FILED

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SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

Peter
Wayne

In the Matter of the Notice of Agency Action to affecting the mining operations of **M. TODD WILHITE, WALL & ROCK, INC.**, and/or **WILHITE & ASSOCIATES, INC.**, by (1) withdrawing a Notice of Intention, (2) forfeiting a Certificate of Deposit No. 7089407881 in the amount of $7000 plus accrued interest held by ZIONS BANK, (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs, fees, and fines for the operations occurring at (a) Gulch Mine (S023/0087) in Juab County; (b) Freedom from War Mine (S/039/0024) in Sanpete County; (c) Mount Pleasant Mine (S/039/0027) in Sanpete County; and (d) Mount Pleasant North Mine (S/039/0030) in Sanpete County.	**STIPULATED ORDER** Docket No. 2014-39 Cause Nos. S0230087, S0390024, S0390027, S0390030.

On September 10, 2014, the Utah Division of Oil, Gas and Mining ("**Division**") issued a Notice of Agency Action before the Board of Oil, Gas, and Mining ("**Board**") to M. Todd Wilhite, Wall & Rock, Inc, and/or Wilhite & Associates, Inc. (collectively, "**Wilhite**"). Wilhite is the operator of the Freedom From War Mine (S/039/0024), the Gulch Mine (S/023/0087), the Mount Pleasant Mine (S/039/0027), and the Mount Pleasant North Mine (S/039/0030).

The Board has authority to issue this order under the Utah Reclamation Act, Utah Code §§ 40-8-1 to -23 (West 2013).

As described in the Notice of Agency Action, the Division had assessed a number of outstanding fines resulting from cessation orders against Wilhite and outstanding annual fees for the mines. The causes of action raised in the Notice of Agency Action have been resolved through Wilhite's reclamation efforts, updates to permits and contracts, and a transfer of a permit and bond to a landowning operator.

The Division and Wilhite have joined together and agreed to the following, and the Board hereby orders:

1. Wilhite must pay four thousand dollars ($4000) in fines and fees in the satisfaction of outstanding balances discussed in the Notice of Agency Action.

2. Wilhite must pay three thousand dollars ($3000) of the four thousand within thirty (30) days of issuance of this order. Wilhite's three thousand dollar payment ($3000) shall satisfy all of Wilhite's outstanding fines relating to or arising out of any and all of Wilhite's mining activities in any and all of the abovementioned mines, including any fines assessed against the loader on the Seely Mine.

3. The remaining one thousand dollars ($1000) is held in abeyance until one of two events occur, whichever is sooner:

a. Wilhite violates any statute, regulation, rule, or policy of the Division's Mineral Program, fails to timely pay his annual fee, fails to file an annual report, or fails to respond and participate in an escalation of bond for the Gulch Mine (S0230087); or

b. March 21, 2018, on which date the one thousand dollar ($1000) balance is forgiven and Wilhite no longer owes the penalty.

4. Wilhite must pay the Division the remaining $1000 within thirty (30) days of a notification by the Division of a failure to comply with the Division's Mineral Program as discussed in the previous paragraph 2.a. Wilhite may appeal the Division's decision to the Board of Oil, Gas and Mining within thirty (30) days of the Division's notification.

5. The causes of action and relief sought in the Notice of Agency Action—as it relates to the four abovementioned mine sites—upon payment(s) or expiration of the remaining balance, are fully adjudicated and resolved.

The Board retains exclusive and continuing jurisdiction of all matters covered by this Order and of all parties affected thereby; and specifically, the Board retains and reserves exclusive and continuing jurisdiction to make further orders as appropriate and authorized by statute and applicable regulations.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

Dated this 24th day of June, 2015.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Ruland J Gill, Jr., Chairman

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2015, I caused a true and correct copy of the foregoing **STIPULATED ORDER** for Docket No. 2014-039, Cause Nos. S/023/0087, S/039/0024, S/039/0027, and S/039/0030, to be mailed by Email or via First Class Mail with postage prepaid, to the following:

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