

COLORADO Division of Reclamation, **Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215 Denver, CO 80203

Permittee/Operator:

PERFORMANCE WARRANTY Lost Creek Caffle Company LLC. Arnusch France M-1981-287

Operation known as:

Permit Number:

This form is approved by the Colorado Mined Land Reclamation Board ("Board") pursuant to C.R.S. 34-32-117 of the Colorado Mined Land Reclamation Act and C.R.S. 34-32.5-117 of the Colorado Land **Reclamation** Act for the Extraction of Construction Materials.

All parties are on Notice from this Document that:

The above listed Operator provides this warranty to the Board in conjunction with a reclamation Permit to conduct the above described mining operation on certain lands in Colorado. The "Affected Lands" are described in the above listed reclamation Permit, and include any Permit Amendment(s) approved by the Division of Reclamation Mining and Safety ("Division").

The Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 et seq. ("Hard Rock Act"), and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq. ("Construction Materials Act"), both require a permit issued by the Board to include a written promise by the Operator to comply with all requirements of the Hard Rock and Construction Materials Acts (referred to herein together as "Acts").

Through the terms and conditions of this performance warranty and Permit, the Operator agrees to be bound by all requirements of the Acts and all Mineral Rules and Regulations of the Board for Hard Rock, Metal, and Designated Mining Operations (2 C.C.R. 407-1) and all Mineral Rules and Regulations of the Board for the Extraction of Construction Materials (2 C.C.R. 407-4) (referred to herein together as "Rules").

The Operator hereby provides the Board warranties of performance pursuant to C.R.S. 34-32-117(2), (3), and (4)/C.R.S. 34-32.5-117(2), (3), and (4), and promises the Board it will comply with all applicable requirements of the Acts and Rules.

The Operator hereby promises the Board it will comply with all of the terms of the reclamation Permit, including any Permit Amendment(s) approved by the Division. This performance warranty obligation of the Operator shall continue until the Operator's liability is released by the Board.

The Operator promises to be responsible for reclamation costs up to the amount established by the Board and incorporates its financial warranty to this performance warranty. The Operator agrees to maintain a financial warranty (or warranties) in good standing for the reclamation costs for the entire life of the



Permit. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the Division has to complete such reclamation due to forfeiture. If the Board determines the Operator is in default under this performance warranty and the Operator fails to cure such default, the Operator's financial warranty shall be subject to forfeiture pursuant to C.R.S. 34-32-118/34-32.5-118.

This performance warranty by the Operator is perpetual and shall remain in full force and effect until all obligations have been met and all associated financial warranty is released by the Board. Any release of liability in a succession of Operators shall comply with C.R.S. 34-32-119/34-32.5-119.

The provisions hereof shall bind and inure to the benefit of the parties hereto and their successors and assigns.

COUNTY OF WILD The foregoing instrument was acknowledged before me this 25 day of Spendled, 2024 (Day) (Month) (Year) by KUT Arnusch as OWNER of USF (MUK Cattle (MMPANY LLC (Operator) DANETTE MARIE BLASIER NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20234000540 My Commission Expires 01/05/2027 APPROVED:	Λο	1	CI	n.1	
Signature: <u>HILL SUMMAR</u> Name: <u>Kuk t Hrousch</u> Title: <u>DWMR</u> NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT STATE OF <u>WELC</u>) SS. COUNTY OF <u>WELC</u>) The foregoing instrument was acknowledged before me this <u>23</u> day of <u>Speeded</u> , 20 <u>24</u> (Year) by <u>Kur Arnusch</u> as <u>OWNER</u> , 20 <u>24</u> (Year) of <u>US t Well (AH)</u> (Mang) <u>UC</u> TARY PUBLIC STATE OF COLORADO NOTARY PUBLIC My Commission Expires 01/05/2027 APPROVED:	SIGNED, SEALED AND DATED this	day of	Jept.	, 20 <u></u> .	
Signature: <u>HIME SIMULANCE</u> Name: <u>Kurt Hrousch</u> Title: <u>DWMRR</u> NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT STATE OF <u>WELC</u>) SS. COUNTY OF <u>WELC</u>) The foregoing instrument was acknowledged before me this <u>23</u> day of <u>Speeded</u> , 2024 (Day) <u>Month</u> , 2024 (Year) by <u>Kurt Armusch</u> as <u>OWMER</u> , 2024 (Year) of <u>LOS F WELC</u> NOTARY PUBLIC STATE OF COLORADO NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20234000540 My Commission Expires 01/05/2027 APPROVED:		Operator:	KURT HIM	15Ch fer	
Signature: <u>Multiplication</u> Name: <u>Kukt Minusch</u> Title: <u>DWMR</u> NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT STATE OF <u>WLIC</u>) ss. COUNTY OF <u>WLIC</u>) (Month) (Year) by <u>Kurt Armusch</u> as <u>OWNER</u> , 2024 (Month) (Year) of <u>USF MULL</u> (March) <u>UC</u> (Operator) DANETTE MARIE BLASIER NOTARY PUBLIC STATE OF COLORADO NOTARY PUBLIC STATE OF COLORADO NOTARY PUBLIC STATE OF COLORADO NOTARY D 20234000540 My Commission Expires 01/05/2027 APPROVED:		Sperator.	List yiek lun		
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NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT STATE OF	1	Name:	Kurt Ar.	nusch	
STATE OF <u>(U)/(a db</u>) COUNTY OF <u>WL(d</u>)) ss. The foregoing instrument was acknowledged before me this <u>33</u> day of <u>Sport MoR</u> , 20 <u>24</u> (Day) day of <u>Sport Reverses</u> , 20 <u>24</u> (Nonth) (Year) by <u>KUIT APAUSCA</u> as <u>OWALCA</u> (Title) Operator DANETTE MARIE BLASIER NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20234000540 My Commission Expires 01/05/2027 APPROVED:	1	Fitle:	DWMR		
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	APPROVED				
State of Colorado	State of Colorado				
	Mined Land Reclamation Board				
Division of Reclamation, Mining and Safety	Division of Reclamation, Mining and Safety				

By:

Date:

Division Director

Rev. 7-2018