

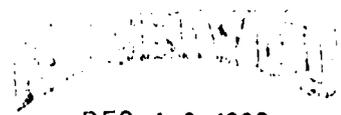
0001



**The CalMat Companies**

December 17, 1992

Pam



DEC 18 1992

DIVISION OF  
OIL, GAS & MINING

*Copy Pam*

VIA FEDERAL EXPRESS

*file ACT/095/007*

*# 2*

Mr. Lowell P. Braxton  
 Associate Director, Mining  
 Division of Oil, Gas & Mining  
 State of Utah  
 355 West North Temple  
 3 Triad Center, Suite 350  
 Salt Lake City, Utah 84180-1203

Re: DO- 92B

Dear Mr. Braxton:

I am in receipt of D.O.-92B, which addresses four (4) water wells located in Emery County.

The main assumptions of the Division Order are:

- 1) Water Rights are appurtenant to only Drill Hole #7;
- 2) The water wells are "monitoring wells" within the meaning found in R645-301-631, R645-301-738 and R645-301-765;
- 3) The Reclamation Plan does not address leaving the water wells after reclamation bond release.

The following information is responsive to the Requirements and Order of DO-92B:

- a) Water Rights are appurtenant to drill holes 1, 2, 3, and 7. Supporting documentation is enclosed.
- b) Water wells are not required to be sealed pursuant to R645-301-765:  
 " 765. Permanent Casing and Sealing of Wells. When no longer needed for monitoring or other use approved by the Division upon a finding of no adverse environmental or health and safety effects, *or unless approved for transfer as a water well under R614-301-731.100 through R614-301-731.522 and R614-301-731.800*, each well will be capped, sealed,

backfilled, or otherwise properly managed, as required by the Division in accordance with R614-301-529.400, R614-301-631.100, and R614-301-748. Permanent closure measures will be designed to prevent access to the mine workings by people, livestock, fish and wildlife, machinery and to keep acid or other toxic drainage from entering ground or surface waters." (emphasis added)

- c) The approved Mining and Reclamation Plan (MRP) for Hidden Valley Coal Company clearly indicates that the water wells (drill holes 1, 2, 3 and 7) will remain in a useful condition, beyond final bond release. Excerpts from the MRP follow:

"Drill holes 1, 2, 3 and 7 were cased and completed as water wells. Valves were installed on each wellhead. The valves were in turn wrapped with fiberglass insulation, covered with an empty 55 gallon drum, and buried beneath a mound of soil." (Page 16 of Reclamation Plan)

"Drill holes 1, 2, 3, and 7 are part of Soldier Creek Coal Company's water right . . ." (Page 16a of Reclamation Plan)

"Should the water right be terminated, then abandonment procedures as required by the Utah Division of Water Rights, will be undertaken within 90 days of the date of final notice on the water right." (Page 16a of the Reclamation Plan)

The water right has not been abandoned and the water wells should not be plugged at this time.

Hidden Valley Coal Company committed in the MRP to seal drill holes 4, 5 and 6.

Hidden Valley Coal Company's contract specifications for the reclamation work called for the drill holes to be plugged, and the Company employed a consultant to oversee the project to assure that the specified work was satisfactorily completed before compensating the contractor.

Lowell P. Braxton  
December 17, 1992  
Page 3

The work was performed by Nielson Construction Company in 1986 as part of the reclamation work on the site. The written statement of Mr. Frank Jensen, the owner's representative on site during reclamation and an employee at the time of JBR Consultants Group, is attached, and reads as follows:

"In December 1986 I supervised Nielsen Construction Company in closing the three (3) test holes on the Hidden Valley Mine reclamation project.

As I recall they plugged the pipe down about five (5) feet and then poured concrete mix (Sacrete) in the pipe -- thus closing it.

Frank Jensen  
Revegetation Specialist"

To conclude this matter, Hidden Valley Coal Company proposes to insert the following language in the MRP as page 16b, attached:

Drill holes 4, 5 and 6 were plugged with five (5) feet of concrete in 1986 as part of the work performed on the site.

