

FILED

DEC 29 2005

Terri A. Lorenzon, Director
Environmental Quality Council

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) Docket No.
FIESTA MINE,)
MINING PERMIT 219c.)**

MOTION FOR BOND FORFEITURE ORDER

The Department of Environmental Quality, Land Quality Division (DEQ), by and through the Office of the Attorney General, pursuant to Wyo. Stat. § 35-11-421(b), moves the Council for an order forfeiting Fiesta Mine's reclamation performance bond, and as grounds for this motion, offers the following:

1. On November 26, 1974, the LQD approved permit 219c to Fiesta Mine to conduct noncoal regular mining operation located in the NW1/4 Section 2, Township 30 North, Range 88 West; SE1/4 of Section 9, Township 30 North, Range 87 West; SE1/4 and NW1/4 of Section 10, Township 30 North, Range 87 West; NE1/4 and W1/4 of Section 11, Township 30 North, Range 87 West and NW1/4 of Section 12, Township 30 North, Range 87 West, approximately 49 miles south of Casper, Natrona County, Wyoming. Fiesta Mine posted a \$100.00 reclamation performance bond, in the form of Certificate of Deposit No. 16861, issued by the Wyoming National Bank of Casper.
2. The DEQ met with Elvie Parker, a co-owner of Fiesta Mine, on October 19, 2005 to discuss bond forfeiture options and she followed the meeting with a letter sent November 22, 2005 with a voluntary bond forfeiture form enclosed.
3. Based on these facts, the DEQ determined Fiesta Mine's reclamation performance bond should be forfeited.
4. The DEQ requested that the Office of the Attorney General begin this proceeding on December 8, 2005.
5. Fiesta has executed a voluntary bond forfeiture agreement for permit 219c. The agreement is attached hereto and incorporated herein by this reference. In the

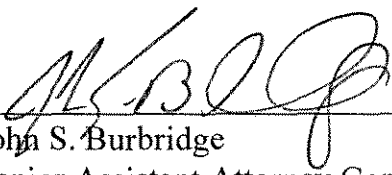
agreement, Fiesta Mine waives its right to a hearing and acknowledged that it knew that the Environmental Quality Council would forfeit its bond.

6. Fiesta Mine has knowingly waived all of the statutory prerequisites to this bond forfeiture by entering into the voluntary forfeiture agreement, and the Council should therefore order the bond forfeited.

THEREFORE, the DEQ respectfully requests that the Council enter an order requiring Fiesta Mine to forfeit its reclamation performance bond to the DEQ to be used to reclaim those lands affected by Fiesta's mining activities under permit 219c.

Respectfully submitted this 29th day of December, 2005.

FOR THE DEPARTMENT OF ENVIRONMENTAL
QUALITY, LAND QUALITY DIVISION



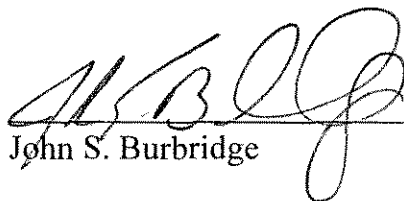
John S. Burbridge
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on December 29, 2005, I served a true copy
of the foregoing Motion For Bond Forfeiture Order as follows:

Mrs. Elvie Parker
2064 East A Street
Casper, WY 82601

U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery
 Express Mail



John S. Burbridge

VOLUNTARY BOND FORFEITURE AGREEMENT

Rodney (Deceased) and Elvie Parker mined Jade under Permit No. 219C, issued by
(mineral)
the Wyoming Department of Environmental Quality, Land Quality Division.

Elvie Parker is no longer willing or able to mine or reclaim the mine site, pursuant to
Permit No. 219C.

Rodney (Deceased) and Elvie Parker posted a \$100.00 CD with the Department,
as a condition of their permit. (Dollar amount)

Elvie Parker agrees to voluntarily forfeit this bond to the Department for reclamation
purposes.

Pursuant to W.S. §35-11-421, Elvie Parker understands that she has a right to a hearing
before the Wyoming Environmental Quality Council to dispute any action the Department takes to
forfeit her bond.

By this Agreement, Elvie Parker waives her right to a hearing, and understands that the
Council will order its bond forfeited, thereby terminating any right Elvie Parker has to the bond
principal, except for any amount remaining after complete reclamation.

Dated this 28 day of November, 2005

Elvie E Parker
Signature

Co-owner
Title



State of Wyoming)ss
County of Natrona

The foregoing instrument was acknowledged before me by Elvie Parker this 28th
day of November, 2005.

Witness my hand and official seal Lacinda Tilton
(Notary Public)

My Commission Expires: Jan 14, 2006

