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;

MA

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.

MA

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 16th day of February, 2023.

Blattner Energy, LLC.
Applicant/Operator

If Corporation Attest (Seal)

Signed: Max

Signed: N/A

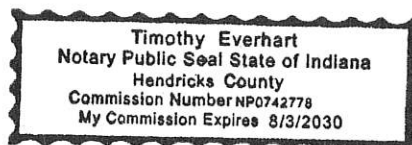
Corporate Secretary or Equivalent

Title: Project Construction Coordinator

Town/City/County Clerk

State of INDIANA)
) ss.
County of WEGO)

The foregoing instrument was acknowledged before me this 16th day of FEBRUARY 2023,
by MAXWELL AYMAN as PROJECT CONSTRUCTION COORDINATOR of BLATTNER ENERGY LLC



TE PR TIMOTHY EVERHART
Notary Public

My Commission expires: 8-3-2030

SIGNATURES MUST BE IN BLUE INK

The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

NOTICE

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) Blattner Energy, whose address and phone number is (Address and Phone Number of the Applicant/Operator) 392 County Road 90 Avon, MN 56310 (320)358-731, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Kit Carson County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 251 16th St, Burlington, CO 80807, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

Certification:

I, Brent Wellik Blattner Energy, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Bronco Plains II Wind Farm, West Pit, on (Date Posted) 2-20-2023.

Brent Wellik Blattner Energy
SIGNATURE

2-20-2023
DATE



An example Public Notice which meets the requirements of the Statutes is shown below. The blanks, which require dates, will need to be filled in according to the following instructions. **PLEASE READ CAREFULLY.**

Publication Instructions:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Limited Impact (110) types of operations, this notice must be published once within ten (10) days of the date the application is considered submitted to the Division of Reclamation, Mining, and Safety (the "Division"). The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Construction Materials Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-110(7)(c), 114 and 115.

PUBLIC NOTICE

(Operator Name) _____; (Address and Phone Number) _____, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the (Name of the Mine) _____, and is located at or near Section _____, Township _____, Range _____, _____ Prime Meridian.

The proposed date of commencement is _____. _____, and the proposed date of completion is _____. _____. The proposed future use of the land is (Future Landuse) _____.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) _____ County Clerk and Recorder's office; (Clerk and Recorder's Address) _____, or the above-named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on (Final Date for Comments) _____, _____.

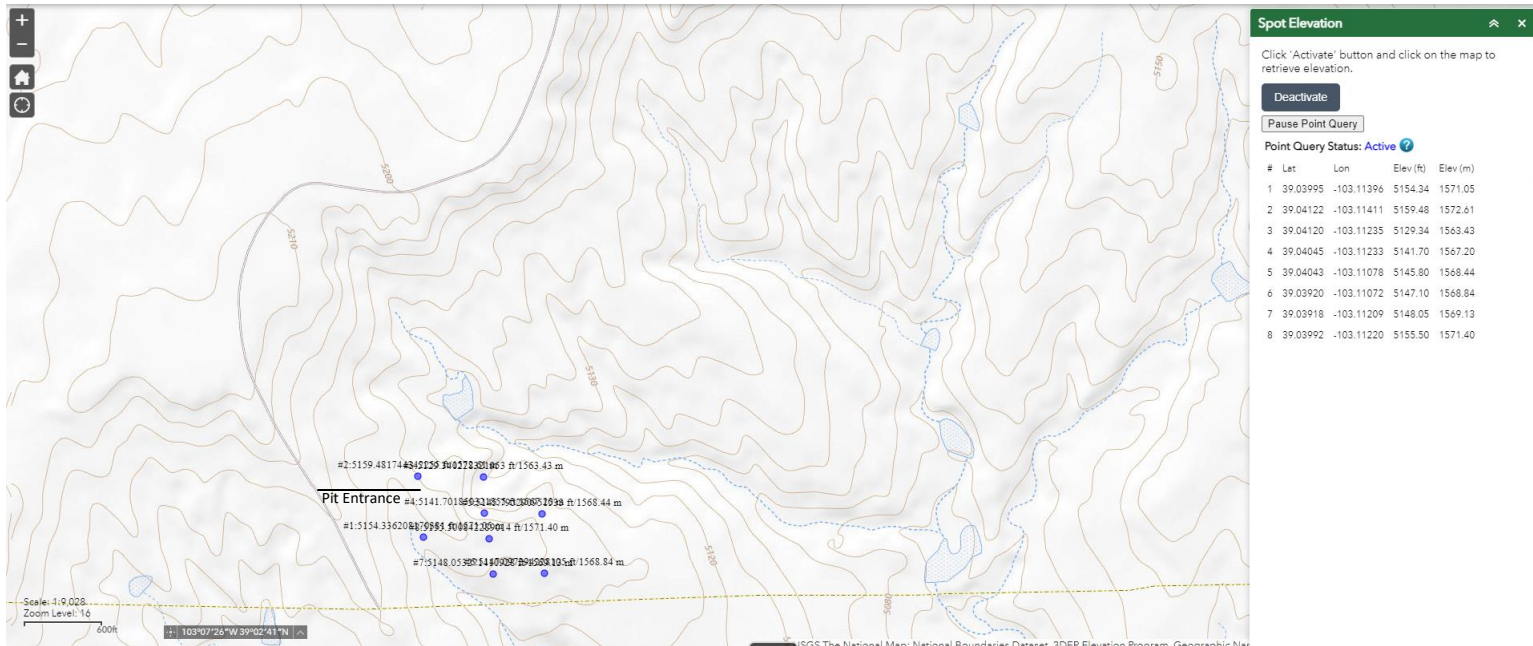
Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