Drill holes 1, 2, 3, and 7 are appurtenant to approved water right Application Number 47409 and Change Application A-1086 with the Utah Division of Water Rights. These water wells will remain in their present, useful condition, beyond the date when final bond release for the site occurs, unless the water right is revoked or terminated.

Please call me if we need to discuss this matter in greater detail.

Sincerely,

HIDDEN VALLEY COAL COMPANY



Lee Edmonson  
Assistant Secretary &  
Manager, Planning and Regulatory Affairs

LE/cn

92-150

Drill holes 4, 5 and 6 were plugged with five (5) feet of concrete in 1986 as part of the work performed on the site.

Drill holes 1, 2, 3, and 7 are appurtenant to approved water right Application Number 47409 and Change Application A-1086 with the Utah Division of Water Rights. These water wells will remain in their present, useful condition, beyond the date when final bond release for the site occurs, unless the water right is revoked or terminated.

(Appended Dec. 17, 1992)

Frank W. Jensen  
275 SOUTH 900 WEST  
CEDAR CITY, UTAH 84720

12/15/92

JBR Consultants --

Re: Hidden Valley Mine Reclamation -

In Dec. 1986 I supervised  
Nielsen Construction Company  
in closing the three (3) test holes  
on the Hidden Valley Mine  
reclamation project -

As I recall they plugged the  
pipe down about five (5) feet  
and then poured concrete mix  
(Socrete) in the pipe - thus  
closing it.

Frank Jensen  
Revegetation Specialist



November 24, 1992

VIA FACSIMILE  
801-637-7361

Mr. Mark P. Page  
Regional Engineer  
Water Rights  
State of Utah  
453 S. Carbon Avenue  
Price, Utah 84501

Re: Extension of Time Request, A47409

Dear Mr. Page:

In my Extension of Time Request for Application number A-47409, dated November 18, 1992, I inadvertently stated that there are three (3) wells on the property. There are actually four (4) wells, as approved in Change Application A-1086.

By this notice, please amend our application to include the four (4) well locations.

Again, thank you for your assistance in this matter.

Sincerely,

HIDDEN VALLEY COAL COMPANY

A handwritten signature in cursive script that reads "Lee Edmonson".

Lee Edmonson  
Assistant Secretary &  
Manager, Planning and Regulatory Affairs

LE/cn

92-148



November 18, 1992

VIA FEDERAL EXPRESS

Mr. Mark P. Page  
Regional Engineer  
Water Rights  
State of Utah  
453 S. Carbon Avenue  
Price, Utah 84501

Re: Extension of Time Request, A47409

Dear Mr. Page:

Our Extension of Time Request for Application number A-47409 is enclosed along with a check in the amount of \$75.00. For your information, Hidden Valley Coal Company is the successor in interest to Soldier Creek Coal Company, the original applicant under this water right. Thank you for your telephone assistance.

Please let me know if anything further is required on this matter to support our request.

Sincerely,

HIDDEN VALLEY COAL COMPANY

A handwritten signature in cursive script that reads 'Lee Edmonson'.

Lee Edmonson  
Assistant Secretary &  
Manager, Planning and Regulatory Affairs

LE/cn

Enclosures

92-144



**IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH  
REQUEST FOR REINSTATEMENT AND EXTENSION OF TIME  
(After Fourteen Years)**

APPLICATION NO. 47409  
(Change Appl. a-10876)  
STATE OF UTAH Emery  
COUNTY OF \_\_\_\_\_

Applicant's present address  
Hidden Valley Coal Company  
1801 E. University Drive  
Phoenix, Arizona 85034

Lee Edmonson being first duly sworn that he is the (agent of the) owner of the above numbered application; that the information given is true and correct to the best of his knowledge. Describe briefly the type and extent of construction completed to date, and cause for delay.

Three (3) bore holes exist which would be utilized as water wells. The water delivery system has been engineered and approximately \$56,000 expended. The continuing soft coal market precludes the economic development of the mine at this time.

