



State of Utah

**Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

MARY ANN WRIGHT
Acting Division Director

JON M. HUNTSMAN, JR.
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Lieutenant Governor

March 4, 2005

James Fulton, Chief, DFD
Office of Surface Mining
P.O. Box 46667
Denver, Colorado 80201-6667

Subject: Response to 2004 Public Outreach Letter

Dear Mr. Fulton:

The Office of Surface Mining (OSM) asked the Division of Oil, Gas and Mining (OGM) to explain Utah's regulatory program requirements regarding impacts of coal mining on water resources and appropriated water rights due to a letter from the four irrigation companies dated October 13, 2004. This letter is provided to clarify our response.

OSM and the Division met with the Emery County Water Users on January 19, 2005 to discuss these water and mining related issues. During that meeting we stated that the rules regarding water replacement do not apply if a loss of state appropriated water cannot be determined.

In our December 1, 2004 response letter to you, we informed you about meeting with the State Engineer and staff from the Utah Division of Water Rights (DWRi) concerning state appropriated water, interbasin diversion of mine water, and "old" and "new" water. We are continuing to meet with DWRi to assure protection of the hydrologic balance.

As you observed in our January 19, 2005 meeting with the water users, the Division is committed to continuing to meet and work with the irrigation companies to address these and other water issues.

Sincerely,

Mary Ann Wright
Acting Director

vs

cc: Susan White
Mark Mesch
Mitch Rollings
Mark Page
Dennis Ward
Craig Johansen
Morris Sorensen
Tracy Behling

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