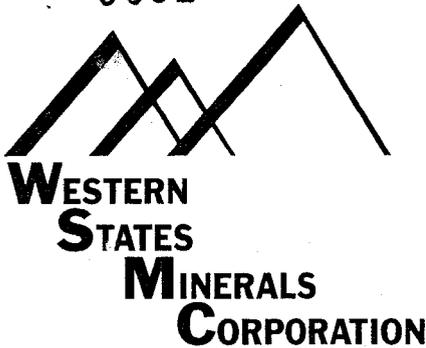
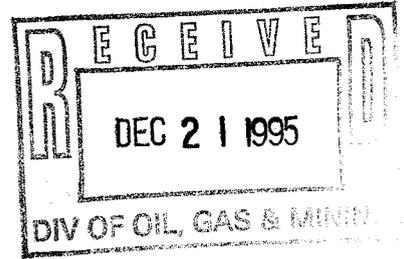


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December 18, 1995



Mr. Casey Ford, Asst. Regional Engineer
State of Utah
Department of Natural Resources
Division of Water Rights
P.O. Box 178
Price, UT. 84501-0718

*File ACT/0151002 #2
Copy Susan*

RE: J.B.King reclaimed minesite - Agency questions concerning Reclamation Plan amendments

Dear Mr. Ford:

I have reviewed your letter dated Nov. 1, 1995; however, this letter was not received at my office until Dec. 5, 1995. I offer the following explanations to your questions:

Your question # 1. - According to our records, of the six water wells drilled under Water Rights 94-295 & 94-316, five have been abandoned and one has been capped.

WSMC response to Ques. #1 - Yes, your first sentence is correct. On Dec. 12, 1985, the capped well was conveyed to the Utah Department of Natural Resources, Division of State Lands and Forestry by WSMC via a quitclaim deed. Therefore, the remainder of your question should be directed to that Agency for clarification. A phone call this date to Mr. Eric Anderson of the Utah Division of Water Resources; confirmed that the current owner of the above water rights to be the Utah Division of School Lands & Trust Lands.

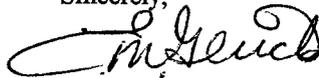
Your question #2. - The sediment pond which will be left in place will need to have a Water Right associated with it to account for irrigation and evaporation uses. The pond will also need a small dam application.

WSMC response to Ques. #2 - The above referenced sediment pond is designed to have approximately a 5 acre-foot capacity and contain any sediment and runoff for a 10 year 24-hour storm event. This facility is built completely below natural ground contours; and therefore, has no constructed earthen embankments. There is a drainage channel that allows water and sediment to flow into the pond, and a drainage channel (referred to as a spillway) that allows water to flow out. No water has flowed out of this facility since it was constructed in 1985. A Water Right permit is not appropriate for this tiny sediment pond; first, because it is so small, second, because it was required by the coal mining regulations for the site to be in compliance, and third, during reclamation there has been no beneficial use of the water nor is any planned. Finally, as stated above, this facility does not require a dam application, since no embankment exists.

You're welcome to visit the site to confirm this information. I hope this has adequately answered your questions. If you have any further questions, or require additional clarification, please contact me at your convenience.

Response to Casey Ford - UT. DWR
December 18, 1995
page 2

Sincerely,



E.M. (Buzz) Gerick
Vice President of Operations

cc: Pamela Grubaugh-Littig, DOGM
Jan Parmenter, Trust Lands