Pursuant to Section 73-3-12, *Utah Code Annotated 1953 (as amended)*, request is made for reinstatement and extension of time for filing proof from March 31, 1992 to February 1, 1997

HIDDEN VALLEY COAL COMPANY

Lee Edmonson  
APPLICANT (If a corporation, give title of officer signing.)  
Lee Edmonson, Assistant Secretary

Subscribed and sworn to before me this 18th day of November, 1992

NOTARY PUBLIC  
January 24, 1993

Carolyn A. Nayler  
NOTARY PUBLIC

**FOR OFFICE USE ONLY**

REQUEST RECEIVED \_\_\_\_\_ ADV. FEE ~~\$50~~ \$75.00 RECD. \_\_\_\_\_ BY \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_ NOTICE PUBLISHED WEEKLY IN \_\_\_\_\_

BEGINNING \_\_\_\_\_ AND ENDING \_\_\_\_\_

PROOF DUE DATE \_\_\_\_\_ 14 YEAR PERIOD ENDS \_\_\_\_\_

PROTESTED BY \_\_\_\_\_

REMARKS \_\_\_\_\_

RECOMMENDED DISPOSITION \_\_\_\_\_

\_\_\_\_\_ CALENDAR  
\_\_\_\_\_ COMPUTER  
\_\_\_\_\_ INDEXED



STATE OF UTAH  
NATURAL RESOURCES  
Water Rights

Norman H. Bangertter, Governor  
Dee C. Hansen, Executive Director  
Robert L. Morgan, State Engineer

Southeastern Area • 453 S. Carbon Avenue • P.O. Box 718 • Price, UT 84501-0718 • 801-637-1303

November 16, 1992

Hidden Valley Coal Company  
Attn: Lee Edmonson  
1801 East University Drive  
Phoenix, Arizona 85034

Re: Request for Reinstatement and Extension of Time After 14 Years  
Water Right 94-309 (A47409; Change Appl. a-10876)

Dear Mr. Edmonson:

As per your request, enclosed is an Extension of Time Request that should be filed with this office within 60 days of the date on your recent lapse letter concerning this water right. Please reference the appropriate water right numbers on the request, as well as your current address. A brief explanation should also be provided on the form, and I would suggest that you request an extension of time from March 31, 1992 to at least January 31, 1997. The extension form should be signed by a corporate official and properly notarized. The original of the form should be returned to this office, along with a statutory filing fee of \$75.00, made payable to the Utah Division of Water Rights.

Again, let me remind you that this request should be received within 60 days of the date of your lapse letter, otherwise this water right will permanently lapse. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Mark P. Page". The signature is written in a cursive, flowing style.

Mark P. Page  
Regional Engineer

Enclosure  
MPP/mjk



Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Robert L. Morgan  
State Engineer

State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

1636 West North Temple, Suite 220  
Salt Lake City, Utah 84116-3156  
801-538-7240

*faxed to  
Lee Edmonson  
10/20/92*

October 8, 1992

Hidden Valley Coal Company  
P. O. Box 947  
Colton, CA 92324-0514

Dear Applicant:

FINAL NOTICE OF LAPSING  
RE: Application No. 94-309 (A47409)  
PERMANENTLY LAPSED DATE: March 3, 1992

The above numbered application LAPSED because neither proof of appropriation nor extension of time request was received on or before March 3, 1992.

Under Utah Laws, if an application has lapsed because proof was not submitted or an election was not filed (in areas under an adjudication order of the court), or an extension of time was not requested with proper showing of diligence, it may be reinstated within sixty days after this notice of lapsing.

REQUEST FOR REINSTATEMENT CANNOT BE RECEIVED LATER THAN SIXTY DAYS FROM THE DATE HEREOF. IF YOUR APPLICATION IS REINSTATED, ITS PRIORITY DATE WILL BE CHANGED TO THE DATE ON WHICH REQUEST FOR REINSTATEMENT IS FILED.

