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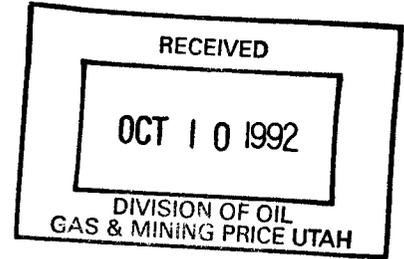
Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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

mining - permit
(B)

February 24, 1988



Hidden Valley Coal Company
P. O. Box 947
Colton, California 92324

Attention: John W. Rains
Chief Mining Engineer

Ladies and Gentlemen:

Re: Water Right No. 94-309 (A47409)

I have processed the copies of documents transferring ownership of the above-numbered water filing from Soldier Creek Coal Company to Hidden Valley Coal Company. The file has been updated to show the new ownership.

Yours truly,

Marge Tempest
Title Section

cc: Price Office

ABSTRACT OF TITLE

Re: A-47409 (95-1703)

Filed	Dated	Recorded	Deed Assign.	Assignor	Assignee	Amount Conveyed	Amount Remaining	Remarks
12-1-78			Warranty Deed	Ivie Creek Coal Associates 1720 Beneficial Life Tower Salt Lake City, Utah 84111	Soldier Creek Coal Company 90 W. 100 N. #12 Price, UT 84501	A11	---	EMERY CO UGW



Norman H. Bangertter
Governor
Dale C. Hansen
Executive Director
Robert L. Moran
Assistant Director

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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

RECEIVED

FEB 1 1988

WATER RIGHTS
PRICE

January 28, 1988

Mr. John W. Rains
Chief Mining Engineer
CalMat Company
P. O. Box 947
Colton, California 92324

Dear Mr. Rains:

Re: Water Right No. 94-309
Soldier Creek Coal Company

Your extension of time request concerning Water Right No. 94-309 indicated that Hidden Valley Coal Company is the new owner. By law, we must show Soldier Creek Coal Company as owner until copies of conveyance documents are filed to update title. Such documents could be a deed or assignment transferring ownership or a certificate of merger of companies.

Yours truly,

Marge Tempest
Title Section

cc: Price Office

Application for Permanent Change of Point of Diversion

RECEIVED

Place and Nature of Use of Water

AUG 1 1979

STATE OF UTAH

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.

- The name of the applicant is Hidden Valley Coal Company
P.O. Box 947
Soldier Creek Coal Company - Hidden Valley Mine
Colton, California 92324
- The post-office address of the applicant is PO Box 11, Preece, Utah 84501
- The flow of water which has been or was to have been used in second-feet is 0.25
- The quantity of water which has been or was to have been used in acre-feet is
- The water has been or was to have been used for and during periods as follows:

<u>Mining</u>	from	<u>Jan 1</u>	to	<u>Dec 31</u>	incl.
(purpose)		(month)	(day)	(month)	(day)
<u>Culinary - bath house</u>	from	<u>Jan 1</u>	to	<u>Dec 31</u>	incl.
(purpose)		(month)	(day)	(month)	(day)
<u>and stored each year (if stored)</u>	from	<u>Jan 1</u>	to	<u>Dec 31</u>	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) N 1320 ft. & So 3960 ft. all from the NE Corner, Section 18, T23S, R6E, SLB&M (Walker Flat Quad)
(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

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

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 permanent 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 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.

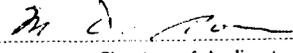
EXPLANATORY

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 

Signature of Applicant

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

APPLICATION TO APPROPRIATE WATER STATE OF UTAH

75-1703 94-309

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.

Soldier Creek Coal Co. 90W. 100N. #12 Price, ut

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 1700 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
(Major Purpose) (Month) (Day) (Month) (Day)

other use period Culinary bath house from January 1 to December 31
(Minor Purpose) (Month) (Day) (Month) (Day)

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

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. 0.5 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 _____
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 20, 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. 1/4 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-foot of water and _____ 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 explanatory 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 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)

Notary Public