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Protection of surface proprietors

1 message

Ronald Ericsson <ericsson@childselect.com>

Thu, Aug 16, 2018 at 11:07 AM

To: "john.cox@wyo.gov" <john.cox@wyo.gov>

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8/16/2018

John Cox
Director
Wyoming Department of Workforce Services
[614 South Greeley Highway](#)
[Cheyenne, Wyoming 82002](#)

Re: Protection of surface proprietors.

Dear Mr. Cox:

We request that the State Inspector of Mines prevent Bentonite Performance Minerals (BPM) – Halliburton (Joel Severin, [554 US Hwy 212, Belle Fourche, SD 57717](#)) from mining on 2U Ranch, LLC lands described in Wyoming State Mineral Lease 42804 and amended Department of Environmental Quality (DEQ) Mining Permit 267C.

2U Ranch LLC owns the surface rights but not the mineral rights and BPM will not provide satisfactory security or indemnity for the protection of surface proprietors as required by the following State Statutes:

W. S. Mines and Minerals. 30-1-119. Protection of surface proprietors. Where a mining right exists in any case and is separate from the ownership or right of occupancy to the surface, such owner or rightful occupant of the said surface may demand satisfactory security from the miner or miners, and if such security is refused, such owner or occupant of the surface may enjoin the miner or miners from working such mine until such security is given. The order for such injunction shall fix the amount of the bond therefor.

W. S. 30-1-133. Provisions for indemnity in certain contracts; exemption. Provided that nothing in this act shall be construed to deprive an owner of the surface estate of the right to secure an indemnity from any lessee, operator, contractor or other person conducting operations for the exploration or production of minerals on such owner's land

We believe that State Inspector of Mines is responsible for this enforcement due to the following State Statutes:

W. S. 30-2-202. Duties of inspector; duties of deputy inspectors. (ix) Exercise supervision necessary for enforcement of this act over and inspection of all mining exploration mines, mining operations, upgrading, processing, milling and beneficiation plants within the state including the inspection of drill holes to ensure the holes have been properly abandoned.

W. S. 30-2-204. Police powers generally. The inspector and deputy inspectors shall have and exercise throughout the state all of the powers of peace officers with respect to the enforcement of this act.

Sincerely,

Ronald J. Ericsson, PhD

Scott A. Ericsson, PhD

Roland S. Ericsson, Attorney at Law