



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 18, 1996

Duane K. Jensen, President
Huntington Cleveland Irrigation Co.
55 North Main
Huntington, Utah 84528

Re: Protest of Skyline Mine Permit Transfer, ACT/007/005-96-2, Folder #3, Carbon County, Utah

Dear Mr. Jensen:

The Division of Oil, Gas and Mining received your letter protesting the transfer of the Skyline Mine permit on December 9, 1996. We appreciate your comments and have carefully considered them in our decision making process for this action. The issues you raised are timely and are of interest to a number of entities including the Division.

In answer to your comments we offer the following response.

Comment:

“This protest is based that Skyline Mine is intercepting water in their mining operation, from the Huntington Creek Drainage and all water intercepted is being discharged out into the Price River Drainage.”

Response:

The Division is unaware of any appropriated water that is being intercepted by the mine. While it is true that Skyline Mine encounters water (as do most mines) in their mining operation it is not clear that this water has come from any appropriated water source. If you are aware of specific water resources that have been affected by the mine we would be most interested in investigating those.

Comment:

“Electric Lake lies over 38 acres of lease # U-044076. Any water coming from this area is more than likely water out of Electric Lake.”



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Response:

Electric Lake does lie over a portion of the permit and lease area for the mine, however, the permit and mine plan are very specific in protecting this area. No mining will be conducted beneath Electric Lake. A buffer zone area with consideration to subsidence has been designated to protect the lake area as well as the Huntington Creek and Boulger Creek inlets.

We have enclosed a copy of a map and text from the Skyline Mine plan which outlines this commitment for your information.

Comment:

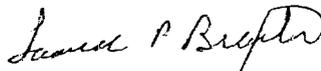
“Huntington Cleveland Irrigation Company files this protest against any Permit Transfers until these problems are reconciled.”

Response:

The issues raised are certainly valid comments but are not really relevant to a permit transfer. Comments of this nature are better handled through a specific citizen complaint process or during a new permit action or renewal of a permit. Protection of the hydrologic balance is a requirement of the permit regardless of the permittee and transfer of the permit will not relieve anyone of this obligation. With this in mind, the Division has decided to allow the permit transfer to proceed.

If you feel that Huntington Cleveland Irrigation Company is being impacted by the mine we encourage you to pursue recourse through one of the other avenues. Thank you again for your participation in the transfer process.

Sincerely,



Lowell P. Braxton
Deputy Director

blb
enclosure

cc: Mary Ann Wright
D. Haddock
P. Grubaugh-Littig
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No mining will be conducted beneath Electric Lake.

Mining under the creek buffer zone and evaluation areas shown on Map 4.17.1-1 will only be proposed if evidence shows surface effects, if any, can be mitigated. Mining techniques and associated mitigation plans must first be approved by the Division/U.S. Forest Service.

Drill holes show that there are clay rich shale layers present which will likely swell into an impervious clay when wet. This characteristic is expected to seal possible subsidence cracks to prevent downward migration of water and subsequent loss of springs and other water sources based on information supplied by Roy Full (Volume A-3).

4.17.4 Mitigation of Subsidence Effects

Surface structures which may be effected by subsidence include the Permittee's buildings and facilities incidental to the coal operation, the natural gas pipeline which crosses the coal lease area, and roads within the area.

Should subsidence damage any of the surface structures despite the planned subsidence prevention measures, the Permittee will arrange for their repair. Any subsidence related damage to SR 264 will be repaired by the Permittee in accordance with the DOT Subsidence Impact Agreement dated July 17, 1989 (see Exhibit 1).

Subsidence of the perennial portions of Burnout Creek will proceed under permission granted by the Forest Service as noted in an Environmental Assessment dated May, 1993. Should mining induced

INCORPORATED
EFFECTIVE:

