

**This property is subject to a Notice of Environmental Use Restrictions
imposed by the Colorado Department of Public Health and Environment
pursuant to section 25-15-321.5, Colorado Revised Statutes**

NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

WHEREAS, Point Ranch , LLC, a Colorado limited liability company, ("OWNER") is the owner of certain property referred to as the Restricted Use Area (GP-12 well), covering 1.38 acres located in the SE/4SE/4 of Section 6, Township 36 North, Range 17 West. N.M.P.M., Montezuma County, State of Colorado, more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as "the Property"); and

WHEREAS, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department"), which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to approve Notices of Environmental Use Restrictions (a/k/a "Restrictive Notices") pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*, C.R.S. ("CHWA"); and

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, OWNER shall be considered the **Grantor**, and the Department shall be considered the **Grantee**. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, the Property is the subject of remedial action pursuant to the Solid Waste Disposal Sites and Facilities Act, § 30-20-101, *et seq.*, C.R.S.; and

WHEREAS, the purpose of this Restrictive Notice is to ensure protection of human health and the environment by and the environment by providing that in the event of excavation, any plastic liner materials that are unearthed will be properly disposed of at a permitted solid waste landfill; and

WHEREAS, OWNER has requested that the Department approve this Restrictive Notice as provided in Article 15 of Title 25, Colorado Revised Statutes;

NOW, THEREFORE, the Department approves this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Property described in Attachment A shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 11 below, which shall be binding on OWNER and all persons now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Restrictive Notice, the term OWNER means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

- 1) Activity restrictions. No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is permitted on the Property unless any plastic liner materials that are unearthed during such excavation are disposed of in a permitted solid waste landfill.
- 2) Modifications. This Restrictive Notice shall remain in full force and effect unless modified or terminated in accordance with this paragraph and pursuant to § 25-15-321.5, C.R.S. or any successor statute. OWNER may request that the Department approve a modification or termination of the Restrictive Notice. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
 - a) a proposal to perform additional remedial work;
 - b) new information regarding the risks posed by the residual contamination;
 - c) information demonstrating that residual contamination has diminished;
 - d) information demonstrating that an engineered feature or structure is no longer necessary;
 - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - f) other appropriate supporting information.
- 3) Conveyances. OWNER shall notify the Department at least fifteen (15) days prior to any conveyance of any interest in any or all of the Property. Within thirty (30) days after any such conveyance, OWNER shall provide the Department with the name, mailing address and telephone number of the new OWNER.
- 4) Notice to Lessees. OWNER agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the Property.
- 5) Notification for proposed construction and land use. OWNER shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use. OWNER shall notify the Department at least five (5) days prior to any excavation of the Property.
- 6) Inspections. The Department, including its authorized employees, agents, representatives and independent contractors, shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice.



- 7) Third Party Beneficiary. The OWNER of the Property and Kinder Morgan CO2 Company, L.P. ("KINDER MORGAN") are third party beneficiaries with the right to enforce the provisions of this Restrictive Notice as provided in § 25-15-322, C.R.S.
- 8) No Liability. The Department does not acquire any liability under State law by virtue of *approving* this Restrictive Notice, nor does any other named beneficiary of this Restrictive Notice acquire any liability under State law by virtue of being such a beneficiary.
- 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to § 25-15-322, C.R.S. against OWNER and any named beneficiaries of this Restrictive Notice and may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.
- 10) Severability. If any part of this Restrictive Notice shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.
- 11) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

Jerry Henderson
Solid Waste and Materials Management Program
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Kinder Morgan CO2 Company, L.P.
Attention Legal Department
1001 Louisiana
Houston, TX 77002

This Notice of Environmental Use Restrictions is approved by the Colorado Department of Public Health and Environment this 16th day of December, 2019.

OWNER has caused this instrument to be executed this 30th day of April, 2019.

OWNER

By: Rick Oliver
Rick Oliver, Managing Member, Point Ranch, LLC

STATE OF Colorado)
) ss:
COUNTY OF Montezuma)

The foregoing instrument was acknowledged before me on this 30th day of April, 2019 by Rick Oliver.

JON C. MARECHAL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20084035792
MY COMMISSION EXPIRES OCTOBER 21, 2020

[Signature]
Notary Public

My commission expires: _____.

Accepted by the Colorado Department of Public Health and Environment this 16th day of December, 2019.

