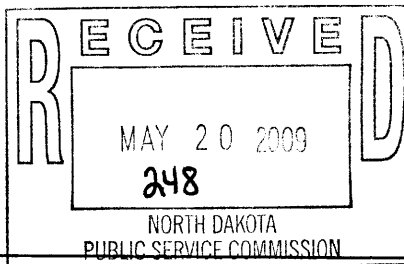




PERFORMANCE BOND # 0065170
PUBLIC SERVICE COMMISSION
ABANDONED MINE LANDS DIVISION
 SFN 13652 (Rev. 05-2000)



Individual Corporation
 Partnership

Name of Contractor MATERIAL TESTING SERVICES, LLC			
Address of Contractor PO BOX 634	City MINOT	State ND	Zip Code 58702-0634
Name of Surety OHIO FARMERS INSURANCE COMPANY			
Address of Surety ONE PARK CIRCLE, PO BOX 5001	City WESTFIELD CENTER	State OHIO	Zip Code 44251-5001

KNOW ALL PERSONS BY THESE PRESENTS, that the above named Contractor, hereinafter called the Principal, and the above named Surety, are held and firmly bound unto the North Dakota Public Service Commission on behalf of the State of North Dakota hereinafter called OWNER, in the penal sum of FIFTY TWO THOUSAND, ONE HUNDRED AND FIFTY AND NO CENTS dollars, (\$ 52,150.00) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successor, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the OWNER, dated the 12TH day of MAY 20 09, a copy of which is hereto attached and made a part hereof for the reclamation of the following described abandoned mine site.

Abandoned Mine Site Description MATERIAL TESTING ON THE GROUT MIXTURES THAT WILL BE INJECTED INTO ABANDONED UNDERGROUND MINE WORKINGS, AND RELATED ENGINEERING SERVICES FOR THE PROJECT ALONG WILLIAMS COUNTY RD 9 AS WELL AS OTHER AREAS IN AND AROUND WILLISTON, ND AS DESCRIBED IN THE IFB.
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NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the Surety and during the one year guaranty period commencing upon final acceptance, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall affect its obligation of this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in two counterparts, each one of which shall be deemed an original, this the 19TH day of MAY, 20 09.

NOTE: Date of BOND must not be prior to date of Contract. If CONTRACTOR is Partnership, all partners shall execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in North Dakota.

Witness as to Principal: *Kathryn J. Eli*

(Principal: Individual, Partnership, or Corporation)

(SEAL)

MATERIAL TESTING SERVICES, LLC

(Partner or President)

BY

St Wald

BY

(Partner or Secretary) **STEVEN A. WALD, PRESIDENT**

(Surety)

(SEAL)

OHIO FARMERS INSURANCE COMPANY

BY

Michael B. Humphreys

MICHAEL B. HUMPHREYS, ATTORNEY-IN-FACT

Countersigned by:

North Dakota Resident Agent

Stacey MacLennan

STACEY MACLENNAN

P.O./Address

HUMPHREYS INSURANCE & SURETY

415 20TH AVE SW., PO BOX 1486, MINOT, ND 58702-1486

ACKNOWLEDGMENT OF PRINCIPAL (Individual)

STATE OF _____)
County of _____)ss

On this _____ day of _____ 20 _____, before me personally comes _____, known to me to be the person who is described in and who executed the foregoing instrument and acknowledges to me that he/she executed the same.

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL (Partnership)

STATE OF _____)
County of _____)ss

On this _____ day of _____ 20 _____, before me personally comes _____, a member of the co-partnership of _____ known to me to be the person who is described in and who executed the foregoing instrument and acknowledges to me that he/she executed the same as and for the act and deed of the said co-partnership.

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL (Corporation)

STATE OF NORTH DAKOTA)
County of WARD)ss

On this 19TH day of MAY 20 09, before me personally comes STEVEN A. WALD, to me known, who, being by me duly sworn, deposes and says that he/she resides in the City of MINOT, ND that he/she is the PRESIDENT of the MATERIAL TESTING SERVICES, LLC the corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation and that he/she signed his name thereto by like order.

JEANETTE S. RUDLAND
Notary Public
State of North Dakota
My Commission Expires April 11, 2014

Jeanette S. Rudland
Notary Public JEANETTE S. RUDLAND
EXPIRES: 04-11-2014

ACKNOWLEDGMENT OF SURETY

STATE OF NORTH DAKOTA)
County of WARD)ss

On this 19TH day of MAY 20 09, before me personally comes MICHAEL D. HUMPHREYS, Attorney-in-Fact of OHIO FARMERS INSURANCE COMPANY with whom I am personally acquainted, and who, being by me duly sworn, says that he/she resides in MINOT, ND that he/she is the Attorney-in-Fact of OHIO FARMERS INSURANCE COMPANY, the Company described in and which executed the foregoing instrument; that he/she know(s) the corporate seal of such Company; and that the seal affixed to the foregoing instrument is such corporate seal and that it was affixed by the order of the Board of Directors of said Company, and that he/she signed said instrument as Attorney-in-Fact of the said Company by like order.

DIANE PETERSON
Notary Public
State of North Dakota
My Comm. Expires June 21, 2013

Diane Peterson
Notary Public DIANE PETERSON
EXPIRES: 06-21-2013

General
Power
of Attorney

POWER NO. 3372252 01

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
DIANE J. PETERSON, MICHAEL D. HUMPHREYS, DIANN BRIGGS, JOINTLY OR SEVERALLY

of **MINOT** and State of **ND** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship**

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their **Senior Executive** and their corporate seals to be hereto affixed this **01st** day of **MAY** A.D., **2004**.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By: **Richard L. Kinnaird, Jr., Senior Executive**

State of Ohio
County of Medina ss.:

On this **01st** day of **MAY** A.D., **2004**, before me personally came **Richard L. Kinnaird, Jr.** to me known, who, being by me duly sworn, did depose and say, that he resides in **Medina, Ohio**; that he is **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument: that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, **Frank A. Carrino**, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect: and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this **19TH** day of **MAY**, A.D., **2009**.



Frank A. Carrino, Secretary