IF YOUR APPLICATION IS NOT REINSTATED WITHIN SIXTY DAYS FROM THE DATE HEREOF, UNDER THE LAW, THE ABOVE-NUMBERED APPLICATION WILL BE PERMANENTLY LAPSED AND YOU WILL HAVE LOST THE RIGHT INITIATED BY THIS APPLICATION. THIS IS THE ONLY NOTICE OF PERMANENT LAPSING YOU WILL BE SENT UNDER THIS APPLICATION.

IF YOU USE THIS WATER WITHOUT PROPER AUTHORITY, YOU ARE PERFORMING AN ILLEGAL ACT THAT MUST BE DISCONTINUED UNTIL PROPER PROCEDURES HAVE BEEN FOLLOWED.

IF YOU HAVE QUESTIONS OR IF WE CAN ASSIST YOU, WE WILL BE HAPPY TO DO SO. YOUR CONTACT WITH THIS OFFICE, SHOULD YOU NEED IT, IS WITH OUR REGIONAL OFFICE IN PRICE. THE TELEPHONE NUMBER IS (801)637-1303.

Yours truly,

Robert L. Morgan, P.E.  
State Engineer

P E R M A N E N T L Y L A P S I N G N O T I C E

forward to [unclear].  
jen



FORM 33

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

DEE C. HANSEN  
STATE ENGINEER  
JOHN BENE  
DEPUTY

442 STATE CAPITOL  
SALT LAKE CITY, UTAH 84114  
(801) 533-6071

DIRECTING ENGINEERS  
HAROLD D. DONALDSON  
DONALD C. NORSETH  
STANLEY GREEN

March 3, 1978

Ivie Creek Coal Associates  
1720 Beneficial Life Tower  
SALT LAKE CITY UT 84111

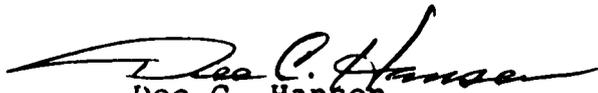
Dear Applicant:

RE: APPROVED APPLICATION  
NUMBER 47409 (95-1703)

Enclosed find approved Application No. 47409 (95-1703). This is your authority to proceed with actual construction work which, under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water shall be put to beneficial use and proof of appropriation shall be made to the State Engineer on or before January 31, 1981 otherwise, the application shall lapse.

Failure on your part to comply with the requirements of the statutes may result in forfeiture of this application.

Yours truly,

  
Dee C. Hansen  
State Engineer

lmv

Enc.: Copy of Approved Application  
Memorandum Decision

APPLICATION APPROVED



STATE OF UTAH

Form 32

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RIGHTS

DEE C. HANSEN  
STATE ENGINEER

EARL M. STAKER  
DEPUTY

200 EMPIRE BUILDING  
231 EAST 400 SOUTH  
SALT LAKE CITY, UTAH 84111  
(801) 533-6071

DIRECTING ENGINEERS  
HAROLD D. DONALUSON  
DONALD C. NORSETH  
STANLEY GREEN  
ROBERT L. MORGAN

February 22, 1980

Soldier Creek Coal Company  
Hidden Valley Mine  
P.O. Box AS  
Price, Utah 84501

Gentlemen:

RE: Change Appl. No. a-10876 (95-1703)

Enclosed is Change Application No. a-10876 (95-1703) which has been approved by me. This approved application is your authority to proceed with actual construction work which, under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water shall be put to beneficial use and proof of appropriation filed with the State Engineer, as provided in the original application as amended by this approved change application.

Failure on your part to comply with the requirements of the statutes may result in forfeiture of your application.

