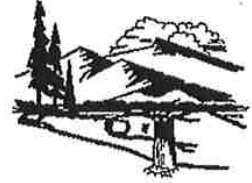




Department of Environmental Quality

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

BPM 103

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 appraisement. 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