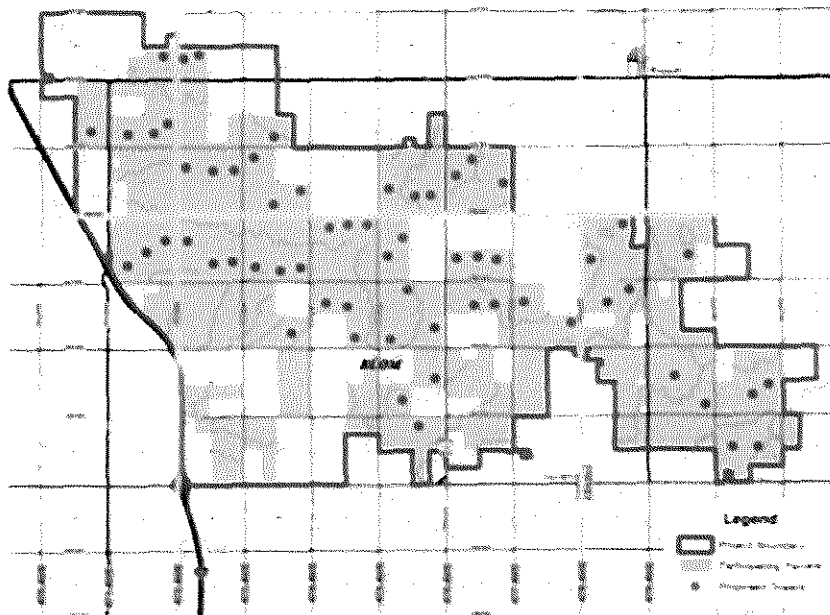


**Prepared by:**  
Deuel County Zoning Office  
408 4<sup>th</sup> Street West  
Clear Lake, SD 57226

### Letter of Assurance

A Special Exception Permit under Deuel County Zoning Ordinance Section 1215, "Wind Energy Systems" has been granted by the Deuel County Board of Adjustment to Tatanka Ridge Wind, LLC to operate a Wind Energy System with up to 56 Wind Towers and other ancillary structures/uses.

Property location: Blom, Brandt, Grange, Hidewood and Scandinavia Townships as displayed in Exhibit "A" below and hereby incorporated by reference.



Conditions to be placed upon the Special Exception permit issued to Tatanka Ridge Wind, LLC by the Deuel County Board of Adjustment on June 10, 2019:

1) Effective Date and Transferability:

- a. Upon issuance of applicant permit by South Dakota Public Utilities Commission.
- b. This permit shall expire if no substantial construction described within the application has occurred within three (3) years of issuance of this permit (on or before June 11, 2022.)

- c. The Special Exception permit is transferable. Subsequent owners/operators shall agree to the same conditions described herein.

2) General Requirements:

- a. There shall be no discharge of industrial processed water on the site
- b. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one (1) locality in one (1) tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the Board of Adjustment.
- c. Grantor shall provide the zoning office with an updated local contact information of plant supervisor with authority to implement dust control and other necessary enforcement of the conditions of this permit.

3) Obligation to Meet Requirements:

- a. Applicant agrees to meet requirements of Section 1215 of the Deuel County Ordinance in reference to remaining obligations including but not limited to: submittal of Haul Road Agreements, Submittal of Decommissioning Plan, Final site location of towers, building permit application, meeting applicable federal and state requirements, and consideration of bond for abandonment/decommissioning.

4) Violation and Penalties:

- a. Violations of requirements of the ordinance relating to the operations of a specific tower will result in enforcement/penalties in reference to the specific tower found to be in violation, and will be enforced in the manner as described in Section 4.b below.
- b. Violation of the terms of this Special Exception permit will be determined by the Deuel County Zoning Officer.
  - (1) The first violation substantiated by the Zoning Officer of this Special Exception permit may result in a notification letter stating the violation and a prescribed period of time to remove the violation. A second violation occurring within one calendar year of the previous violation may result in a review of the validity of the Special Exception permit and potential revocation of said permit. A third violation within one calendar year of the initial violation may result in revocation of the Special Exception permit and cessation of all operations within forty-five days (45) of notice of revocation.
  - (2) The applicant may make appeal from the decision of the Zoning Officer or other agent of the Deuel County Board of Adjustment to the Deuel County Board of Adjustment. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within thirty (30) days. Appeals from the Board of Adjustment shall be taken to Circuit Court.
  - (3) Failure to comply with the decision of the Zoning Officer or other agent of the Deuel County Board of Adjustment may be deemed a separate violation.

IN WITNESS WHEREOF, Deuel County and the Grantor(s) have executed this Special Exception Permit Letter of Assurance.

Jesse Bernel  
Tatanka Ridge Wind, LLC (Grantor)

7/16/19  
Date

by (Name): Jesse Bernel  
its (Title): Business Development

Paul Weisen  
Deuel County Zoning Officer  
Deuel County Board of Adjustment

7-8-19  
Date

Kevin DeBoer  
Chairman  
Deuel County Board of Adjustment

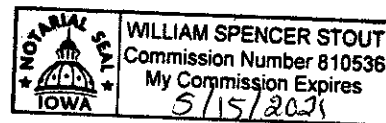
7-8-2019  
Date

STATE OF Iowa  
SS:  
COUNTY OF Johnson

This instrument was acknowledged before me on 7/16/2019, 2019 by Jesse Bernel, on behalf of Tatanka Ridge Wind, LLC (Grantor).

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Name: W. Spencer Stout  
Notary Public, State of Iowa  
My Commission Expires: 5/15/2021



STATE OF SOUTH DAKOTA  
SS:  
COUNTY OF DEUEL

This instrument was acknowledged before me on July 8, 2019 by Kevin DeBoer, representing Deuel County as the Chairman of the Deuel County Board of Adjustment.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Name: W. Spencer Stout  
Notary Public, State of South Dakota  
My Commission Expires: 9-10-21