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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 8, 1983

996 879

CERTIFIED RETURN RECEIPT REQUESTED

Mr. Allen Smith
North American Equities
1401 17th Street, Suite 124
Denver, CO. 80202

RE: Proposed Assessment
For State Violation
No. N83-2-13-1
ACT/007/021
Folder No. 8
Carbon County, Utah

Dear Mr. Smith:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforesaid violation(s). The aforesaid violation(s) was issued by Division Inspector Sandy Pruitt on the 22nd of day of August, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/sb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-2-13-1PERMIT# ACT/007/021Name of Company North American EquitiesViolation # 1 of 1POINTS

- | | |
|---|-----------|
| 1. History of previous violations | <u>3</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>-</u> |
| (2) Extent of potential or actual damage | <u>-</u> |
| B. Obstruction to enforcement | <u>16</u> |
| Total Seriousness | <u>16</u> |
| 3. Negligence | <u>12</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 31ASSESSMENT \$ 420.00Violation # - of -POINTS

- | | |
|---|-------------------|
| 1. History of previous violations | <u> </u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u> </u> |
| (2) Extent of potential or actual damage | <u> </u> |
| B. Obstruction to enforcement | <u> </u> |
| Total Seriousness | <u> </u> |
| 3. Negligence | <u> </u> |
| 4. Good Faith (Will be considered after complete information is received) | <u> </u> |

TOTAL POINTS ASSESSMENT \$

ASSESSMENT EXPLANATION

NOV# N83-2-13-1

PERMIT# ACT/007/021

Name of Company North American Equities

Violation # 1 of 1

History of previous violations: N81-2-9-1 effective 3/2/83 = 1 pt., N82-2-8-2 effective 3/8/83 = 2 pts., N83-5-10-1 is pending. Total = 3 pts.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

This violation was issued for a failure to conduct water monitoring in accordance with the approved monitoring program. The inspector was hindered in determining if water quality in the area is being maintained. 16 pts.

Negligence: ORDINARY NEGLIGENCE

12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED