S/039/0024
Peter

DIV. OF OIL, GAS & MINING
MAY 22 2014
RECEIVED

From the Desk of; Boyd A. Brothersen
Dated 5/20/2014

Reply to Document (no Date): (S/039/0024)

To: Utah State Department of Oil,
Gas, and Mining.

Summary:

This response to the above mentioned document, Failure to mention the complete history of the permit makes it sound as if Boyd Brothersen was neglectful in his Stewart - ship of the land.

History

Early in the spring of 2006 - I was approached by Mr. Todd Wilhite of W.A.R. (Wall and Rock, Inc.) to mine rock and reclaim an area on my Farm, and He agreed to an area about 5 acres. He promised at that time he would return the ground to a condition that would grow alfalfa.

Spring 2006 being very naive never having done this before, I was not sure of all permits needed. I asked Mr. Wilhite to obtain the proper permits, insurance, ect. In which he agreed to do. I allowed passage to the property, without any agreement in writing.

Spring to early summer 2007 Mr. Wilhite received a visit from a Mr. Lynn Kunzler from the Department of Oil, Gas, Mining. Completely shutting down the mining of rock until the reclamation and the proper permits and bonds were in place.

Mid summer to late 2007 - Having all the reclamation done (except planting) on an area maybe 2 acres, and obtained proper permits. Mr. Wilhite told me he had a permit for ten acres and had a $15,000.00 cash bond in place. In all honesty I was getting very nervous at this point, and I felt like at least DOGM had my back if something did blow up.

Spring 2008 - personal observation; I had some health issues and was not there all the time and it seem as if someone threw a switch, Mr. Wilhite began shipping rock like crazy, at times having three backhoes, digging and two trucks lined up, for shipment. His front end loader broke down, which he was using for back fill, the mole hills became mountains. The holes where large enough to bury a 300 Kobelco, and not see it. Mr. Wilhite kept telling me there was a Dozer coming, it was always next Friday a hydraulic leak, it has a bearing go out, not to worry he could take care of the over burden in just a few days.

Summer 2009 - He started to mine outside what I thought was the area, but wasn't sure, He wasn't being completely honest, he told me that he was running out of rock, that he was going to suspend digging and move off the property. I had surgery in my ear and

wasn't feeling good, and when I got on my feet again, and made a trip to the farm. He was still there, the backhoe was going east and south following a vein of rock way out of bounds. There had been no visits from DOGM, I didn't see Mr. Wilhite for days his operator had moved to the south west corner of the property. I told him to stop digging, no more, the operator then called Mr. Wilhite on his cell phone then and there and we talked I told him he was to stop mining and start cleaning up. On the phone he guaranteed he would have a Dozer by the end of the week. The operator had piled dirt on my south west fence crushing it to the ground. My neighbors where in an up roar. I called Mr. Wilhite again, and told him he needed to get the overburden off the fence. He said he would remove it, and the dozer will be here by Friday. - Friday never came, Mountains and Mountains of over burden, still no DOGM. Phone call after phone call no one even answered the phone at DOGM. I talked with Mr. Wilhite one more time and told him to get off the property.

Late fall 2008 (snow on the ground) - I go out to the farm one more time, guess who's there, Mr. Wilhite with a truck loaded with rock. I simply came unglued, I told him to unload the truck, and get off the property, sent him certified letters and threaten legal action. Of course he couldn't just leave he ran over the new gates I had just installed. Ran over aluminum water pipe, crushing thousands of dollars of irrigation pipe.

Spring 2009 - A person by the name of Kenny Bledsoe, introduced himself and gave me a business card, Said he would be willing to help me clean up the mess created by Mr. Wilhite. He knew Mr. Wilhite from other places and had cleaned up several of his messes and made enough selling the rock to justify cleaning it up, he explained as long as there was a permit issued we could work under it (gave me a business card from Lynn Kunzler). Fair enough, Still with health issues I had several more surgeries and I was just not there. Little did I know Mr. Bledsoe was creating a larger problem.

In the spring of 2010 I met with John Rogers, the field supervisor with DOGM. He told me that I would eventually be responsible for the clean up. I was shocked and I didn't know how to do this without money. I cashed in some bonds and bought a huge track hoe and a small dozer, and began reclaiming. In a hand shake deal John said that I could reclaim and use the proceeds from the sale of rock to finance this adventure, which I did. He left in a short time with DOGM, and was replaced with Peter Briton, and the Dept Head Paul Baker. One visit to the farm and they concluded I was mining without a permit. DOGM has spent untold amounts of money regulating a farm that has rocks on it, I own the farm the mineral rights, all the machinery, water rights, everything. I now have been completely shut down now for over three years. With promises, threats, coercion, meeting after meeting, letter after letter. I still don't know if they (DOGM) was successful in getting the bond from Mr. Whilte. I have verbally agreed to cleaning up the mess, all DOGM needs to do is give me the entire Bond and let me sell the rock during reclamation. Mr. Briton informed me last fall the bond only covers the 5 acres, but I'm responsible for the cleanup of approx 13-14 acres. If DOGM had just done their job in the beginning it wouldn't have gotten so far out of hand. I have stated over and over - *"if DOGM had just left me alone, and let me clean it up, It would have been cleaned up by*

now"

I am going to stop looking at the past and precede forward, DOGM responsibility is to get me proof they have obtained the bond from Mr. Whilte, that he is no longer in the picture. Agree in principal to the following conditions; I can reclaim the land and sell the rock and other minerals, during the reclamation. A estimate to reclaim the 14 acres will take approximately 500 hours to complete.

> *- The reality of using the $7,000.00 Bond as the total source of financing, is $14.00 dollars an hour, the track hoe uses approx 5 gallons of diesel per hour at $4.00 per gallon is -$20.00, 1 gallon of hydraulic oil, at $5.00/ gallon, -$9.00, the Dozer Rental is $466.00 per day + fuel, and up keep. Assuming it will take 6 days to final grade the 14 acres. $2,796.00 is a -$67.00 /hour. This estimate is assuming no equipment failure. It will cost me a min. of $20,096.00.*

Fuel $2,500.00
Hydraulic Oil $300.00
Dozer $2,796.00
500 Hours of Operator time $25.00 = $12,500.00.

I have in enclosed a map of the area of reclamation. I have broken it down into 10 Zones or areas of reclamation, the plan is to start with #1 and work through each zone. As each zones is completed to the standard as outlined in the Dept of oil Gas and Mining handbook. I will call and notify Mr. Briton for inspection. At the completion of zone 10, I will plant grass seed. Hoping that we get enough moisture to establish.

As time is really short, I want planting to proceed this fall 2014, I am proceeding with reclamation.

Dated 5/20/2014

Boyd A. Brothersen

Boyd A. Brothersen
22 West Main
Mt. Pleasant, UT
84647

Google earth

feet 1000
meters 300

Area - 1 & 2 ~~original~~ WAR Permit (Freedom From War) 5 Acres
Area 3, 4, 5, 6, 7, 8 Out of bounds - Aprox 14 Acres (Todd Wilhite
Area - 9, 10 Out of bounds - 3 Acres - (Kenny Bleasso, Boyd Brothers c.

RECEIVED
MAY 22 2014
DIV. OF OIL, GAS & MINING