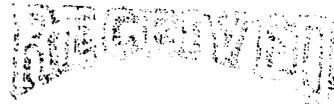


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DEC 03 1993

DIVISION OF  
OIL, GAS & MINING

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IN THE UTAH COURT OF APPEALS

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HIDDEN VALLEY COAL COMPANY,	:	
	:	<b>STIPULATION</b>
Plaintiff and Appellant,	:	
v.	:	Case No. 930073-CA
The UTAH BOARD OF OIL, GAS &	:	
MINING and the UTAH DIVISION	:	Priority 15
OF OIL, GAS & MINING,	:	
Defendants and Appellants.	:	

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Appellant and Appellee through counsel of record enter into this Stipulation concerning the following Notice of Violations ("NOVs").

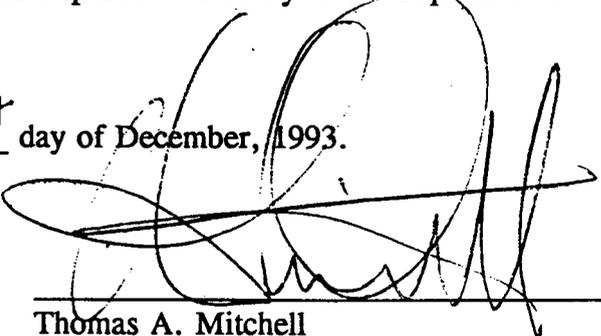
NOV N91-26-8-2 required as a condition of abatement reseeding of the road surface referenced in the NOV. The terms of the 1991 NOV's abatement and the approved abatement plan itself, specifically addressed revegetation for the road surface. NOV N93-35-08-01 was written only for failure to attain perennial vegetation on the road surface, a previously uncited regulation. This failure to meet this performance standard is nonetheless addressed within the scope of the approved abatement plan submitted by Appellant.

The parties therefore stipulate as follows:

1. NOV N93-35-08-01 is hereby vacated;
2. The Appellant's Emergency Motion to Enforce Order dated November 30, 1993, is withdrawn;
3. There shall be no further appeals as to the fact of violation concerning revegetation success on the road surface as it relates to N91-26-8-2;
4. If Plaintiff Appellants are successful in their appeal of NOV N91-26-8 the Division is not estopped from enforcing revegetation performance standards on the road surface not previously cited in NOV N91-26-8-2 or otherwise argued or raised by Appellants in this proceeding.

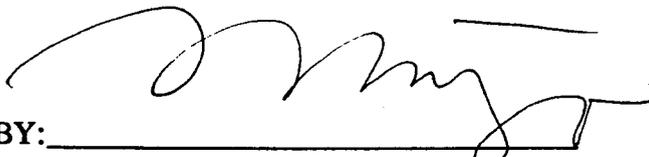
The basis for both parties entering into this Stipulation is solely in the Stipulation as set forth above.

SO STIPULATED this 15<sup>th</sup> day of December, 1993.



Thomas A. Mitchell  
Assistant Attorney General  
UTAH DIVISION OF OIL,  
GAS & MINING

**STIRBA & HATHAWAY**



BY: \_\_\_\_\_  
BENSON L. HATHAWAY, JR.  
Attorneys for Plaintiff and Appellant  
Hidden Valley Coal Company

**FABIAN & CLENDENIN**

BY: 

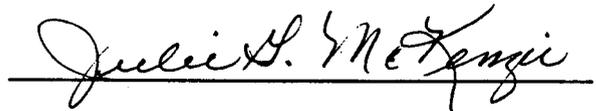
**DENISE DRAGO**

**Attorneys for Plaintiff and Appellant  
Hidden Valley Coal Company**

**CERTIFICATE OF DELIVERY**

I hereby certify that on this 3<sup>rd</sup> day of December, 1993, a true and correct copy of the foregoing STIPULATION was hand delivered to the following:

**William R. Richards  
Thomas A. Mitchell  
Assistants Attorney General  
UTAH DIVISION OF OIL,  
GAS & MINING  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180**



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