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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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DIVISION OF  
OIL GAS & MINING

February 17, 1993

Ben Grimes, Environmental Coordinator  
Cyprus Plateau Mining Corporation  
P.O. Drawer PMC  
Price, UT 84501

Re: Meeting September 14, 1992 - Letter dated November 6, 1992

Dear Mr. Grimes:

I have been asked to respond to the first paragraph of your November 6, 1992 letter, and I offer the following clarification specifically as it relates to the November 25, 1991 letter from Bill Warmack.

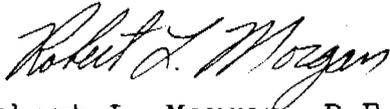
As you may recall from the September 14 meeting, this Division will not require a water right for water used underground. If water is discharged from the mine into a surface drainage or reinjected into a well for aquifer recharge purposes, and no beneficial use is made of the water on the surface, a water right is not required. However, if any discharged water is placed to a beneficial use, a water right is required.

In reviewing PMC Permit Renewal Application, we were and are concerned with the potential for interference with the various water rights in the vicinity of your permit area. With respect to the replacement of water for water rights that are infringed upon as a result of mining activity, as stated at the meeting, this Division cannot require such replacement. The matter must be dealt with between the affected parties in an administrative process before the Division of Oil, Gas and Mining and, if necessary, through the court system. In the past, various water users groups have expressed some concern about the discharge of mine water into an adjacent drainage, i.e., water thought to be from the Huntington Creek drainage being discharged into the Price River drainage. As stated above, if this situation occurs, resolution would be through DOGM and the legal system. If the discharged water is beneficially used, regardless of its origin, a water right would need to be obtained.

Ben Grimes  
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I trust that the foregoing will clarify any discrepancies between our November 25, 1991 letter and the information provided at the September 14, 1992 meeting. Should you have further questions, please feel free to contact Mark Page or me at your convenience. Your interest and cooperation are appreciated.

Sincerely,



Robert L. Morgan, P.E.  
State Engineer

/gm

cc: Division of Oil, Gas and Mining  
John Mabey, Assistant Attorney General