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STATE OF WYOMING FILED DEPARTMENT OF ENVIRONMENTAL QUALIT LAND OUALITY DIVISION MAY 2 1 2013 CHEYENNE, WY 82002 Jim Ruby, Executive Secretary **OTHER MINERALS** Environmental Quality Council RECLAMATION PERFORMANCE BOND 08071697

Know all men by these presents, that we the undersigned, <u>CCH, L.P d/b/a Bald Butte Quarry</u> <u>Limited</u> <u>Partnership</u> duly authorized to do business in the State of Wyoming, AS PRINCIPAL, and <u>Fidelity and</u> <u>Deposit Company of Maryland</u> a corporation organized and existing under the laws of the State of <u>MD</u>, and authorized to do business in the State of Wyoming, AS SURETY, are held and firmly bound unto the State *<* of Wyoming in the sum of <u>One Hundred Ninety-Three Thousand, Eight Hundred Seventy-Four & NO/100</u> Dollars (<u>193,874.00</u>), lawful money of the United States, to be paid to the State of Wyoming upon order of forfeiture by the Environmental Quality Council, for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

Whereas, the Department of Environmental Quality, Land Quality Division, issued <u>Permit to Mine</u> Number <u>551S</u> and dated <u>November 22, 1983</u>, and amendment(s) numbered and dated <u>A1-9-6-84</u> pursuant to the application of the Principal,

Whereas, check one of the following:

(a) This is an original bond,
(b) This is a bond in addition to previous bond(s) for the above mentioned \_\_\_\_\_\_
and which bond(s) remain(s) in full force and effect,
x (c) This is a replacement bond for:
(1) Bond Number 36-0130-25356-97-1 Principal \_\_\_\_\_ CCH, L.P. d/b/a Bald But

- Surety United States Fidelity & Guaranty Company
- (2) Bond Number \_\_\_\_\_ Surety \_\_\_\_
- (3) Bond Number \_\_\_\_\_ Surety \_\_\_\_\_

Principal <u>CCH, L.P. d/b/a Bald Butte Quarry</u> Limited Partnership Dated <u>January 27, 2000</u> Principal \_\_\_\_ Dated \_\_\_\_ Principal \_\_\_\_ Dated \_\_\_\_

Permit 551S & Amendment A1-9-6-84, SW1/4 SE1/4 and W1/2 W1/2 SE1/4 SE1/4 Section 31 Township 31N Range 63W 6th PM Niobrara County Consisting of 50 acres more or less and N 300' of the NW NE Section 6 Township 30N Range 63W

Now, therefore, the conditions of the obligation are such that, this bond shall remain in full force and effect until either released or forfeited pursuant to the provisions of the Wyoming Environmental Quality Act and the rules and regulations adopted pursuant to that Act.



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PRINCIPAL			Bond No.	
Signed and executed this <u>7th</u> day of <u>Novemb</u>	per , 2001	:		
BY: Mithen Managing partner		(Corporate Sec	zl)	
State of KS County of <u>Shawnee</u>	) SS. )			
The foregoing instrument was acknowledged before me by (Pr 	C.C. Hutchinson inted Name of Principal S	Signatory),	this	
Witness my hand and official seal.	Cause A.	Bille		
Carrie Billbe	(Notary Public or oth		icer)	
MY APPT EXP: 6-19-05	Title (Name printed My Commission Exp	or typed)	5	
itas _ was≇ Mat	SURETY			
Signed and executed this 7th day of November	,20 <u>01</u> :			
BY: TITLE Robert P.Emerick, Attorney-in-Fact (please print or type)		(Corporate Sec	al)	
State of KS County of Shawnee	) SS. )			
The foregoing instrument was acknowledged before me by (N day of <u>Novembor</u> 20 01	ame of Attorney-in-Fact)	Robert P. E	merick	, this
Witness my hand and official seal. Jill Abshier	(Noragy Public or at	bS1-	īcer)	
Notary Public State of Kansas	Title <u>Jill Absh</u> (Name printed of My Commission Ex	or typed)		

Approved as to form and execution:

IW. 1î Ho 10 Uso 2 Attorney General BY: Approved: (Carly Chand Quality Division u.

Date: 12.17.01

Date:\_ 19 Dec 01

Form 20th1

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Rev. 3/01

Permit No. 551S

## Power of Attorney FIDELITY AND DEPOSIT COMPANY OF MARYLAND HOME OFFICE: P.O. BOX 1227, BALTIMORE, MD 21203-1227

Know ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by W. B. WALBRECHER, Vice-President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Stanley G. WILKERSON, Dorodd D. WESTCOTT, Robert P. EMERICK, Claudia J. NADEAU and Jill ABSHIER, all of Topeka, Kansar, CACH its true and lawful agent and Attomey-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surfly and as its act and deed: any and all bonds and undertakings and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duty executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in there own proper persons. This power of attorney revokes that issued on behalf of Stanley G. WILKERSON and January 30, 1996.

The said Assistant Secretary does here ertify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws as said Company, and is now in force.

IN WITNESS WHEREOF, the serie Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the and FIDELITS AND DEPOSIT COMPANY OF MARYLAND, this 17th day of December, A.D. 1998.

ATTEST	FIDELI	FIDELITY AND DEPOSIT COMPANY OF MARYLAND				
(SEAL)	On. C.	VEH	Bv:	Certeira	bucker	
	T. E. Smith	Assistant Secretary	1	W. B. Walbrecher	Vice-President	
State of County of	Maryland } ss: Baltimore					

On this 17th day of December, A.D. 1998, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came W. B. Walbrecher, Vice-President and T. E. Smith, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Carol J. Fader Notary Public My Commission Expires: August 1, 2000 1617 78 ered 1101 68 Ly

L1428-076-6692D

## EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

## CERTIFICATE

2: 1.\*

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

day of November 2001

J.N. 70

Assistant Secretary



C.C. Hutchinson P.O. Box 2609 Topeka, KS 66601-2609 785-234-5440

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November 7, 2001

Department of Environmental Quality Herschler Building 122 West 25<sup>th</sup> Street Cheyenne, WY 82002 Attn: Deanna Hill



\*\*\*\*\* \*\*\* .

Dear Ms. Hill

CCH L.P.'s Family Limited Partnership Agreement dated April 1, 1999, that was submitted you your office in February 2000 has not been amended in any fashion including section 2.2 and is still in effect as of November 7, 2001.

If you have further questions or need any further information, please do not hesitate to contact me at the number above.

Sincerely

C.C. Hutchihson Managing Partner CCH L.P.

On this 7th day of November, 2001 C.C. Hutchinson personally appeared before me.

NOTARY PUBLIC

Carrie Billbe NOTARY PUBLIC-STATE OF KANSAS