



Joe Girardin <joe.girardin@wyo.gov>

WDEQ-LQD Mining Permit 267C / TFN #6 1/197 – Wyoming State Mineral Lease 42804

1 message

Ronald Ericsson <ericsson@childselect.com>

Thu, Aug 30, 2018 at 11:39 AM

To: "kyle.wendtland@wyo.gov" <kyle.wendtland@wyo.gov>

Cc: "todd.parfitt@wyo.gov" <todd.parfitt@wyo.gov>, "bridget.hill1@wyo.gov" <bridget.hill1@wyo.gov>, "kari.gray@wyo.gov" <kari.gray@wyo.gov>, "james.kaste@wyo.gov" <james.kaste@wyo.gov>, "SecofState@wyo.gov" <SecofState@wyo.gov>, "treasurer@wyo.gov" <treasurer@wyo.gov>, "askthesuperintendent@wyo.gov" <askthesuperintendent@wyo.gov>, "SAOAdmin@wyo.gov" <SAOAdmin@wyo.gov>, "mary.hopkins@wyo.gov" <mary.hopkins@wyo.gov>, "jim.ruby@wyo.gov" <jim.ruby@wyo.gov>, "joe.girardin@wyo.gov" <joe.girardin@wyo.gov>, Lucy Pauley <lucy.pauley@wyo.gov>, "Ogden.Driskill@wyoleg.gov" <Ogden.Driskill@wyoleg.gov>, Tyler Tetrault <tyler.tetrault@halliburton.com>, "Tyler.Lindholm@wyoleg.gov" <Tyler.Lindholm@wyoleg.gov>, Joel Severin <joel.severin@halliburton.com>, "Warren.Scott@halliburton.com" <Warren.Scott@halliburton.com>, Jennifer Hartman <jennifer.hartman@halliburton.com>, "don.eisenhour@colloid.com" <don.eisenhour@colloid.com>, "Lyndon.Bucher@mineralstech.com" <Lyndon.Bucher@mineralstech.com>, "jason.schneider@mineralstech.com" <jason.schneider@mineralstech.com>, "rodney.raber@colloid.com" <rodney.raber@colloid.com>, "rodney.wheaton@mineralstech.com" <rodney.wheaton@mineralstech.com>, "mark.wardell@colloid.com" <mark.wardell@colloid.com>, Melody Smith <melody.smith@colloid.com>, "scottaericsson@gmail.com" <scottaericsson@gmail.com>, "rolandericsson@cox.net" <rolandericsson@cox.net>, Beverly Keegan <bkeegan@vcn.com>, Jean Ericsson <gam4@rangeweb.net>, Julie Anderson <bakergirlhomade@aol.com>, "mvictoria.ericsson@gmail.com" <mvictoria.ericsson@gmail.com>, Spencer Ericsson <ericsson1337@yahoo.com>, "gargawill@gmail.com" <gargawill@gmail.com>, Meredith & Anthony Tavaglione <tavaglione.meredith@gmail.com>, Leslie Cody <lesliecody@cox.net>, Kim Hayworth <khayworth@midco.net>, Roxie Dacar <roxiedacar@gmail.com>, Jim Dacar <jimdacar@gmail.com>, Levi Dacar <levi.dacar@wyo.gov>, "dacar9625@gmail.com" <dacar9625@gmail.com>, "mjmicheli@hollandhart.com" <mjmicheli@hollandhart.com>, "sryemington@hollandhart.com" <sryemington@hollandhart.com>, "o.b. webb" <mt.guide@yahoo.com>, Raenell Taylor <raenelledsalltaylor@hotmail.com>, "josh.malmberg@wyo.gov" <josh.malmberg@wyo.gov>, "schlosserangus@rangeweb.net" <schlosserangus@rangeweb.net>, "fmclarkson@msn.com" <fmclarkson@msn.com>

To: Kyle Wendtland,

In your letter (attached) you wrote you have not found sufficient evidence that alters your determination that the State of Wyoming owns all the mineral rights. You also wrote that if we wanted to submit additional information you will be happy to review it. Attached is a *title search done in 2012*. This title search shows Robinsons own **an undivided 90% interest in the the bentonite in Township 57 North, Range 62 West, 6th P.M. Section 31: Lots 5,6,7 which are part of the BPM permit.**

2U Ranch is the surface landowner where bentonite is projected to be mined. We want the title to the ownership of the bentonite to be clear and as of now ownership is in dispute. Certainly the State of Wyoming, BPM and Robinson heirs do not want or need to question the title of minerals. This is just one of many deficiencies that makes the BPM permit invalid.