LEGAL DESCRIPTION AND LOCATION MAP

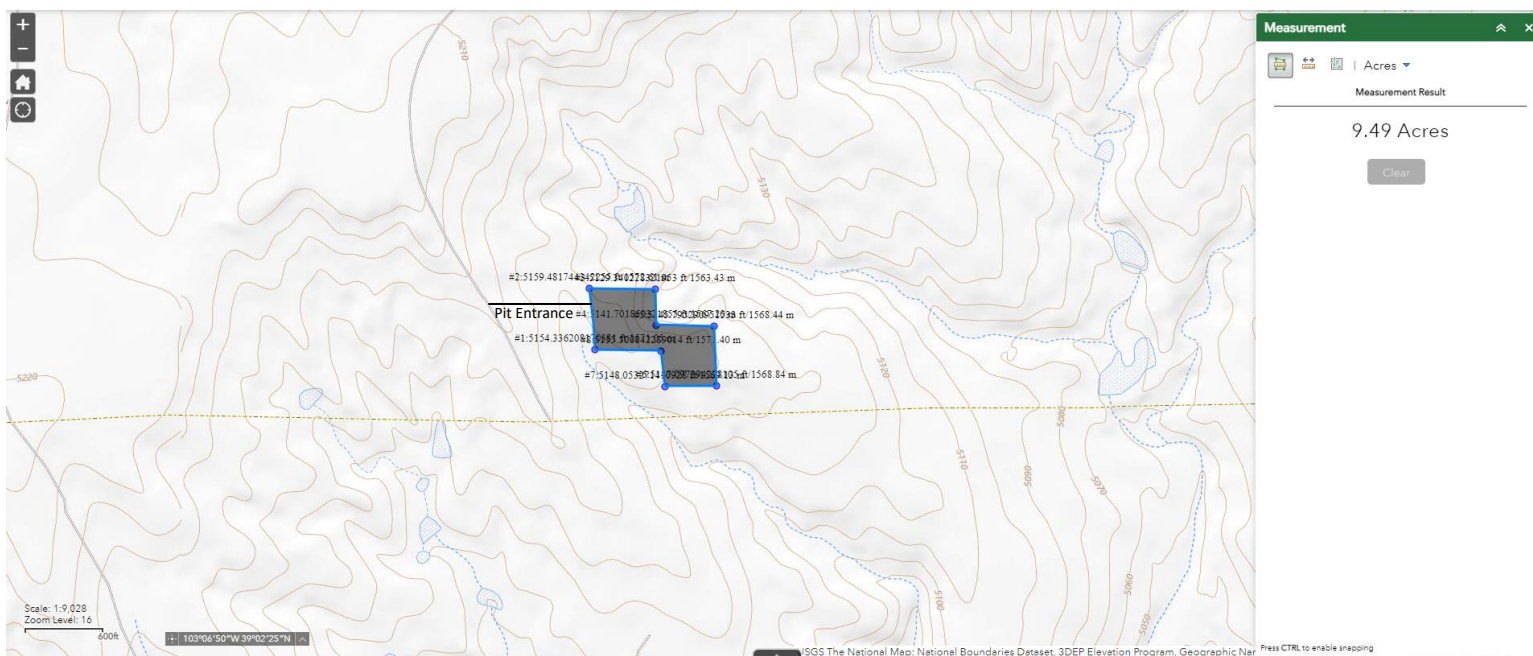
EXHIBIT A

An area of land located in Section 33, Township 11 South, Range 51 West, in the SE Quarter Section and SW Quarter/Quarter Section, Kit Carson County, Colorado, containing 9.49 acres±.

