

**17-41-501 Vested mining use -- Conclusive presumption.**

- (1)
  - (a) A mining use is conclusively presumed to be a vested mining use if the mining use existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits the mining use.
  - (b) Anyone claiming that a vested mining use has not been established has the burden of proof to show by clear and convincing evidence that the vested mining use has not been established.
- (2) A vested mining use:
  - (a) runs with the land; and
  - (b) may be changed to another mining use without losing its status as a vested mining use.
- (3) The present or future boundary described in the large mine permit of a mine operator with a vested mining use does not limit:
  - (a) the scope of the mine operator's rights under this chapter; or
  - (b) the protection that this chapter provides for a mining protection area.
- (4)
  - (a) A mine operator with a vested mining use shall file a declaration for recording in the office of the recorder of the county in which the vested mining use is located.
  - (b) A declaration under Subsection (4)(a) shall:
    - (i) contain a legal description of the land included within the vested mining use; and
    - (ii) provide notice of the vested mining use.

Enacted by Chapter 376, 2009 General Session