ADDITION TO			
Section 4.17	Page 4-95	Section 4.17.4	Page 4-95
			Date 10/15/93

TEXT
FEB 23 1994

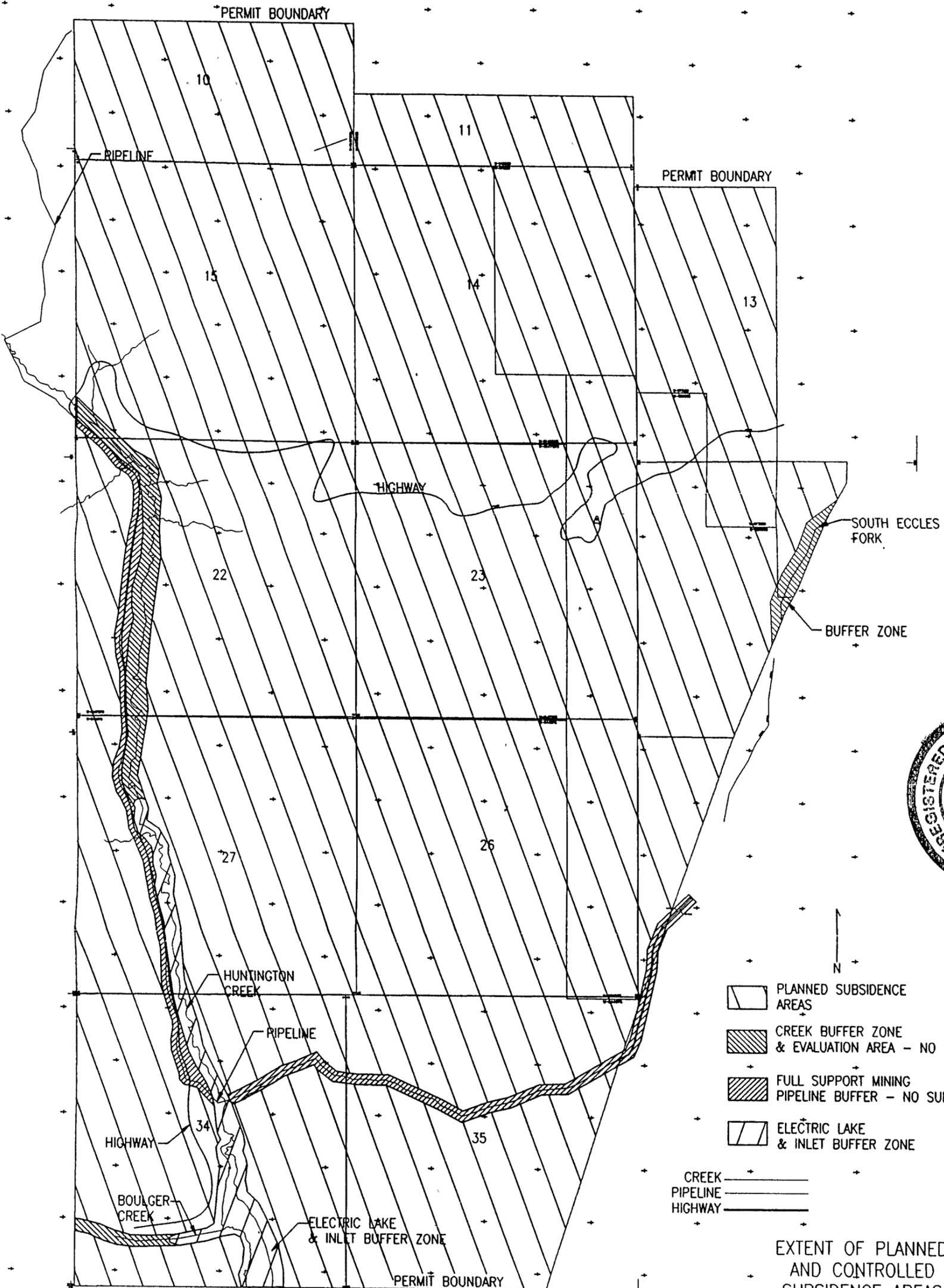
UTAH DIVISION OIL, GAS AND MINING

4-95

STATE DIVISION OF OIL, GAS AND MINING

MAR 23 1993

REGISTERED PROFESSIONAL ENGINEER



-  PLANNED SUBSIDENCE AREAS
-  CREEK BUFFER ZONE & EVALUATION AREA - NO SUBSIDENCE
-  FULL SUPPORT MINING PIPELINE BUFFER - NO SUBSIDENCE
-  ELECTRIC LAKE & INLET BUFFER ZONE

-  CREEK
-  PIPELINE
-  HIGHWAY

EXTENT OF PLANNED AND CONTROLLED SUBSIDENCE AREAS

DES BY: DATE: 1-21-93
 DR BY: K B L DWG No. 4 17 1-1

SCALE 1"=2000'