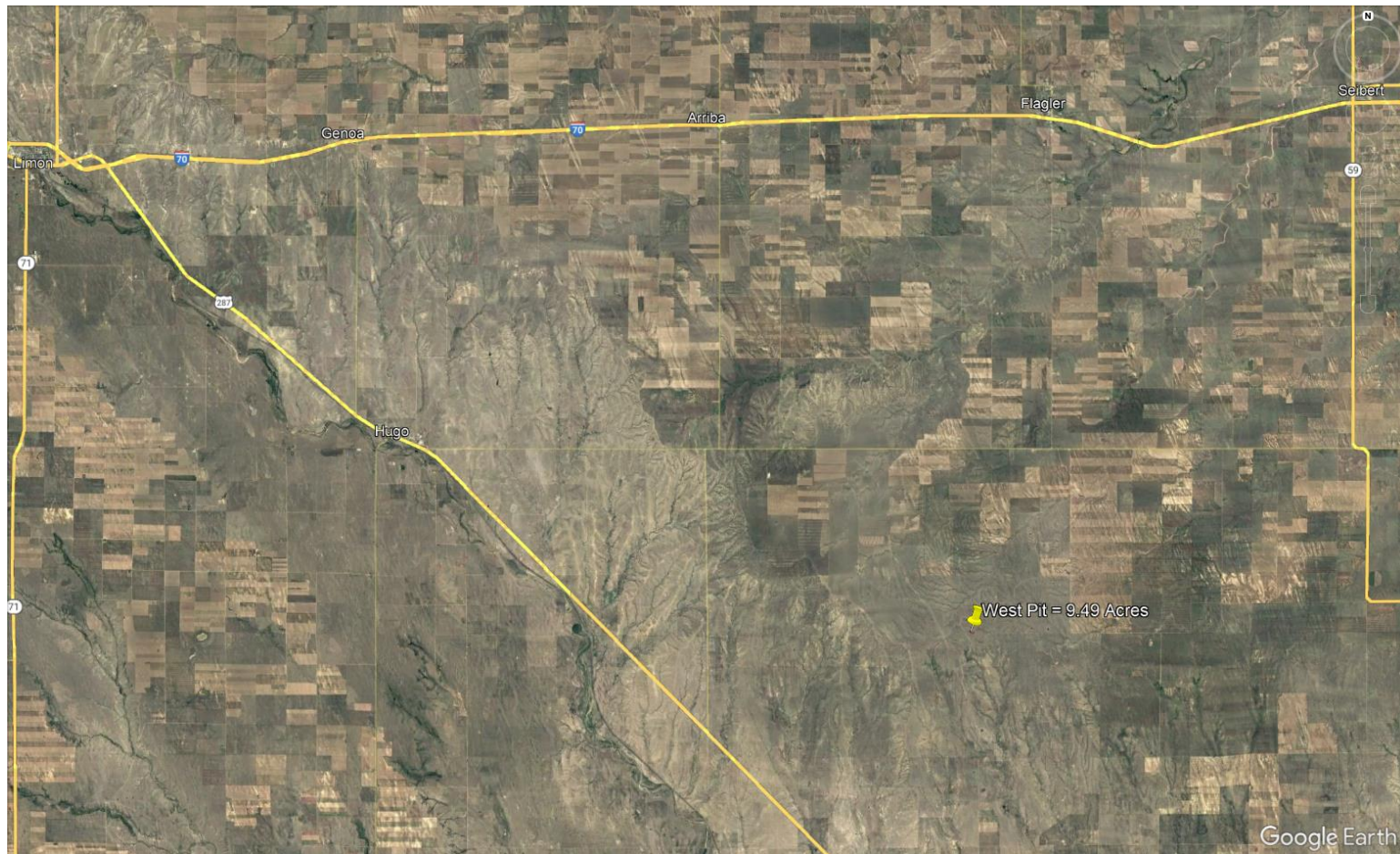
Entrance at 39° 02' 26.93" -103° 06' 59.86" (NAD83 / Zone 13)



Blattner Energy, LLC.
Bronco Plains II West Pit
Map Exhibit A-1 Vicinity Map



Blattner Energy, LLC.
Bronco Plains II West Pit
Map Exhibit A-2 Vicinity Map



Blattner Energy, LLC.
Bronco Plains II West Pit
Map Exhibit A-3 Location Map

SITE DESCRIPTION

EXHIBIT B

Soils Information

The below chart was obtained from the basic soils and vegetation information found through the USDA's National Soils information page and the Soil Survey of Kit Carson County.



Map Unit Legend

Cheyenne County, Colorado (CO017)
Kit Carson County, Colorado (CO063)

Cheyenne County, Colorado (CO017)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Ascalon sandy loam, 0 to 3 percent slopes	5.5	9.3%
5	Ascalon-Eckley complex, 5 to 20 percent slopes	3.5	5.9%
Subtotals for Soil Survey Area		9.0	15.2%

Kit Carson County, Colorado (CO063)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Ascalon sandy loam, 0 to 3 percent slopes	19.0	32.1%
22	Eckley-Wages complex, 4 to 20 percent slopes	31.3	52.7%
Subtotals for Soil Survey Area		50.3	84.8%
Totals for Area of Interest		59.3	100.0%

Permanent Man-Made Structures

There are no existing man-made structures within 200 feet of the pit.