Yours truly,

  
Dee C. Hansen  
State Engineer

slf

Encl.: Copy of Approved Change Application

CHANGE APPLICATION APPROVED  
(Form for Pending Original Application)

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION )  
 )  
NUMBER 47409 (95-1703) )

MEMORANDUM DECISION

Application No. 47409 (95-1703) was filed on January 4, 1977 by Ivie Creek Coal Associates, a limited partnership, of Salt Lake City, Utah to appropriate 0.25 cfs. of water from three 6-inch wells, located at the following points: (1) South 1320 feet and West 3960 feet from the NE Corner of Section 18, T23S, R6E, SLB&M; (2) South 3960 feet and West 2960 feet from the NE Corner of Section 18, T23S, R6E, SLB&M; (3) South 3960 feet and West 1320 feet from the NE Corner of Section 18, T23S, R6E, SLB&M. The water is to be used within the  $W\frac{1}{2}$  of Section 17 and all of Section 18, T23S, R6E, SLB&M on a daily basis for a coal mining operation.

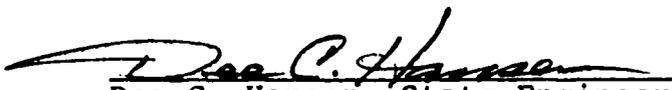
The application was advertised in the Emery County Progress starting February 10 and ending February 24, 1977. The application was subsequently protested by Emery Town. A hearing was set for 2:30 p.m., Tuesday, November 15, 1977, in the Emery County Courthouse in Castle Dale, Utah. Neither the applicant nor the protestant were represented at the hearing. Each was sent a written notice of the hearing on November 4, 1977. The applicant was later notified concerning future interest in the filing. Ivie Creek Coal Associates stated that they were still very interested in pursuing the application.

After careful consideration, it is the opinion of the State Engineer that there is groundwater available, in the particular area of this filing, to be appropriated. However, if the development of this application should adversely affect any prior water rights, Ivie Creek Coal Associates would be required to cease pumping the wells or supply replacement water to the injured party.

It is, therefore, ordered and Application No. 47409 (95-1703) is hereby APPROVED subject to prior rights, particularly those of the protestants.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from the date hereof.

Dated this 3rd day of March, 1978.

  
Dee C. Hansen, State Engineer

DCH:MPP:lmv  
cc: Emery Town  
c/o F. Brent Bunderson, President  
Emery, Utah 84522

\$30 filing fee

Form No. 107 3-66

CHANGE APPLICATION NO. a-10876  
95-1703

**Application for Permanent Change of Point of Diversion**

**Place and Nature of Use of Water**

**STATE OF UTAH**

AUG 1 1979

**WATER RIGHTS**

Please clearly and correctly complete the information requested below which defines the right or rights being changed. (Type or clearly print.)

For the purpose of obtaining permission to permanently change: the point of diversion , place , or nature of use , of water rights acquired by Appl. No. 47409 (95-1703) (Give Number of Application, certificate of appropriation, title and date of Decree or other identification of right.)

If the right described has been amended by a previous approved change application, give the number of such change application. No. ....

1. The name of the applicant is Soldier Creek Coal Company - Hidden Valley Mine

2. The post-office address of the applicant is PO Box AS, Price, Utah 84501

3. The flow of water which has been or was to have been used in second-feet is 0.25

4. The quantity of water which has been or was to have been used in acre-feet is .....

5. The water has been or was to have been used for and during periods as follows:

Mining from Jan 1 to Dec 31 incl.  
(purpose) (month) (day) (month) (day)

Culinary - bath house from Jan 1 to Dec 31 incl.  
(purpose) (month) (day) (month) (day)

and stored each year (if stored) from Jan 1 to Dec 31 incl.  
(month) (day) (month) (day)

6. The direct source of supply is 3 wells in EMERY County.  
(well, spring, stream, drain, river; if other explain)

7. The point or points of diversion 1) W 3960 ft. & So 1320 ft. 2) W 3960 ft. & So 3960 ft. 3) W 1320 ft. & So 3960 ft. all from the NE Corner, Section 18, T23S, R6E, SLB&M.  
(Must be the same as that of right being changed unless a previous change has been filed and approved. Then use the point or points approved in the previous change.)

8. Diversion works:

If a well give diameter and depth: 6-inch wells, 300 to 700 feet deep

If a dam and reservoir give height, capacity, and area inundated: 50,000 gal. tank in the NW 1/4, Section 17, T23S, R6E, SLB&M

If other give type of diversion facility .....