It is apparent in the past rights of surface landowners were not an important concern. 2U Ranch has to monitor our rights as surface landowners as the State of Wyoming, DEQ

and BPM have not shown a willingness to do so. Further, the owners of 2U Ranch are having to spend too much non-protective time protecting our rights. This is wrong.

***Here is your country cherish these
natural wonders, cherish the natural resources.
cherish the history and romance as a
sacred heritage, for your children
and your children's children. Do not
let selfish men or greedy interests
skin your country of its beauty, its
riches or its romance.***

THEODORE ROOSEVELT

**Ronald J. Ericsson, PhD
Scott A. Ericsson, PhD
Roland S. Ericsson, Attorney at Law**

From: Kyle Wendtland <kyle.wendtland@wyo.gov>
Sent: Tuesday, August 28, 2018 12:18 PM
To: Ronald Ericsson
Cc: Kari Jo Gray; Todd Parfitt; Bridget Hill; Lucy Pauley; james kaste
Subject: WDEQ-LQD Mining Permit 267C / TFN #6 1/197 – Wyoming State Mineral Lease 42804

Dear Mr. Ericsson, PhD:

Please find attached to this email a PDF copy of the certified letter mailed to you August 28, 2018 in response to your inquiry referenced below.

RE: WDEQ-LQD Mining Permit 267C – Wyoming State Mineral Lease 42804

Dear Mr. Kyle J. WendtLand:

In your letter dated August 17, 2018 you asked for any documents that reflect the ownership of the mineral rights other than the State of Wyoming for WSL 42804. These documents are as follows for lots 5, 6 and 7, Section 31, Twp 57N, Rg 62W, 6th p.m.:

1. In the matter of the estate of Rawl O. Robinson (SR.), deceased, decree and order admitting probate proceedings, probate no. 4348, 379387, book 154, page 251. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
2. In the matter of the estate of Hilda W. Robinson, in probate, probate no. 4349. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
3. In the matter of the estate of Hilda W. Robinson, in probate, probate no. 4349. Notice to creditors. Inventory and appraisal. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.

4. In the matter of the estate of Edna S. Robinson. Order approving final report, accounting, and petition for distribution. Probate no. 5522, no. 624829, page 551. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
5. Option to purchase mineral lease, no 399629, book 174, page 693, crook county.

Who owns the mineral rights for Wyoming State Mineral Lease 42804 needs to be clarified prior to the awardence of a mining permit.

Sincerely,
Ronald J. Ericsson, PhD
Scott A. Ericsson, PhD
Roland S. Ericsson, Attorney at Law

Sincerely, Kyle J. Wendtland

--

Kyle J. Wendtland
Administrator
Department of Environmental Quality
Land Quality Division
200 W. 17th St., Suite 10
Cheyenne, Wyoming 82002
[307-777-7046](tel:307-777-7046)
Kyle.Wendtland@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

2 attachments

 **PT0267.pdf**
460K

 **ROBINSON BENTONITE.pdf**
101K



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

Certified Mail Return Receipt Requested: 7016 0340 0000 2534 3187

Mr. Ronald J. Ericsson
Mr. Scott A. Ericsson
Mr. Roland S. Ericsson, Esquire
426 Lonesome County Road
Alzada MT, 59311

RE: Wyoming State Mineral Lease 42804, WDEQ-LQD Mining Permit 267C, and Amendment TFN #6 1/197

Dear Mr. Ronald J. Ericsson, Scott A. Ericsson, and Roland S. Ericsson, Esquire:

I have received and reviewed the information provided in your email of August 21, 2018, related to Permit 267C and TFN #6 1/197 regarding mineral rights related to Wyoming State Mineral Lease 42804, including:

1. In the matter of the estate of Rawl O. Robinson (SR.), deceased, decree and order admitting probate proceedings, probate no. 4348, 379387, book 154, page 251. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
2. In the matter of the estate of Hilda W. Robinson, in probate, probate no. 4349. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
3. In the matter of the estate of Hilda W. Robinson, in probate, probate no. 4349. Notice to creditors. Inventory and appraisal. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
4. In the matter of the estate of Edna S. Robinson. Order approving final report, accounting, and petition for distribution. Probate no. 5522, no. 624829, page 551. In the district court of the sixth judicial district of the state of Wyoming, in and for crook county.
5. Option to purchase mineral lease, no 399629, book 174, page 693, Crook County.