Water Resources

There are no substantial water sources near the area of operation.

MINING PLAN

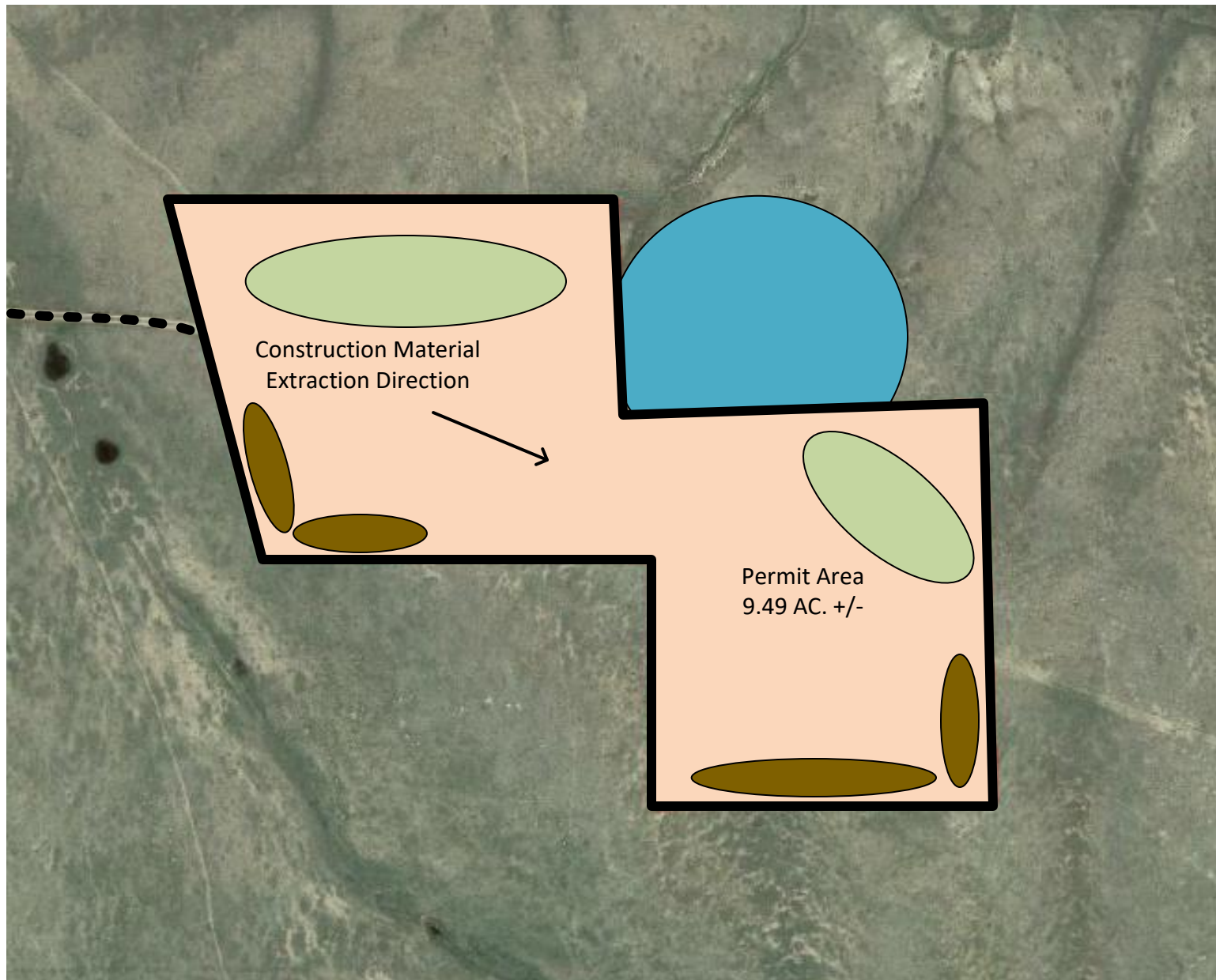
EXHIBIT C

The estimated date that the mining will commence will be April 1st, 2023 and will be complete on March 31st, 2024. The estimated depth of soil that will be salvaged for use in the reclamation process will be 6-12". We anticipate that there will be no overburden to reach the gravel. We anticipate that we will be mining an average of 15' of gravel. There will be no offices, buildings, or facilities at the location of the pit. We will reclaim the pit once we are done mining the gravel. There are no road improvements necessary. We will be using minimal water for dust control during the operation of the gravel pit. Our water source will be from the city of Flagler CO. The primary and only commodity that we will be mining will be gravel which will be used on the turbine site string roads. There will be no explosives used in conjunction with the mining operation.

