



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

November 15, 2004

Mr. Dennis Ward, President
Huntington Cleveland Irrigation Company
P.O. Box 327
Huntington, UT 84528

Mr. Craig Johansen, President
Cottonwood Creek Consolidated Irrigation Company
P.O. Box 678
Orangeville, UT 84537

Mr. Morris Sorensen, President
Muddy Irrigation Company
Emery, UT 84522

Mr. Tracy Behling, President
Ferron Canal and Reservoir Company
Ferron, UT 84523

Subject: Response to 2004 Public Outreach Letter

Dear Sirs,

The Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM) received your letter dated October 13 via fax from the State of Utah, Division of Oil, Gas, and Mining (DOGGM) on October 27. We appreciate you taking the time to outline your concerns in response to the public outreach letter you received from OSM and DOGGM.

OSM has reviewed your letter and has had some initial discussions with DOGGM concerning the subject of water intercepted by the underground mining operations you reference. For your information, the attached copy of a letter from OSM to DOGGM requests additional information regarding the mining permit application's identification of water resources, water rights, and mining impacts of water rights with regard to the requirements of the Utah regulatory program.

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DIV. OF OIL, GAS & MINING

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DOGM has indicated it will arrange a meeting with you with our involvement once they have responded to our letter.

Thank you for your interest and for expressing your concerns.

Respectfully,

James Fulton for

Mitchell S. Rollings
Regulatory Program Specialist

Attachment: OSM letter to DOGM dated 11/15/04

CC: Mark Mesch, DOGM
Susan White, DOGM ✓



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P.O. Box 46667
Denver, Colorado 80201-6667

November 15, 2004

Ms. Mary Ann Wright
Acting Director,
Utah Division of Oil Gas and Mining
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Dear Ms. Wright:

We received a letter dated October 13, 2004, from four Utah irrigation companies regarding the affects of mining on their respective drainages. The letter was apparently in response to an outreach effort to stakeholders and the public by our oversight team, but was addressed to Mitchell Rollings of the Office of Surface Mining (OSM). The irrigation companies' letter was also copied to you and we discussed it with your staff during our meeting on November 9, 2004.

The companies allege that activities at the Skyline and SUFCO mines are impacting water resources leading to water shortages to irrigators who hold appropriated water rights. Also, they have witnessed the drying up of natural springs on the Gentry Mountain, Bear Canyon, East Mountain, Trail Mountain and on the Muddy Creek drainage. The companies believe the Utah Division of Oil, Gas and Mining (DOGGM) is responsible for regulating the mine activities that have resulted in water shortages.

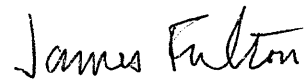
We have reviewed the relevant requirements of the Utah regulatory program. Rule 645-301-731.530, requires; "the permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted by underground coal mining and reclamation activities conducted after October 24, 1992, if the affected water supply was in existence before the date the Division received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic and geologic information required in Rule 645-301-700, will be used to determine the impact of mining activities upon the water supply." Other rules require that a permit application provide information regarding the identification of water resources, and the impacts mining and reclamation activities are projected to have on them.

OSM asks that DOGGM provide an explanation of the Utah regulatory program requirements with regard to impacts on water resources and appropriated water rights described in the companies' letter.

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Please provide a written response by December 1, 2004, so that we can respond to the irrigation companies. Your staff indicated it would arrange for a meeting with the companies and OSM to discuss the potential impacts on water resources and appropriated water rights and the requirements of the Utah regulatory program. The meeting should follow our receipt of your response.

Sincerely,

A handwritten signature in cursive script that reads "James Fulton".

James Fulton
Chief, Denver Field Division