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United States Department of the Interior

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

IN REPLY REFER TO:

November 15, 2004

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DIV. OF OIL, GAS & MINING

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 (DOGM) is responsible for regulating the mine activities that have resulted in water shortages.

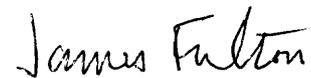
We have reviewed the relevant requirements of the Utah regulatory program. Rule 645-301-731.530, requires; "the permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted by underground coal mining and reclamation activities conducted after October 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 DOGM 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.



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