RECLAMATION PLAN

EXHIBIT D


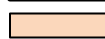




We plan to reclaim the topsoil for the gravel pit once we are finished mining all of the gravel. Reclamation is expected to be complete by March 31st, 2024. We will start replacing topsoil once we are finished mining all of the gravel. The maximum slopes of the reclaimed slopes will be 4:1. In order to revegetate the gravel pit we will de-compact the site and drill seed with the landowner's recommended natural blend. Our estimated reclamation cost is \$45,000 for contouring and top soiling. Seeding will be an additional \$5,000. We will be leaving some gravel on the reclaimed pit for the landowner per there request.



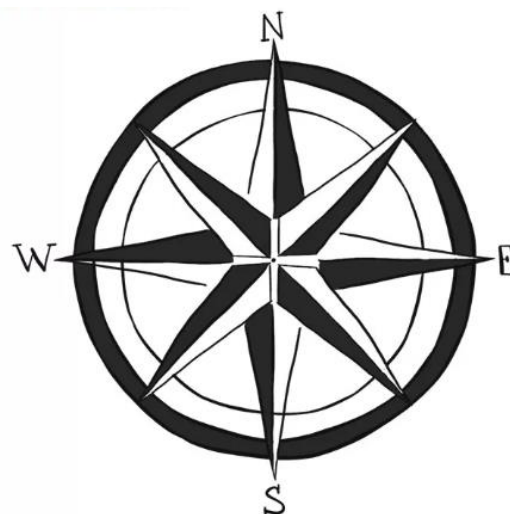
Blattner Energy, LLC
Bronco Plains II West Pit
Map Exhibit E-1 Mining Plan

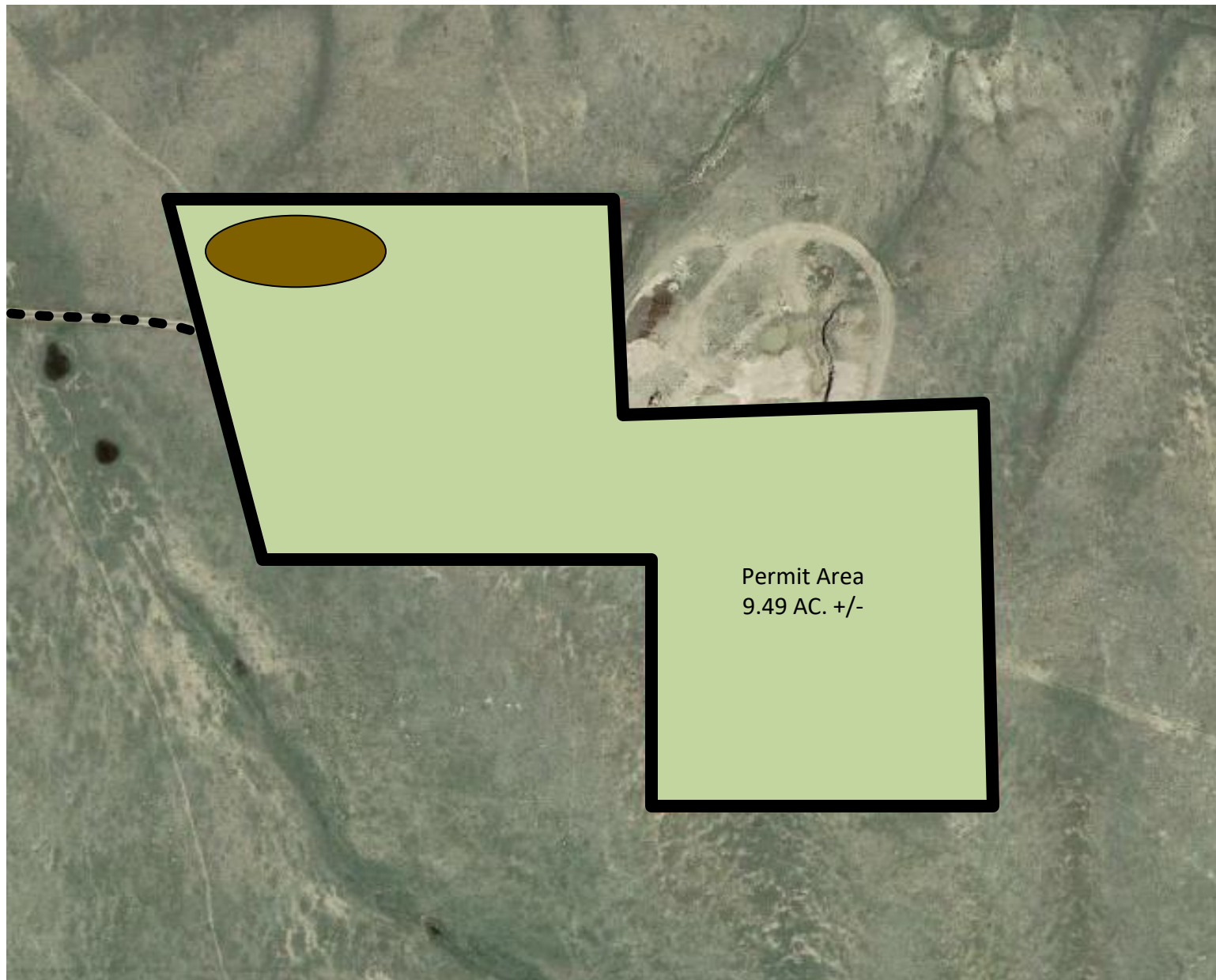
The boarder of the image is 200 Feet or more from the Pit boarder. The only land owner of the afected property or 200 Feet away is "Robert C. Bledsoe Trust and Catherine L. Bledsoe Trust"

