



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

INSPECTION DATE & TIME: March 18, 1992
10:00 am - 12:30 pm

Permittee and/or Operator's Name: Summit Minerals, Inc.
Business Address: 221 W. 2100 S., Salt Lake City, UT 84115
Phone: (801) 486-1861

County: Summit
Mine Name: Summit #1 Permit Number: INA/043/001 Type of
Mining Activity: Underground X Surface Other
Company Official(s): None
State Officials(s): P Burton, L Braxton, D Haddock,
R Harden, J Helfrich

Federal Official(s): None
Partial: Complete X Date of last Inspection: 2/26/92
Weather Conditions: overcast, cold wind, 32°F
Acreage: Permitted 0 Disturbed 16 Regraded
Seeded Bonded 16 Enforcement Action: None

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	()	()	(X)
2. SIGNS AND MARKERS	(X)	()	()	()
3. TOPSOIL	(X)	()	()	()
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	()	()	(X)	()
b. DIVERSIONS	(X)	()	()	()
c. SEDIMENT PONDS AND IMPOUNDMENTS	(X)	()	()	()
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	()
e. SURFACE AND GROUNDWATER MONITORING	()	()	(X)	()
f. EFFLUENT LIMITATIONS	()	()	(X)	()
5. EXPLOSIVES	()	()	(X)	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	()	()	(X)	()
7. COAL PROCESSING WASTE	()	()	(X)	()
8. NONCOAL WASTE	()	(X)	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	(X)	()	()	(X)
10. SLIDES AND OTHER DAMAGE	()	()	(X)	()
11. CONTEMPORANEOUS RECLAMATION	()	()	(X)	()
12. BACKFILLING AND GRADING	()	()	(X)	()
13. REVEGETATION	()	()	(X)	()
14. SUBSIDENCE CONTROL	()	()	(X)	()
15. CESSATION OF OPERATIONS	(X)	()	()	()
16. ROADS				
a. CONSTRUCTION	()	()	(X)	()
b. DRAINAGE CONTROLS	()	(X)	()	()
c. SURFACING	()	()	(X)	()
d. MAINTENANCE	()	()	(X)	()
17. OTHER TRANSPORTATION FACILITIES	()	()	(X)	()
18. SUPPORT FACILITIES				

UTILITY INSTALLATIONS

(X) () () ()

A walk around the site confirmed that no new disturbances have occurred since the last complete inspection. Reclamation of the site was discussed by Division staff present during the inspection. A meeting of Division staff and the surface owners was held on 3/20/92. Present at this meeting was Beverly and Tom Dawes, their lawyer, and Greg Boyer. Mr. Keith Bates was not present at this meeting, although the Division has attempted to contact him. The concerns of the surface owners regarding the disposition of the access road, bridge, fencing, and warehouses was discussed. Reclamation plan are expected to be developed in the coming months.

AVS Check

The sign at the site reflects the address listed for the Applicant in the revised MRP (1986): Summit Minerals, Inc.; 221 West 2100 South; Salt Lake City UT 84115.

The following information is provided from the last inspection report for review, since questions concerning surface ownership came up during the inspection.

Surface Ownership

A copy of the plat map for Sec 36, T3N, R6E was obtained from the Summit County Recorder's Office. This map shows ownership within the disturbed area boundary to be

David and Beverly Dawes
7855 South 155E
Sandy UT 84070

and Fern J. Boyer, et al
5050 Ben Lomond Ave
Ogden UT 84404

A copy of this plat map is included with this report. The surface ownership has changed since the last update to the MRP. The holdings of Joseph L. Boyer have been conveyed to David and Beverly Dawes. And, Stephen W. Boyer conveyed his interest in the Fern J. Boyer, et al holdings to Gregory J. Boyer, and Gerald G. Boyer. Gregory and Gerald are joint tenants of the Fern J. Boyer holdings as noted in Book 501, Page 240-243 of the Recorder's Office of Summit County (attached).

A search at the Summit County Recorder's Office revealed that the buildings constructed on the mine site were the property of

Summit Minerals Inc. as acquired through the coal lease agreement. The following information pertains to the present ownership of the sheds on the property.

1. The original "Perry" coal lease agreement of 1971 (Book M31, Page 339) was conveyed from Utah Coal and Energy to Summit Minerals, Inc as recorded in Book 427, Page 756. This lease ensures Lessee ownership of all structures constructed for the minesite.
2. On December 14, 1987, as recorded in the Summit County Book 483, Page 612-13, all rights title, interest and claim including the interest in real property were conveyed from John (Jack) Higgins, Summit Minerals to Keith H. Bates Investment Company and Keith Bates, individually by order of the Summit County Sheriff. The Real property is described as S/2 NE/4 and N/2 SE/4 of Sec 36, T3N, R6E.
3. The Sheriff's deed was recorded in Book 491, Page 691-692, September, 1, 1988. This deed indicates that the Real Property conveyed to Keith Bates includes all "tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining..."

Mineral Rights

1. As recorded with Summit County, Book 483, Pages 605-11, a new coal lease was arranged between the Perry/Nielsen parties (Lessors) and Keith H. Bates (Lessee). This lease grants exclusive right to take possession of the lands in the S/2 NE/4 and N/2 SE/4 of Sec 36, T3N, R6E. Unless this lease has been surrendered, the lease is in force for 20 years (until the year 2008).

CONCLUSIONS:

1. Keith Bates, individually, and the Keith H. Bates Investment Company is the rightful owner of these sheds.
2. Inspection reports should be sent to Keith H. Bates Investment Co; 940 Donner Way, #690; SLC UT 84108.
3. The sign at the entrance to the mine site should be removed and replaced with a sign providing the name and address of Keith H. Bates Investment Co.

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4. A request for permit transfer was not filed with the Division in 1988 by Keith H. Bates Investment Co., because the lease holder has not actively pursued development of the coal leases.

Copy of this Report:

Mailed to: Brian Smith(OSM); Keith H. Bates (Keith H. Bates Investment Co.)

Given to: Daron Haddock, DOGM; Joe Helfrich, DOGM

Inspector's Signature & Number: Dorella Bouton #37 Date: 3/23/92