I have also reviewed the 1939 deed (Deed Record, No. 89) in which the Wyoming Farm Loan Board (currently the Office of State Lands and Investments) reserved the mineral rights on lots 5, 6, and 7, and the subsequent 1945, 1947, 1950, 1966, 1969, 1977, 1979, and 1980 deeds of record. In the 1939 deed from the State of Wyoming to Clarence and Bert Robbins the State clearly reserved all of the mineral rights on the property. Bearing in mind that bentonite has long been recognized as a mineral in Wyoming, *see, e.g., Chittim v. Belle Fourche Bentonite Prods. Co.*, 149 P.2d 142, 145 (1944), reservation of the

mineral rights in 1939, included the bentonite on the property. Accordingly, there must be a succeeding deed or other official record showing that the State of Wyoming conveyed the mineral rights for lots 5, 6, and 7 in 1939 or at some time thereafter.

None of the materials that I have reviewed show that any such conveyance has occurred, and I understand that the State of Wyoming has continuously exercised its mineral rights by leasing the uranium, oil and gas, and bentonite rights for lots 5, 6, and 7. Absent a record conveyance by the State after 1939, I cannot conclude that any of the subsequent documents effectively conveyed any mineral rights to anyone. It is not uncommon for people to mistakenly believe that they have the mineral rights on their land and, consequently, to attempt to convey those rights by sale or upon their passing. That may well be what occurred here.

Based on the documents I have reviewed, I cannot find sufficient evidence to alter or change my determination that the State of Wyoming owns the mineral rights and that the Bentonite Performance Minerals Lease is valid with regard to Wyoming State Mineral Lease 42804 and permit 267C and TFN #6 1/197. Accordingly, I have determined that there is not sufficient evidence at this time to recommend to the Wyoming Department of Environmental Quality Director that the BPM license to mine be suspended or revoked under Wyoming Statute § 35-11-412. In the event you would like to submit any additional information related to this issue, I will be happy to review it.

Sincerely,



Kyle J. Wendtland,
Administrator

Date 8.28.18

cc: Matt Mead, Governor
Todd Parfitt, Director WDEQ
Bridget Hill, Director Office of State Lands and Investments
Lucy Pauley, Mediation Coordinator, Wyoming Department of Agriculture
James Kaste, Deputy Attorney General

MIKE J. COULTER
Oil & Gas Properties
1884 Summit Drive
Sheridan, WY 82801
C: 307.751.5029 T: 307.673.9110

April 14, 2012

Jeb Clarkson
Pioneer Bank & Trust – Trust Department
P.O. Box 729
Belle Fourche, SD 57717

**RE: Edna S. Robinson - Appraisal of Bentonite Interest
Crook County, Wyoming**

Dear Mr. Clarkson:

Pursuant to your request I have completed an appraisal of the bentonite interests owned by the Estate of Edna S. Robinson as further described herein. I have thirty-one years of experience doing land work in the oil and gas industry, having started my career as an Independent Landman in 1980. I am currently employed as the General Manager of Land at a small independent oil and gas company. I have appraised many different mineral interests for individuals, estates and companies throughout my profession and am very familiar with all rights associated with the ownership of minerals.

As represented to me, the Estate of Edna S. Robinson owns the interests in Crook County, Wyoming as described below:

1. An undivided 40% interest in the bentonite and associated clays in the following lands:

Township 56 North, Range 62 West, 6th P.M.

Section 04: Lots 7, 9, 10, 11, 12 and 16

Section 05: Lots 9, 10, 13, 14, 15, 17, 18, 19 and 20

Section 06: Lots 14, 15, 17, 18, 20, 21, 22 and 23

2. An undivided 90% interest in the bentonite and associated clays in the following lands:

Township 56 North, Range 62 West, 6th P.M.

Section 07: Lots 7, 8, 9 and 10

Township 56 North, Range 63 West, 6th P.M.