Legend:

-  Mine Setbacks (15ft) / Permit Boundaries
-  Mine Area
-  Access Road
-  Topsoil Piles
-  Gravel Stockpile
-  Previously mined areas


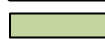


Scale: Approx. 1"= 200'
Section: 33
Township: 11
Range: 51
Section: SE
Quarter/Quatyer Section: SW





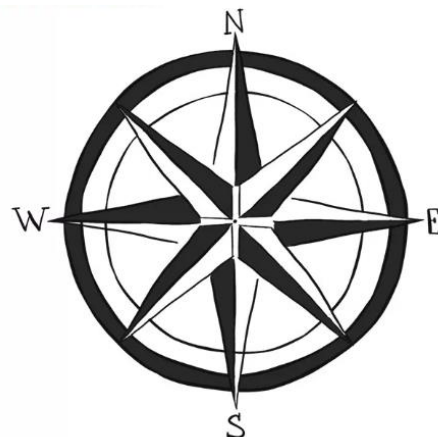
Blattner Energy, LLC
Bronco Plains II West Pit
Map Exhibit E-2 Reclamation Plan Map

Legend:

-  4:1 Slope
-  Reclaimed Area
-  Access Road
-  Gravel Left behind

Scale: Approx. 1"= 200'
Section: 33
Township: 11
Range: 51
Section: SE
Quarter/Quatyer Section: SW

We will be replacing the topsoil over the entire pit returning the land to Range Land. The plan is to slope the grade to maintain the existing drainage. There will be a small amount or gravel left behind for the land owner per there request. There will be no shrub or trees planted. We are expecting 6-12" of topsoil.



LIST OF OTHER PERMITS AND LICENSES REQUIRED

EXHIBIT F

There are no other permits or licenses required.

SOURCE OF LEGAL RIGHT-TO-ENTER

EXHIBIT G

DocuSign Envelope ID: DF92EE24-6217-414B-A799-E8AEA17F5BED



BORROW AGREEMENT

This borrow agreement ("Agreement") dated as of January 13, 2023, ("Effective Date"), by and between Blattner Energy, LLC ("Blattner"), with an address of 392 County Road 50, Avon, Minnesota 56310, and Robert C. Bledsoe Trust and Catherine L. Bledsoe Trust, ("Property Owner"), with an address of PO Box 435, Hugo, CO 80821.

Project: Bronco Plains Wind II.

The Property Owner represents and warrants it is the legal property owner of the real property listed below ("Property"). Such ownership may include holding legal title to, having a legal interest in, or being legally authorized under a power of attorney as a legal guardian or as an administrator of an estate to exercise administrative powers over, but cannot be limited by prohibiting physical changes to the property:

Property: Section: 33
Township: 11 Range: 51 County: Kit Carson State: CO

The Property Owner hereby agrees to sell and convey exclusively to Blattner earthen material and agrees to permit Blattner to remove said material that it may determine is suitable for use on the 1035 Bronco Plains Wind II project ("Project") as (choose one or more):

- ☐ Sand & Gravel Material ("Gravel")
- ☐ Rock/Aggregate Material ("Rock")
- ☒ Earthen Material to be used as common or granular borrow ("Common Borrow")

1. **TERM.** This Agreement begins on the Effective Date and will remain in effect for the following period, or if more than one option is chosen, until the later to occur:

- ☒ Until completion of the Project, including any warranty period
- ☐ Until _____

2. **QUANTITY.** Blattner may take up to "As much as needed for Project" CY units of earthen material from the Property to fulfill its Project requirements. This amount does not establish a maximum or minimum quantity Blattner commits to take from the Property. The amount set forth above only requires Blattner to obtain consent from the Property Owner before excavating an amount of earthen material greater than one hundred and thirty percent (130%) of such amount. Blattner is not obligated to remove any earthen material or pay the Property Owner, until Blattner excavates and removes earthen material for the Project.