9. The water involved has been or was to have been used for the following purposes in the following described legal subdivisions: (If used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)

Irrigation .....

Total acres to be irrigated .....

Stockwatering (number and kind) .....

Domestic (number of families and/or persons, etc.) 150 persons

Other Coal mining operation in NW 1/4, Section 17, all of Sec. 18, T23S, R6E, SLB&M

10. The point at which water has been or was to have been returned to the stream channel is situated as follows: (Please describe method of return.) none

Note: Paragraph 10 is to be completed only when all or part of the water is returned to the natural stream or channel.

**The Following Changes Are Proposed**

11. The flow of water to be changed in cubic feet per second is 0.25

12. The quantity of water to be changed in acre-feet is .....

13. The water will be used each year for:  
 same as heretofore from to incl.  
 (purpose) (month) (day) (month) (day)  
 from to incl.  
 (purpose) (month) (day) (month) (day)  
 and stored each year (if stored) from to incl.  
 (month) (day) (month) (day)
14. It is now proposed to divert the water from 4 wells  
 (i.e., spring, spring area, stream, river, drain, well, etc.)  
 at a point(s) as follows: #1, #2, #3 same as heretofore. 4) No 30 ft. and W 260 ft.  
 from the SW Corner, Section 18, T23S, R6E, SLB&M  
 5 miles NE Fremont Jct.
- NOTE: The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance to some prominent and permanent natural object. A spring area must also be described by metes and bounds.
15. The proposed diverting and conveying works will consist of: (if a well, state diameter and depth thereof)  
 6-inch wells, 300 to 700 feet deep
16. If water is to be stored, give capacity of reservoir in acre-feet..... height of dam.....  
 area inundated in acres..... legal subdivisions of area inundated .....  
 150,000 gal. tanks in NW $\frac{1}{4}$  Section 17, T23S, R6E, SLB&M \*
17. The water is to be used for the following purposes in the following described legal subdivisions: (if used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)  
 Irrigation .....  
 .....  
 ..... Total acres to be irrigated.....  
 but limited to the sole irrigation supply of..... acres.  
 Stockwatering (number and kind).....  
 Domestic (number of families and/or persons, etc.) same as heretofore.....  
 Other same as heretofore.....
18. If paragraphs 11 and 12 designate that only part of the right described in paragraphs 1 to 10 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.  
 .....

### EXPLANATORY

The following additional facts are set forth in order to define more clearly and completely the full purpose of the proposed change: .....

\* The capacity of this tank in the original application was 50,000 gallons.....

The purpose of this change application is to utilize the water from a fourth well. The original application 47409 (95-1703) allowed the development of .25 second-feet from three wells. Four wells will now be used to produce the same quantity of water.

The undersigned hereby acknowledges that even though he may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the State Engineer's Office, all responsibility for the accuracy of the information contained therein, at the time of filing, rests with the applicant.

