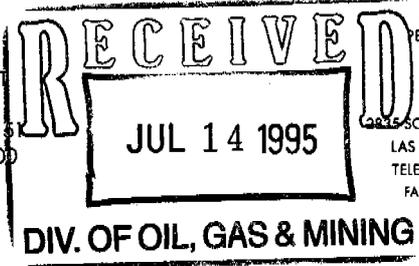


## FABIAN &amp; CLENDENIN

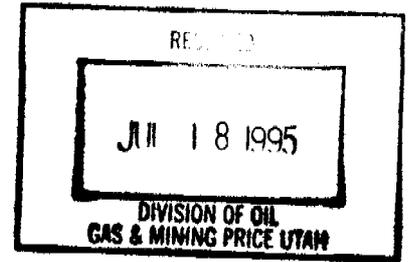
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAWTWELFTH FLOOR  
215 SOUTH STATE STREET  
P.O. BOX 510210  
SALT LAKE CITY, UTAH 84153  
TELEPHONE (801) 531-8900  
FACSIMILE (801) 596-2814OF COUNSEL  
PETER W. BILLINGS, SR.  
RALPH H. MILLER  
NEVADA OFFICE  
2925 SOUTH JONES BLVD., SUITE 5  
LAS VEGAS, NEVADA 89102  
TELEPHONE (702) 367-4545  
FACSIMILE (702) 367-1227GEORGE D. MELLING, JR.  
WARREN PATTEN  
M. BYRON FISHER  
STANFORD B. OWEN  
ANTHONY L. RAMPTON  
PETER W. BILLINGS, JR.  
THOMAS CHRISTENSEN, JR.  
DENISE A. DRAGOO  
JAY B. BELL  
DANIEL W. ANDERSON  
GARY E. JUBBER  
ROSEMARY J. BELESS  
ANNA W. DRAKE  
W. CULLEN BATTLE  
KEVIN N. ANDERSON†  
RANDY K. JOHNSON‡NORMAN J. YOUNKER  
MICHELE MITCHELL†  
JOHN E. S. ROBSON†  
DOUGLAS B. CANNON\*  
DOUGLAS J. PAYNE  
MICHAEL G. JENKINS‡  
ROBERT PALMER REES  
DIANE H. BANKS  
P. BRUCE BADGER  
JOHN (JACK) D. RAY  
CRAIG T. JACOBSEN  
BRUCE D. REEMSNYDER‡  
BROCK R. BELNAP  
DOUGLAS R. BREWER  
JAMES F. WOOD  
ROBERT A. GARDA† ALSO IN NEVADA  
‡ ALSO IN WASHINGTON AND OREGON  
\* ALSO IN IDAHO  
§ ALSO IN CALIFORNIA  
‡ ALSO IN TEXAS

VIA FACSIMILE

July 13, 1995

(801) 359-3940

## CONFIRMATION OF TELECOPY

Mr. William J. Malencik  
Reclamation Specialist  
UTAH DIVISION OF OIL, GAS & MINING  
355 West North Temple, Suite 350  
3 Triad Center  
Salt Lake City, Utah 84180-1203RE: Violation N91-26-8-2, *Hidden Valley Coal Company*, ACT/015/007

Dear Mr. Malencik:

I have been requested by Hidden Valley Coal Company to contact you regarding your letter of July 5, 1995, threatening enforcement action with respect to Violation No. N91-26-8-2. In *Hidden Valley Coal Company v. Utah Board of Oil, Gas & Mining*, 866 P.2d 564 (Utah App. 1993), the Court of Appeals vacated this NOV finding that the Division had failed to establish a prima facie showing of the facts underlying the violations charged.

The Division's efforts to continue to enforce this violation after protracted litigation and vacation of the citation are tantamount to harassment. We request that you refrain from further action to enforce this vacated violation or we will be forced to seek immediate relief from the court to enforce the order. Any such action will include a request for costs and attorneys' fees from the State.

Very truly yours,

Denise A. Dragoo

DAD:jmc:60343

Enclosure

cc: Lee Edmonson  
Ed Settle  
James W. Carter  
Tim Thompson