3. **MEASUREMENT.** The Payment Quantity will be measured according to the (choose one or more):

- | | | | |
|---|---------------------------------|-------------------------------|---|
| <input type="checkbox"/> In-place bank cubic yards for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input type="checkbox"/> Common Borrow |
| <input checked="" type="checkbox"/> Dry tons for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input checked="" type="checkbox"/> Common Borrow |
| <input type="checkbox"/> Other: _____ for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input type="checkbox"/> Common Borrow |

as measured by the (choose one or more):

- | | | | |
|--|---------------------------------|-------------------------------|---|
| <input type="checkbox"/> Project owner's quantity determination for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input type="checkbox"/> Common Borrow |
| <input type="checkbox"/> Surveyed quantity for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input type="checkbox"/> Common Borrow |
| <input checked="" type="checkbox"/> Load count quantity for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input checked="" type="checkbox"/> Common Borrow |
| <input type="checkbox"/> Belt scale weight for: | <input type="checkbox"/> Gravel | <input type="checkbox"/> Rock | <input type="checkbox"/> Common Borrow |

☐ Truck load weight for: ☐ Gravel ☐ Rock ☐ Common Borrow

with a deduction for any increase in the quantity/volume caused by augmentation of the material.

4. **PRICE.** Below are the prices for each unit of earthen material taken from the Property:

☐ Gravel: \$ _____ per _____ and/or
☐ Rock: \$ _____ per _____ and/or
☒ Common Borrow: \$ _____ per Ton

5. **PAYMENT.** Property Owner may submit an invoice to Blattner after material is removed from the Property at subcontractors@blattnerenergy.com. Blattner will pay the approved quantity for each Property Owner invoice within thirty (30) days of approval of such invoice; however, Blattner will only make one (1) payment per calendar month to the Property Owner.

6. **SPECIAL CONDITIONS.** Any terms added in this provision will take precedence over any other terms of this Agreement:

- a. Blattner will stockpile Common Borrow based upon 100 Trucks at 20 CY/Truck with a total of 2,000 CY to be left onsite when Blattner ceases use of the borrow pit. The Property Owner will have rights over this 2,000 CY stockpile.
- b. Blattner will reclaim as described below after use of Common Borrow pit ceased and Project is Substantially Complete unless delayed. Substantial Completion date is November 24, 2023.
- c. A speed limit maximum of 35 MPH will be followed on Property.
- d. Any road or cattle guard damage on Property by Blattner will be repaired or replaced by Blattner.
- e. Any earthen material removed from Property will be considered Common Borrow.
- f. Gravel Tracker Receipt will be printed by Blattner and reviewed with Property Owner for Invoicing.
- g. Blattner's responsibility only ends for the borrow pit after the property has been reclaimed and approved by the State of Colorado and Property Owner.
- h. Warranty Period is 24 months after substantial completion.

7. **SITE ACCESS.** The Property Owner grants Blattner its subcontract, suppliers, agents, and the customer of Blattner: (1) the right to free ingress and egress to and from the Property to the point(s) where earthen material is to be removed and transported to the nearest available public roads; (2) the right to construct, operate and maintain access roads on the Property, in a reasonable and workmanlike manner, as may be necessary to take the earthen material, with such road location(s) determined by Blattner; and (3) an easement to the Property and release from any claims for damage to the Property by reason of the above-described use, according to the terms of this Agreement. Boundaries of the borrow pit will be determined according to Attachment 1, or such other mutually agreed upon boundaries. Easement ends when agreement terminates.

8. **GENERAL TERMS.** The Property Owner grants to Blattner the right to set up and operate such, equipment on the Property as is required to suitably process and remove the earthen material, and to import any additional materials from other sources at no additional cost as may be necessary to augment or blend with the earthen material in order to create an acceptable finished product for Blattner's objectives.

9. If required, Blattner will apply for a Reclamation Permit with the appropriate government agency before disturbing the Property. If required by a governmental agency, Blattner will provide the Property Owner with a copy of a reclamation plan and the Property Owner has the right to approve such reclamation plan prior to Blattner

obtaining final approval from the applicable government agency. The reclamation plan will provide for and specify the area(s) to be disturbed, the methods and plan to reclaim all such disturbances, and the disposal of any waste, excess or processed material left on site, to the satisfaction of the applicable government agency and the Property Owner. If no Reclamation Permit is required, then Blattner agrees to landscape the area where the material was removed, in a reasonable and workmanlike manner, as follows:

- Reclamation to include contouring and replacing topsoil after common borrow is no longer needed for this project.
- The maximum slope of the reclaimed slopes will be 4:1.
- Blattner will de-compact the site and drill seed to encourage revegetation.
- Seed blend will be Property Owner's recommended natural blend purchased by Blattner.

10. RELEASES AND WAIVERS. The Property Owner will provide Blattner, upon request, lien waivers or other similar releases. Property Owner is not entitled to receive final payment under this Agreement until all previous and conditional final lien waivers have been executed and delivered to Blattner.