X *M. J. [Signature]*  
 Signature of Applicant

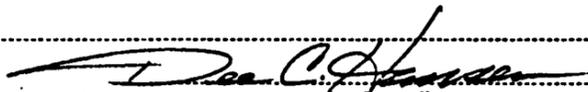
RECEIVED  
AUG 1 1979  
WATER RIGHTS

(This page not to be filled in by applicant)  
**STATE ENGINEER'S ENDORSEMENTS**

1. 8-1-79 Change Application received ~~over counter~~ by mail in State Engineer's office by SS
2. Priority of right to make change brought down to, on account of.....
3. 8/3/79 Fee for filing Application \$30.00, received by W.A., Receipt No. 04506
4. Application microfilmed by..... Roll No. PT-1 and indexed by TK
5. 10-4-79 Application platted by 1740 10 23 6 18 C.H.
6. Application examined by MSA
7. Application returned, with letter, to..... for correction
8. Corrected application resubmitted ~~over counter~~ by mail to State Engineer's office.....
9. Application approved for advertisement by MSA
10. SEP 27 1979 Notice to water users prepared by MSA
11. OCT 4 1979 Publication began, was completed OCT 18 1979 4 11 19 10 14 19 11 10 12
12. 10 11 79 Proof slips checked by MSA
13. Change Application protested by.....
14. 11 5 79 Publisher paid MEV No. 631705
15. Field Examined by.....
16. Jan. 7 1980 Application designated for approval by MSA S.E.  
~~rejection~~
17. 2/22/80 Change Application copied slf proofread by.....
18. 2/22/80 Change Application ~~rejection~~ approved and returned to applicant.....

This application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by Under A-10876
3. This change is subject to all conditions imposed on the approval of the original application or right

  
Dee C. Hansen, State Engineer

19. Time for making proof of change extended to.....
20. Proof of change submitted.
21. Certificate of change No. ...., issued.

I hereby certify that the foregoing is a true copy of the Application by.....  
to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on  
the records of my office on the date given below.

Salt Lake City, Utah ....., 19.....  
State Engineer

Change Application No. A-10876

APPLICATION TO APPROPRIATE WATER 75-1703 STATE OF UTAH

NOTE: The information given in the following blanks should be free from explanatory matter, but when necessary, a complete supplementary statement should be made on the following page under the heading "Explanatory."

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for uses indicated by (X) in the proper box or boxes, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. Irrigation [ ] Domestic [X] Stockwatering [ ] Municipal [ ] Power [ ] Mining [X] Other Uses [ ]

2. The name of the applicant is IVIE CREEK COAL ASSOCIATES, a limited partnership

3. The Post Office address of the applicant is 1720 Beneficial Life Tower, Salt Lake City, Utah 84111

4. The quantity of water to be appropriated 25 second-feet and/or acre-feet

5. The water is to be used for Mining from January 1 to December 31

other use period Culinary bath house from January 1 to December 31

and stored each year (if stored) from January 1 to December 31

6. The drainage area to which the direct source of supply belongs is (Leave Blank)

7. The direct source of supply is\* Underground (3 wells) (Name of stream or other source)

which is tributary to IVIE CREEK, tributary to

\*Note. Where water is to be diverted from a well, a tunnel, or drain, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a drain, so indicate in the first space, giving its name, if named, and in the remaining spaces, designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

8. The point of diversion from the source is in Emery County, situated at a point\* Well #1 3960'W, 1320'S from the NE corner Sec. 18, T23S, R6E, Well #2 3960'W, 3960'S, from the NE corner Sec. 18, T23S, R6E, Well #3 1320'W, 3960'S from the NE corner Sec. 18, T23S, R6E, all in Emery County. 8.5 MILES S. OF EMERY, WALKER FLAT, QUAD.

\*Note. The point of diversion must be located definitely by course and distance or by giving the distances north or south, and east or west with reference to a United States land survey corner or United States mineral monument, if within a distance of six miles of either, or if at a greater distance, to some prominent and permanent natural object. No application will be received for filing in which the point of diversion is not defined definitely.

9. The diverting and carrying works will consist of Surface pipe lines to mine portals and buildings in the NW 1/4 Section 17, T23S, R6E 6-IN. WELLS, 300-700 FT. DEEP

10. If water is to be stored, give capacity of reservoir in acre-feet height of dam area inundated in acres legal subdivision of area inundated 50,000 gal. tank in the NW 1/4 Section 17, T23S, R6E

11. If application is for irrigation purposes, the legal subdivisions of the area irrigated are as follows: Total Acres

12. Is the land owned by the applicant? Yes [X] No [ ] If "No," explain on page 2.

13. Is this water to be used supplementally with other water rights? Yes [ ] No [X] If "yes," identify other water rights on page 2.

