



OGMCOAL DNR &lt;ogmcoal@utah.gov&gt;

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**Fwd: May 16th Letter**

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**Steve Christensen** <stevechristensen@utah.gov>  
To: OGMCOAL DNR <ogmcoal@utah.gov>

Mon, May 23, 2016 at 5:26 PM

----- Forwarded message -----

From: **Mike Herkimer** <mherkimer@utah.gov>  
Date: Mon, May 23, 2016 at 12:46 PM  
Subject: Fwd: May 16th Letter  
To: Steve Alder <stevealder@utah.gov>, Steve Christensen <stevechristensen@utah.gov>  
Cc: Kim Shelley <kshelley@utah.gov>, Paul Mcconkie <pmcconkie@utah.gov>

To Steve and Steve,

We have a UPDES permit with Horizon Mine and the permit fee has not been paid and DMRs need to be submitted. I have spoken briefly with Steve Christensen about this and he indicated that Mr Walker is the probable responsible party. This is a letter that Kim Shelley, my Manager, received from Mr. Walker. We need a little direction as to who is the responsible entity for making decisions at the site in order to control the site to meet UPDES effluent limits. The operator or owner of the mine is who we usually work with. We could use DOGMs determination of the responsible person/entity. Any clarification would be helpful.

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From: **Kim Shelley** <kshelley@utah.gov>  
Date: Mon, May 23, 2016 at 12:09 PM  
Subject: Fwd: May 16th Letter  
To: Mike Herkimer <mherkimer@utah.gov>

----- Forwarded message -----

From: **Hilary Mills** <hilary@awalkerlaw.com>  
Date: Fri, May 20, 2016 at 12:17 PM  
Subject: May 16th Letter  
To: "Kshelley@utah.gov" <Kshelley@utah.gov>

Ms. Shelley,

Please see the attached letter from Mr. Walker.

Thank you.

Hilary Mills

Legal Assistant to Alex Walker III

ALEXANDER H. WALKER III, LLC

57 WEST 200 SOUTH

(801) 363-0100

[hilary@awalkerlaw.com](mailto:hilary@awalkerlaw.com)

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SALT LAKE CITY, UTAH 84101

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**Kim Shelley | Manager | Surface Water Section**

Phone: [801.536.4385](tel:801.536.4385)



[Website](#) | [LinkedIn](#)

*Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.*

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**Mike Herkimer | Environmental Scientist**

Phone: [801.536.4386](tel:801.536.4386)



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Steve Christensen  
Utah Division of Oil, Gas and Mining  
1594 W North Temple, Suite 1210  
Salt Lake City, Utah 84116  
[\(801\) 538-5350](tel:801.538.5350)  
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**K Shelley Letter.pdf**

288K

**ALEXANDER H. WALKER III**

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admitted in Utah and Nevada

May 20, 2016

*Via U.S. Mail and Email: [kshelley@utah.gov](mailto:kshelley@utah.gov)*

Kim Shelley, Manager  
UPDES Surface Water Section  
Department of Environmental Quality  
195 North 1950 West  
Salt Lake City, Utah 84114

***Re: May 16, 2016 Letter***

Dear Ms. Shelley:

I have reviewed your letter dated May 16, 2016. There is at least one major error in your letter. I am not a responsible party for the Horizon Mine under applicable law. I am not an officer, director or agent of Hidden Splendor Resources, Inc., the permittee, nor do I control Hidden Splendor or the disposition of its assets.

In that regard, you likely will want to discuss the matter with Steve Alder of the Attorney General's Office. As recently as March of this year Mr. Alder and the Division of Oil, Gas and Mining took the position that I did not control the assets of Hidden Splendor and that other parties in fact controlled the disposition of those assets. I am happy to provide you with whatever information I have which will assist you, but parties other than myself control the activities at the Horizon Mine site.

Please feel free to contact me if you have any questions or comments.

Sincerely,



Alexander H. Walker III

AHWIII:hm