

0004

### Document Information Form

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To: DOGM

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Person N/A

Company N/A

Date Sent: N/A

Explanation:

MINED LAND RECLAMATION AGREEMENT

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cc:

File in: C/043/001, 1980, Outgoing

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Date \_\_\_\_\_ For additional information

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
BOARD OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116

\* MINED LAND RECLAMATION AGREEMENT \*  
(ESCROW)

THIS AGREEMENT, made and entered into this *2nd* day of September, 1980, between CLEMENT G. CAFARELLI, an individual, residing in Kearns, Utah, as party of the first part, and hereinafter called the Operator, and the Board of Oil, Gas, and Mining, duly authorized and existing by virtue of the laws of the State of Utah, as party of the second part hereinafter called the Board.

WITNESSETH:

WHEREAS, the Operator is a principal in the management of a company in possession of certain mining claims and/or leases hereinafter more particularly mentioned and described in Exhibit "A" attached hereto.

WHEREAS, the Operator did on the *17th* day of *April*, 19 *80*, filed with the Division of Oil, Gas, and Mining, a "Notice of Intention to Commence Mining Operations: and a "Mining and Reclamation Plan" to secure authorization to engage, or continue to engage, in mining operations in the State of Utah, under the terms and provisions of the Mined Land Reclamation Act, Section *10(2)(f)* ~~40-8~~, UCA, (1953);

WHEREAS, the Operator is able and willing to reclaim the above mentioned "lands affected" in accordance with the approved mining and reclamation plan, the Mined Land Reclamation Act and the rules and regulations adopted in accordance therewith.

WHEREAS, the Board has considered the factual information and recommendations provided by the staff of the Division of Oil, Gas, and Mining as to the magnitude, type and costs of the approved reclamation activities planned for the land affected.

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BOARD OF OIL, GAS, AND MINING  
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WITNESSETH:

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WHEREAS, the Operator did on the 17th day of April, 19 80, filed with the Division of Oil, Gas, and Mining, a "Notice of Intention to Commence Mining Operations: and a "Mining and Reclamation Plan" to secure authorization to engage, or continue to engage, in mining operations in the State of Utah, under the terms and provisions of the Mined Land Reclamation Act, Section 40-8, UCA, (1953);

WHEREAS, the Operator is able and willing to reclaim the above mentioned "lands affected" in accordance with the approved mining and reclamation

Act and the rules and regulations

WHEREAS, the Board and recommendations provided

Oil, Gas, and Mining as to the magnitude, of the approved reclamation activities planned for the land affected.

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WHEREAS, the Board is cognizant of the nature, extent, duration of operations, and the fact that the Operator has been unable to obtain a surety bond.

NOW, THEREFORE, for and in consideration of the mutual covenants of the parties by each to the other made and herein contained, the parties hereto agree as follows:

1. The Operator promises to reclaim the land affected in accordance with the approved mining and reclamation plan. The Mined Land Reclamation Act, and the rules and regulations adopted in accordance therewith.
2. The Operator, in lieu of posting a bond or other surety hereby agrees to deposit the sum of FIVE HUNDRED DOLLARS (\$500.00) on or before the 5th day of September, 1980 in Utah Bank and Trust, Salt Lake City, Utah, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and on the same date each month thereafter the sum of ONE THOUSAND DOLLARS (\$1000.00) in what will be hereinafter referred to as the Escrow Fund, until such time as said Escrow Fund contains FIFTEEN THOUSAND DOLLARS (\$15,000.00), excluding interest, said interest being the property of CLEMENT G. CAFARELLI.
3. The Board, in lieu of the posting of a bond or other surety agrees to execute an Escrow Agreement with the Operator and any third party designated by said Operator. The signor on the escrow account shall be an authorized representative of Oil, Gas, and Mining.
4. Upon execution of the Escrow Agreement, the Operator agrees to furnish the Board a copy of each receipt of deposit no later than the the 10th day of each month.
5. The Board and the Operator agree that failure by the Operator to make a deposit into the Escrow Fund for any two consecutive months, shall constitute a Breach of Contract and the Board may, after notice and hearing, declare all monies in the Escrow Fund forfeited and request the Attorney General to take the necessary legal actions to enjoin further mining activities by the Operator in the State of Utah.

IN WITNESS WHEREOF, the parties of the first and second parts hereto have respectively set their hands and seals this 2nd day of September, 1980.

By Clement G. Cafarelli  
CLEMENT G. CAFARELLI

BOARD OF OIL, GAS, AND MINING

By C. P. Henderson

Approved as to form  
Denise A. Draygo  
Special Assistant  
Attorney General

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