14. If application is for power purposes, describe type of plant, size and rated capacity.

15. If application is for mining, the water will be used in Emery Coal Field Mining District at the Ivie mine, where the following ores are mined coal

16. If application is for stockwatering purposes, number and kind of stock watered

17. If application is for domestic purposes, number of persons 2, or families

18. If application is for municipal purposes, name of municipality

19. If application is for other uses, include general description of proposed uses

20. Give place of use by legal subdivision of the United States Land Survey for all uses described in paragraphs 14 to 19, incl. W 1/2 Section 17, all of Section 18, T23S, R6E

21. The use of water as set forth in this application will consume 25 second-feet and/or acre-feet of water and No second feet and/or acre feet will be returned to the natural stream or source at a point described as follows: (Wells will produce only what is needed).

EXPLANATORY

The following additional facts are set forth in order to define more clearly the full purpose of the proposed application:

This application covers water encountered in exploration drilling on fee lands owned by the applicant. The aquifer is the Ferron sand member of the Mancos shale. The exploratory holes must be reamed, casing set and pipe lines laid to the coal mine surface plant site which will be built. The water is alkaline and may require treatment before use in the coal plant and the mine bathhouse.

[Lined area for additional text]

(Use page 4 if additional explanatory is needed.)

The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purpose herein described.

[Signature]
Signature of Applicant

\*If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its proper officer, or in the name of the partnership by one of the partners, and the names of the other partners shall be listed. If a corporation or partnership, the affidavit below need not be filled in. If there is more than one applicant, a power of attorney, authorizing one to act for all, should accompany the Application.

DECLARATION OF CITIZENSHIP

STATE OF UTAH
County of Salt Lake ss

On the 4th day of January, 1977, personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States, or has declared his intention to become such a citizen.

My commission expires: 1/19/80

(SEAL)

[Signature]
Notary Public

**FEES FOR APPLICATIONS TO APPROPRIATE WATER IN UTAH**

Flow rate — c.f.s.	Cost	
0.0 to 0.1 .....	\$ 10.00	
over 0.1 to 0.5 .....	20.00	
over 0.5 to 1.0 .....	30.00	
over 1.0 to 15.0 .....	30.00	plus \$5 for each cfs above the first cubic foot
over 15.0 .....	100.00	per second.
Storage — acre-feet		
0 to 20 .....	15.00	
over 20 to 500 .....	30.00	
over 500 to 7500 .....	30.00	plus \$5 for each 500 a.f. above the first 500
over 7500 .....	100.00	acre feet.

(This section is not to be filled in by applicant)

**STATE ENGINEER'S ENDORSEMENTS**

1. Application received by mail in State Engineer's office by
2. Priority of Application brought down to, on account of
3. Application fee, \$ 30.00, received by                      Rec. No. 04240
4. Application microfilmed by                      Roll No.
5. Indexed by                      Platted by FEB 09 1977 WLS  
                     (0-23-6) 19 hhd - 2 C.C. #3 Jdb
6. Application examined by                      JAN 12, 1977 WCK
7. Application returned,                      or corrected by office
8. Corrected Application resubmitted                      by mail                      over counter                      to State Engineer's office.
9. JAN 12, 1977 Application approved for advertisement by
10. FEB 3 1977 Notice to water users prepared by
11. FEB 10 1977 Publication began; was completed FEB 24 1977  
Notice published in
12. Proof slips checked by
13.                      Application protested by
14.                      Publisher paid by M.E.V. No.
15. Hearing held by
16. Field examination by
17. 1-13-78 Application designated for approval SG&MP
18. 3/3/78 Application copied or photostated by                      lmv. proofread by
19. 3/3/78 Application approved
20. Conditions:  
This Application is approved, subject to prior rights, as follows:
  - a. Actual construction work shall be diligently prosecuted to completion.
  - b. Proof of Appropriation shall be submitted to the State Engineer's office by 1-31-81
  - c. see Memorandum Decision dated 3/3/78
21. Time for making Proof of Appropriation extended to
22. Proof of Appropriation submitted.
23. Certificate of Appropriation, No.                     , issued

*Dee C. Hansen*  
Dee C. Hansen, State Engineer

Application No. 47429