By: Jennifer T. Opila
Title: Division Director

STATE OF Colorado)
) ss:
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 16 day of December, 2019 by Jennifer Opila on behalf of the Colorado Department of Public Health and Environment.

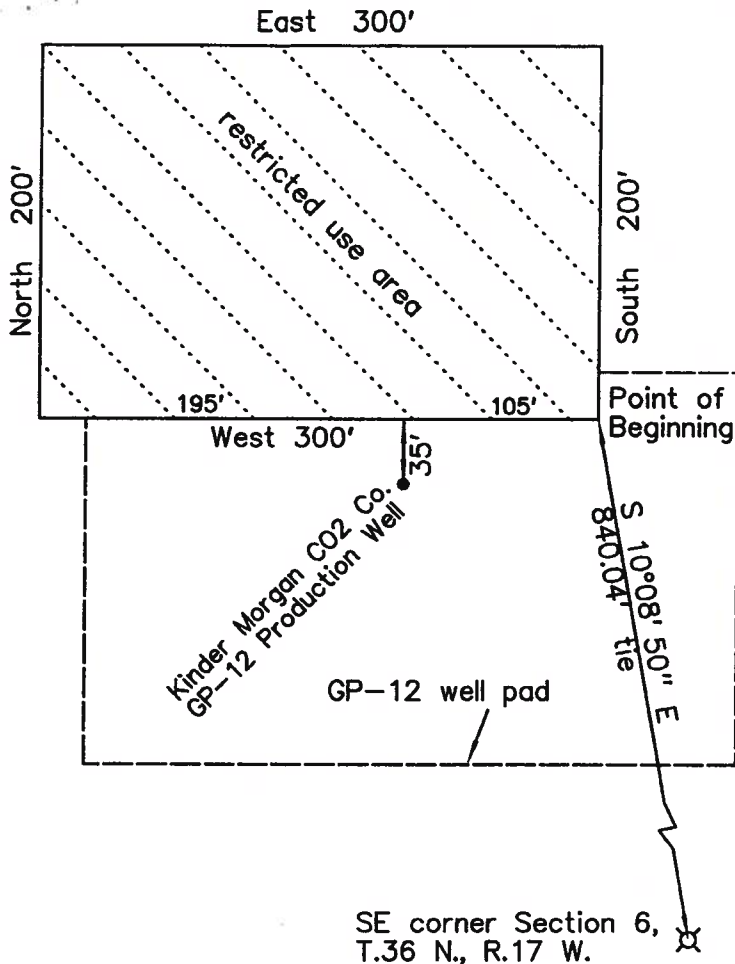
[Signature]
Notary Public

4300 Cherry Creek Dr S
Address Denver, CO 80246

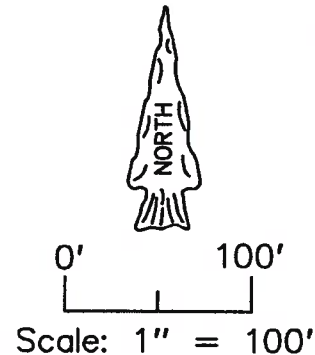
My commission expires: July 15, 2023

YOLANDA MUNGUIA-KLEINER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20194026486
MY COMMISSION EXPIRES JUL 15, 2023

"Attachment A"
Restricted Use Area



627645 NOT 02/03/2020 11:04:31 AM
Page: 5 of 5 R 33.00 D 0.00 T 33.00
Kim Percell Clerk/Recorder, Montezuma County, Co



Legal description of Restricted Use Area (GP-12) – 1.38 acres

A tract of land contained in the SE1/4SE1/4 of Section 6, T.36 N., R.17 W., NMPM, Montezuma County, CO and more particularly described as follows:
Beginning at the southeast corner of the tract described herein, a point from which the southeast corner of said Section 6 bears S 10°08'50" E a distance of 840.04 feet;
Thence, West a distance of 300.00 feet along the south line of said tract;
Thence, North a distance of 200.00 feet along the west line of said tract;
Thence, East a distance of 300.00 feet along the north line of said tract;
Thence, south a distance of 200.00 feet along the east line of said tract,
back to the point of beginning.

Basis of bearing is S 89°45'00" W between a #6 rebar/2" aluminum cap at the southeast corner of said Section 6 and a BLM aluminum monument at the southwest corner of said Section 6.



This description/exhibit was prepared from original record well location plat and diagram.

HUDDLESTON LAND SURVEYING – P.O. DRAWER KK, CORTEZ, CO 81321 – 970 565 3330