Section 01: Lots 6, 7, 8, 9, 10, 15, 16 and 18

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Township 57 North, Range 62 West, 6th P.M.

Section 19: Lots 17, 18 and 19
Section 30: Lots 6, 7, 8, 9 and 10
Section 31: Lots 5, 6, 7 and 9

3. All (100%) of the bentonite and associated clays in the following lands:

Township 57 North, Range 62 West, 6th P.M.

Section 18: Lots 8 and 9
Section 19: Lots 7, 8, 9, 10, 15 and 16

Township 57 North, Range 63 West, 6th P.M.

Section 13: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Correct

Containing approximately 2478.99 gross acres and 1784.63 net acres, more or less

A portion of the above described lands are covered under Lease Agreement dated August 1, 1969 by and between Rawl O. Robinson, Hilda Robinson, Edna S. Robinson, Dean R. Robinson, Shirley May Robinson, Norma S. Kuzara, George Kuzara, June Peterson and Keith Peterson and American Colloid Company. The Lease provides for exploring, mining and removing bentonite from the following lands:

Township 56 North, Range 62 West, 6th P.M.

Section 05: Lots 17 and 18
Section 06: Lots 14, 15, 17, 22 and 23

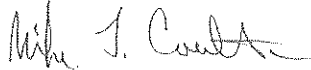
The remaining lands are unleased. Based on a review of bentonite mining and taking into consideration the likelihood of further development in the area, I hereby appraise the value of the bentonite interests as described above at Two Hundred Twenty-Three Thousand Dollars (\$223,000.00).

In preparing this appraisal, the following information was reviewed: documents of record in Crook County, Wyoming pertaining to the interests of Edna S. Robinson; research regarding bentonite mining in the area obtained from the Internet; maps illustrating the location of the minerals; discussions with and information provided by Sara Vetter of American Colloid Company; and discussions with and information provided by Jeb Clarkson of Pioneer Bank and Trust.

I hereby appraise the above-described bentonite interests owned by the Estate of Edna S. Robinson at Two Hundred Twenty-Three Thousand Dollars (\$223,000.00) effective December 16, 2002 and until such time as there is a substantial change in activity within the area.

Should you have any questions, need additional information or want to further discuss this Appraisal, please advise.

Sincerely,



Mike J. Coulter

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On April 17, 2012, before me, personally appeared Mike J. Coulter, known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.


Notary Public

My Commission Expires: 4/21/2013



Edna S. Robinson Mineral Appraisal 04.14.12

Enda S. Robinson

40% Interest in Bentonite and Associated Clays

	<u>Gross</u>	<u>Net</u>
<u>Township 56 North, Range 62 West</u>		
Section 04: Lots 7, 9, 10, 11, 12, 16	225.42	90.17
Section 05: Lots 9, 10, 13, 14, 15, 17, 18, 19, 20	391.30	156.52
Section 06: Lots 14, 15, 17, 18, 20, 21, 22, 23	372.46	148.98
Total	989.18	395.67

Unidvided 90% Interest in Bentoninte and Associated Clays

<u>Township 56 North, Range 62 West</u>		
Section 07: Lots 7, 8, 9, 10	183.04	164.74
 <u>Township 56 North, Range 63 West</u>		
Section 01: Lots 6, 7, 8, 9, 10, 15, 16, 18	342.88	308.59
Section 11: NENW, N2NE, SENE	160.00	144.00
 <u>Township 57 North, Range 62 West</u>		
Section 19: Lots 17, 18, 19	121.30	109.17
Section 30: Lots 6, 7, 8, 9, 10	201.29	181.16
Section 31: Lots 5, 6, 7, 9		
Total	1008.51	907.66

All (100%) Interest in Bentoninte and Associated Clays

<u>Township 57 North, Range 62 West</u>		
Section 18: Lots 8, 9	79.15	79.15
Section 19: Lots 7, 8, 9, 10, 15, 16	242.15	242.15
 <u>Township 57 North, Range 63 West</u>		
Section 13: W2SW, SESW	120.00	120.00
Section 24: NENW	40.00	40.00
Total	481.30	481.30

	<u>Gross</u>	<u>Net</u>
TOTAL	2478.99	1784.63

Price/Acre	121.02	Value	\$309,873.75	\$223,078.88
------------	--------	--------------	--------------	--------------