

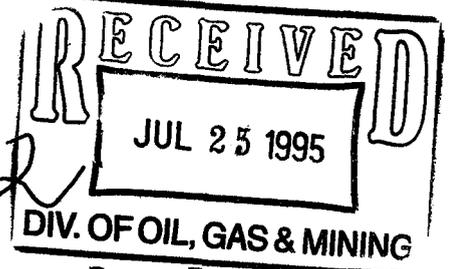
0006

7-28-95
Copy Daron and
Dave D.

July 21, 1995

Lowell P. Braxton
355 West North Temple
3 Triad Center Suite 350
SLC, UT 84180-1203

*Open file
ACT/007/016 #2*



Dear Mr. Braxton,

My Dad and I appreciate being able to meet with you, Daron, Dave, Dan Guy, and his daughter on site in Bryner Canyon at the Mountain Coal Company mine site today. I think we all want to have this canyon reclaimed as well as possible.

As I mentioned to you, we have owned the land on which the site is located for over 30 years. When we bought the land, there was an old existing pond located in the exact same spot as the pond which now lies at the forks of the canyon. At that time Swisher was just moving in with his coal mining operation. Without negotiating with us, as the land owners, Swisher destroyed much of the canyon and took out the existing pond. This irritated us to the point where we found it necessary to take him to court.

The final outcome of this court case was that we were guaranteed that Swisher would maintain the water pond (which he had to replace) and spring as it was prior to when he started his mining operation. *(Dan apparently has looked up all the legal documentation for this.)* Citing the above mentioned court case, we feel that we have legal right to request that the pond be left in place at the exact same location.

This pond is located at a critical location for the watering of our livestock. Since ARCO has been there, they have done an excellent job in maintaining the pond to suit our needs. As part of the reclamation project we are asking Dan to maintain the pond (or one of equal size) at the same location. Dan said that he would line the pond with rock where it over flows, seal the pond with bentonite, and channel the spring water into it.

As far as the other points in the rehabilitation plan, we feel that with a certain amount of additional fencing, the plan will suit our needs. I hope this will clarify the pond question and will be helpful in any minor adjustments which need to be made in the reclamation plan.

Sincerely,

J. Mark Jacob
914 E. 300 N.
Orem, UT 84057

7-28-95
Copy



July 21, 1995

Dan Guy
Rt. 1 Box 146 H 5
Helper, Ut 84526

Dear Dan,

My Dad and I appreciate being able to meet with you, your daughter, and representative^s from the State on site in Bryner Canyon at the Mountain Coal Company mine site today. I think we all want to have this canyon reclaimed as well as possible.

As I mentioned to you, we have owned the land on which the site is located for over 30 years. When we bought the land, there was an old existing pond located in the exact same spot as the pond which now lies at the forks of the canyon. At that time Swisher was just moving in with his coal mining operation. Without negotiating with us, as the land owners, Swisher destroyed much of the canyon and took out the existing pond. This irritated us to the point where we found it necessary to take him to court.

The final outcome of this court case was that we were guaranteed that Swisher would maintain the water pond (which he had to replace) and spring as it was prior to when he started his mining operation. (*Apparently you have looked up all the legal documentation for this.*) Citing the above mentioned court case, we feel that we have legal right to request that the pond be left in place at the exact same location.

This pond is located at a critical location for the watering of our livestock. Since ARCO has been there, you have done an excellent job in maintaining the pond to suit our needs. As part of the reclamation project we are asking ARCO to maintain the pond (or one of equal size) at the same location.

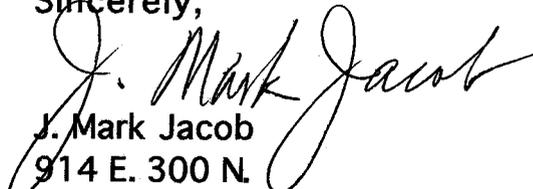
You mentioned that you would line the pond with rock where is over flows, seal the pond with bentonite, and channel the spring water into it.

As far as the other points in the rehabilitation plan, we feel that with a certain amount of additional fencing, the plan will suit our needs. To be specific, we would like to have a written agreement with ARCO that as soon as the 10 year time period for reclamation has passed, ARCO would build a new fence roughly in the exact same location where the road now exists from the top mine portal down to the bottom gate. We would also like to extend a fence down along and parallel to the county road toward the east as far as possible and eventually take it up into the rocks where sheep can't get around it.

After phase one of reclamation is completed, we would like to meet with you once again on site to outline the exact location of these fences.

I hope this will clarify the pond question and will be helpful in any minor adjustments which need to be made in the reclamation plan.

Sincerely,



J. Mark Jacob
914 E. 300 N.
Orem, UT 84057