The Property Owner acknowledges and agrees that upon acceptance of Blattner's final payment due under this Agreement: (1) the Property Owner releases and forever discharges Blattner from any liability, claims, demands, damages, costs, expenses, actions and causes of action that may arise regarding this Agreement or the parties' performance under this Agreement.

11. CONFIDENTIALITY. The Property Owner and its successors and assigns will treat all information relating to this Agreement as confidential, and neither the Property Owner nor any of its successors and assigns will use any such information for its benefit or release any such information to a third party for the term of this Agreement and for a period of twenty-four (24) months after expiration of this Agreement without the written consent of Blattner. The Property Owner will not directly or indirectly publish, release or publicly post any drawings, photo, video or film, whether analog or digital or disclose any information concerning Blattner's construction work to the news media or the public.

12. INDEMNITY. Each party will defend, indemnify and hold the other harmless from and against all claims, encumbrances, liens, damages, losses, and liabilities, but only to the extent caused by its, or anyone that it controls or exercises control over, negligent acts, omission, or intentional misconduct.

13. MISCELLANEOUS. This Agreement will be binding upon the parties as well as their successors in interest. Any changes to this Agreement must be mutually agreed to in writing and signed by both parties. For purposes of contract construction, the parties are deemed to have jointly prepared this Agreement.

The parties have executed this Agreement on the day and year first above written.

ROBERT C. BLEDSOE, INDIVIDUALLY AND AS
TRUSTEE OF THE ROBERT C. BLEDSOE TRUST

Robert C. Bledsoe, Individually and as Trustee

Signature

Robert C. Bledsoe, Individually and as Trustee

Print Name

BLATTNER ENERGY, LLC

DocuSigned by:

David Donahoe

Signature

David Donahoe

Print Name

CATHERINE L. BLEDSOE, INDIVIDUALLY AND
AS TRUSTEE OF THE CATHERINE L. BLEDSOE
TRUST

Catherine L. Bledsoe, Individually and as Trustee

Signature

Catherine L. Bledsoe, Individually and as Trustee

Print Name

MUNICIPALITIES WITHIN A TWO-MILE RADIUS

EXHIBIT H

There are no municipalities within a two-mile radius of the proposed mining operation.

PROOF OF FILING WITH CLERK AND RECORDER

EXHIBIT I

January 13, 2023

We are delivering to you here with a copy of an application for the Bronco Plains Gravel Pit, a Limited Impact (110) Construction Materials permit, to be operated by Blattner Energy Inc. Two copies of the application are on file with the Division of Reclamation, Mining & Safety (ORMS).

Please acknowledge receipt of this copy of the permit application by signing in the appropriate space provided below and returning one copy of this letter to the person delivering the book.

X Susan Corliss
Kit Carson County Clerk and Recorder

Date: 1/26/23

PROOF OF FILING WITH CLERK AND RECORDER

EXHIBIT I

February 16, 2023

We are delivering to you here with a copy of an application for the Bronco Plains II Gravel Pit, a Limited Impact (110) Construction Materials permit Updated pages, to be operated by Blattner Energy Inc. Two copies of the application are on file with the Division of Reclamation, Mining & Safety (ORMS).

Please acknowledge receipt of this copy of the permit application by signing in the appropriate space provided below and returning one copy of this letter to the person delivering the book.

X Susan Corliss
Kit Carson County Clerk and Recorder

Date: 2-21-23

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Kit Carson COUNTY

Blattner Energy (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Kit Carson County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Rangeland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You MUST attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Boyd Hall Kit Carson County Commissioners Chairman

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
Flagler DISTRICT

Blattner Energy (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Kit Carson County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Rangeland use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Melissa Thompson District Manager
2-16-23

PERMANENT MAN-MADE STRUCTURES

EXHIBIT L

There are no significant, valuable and permanent man-made structures within 200 feet of the mining operation.



Notice of Filing Deficiencies M2023004

Maxwell Ammann <MAmmann@blattnerenergy.com>
To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Thu, Feb 23, 2023 at 12:04 PM

Elliott,

Please see the attached updated Permit with all the required updates. I have also sent page. 7 (Certification) in the mail as you mentioned that is the one item that you will need the original copy of. Please let me know when this is approved so I can get the Newspaper notification out.

Thank you again for all your help with the process,

Maxwell Ammann

Project Construction Coordinator

Blattner Energy

cell (320) 247-9793

[website](#) | [linkedin](#) | [facebook](#) | [twitter](#)

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From: Russell - DNR, Elliott <elliott.russell@state.co.us>
Sent: Tuesday, February 14, 2023 10:37 AM
To: Maxwell Ammann <MAmmann@blattnerenergy.com>
Subject: Notice of Filing Deficiencies M2023004

CAUTION: This email message was sent from an EXTERNAL sender. Please DO NOT open attachments or click links from unknown senders or unexpected email.

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Gravel Pit Permit 1st Update.pdf
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