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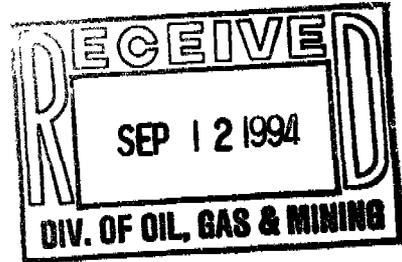


State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

7104

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

Southeastern Area
453 South Carbon Avenue
P O. Box 718
Price, Utah 84501-0718
801-637-1303



September 9, 1994

AMAX Coal Company
Castle Gate Mine
One Riverfront Place
20 NW First Street
Evansville IN 47708

Re: Revised Mining & Reclamation Plan,
Castle Gate Mine, ACT/007/004 #2

Copy Pam

Dear Sir(s):

I have reviewed the above referenced material and have the following comments.

SOWBELLY CANYON, Sec. 3.2: The original stream alteration was done prior to the present regulations. Therefore, you must have a stream alteration permit to reclaim the current stream channel [sec. 3.2-5(2)]. A permit can be obtained through our office. Sediment ponds #'s 016 & 017 were also constructed without a permit, or prior to the present process. If you fill them in during reclamation [sec. 3.2-5(3)] no permit shall be needed. However, if you retain one or both of these ponds a Form R-69, APPLICATION FOR A DAM NOT REQUIRING SUBMISSION OF FORMAL PLANS UNDER SECTION 73-5A-202, must be submitted to this division. If the ponds are to be used for wetland mitigation, you will need a water right to cover the irrigation duty of four acre-feet of water for each acre of wetland. A change application on a water right you now hold may be used for this purpose.

HARDSCRABBLE CANYON, Sec. 3.3: The original stream alteration was done without a permit, probably due to the lack of regulations at the time it was accomplished. Therefore, you must have a stream alteration permit to reclaim the current stream channel [sec. 3.3-4(2)]. A permit can be obtained through our office.

PREP PLANT & DISPOSAL FACILITY, Sec. 3.4: The original stream alteration was done without a permit, probably due to the lack of regulations at the time it was accomplished. Therefore, you must have a stream alteration permit to reclaim the current stream channel [sec. 3.4-4(2)]. A permit can be obtained through our office. Enlargement of sediment ponds #'s 011 & 012B during Phase I reclamation (pg. 3.4-26) will require a permit under Form R-69. If these ponds are filled during Phase II reclamation as proposed (pg. 3.4-29), this office should be notified.

ADIT NO. 1, Sec. 3.5: Removal of a coal carrying tube that crosses the Price River [sec. 3.5-4(1)] would need a stream alteration permit if the work involves the river channel. A permit could be obtained through our office.

GRAVEL CANYON, Sec. 3.6: The original stream alteration was done without a permit, probably due to the lack of regulations at the time. Therefore, you must have a stream alteration permit to reclaim the current stream channel (sec. 3.6-4(2)). A permit can be obtained through our office.

If I can be of further assistance, please contact me at (801)637-1303.

Sincerely,



Casey Ford
Assistant Regional Engineer

CC: Daron R. Haddock, Permit Supervisor
Division of Oil, Gas and Mining